

John Long

From: Joe Alves <joseph_alves@outlook.com>
Sent: Friday, March 08, 2019 2:52 PM
To: City Council; City Clerk Contact
Subject: regulation of tree removal

Hello, I'm a Ward 2 resident and am writing about the proposal regarding regulation of private tree removal as I cannot attend the public hearing.

I completely disagree with this proposal as a gross government over-reach of private property.

I whole-heartedly believe in trees and protecting the environment and believe this should be completely enforced on public land, there is absolutely no way the city should be able to dictate to residents as to whether or not a tree can be removed.

So if someone considers a tree "significant" (whatever that means) and if the so-called "owner" of that tree is no longer able to care for it or clean up after it due to age/disability/sickness, are they not allowed to take it down? Will the city offer to cover expenses for this individual to have a private party maintain the tree?

What if this tree is causing damage to said owners property or house, damaging sewer drains for example, are they not allowed to have it removed because it's deemed "significant" by someone?

Maybe it's just a nuisance and I don't want to care for it anymore, I may need the city to approve me removing it from my own private property?

The city couldn't even maintain the trees or existing laws on public land on Beacon St during construction but now it's going to dictate what I can do with mine on my property? Do what I say not what I do? Hypocrisy much?

Are we trying to create a Dystopian Society in Somerville with these regulations? Sure seem headed that way with heavy handed regulations such as this.

I understand the intent but this is too far of an over-reach.

Thanks
Joe Alves

John Long

From: Dave Bresnick <dsbresnick@gmail.com>
Sent: Friday, March 08, 2019 5:23 PM
To: City Council; City Clerk Contact
Cc: Katie Bresnick
Subject: Feedback: Regulation of Private Tree Removal

Hello,

I'm unable to attend the upcoming City Council Land Use Committee meeting on the 12th. Below is my testimony as a resident:

While I support the spirit of this amendment, I take issue with the broad definition of a "Significant Tree" coupled with the additional cost and burden residents will need to take on to receive a permit to remove them by way of requiring a stamped plan. Trees are important to me but so are landowner rights. To support this amendment I need to see more of a balance.

I do not support this amendment as written per 20180124 Tree Protection Zoning Ordinance. I request that the following be addressed:

To support this amendment I would recommend the following:

1) Help smaller property owners by relaxing requirements for NR zoning districts

---Narrow the definition of a "Significant Tree" - Widen the DBH to 12"

---Exclude 1 tree per year per parcel. This allows residents some freedom to manage their property without the added cost of a survey and risk of not getting a permit while limiting deforestation

2) Add definition for a "Special Tree" - These are trees defined by the arborist, located in public areas, etc, that would be a loss to the community in terms of historic/aesthetics. These trees would follow current guidelines and require a permit anytime removal is considered in any zoning district. This designation would cover against NR zoned districts removing trees that are meaningful to the community, historic, etc.

3) The amendment allows for a loophole - I can get a permit to cut down a 6" tree and replace it by planting three 4" trees. I can then dig up those three 4" trees immediately after inspection without penalty. This abuse should be considered and covered against. Any replacements should automatically fall under the "Significant Tree" designation regardless of DBH unless excluded by the arborist.

4) This amendment is worry-some in that it incentivizes property owners to remove small "not significant trees" from their property before they grow to a significant DBH. This would inhibit reforestation. I'm not sure about the best solution but unintended consequences should be considered.

5) I do not understand why this amendment does not apply to city owned property. The city owns many large parcels of land with many trees and I argue the City clearing trees is one of the greatest risks to the urban forest.

Thank you for your consideration.

-David Bresnick
34 Burnham St. (Ward 7)
508 397 8974

John Long

From: boblapointe00@gmail.com
Sent: Friday, March 08, 2019 6:07 PM
To: City Clerk Contact
Subject: Private tree removal

I have a few questions regarding the proposed tree removal rules on private property but before I ask I would like to know what the city is doing to protect the tree on city property, how many trees have been removed on Beacon Street, Somerville Ave, Highland Ave and all along the new green line - who is responsible for overseeing the removal of these trees? I think you'll find that many more trees are being removed for large projects that involve city management than are removed from private property.

