

Honorable Alderfolk,

Below are Green and Open Somerville's recommended edits to Board Order 204364 draft revision of City of Somerville Ordinance Section 12-106, as to trees on city-owned property.

Changes are in *purple italics*. The reasoning is at the end.

DRAFT ORDINANCE CITY OF SOMERVILLE Sec. 12-106. - Trees on City-Owned Property

a) Purpose: The purpose of this section is to extend the public notice and public hearing requirements of the Massachusetts Public Shade Tree Law, M.G.L. chapter 87, to trees on City of Somerville owned property.

b) Definitions: The following words, terms and phrases, when used in this section shall have the following meanings ascribed to them:

Capital Improvement Project. A major, non-recurring expenditure that generally meets all of the following criteria: M.G.L. c. 44, sections 7 and 8, permit the City to issue bonds to finance the expenditure; the expenditure is a facility, object or asset costing more than \$50,000; and the expenditure will have a useful life of 10 years or more for infrastructure, buildings, and parks.

Park Project. A project involving the renovation and maintenance of existing parks and city-owned open spaces, and the development of new parks and open spaces within the City of Somerville. The phrase "city-owned open spaces" includes parks, community gardens, playgrounds, school yards, library lawns, cemeteries, public plazas, triangles, and squares.

Tree on City-Owned Property. Any tree located on land owned by the City of Somerville. This does not include any tree that fits the definition of a public shade tree under M.G.L. c. 87.

c) Applicability: This section shall apply exclusively to trees on City-owned property as defined above in section (b). Nothing in this section shall be construed to apply to public shade trees within the City of Somerville, whose care, maintenance, trimming, planting, and removal are governed by the Public Shade Tree Law, M.G.L. chapter 87, and the City of Somerville Code of Ordinances. The public notice and meeting requirements for public shade trees shall remain in full force and effect and are entirely unaffected by the language of this section.

d) Cutting Down or Removal of Trees No person, including but not limited to City employees, the tree warden and his or her deputies, shall cut down or remove any tree on city-owned property, without first holding a public hearing *and contacting the Urban Forestry Committee*.

The tree warden or his or her deputy shall post notice of the time and place of the public hearing in two or more public places in the city, and upon the tree in question, at least seven days prior to the public hearing.

This notice shall identify the size, type and location of the tree to be cut down or removed, and include a brief statement of the reason for the proposed action.

Notice of this public hearing shall be sent to each alderman, *all members of the Urban Forestry Committee* and published on the city's website.

No later than ~~forty-eight hours~~ *four days* prior to the cutting down or removal of any tree on city-owned property, a notice will be placed upon the tree stating the anticipated date on which the action is expected to occur.

Nothing in this section shall prohibit the tree warden and his or her deputies from cutting down or removing any tree which in his or her opinion constitutes a threat to public health or safety. *The tree warden and the Arborist must contact the Urban Forestry Committee 7 days before the removal of that tree and describe the reasoning for its removal. If the Urban Forestry Committee finds evidence that this tree could be made safe by pruning or other methods, the tree warden and the city Arborist must consider the Urban Forestry Committee's findings and reply to them before the removal of the tree.*

e) Exceptions to the Public Notice and Hearing Requirements, *but not exceptions from notifying the Urban Forestry Committee*

No public hearing shall be necessary prior to the tree warden or his or her deputies cutting down or removing trees measuring less than ~~three inches~~ *one and a half inches* in diameter one foot from the ground, and all bushes on city-owned property.

No trees or bushes can be removed from city owned property without first notifying the Urban Forestry Committee and responding to their assessment.

The following types of public projects, which have undergone a public process that includes public notification and public meetings and have met the additional requirements as set forth below shall be exempt from the requirements of section d) above:

(1) Park projects;

and

(2) Capital Improvement Project.

This exemption shall only apply to a public project of the type listed in (1) and (2) above if a public meetings was duly noticed and advertised, the size, type, and location of all tree (s) to be cut down or removed, and planting proposals for the location of the tree (s), were clearly identified at a public meeting, and the public was provided reasonable opportunity to provide input regarding each tree to be cut down or removed. (Ord. No. , 4-27-2017) 2017-04

Here's the reasoning behind the changes we have suggested:

- 1) No person, including but not limited to City employees, the tree warden and his or her deputies, shall cut down or remove any tree on city-owned property, without first holding a public hearing *and contacting the Urban Forestry Committee.*

If the UFC is going to be a valued and participating body in the process of preserving our trees they must be kept informed. The Committee is there to protect the trees and to make sure careful examination of trees is done before their removal. We consider this group to be one of checks and balances

- 2) No later than ~~forty-eight hours~~ *four days* prior to the cutting down or removal of any tree on city-owned property, a notice will be placed upon the tree stating the anticipated date on which the action is expected to occur.

So many of the complaints come from people not being aware. 48 hours is short notice. Originally we were thinking 7 days advance notice, but decided that 4 days was a good compromise. But it needs to be more than just 2 days.

3) Nothing in this section shall prohibit the tree warden and his or her deputies from cutting down or removing any tree which in his or her opinion constitutes a threat to public health or safety. *The tree warden and and the Arborist must contact the Urban Forestry Committee 7 days before the removal of that tree and describe the reasoning for its removal. If the Urban Forestry Committee finds evidence that this tree could be made safe by pruning or other*

methods, the tree warden and the city Arborist must consider the Urban Forestry Committee's findings and reply to them before the removal of the tree.

There was an incident last year on Quincy Street that a resident convinced the tree warden that the tree in front of their house was a hazard. It was only after an uproar by the community that the tree was re-examined and found that it could be made safe simply by pruning.

4) e) Exceptions to the Public Notice and Hearing Requirements, *but not exceptions from notifying the Urban Forestry Committee*

There may be exceptions made for a public hearing but there can be **no** exceptions made for contacting the Urban Forestry Committee if that committee is to be effective in its duties.

5) No public hearing shall be necessary prior to the tree warden or his or her deputies cutting down or removing trees measuring less than ~~three inches~~ *one and a half inches* in diameter one foot from the ground, and all bushes on city-owned property.

Vanessa may be comfortable with making exemptions for trees less than 3 inches in diameter, but in this case we need to follow the state law. Planting younger trees with diameters of 1 ½ inches and smaller is the primary way in which our trees will have the opportunity to be most healthy and have the longest lifespan.

Recently the Mystic River Watershed planted dozens of trees throughout Somerville whose diameter was about 1 inch. The hundreds of hours that the MyRWA spent planting could be erased.

I have been experimenting planting trees of ¾ inch in diameter because these trees will have the best chance of survival. The only way I can convince the city that this is true is by testing it.

The locations of the plantings were not in conflict with any fall or spring anticipated plantings.

I have planted Street appropriate trees as approved by New York and Toronto city guidelines. These trees are valuable because they could represent a better way of planting. They are younger tougher drought tolerant and planted in such a way that should keep them safe over the winter.

Public Shade trees of 1 ½ or smaller cannot be removed without informing the Urban Forestry Committee.

Public Shade Trees is 1 ½ in or larger need a public hearing.

6)*No trees, shrubbery or herbaceous plants may be removed from city owned property without first notifying the Urban Forestry Committee and responding to their assessment.*

To this point. Removal of any shrubbery or tree needs to be alerted to the Urban Forestry Committee at least 7 days before removal.

Thank you you for your thoughtfulness in this matter.

Tori Antonino
Renée Scott

Green and Open Somerville