As far as trees on private property I'm sure that the SCC realizes that when a property owner decides to removal a tree the cost of removal is such that most property owners would not even consider removing it unless it is absolutely necessary. As far as costs besides the removal cost, would there be a cost for the permit, and is there an estimate of how much the rendering with seal of the property indicating the tree to be removed would cost?

I think the SCC should be going after abuse on city projects before it starts holding private property owners responsible for the loss oftrees in Somerville.

thank you

Bob LaPointe

Sent from Windows Mail

John Long

From: Matthew Shuman <matthew_shuman@hotmail.com>
Sent: Monday, March 11, 2019 12:13 PM
To: City Council; City Clerk Contact; Denise Taylor; jclark@thesomervilletimes.com
Subject: Proposed Amendments to the Somerville Zoning Ordinance for Protection of Significant Trees
Attachments: MShuman Zoning Amendment for Trees Comments.pdf

Please see my comments, attached, regarding the proposed amendments to the Somerville Zoning Ordinance for Protection of Significant Trees. As discussed in detail in my letter, I urge the Council to consider whether amending the Zoning Ordinance is the appropriate measure to take to address the urban forest issues in Somerville and what the additional burdens such measures will have on individual homeowners.

March 12, 2018

The Honorable City Council
City of Somerville
via e-mail

RE: Amendments to City Zoning Ordinance
Protection of Significant Trees

Dear Honorable Councilors:

In response to the proposed amendments to the City of Somerville Zoning Ordinance (undated, subject to a public hearing on March 12, 2019) regarding protection of significant trees, I offer the following comments.

First, by way of background, I am a civil engineer who works in municipal government as the Town Engineer with the Town of Watertown, where I work closely with its Tree Warden. I have a general knowledge of tree issues and construction, as well as experience with the State's Public Shade Tree Law, M.G.L. Chapter 87. In my previous position as Assistant Town Engineer for the Town of Winchester, I served as staff to the Winchester Permanent Street Tree Committee. I assisted in the development of the Town's Public Shade Tree By-law (Chapter 18), planned the Town's annual Arbor Day event, and submitted the Town's Tree City USA application. This past fall, I submitted an application to be a member of the Somerville Urban Forest Committee. Although I was never contacted, it is my understanding from reading City Council meeting minutes that I was not selected to be on the Committee.

I provide the above as "full disclosure" and to demonstrate that I have an interest in, and support, protecting the City's urban forest. Nevertheless, I have a number of concerns with the provisions of the proposed amendments to the Zoning Ordinance:

- *Private tree regulation as proposed in the amendments does not belong in a Zoning Ordinance.* It is not clear why a Special Permit is required for tree removal. The Ordinance is very prescriptive and essentially provides three options: deem the subject trees "not significant," provide replacement trees, or provide a payment in lieu of planting. In reality, most of the burden falls on the City Arborist to determine if a tree is significant as well as review planting and protection plans. This appears to be a task that can be performed independently of a Special Permit process and independent of any Zoning review. Most other municipalities that regulate private trees do so through a separate by-law or ordinance.
- *The Special Permit process is redundant and complicated.* The Special Permit Granting Authority (SPGA) must review and issue the permit; the City Clerk must stamp the date of filing and decision; notifications and advertisements must be made; a public hearing must be held, presumably coordinated by the Planning Department; and finally, the Director of Inspectional Services is responsible for enforcement. All of these staff and steps seem superfluous given the prescriptive process that relies substantially on the knowledge and work of the City Arborist.
- *As a Special Permit process, removing a tree requires a lengthy review period.* City Staff have up to 35 days to review the application and submit a report or recommendations to the SPGA.

The public meeting must be advertised not less than 14 days in advance of the hearing. The SPGA has 65 days to hold a hearing and 90 days to take action on the application. Once a decision is issued, any person aggrieved by the decision has 20 days from the date of the decision to appeal the decision. It is important to note that many projects, particularly larger scale projects that impact many trees, likely already have to follow this process. The SPGA has the authority to set reasonable conditions with an approval. Therefore, the SPGA can already condition approvals with replacement planting plans or mitigation requirements as suggested by the proposed amendments for a large proportion of projects. For a typical homeowner wishing to remove a tree on private property with no other work requiring review, this becomes a very drawn out process.

- *Provisions of the amendments are arbitrary and infringe on the rights of private property owners.* The SPGA may decide to approve or deny a permit based on a number of considerations per proposed Section 10.6.4(c). One consideration is that “the preservation of existing, mature trees is preferred to the planting of new trees,” and another is “the pace of tree removal and replanting with [in] the neighborhood and citywide.” Essentially, a project can comply with all requirements, but be denied because the SPGA prefers preservation of the private trees on the property to replacement. This could make some properties or projects undevelopable or infeasible. Consider a property owner or project that wishes to cut down a tree next to the MBTA right-of-way. This could be flat out denied by the SPGA simply because trees have been cut down by the MBTA—for which the owner has no control—with no option for the owner to provide replacement plantings or funding.
- *Including a public process for individual tree removals is problematic and unnecessary.* As noted above, many larger, more impactful projects are likely already subject to a public process. Requiring a public process for removal of a private tree by a homeowner means that neighbors can weigh in and influence the decision. There can also be disagreements as to what trees are significant. For example, an invasive tree can be significant or insignificant based on a number of factors that are somewhat subjective. Furthermore, a neighbor can appeal the decision, lengthening the process and creating more costs for the homeowner. Regardless, it is not clear why a public process is even required, as input from the public is not listed as a consideration in approving or denying the permit, per proposed Section 10.6.4(c).
- *The proposed replacement planting or mitigation requirements should not be subject to a lookback period.* I am not a lawyer, but I question whether this is allowable. If the zoning requirements for Assembly Square were changed tomorrow, would previously permitted and approved projects within the last 18 months need to be demolished to meet the new requirements? Again, within the last 18 months, the SPGA could have added conditions related to replacement tree plantings or mitigation to any project it reviewed and permitted. Even if legal, the lookback period seems extremely punitive to folks that have complied with the current Zoning Ordinance and followed the required processes as they exist today.
- *The provisions of the amendments are difficult to enforce.* Buried in a Zoning Ordinance, compliance with the tree removal and replacement provisions requires the active cooperation of tree contractors and the reporting of nosy neighbors. Individual homeowners are not likely to read the provisions of a Zoning Ordinance to determine that they need a Special Permit. From my own professional experience, contractors may not make the homeowner aware of the requirements and may knowingly perform the work without a proper permit. The homeowner is then on the hook for the penalties. Finally, without a permit, City staff must obtain

permission from the property owner to enter the property for inspection, access which can be denied.

- *Private trees benefit the neighborhood but at the individual's burden.* As noted in Section 10.1 of the proposed amendments, private trees provide a benefit to the entire neighborhood. Trees indeed have value beyond the property line, but the individual homeowner bears the liability for them and is responsible for their upkeep. I am a homeowner with two trees (each over 6-inches DBH) on my property. None of my abutting neighbors have any trees on their properties, but benefit from my private trees. I recently performed maintenance pruning at a cost to me of \$765, in addition to \$135 for the contractor to obtain "No parking" signs from the City to place in front of my property for equipment access. My neighbors bore none of those costs. As written, the City, and my neighbors, will have the deciding factor in what I do with my trees, enjoying their benefits with none of their risks or costs.
- *As written, the amendments penalize homeowners that currently have trees.* The replacement requirements in the proposed amendments would make it cost prohibitive for me and other homeowners to remove trees if ever so desired. For example, the larger tree on my property is 18-inch DBH, meaning I would have to plant the equivalent of 36-inch DBH of trees on my 4,000-square foot lot, or pay around \$7,500 to the tree fund (in addition to permit application fees, advertising and notification fees, survey and landscape plan development fees as required in the Ordinance, as well as the actual cost to remove the tree and obtain "No parking" signs from the City to have access to perform the work). This is cost-prohibitive for me and means that I am essentially stuck with these trees until they die of natural causes.
- *The amendments disincentive private tree plantings.* The overarching goal of the amendments are to preserve and increase the City's urban canopy. However, any homeowner who plants a tree will be burdened with the cost-prohibitive requirements noted above should they decide to remove the tree in the future. The proposed amendments ensure that existing trees will be replaced; they also essentially ensure that no smart homeowner will plant a new tree.
- *The amendments exempt tree removals on municipal and state properties.* A lot of outrage has been expressed about tree removals associated with large-scale infrastructure projects. The Beacon Street and MBTA Green Line Extension projects have specifically been called out by residents, Councilors, and the Administration as wholesale tree removals with no real plan for replacement trees. The proposed amendments do not address this issue of city-wide importance, but do regulate what an individual property owner can do with a single tree on an individual lot.

Based on my comments above, I urge the City Council to consider the following:

- *Develop a separate, comprehensive, Tree Protection Ordinance with accompanying Rules and Regulations.* As several other communities have done, the City should develop a separate Tree Protection Ordinance that addresses how the City administers and enforces the Public Shade Tree Law as well as any regulation of private trees. This is an issue I discussed with former Alderman Gewirtz in 2013, but it did not appear to have any traction at that time. Having a separate ordinance makes it more accessible to the public and allows the City to address all its urban forest issues in one document. The ordinance can apply to all types of projects, including City infrastructure work, utility company work, and private development. The ordinance should be administered by the City Arborist, who should be allowed to promulgate rules and

regulations related day to day administration of the ordinance, such as tree protection measures, tree planting guidelines, tree maintenance specifications, inspection procedures, and enforcement, etc., which can then be updated as necessary without the vote of City Council. It is also critical that the Arborist have the proper resources to administer the ordinance.

- *Exempt single, two, and three-family properties.* I understand the desire to protect the City's urban forest and hold developers accountable for tree removals as part of private development. However, for all of the reasons outlined above, I urge the Council to place no burden on homeowners and allow them to manage their properties and private trees as they see fit.

I appreciate the response from City Councilors and staff to my request for information about the proposed Zoning amendments. I was first made aware of this issue by way of an article posted in *The Somerville Times* on February 13, 2019 that implied some of these provisions were now in place and that the amendments had been vetted by the full City Council and Administration more vigorously than it now appears. I hope that my comments are constructive and assist the Council in furthering the goals of protecting our urban forest.

Sincerely,

Matthew I. Shuman
57 Lowden Ave.

cc: City Clerk, via e-mail
Denise Taylor, City of Somerville, via e-mail
The Somerville Times, via-email

John Long

From: Chris Dwan <chris@dwan.org>
Sent: Monday, March 11, 2019 2:43 PM
To: City Council; City Clerk Contact; Somerville's Friends of the Urban Forest
Subject: In support of regulating the cutting of trees on private property

Honorable Councilors,

I am writing in support of legal protections for trees on private property in Somerville.

I hope that you will move swiftly to enact the proposed amendment to the zoning code, and also to consider and enact the more comprehensive revisions to the city's Tree Protection Ordinance that are before the Legislative Matters Committee.

I have heard concerns that regulations of this sort are intrusion on property rights. This is absolutely true. That concern is not unique to trees, it applies equally to every part of the zoning code.

Somerville is a heavily regulated city. Our ordinances impose rules on everything from fences to siding. We have a months-long process to consider the historical importance of most structures in the city prior to allowing demolition. We require a community process of notification and input before we allow owners to build a deck, to pop up a dormer or make other small changes to their property.

Residents need a license to practice fortune telling, and we have to register our dogs.

Yet, for all of this regulation, there is nothing in Somerville's laws to prevent or even to slow a property owner who wants to clear cut their mature trees. This is a glaring omission, and needs to be corrected.

Somerville is the most densely settled city of its size in New England. Our actions have a much more immediate and direct impact on our neighbors than they might in more rural environments. Arguments from property rights that make sense in a farming community or a sparsely settled village fall flat in the face of our density.

This is an urgent topic: Somerville's urban canopy, like that of our neighboring cities, is in collapse. Our few remaining mature trees are irreplaceable. They provide important civic services like water uptake, cooling, and carbon sequestration while also beautifying and humanizing our increasingly paved-over city.

Under these circumstances, it is inexcusable to fail to regulate tree removal. We do need to consider the burdens and second order effects that any new law will impose. I encourage you to understand those burdens and to work to find the right balance, rather than dismissing regulation out of hand.

The proposed zoning amendment is not perfect. I trust that your deliberations and the input of the community will improve it.

Thank you for your consideration.

-Chris Dwan

John Long

From: b w <anon_registrations@outlook.com>
Sent: Tuesday, March 12, 2019 5:56 AM
To: City Council; City Clerk Contact
Subject: tree ordinance testimony March 12

To the City Council-

I'm writing to recommend that you withdraw support for the tree ordinance under consideration. I believe we can achieve a leafy, beautiful city through better policy.

My reasons for this recommendation are:

1. Policy ought to encourage desirable behavior. The ordinance under consideration creates clear disincentives to planting and preserving trees on private property.
2. The ordinance may be perceived as an overreach of BOA authority, especially since tree loss on private property is not among Somerville's problems and was not an issue in the last election.

The ordinance appears to have been proposed to address an anecdotal problem relayed by an alderman who saw a developer cut down a few "perfectly good" large trees on a neighboring property. At worst then, a problem lies with large redevelopments claiming tree space for new structures (although I believe statistical evidence that even this problem exists has not been put forward). Property owners, by-and-large, strongly prefer to maintain their large leafy trees for reasons advanced during the ordinance discussion. When a property owner removes a tree, it is not for fun (and there is, in my opinion, the very legitimate view that they have the right to remove as the owners and maintainers, even if I or an alderman disagrees). On the other hand, an ordinance permit and fee is quite unlikely to stop a developer from clearing space for new units... any cost to them, I suspect, will get passed on to buyers/renters.

An ordinance attempting to mandate tree preservation through red tape (mandatory survey, permit, fees, mandatory replacement or fines) is not only unnecessary, but also turns property owners bitter about something they already favor. Although I don't believe the BOA consciously has this intention, there are certainly those who view an unnecessary ordinance as a power grab and a revenue-raising scheme (see Somerville Times comments from [Sept 12](#) and [Feb 13](#), for instance, for a read on the electorate's pulse).

Personally speaking, we have three large trees on our property, two of which for years we have discussed their issues but nevertheless preserved precisely because we like the canopy. If the ordinance advances to a final vote, we'd likely cut these two trees down beforehand to avoid a survey/permit/fees and possibility that the city does not view removal of these trees as absolutely necessary (resulting in heavy fines). Moreover we'd be forced to consider taking measures to keep other trees from reaching "significant" size should the ordinance be enacted.

Please consider an alternative tree policy:

- Foremost, focus on replacing and properly maintaining the large number of neglected and dead trees on public property. Somerville Avenue, for instance, has more dead or missing trees than all the private tree loss in the city that the ordinance would realistically prevent. I'm sure of it.
- Further expand foliage on public property. I think for the most part this is being properly incorporated in project design, but there remains plenty of opportunities for planting on the average side street.
- Incentivize tree ownership on private property. One could, for instance, make maintenance less expensive by offering to trim private trees within reach of the street while public trees are maintained (something the city has refused to do in the past and which costs quite a bit to have done privately). Or we could encourage the planting of private trees through a city program. The city already plants a large number of trees, surely at a

much lower cost than private owners can purchase and install a single sizable tree. So why not for cost plus a nominal fee drop an approved tree at an approved location on private property? Or simpler, offer a rebate? I realize this costs money, but everybody can get behind money for trees (as opposed to an ordinance mandating people do something!)

Thank you for your consideration,

Union Square resident and property owner

John Long

From: Anne Stephens Ryan <asrmodprop@gmail.com>
Sent: Tuesday, March 12, 2019 12:34 PM
To: City Clerk Contact
Subject: for regulation protecting trees on private property

Dear Mr. Long:

As a resident of Cobble Hill, I am writing in support of the ordinance requiring a special permit application for removal of significant trees including "a plan drawn and stamped by a registered land surveyor or landscape architect showing all existing Significant Trees on the property," a review of the permit by a Permit Granting Authority, and *either* a plan showing replanting of species-appropriate replacement trees *or* a payment in lieu of replanting to cover the costs of purchase, planting, and five years of maintenance of the equivalent caliper (diameter) of trees (e.g., a number of smaller trees to make up for removal of one large one). Hazardous trees would be exempt. I am deeply concerned that existing trees are protected.

Thank you for your attention,

Anne S. Ryan

John Long

From: Christina Ricotta <christina.cryts@gmail.com>
Sent: Tuesday, March 12, 2019 2:35 PM
To: City Council; City Clerk Contact
Cc: seanpcryts@gmail.com
Subject: Fwd: Anti new tree rules

I would like to add my below testimony regarding my opposition to the new tree ordinance. I am a real estate attorney and I am aghast at this ordinance which smacks of a taking of my private property for public use. I support trees and believe that the City should plant and protect as many as possible on PUBLIC land. Once again, you have gone too far. Leave our private property alone!

Christina Ricotta
Private property owner in Somerville

Sent from my iPhone

Begin forwarded message:

From: Christina Ricotta <

John Long

From: K Molloy <kmolloy@gmail.com>
Sent: Tuesday, March 12, 2019 3:38 PM
To: City Council
Cc: City Clerk Contact
Subject: My comment on proposed tree removal ordinance

Hello Somerville City Council,

I cannot attend the public meeting tonight regarding discussion of the proposed tree removal ordinance, so here is my comment.

I sympathize with the intent of it (and am aware of the irony that it was the City itself and MassDOT who were the big tree killers last year). But as an individual homeowner, I think this proposal is being rushed and is an overreach.

I know Cambridge is also facing the same tree canopy destruction problem. Cambridge's approach is for a one-year moratorium on cutting down trees while policy is being hammered out. I think Somerville should do the same.

Best regards,

- Karen Molloy
kmolloy@gmail.com

197 Highland Ave. #2
Somerville, MA

John Long

From: sean cryts <seanpcryts@gmail.com>
Sent: Tuesday, March 12, 2019 2:51 PM
To: City Council; City Clerk Contact
Subject: Tree proposal

My name is Sean Patrick Cryts and I am a property owner in Somerville. I would like my opinion added to the public record.

I am opposed to the new tree proposal. I have been a Somerville resident and homeowner for 20 years. I have read the proposed new rule on trees on private property. I believe this is a violation of private property rights.

I have watched trees being taken down for years by developers, now the GLX which might have been necessary for proposed projects. Now the City will be able to come on a simple home owners property. I do not have trees in my yard that this would effect and I see the need for as many trees as possible in an urban area which I care about. Plant trees on Public land/ sidewalks.

Concerned private property owner,
Sean P. Cryts

John Long

From: Maureen Barillaro <somclimateaction@live.com>
Sent: Tuesday, March 12, 2019 4:48 PM
To: City Council; City Clerk Contact
Subject: Tree hearing on Tuesday

Dear Somerville City Councillors,

I'm asking for your support tonight for the proposed amendment to the city's zoning code that will create some limited protections for trees on private property. Right now, under Somerville law, we have no protections whatsoever for trees on private property. This amendment changes that.

I believe that this type of regulation is appropriate in a city as small and as densely populated as Somerville. We regulate many aspects of private property, especially the parts that impact our neighbors. The zoning code regulates our fences, the siding on our houses, building or modifying garages and decks, and trees should be a part of that if they do not pose any danger to the public or the property on the premises.

This amendment is a first step. The city has a long way to go to protect trees and green space in our overly non-permeable surroundings. Our health depends on it.

Thank you for the work you do on behalf of the residents of Somerville!

Sincerely,

Maureen Barillaro
55 Craigie St.

John Long

From: Edward Beuchert <edward@slidingRock.com>
Sent: Tuesday, March 12, 2019 5:03 PM
To: City Council; City Clerk Contact
Cc: West Somerville Board of Directors; Jim Monagle; John Stefanou; Mayor
Subject: Written Testimony On New Proposed Somerville Regulations for Private Tree Removal

Dear Honorable City Councilors,

First off let me say I'm sympathetic to the intent of the proposed new regulations regarding the removal significant trees from all private property. I realize there are some who would have no qualms about turning our city from turning into a mass of buildings, concrete and asphalt -- and I don't like that. I understand that some property owners cut down significant trees because it's more convenient to pave them over -- And I'm against that.

However as I look around the specific blocks of my West Somerville neighborhood, I'm more concerned that there are a number of trees that have been allowed to grow over the years because it that's the easiest and cheapest thing to do. In my 21 years of living here, I'm only aware of one nearby tree cutting and paving that I would consider inappropriate, while I know of several cases where trees should have been cut down or at least trimmed weren't, with subsequent significant damage to property -- including one truck that had its roof bashed in as it drove along Curtis Street.

So if anything, overall I think the city should be encouraging owners in my West Somerville area to trim oversize trees and or even cut them down to let in more light for backyard gardens. I was incredibly grateful to the Stefanou family when they cut down a massive tree in their backyard the same year I cut down a big one in my yard. That and the following years were the best ever for my backyard vegetable garden!

Also I am concerned that a homeowner would have to pay a "registered land surveyor or landscape architect" to survey our properties and come up with a "drawn and stamped" plan to cut down trees. That's going to make the job of convincing a landowner to cut down a tree that might damage adjacent property that much more difficult, and all told it's probably one or more days off from work to find the surveyor, meet with them, file the plan with city hall -- and then move on to finding a tree cutter et al.

So while I applaud the spirit of trying to keep Somerville green, I am concerned that the proposed law will produce unintended consequences and impose undesirable costs on property owners, both in time and money, and result in overly shady backyards and discourage removal of dangerous trees.

Sincerely,

Edward Beuchert

15 Conwell Ave

Board of Directors
The West Somerville Neighborhood Association
<http://WestSomerville.org>

----- Forwarded Message -----

Subject: Upcoming Public Hearing on the Regulation of Private Tree Removal

Date: Sat, 9 Mar 2019 10:58:02 -0500

From: Mary Jo Rossetti <aldermanrossetti@gmail.com>

To: aldermanrossetti@gmail.com

A Public Hearing on proposed changes to the Somerville Zoning Ordinance to regulate the removal of significant trees from all private property, including residential, will be held by the City Council Land Use Committee of the Whole on Tuesday, March 12. The hearing will take place after 6 p.m., at City Hall, along with several other consecutive hearings. Members of the public may speak at the hearing or submit written testimony to citycouncil@somervillema.gov and cityclerk@somervillema.gov.

This Council-proposed amendment sponsored by Ward 5 Councilor Mark Niedergang, Ward 2 Councilor J.T. Scott, and Council President Katjana Ballantyne of Ward 7 aims to protect the mature urban forest.

Among other proposals, the draft ordinance would require a special permit application for removal of significant trees that would include “a plan drawn and stamped by a registered land surveyor or landscape architect showing all existing Significant Trees on the property,” a review of the permit by a Permit Granting Authority, and *either* a plan showing replanting of species-appropriate replacement trees *or* a payment in lieu of replanting to cover the costs of purchase, planting, and five years of maintenance of the equivalent caliper (diameter) of trees (e.g., a number of smaller trees to make up for removal of one large one). Hazardous trees would be exempt.

For more information, click:

<http://somervillecityma.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=12086>

Yours in Service,

Mary Jo

Mary Jo Rossetti
Councilor-At-Large

John Long

From: Matthew Shuman <matthew_shuman@hotmail.com>
Sent: Tuesday, March 12, 2019 9:15 PM
To: City Council; City Clerk Contact; Denise Taylor; jclark@thesomervilletimes.com
Subject: Re: Proposed Amendments to the Somerville Zoning Ordinance for Protection of Significant Trees

I would like to thank the Council for listening to the comments at tonight's meeting. I am glad to hear that a comprehensive tree ordinance is being drafted and that potential impacts to homeowners are also being considered, and hopefully alleviated, including the automatic special permit provision in the Zoning Ordinance Amendment.

At the end of the hearing, Councilor Niedergang asked how it might be possible to exempt homeowners while also protecting against potential gaming of the system by developers. I recommend reviewing the City of Newton Tree Preservation Ordinance, beginning at Chapter 21-80, which defines the need for a permit based on whether a lot is occupied (for up to 4-families) and provides that the lot must be owned by the same person (and occupied by a person as well) for 18-months after the tree removal. Occupied means it contains a structure that is legally occupied and lived in as a residence, with permanent water, sewer, and electrical service.

<http://www.newtonma.gov/civicax/filebank/documents/45830>

It was clear from the meeting that there is a desire by the community, myself included, to regulate tree removals as part of larger developments. Using an approach such as Newton's may address the many concerns raised related to small homeowner impacts.

From: Matthew Shuman
Sent: Monday, March 11, 2019 12:12 PM
To: CityCouncil@somervillema.gov; cityclerk@somervillema.gov; Denise Taylor; jclark@thesomervilletimes.com
Subject: Proposed Amendments to the Somerville Zoning Ordinance for Protection of Significant Trees

Please see my comments, attached, regarding the proposed amendments to the Somerville Zoning Ordinance for Protection of Significant Trees. As discussed in detail in my letter, I urge the Council to consider whether amending the Zoning Ordinance is the appropriate measure to take to address the urban forest issues in Somerville and what the additional burdens such measures will have on individual homeowners.

From: Ulysses Lateiner <ulysseslateiner@gmail.com>
Sent: Wednesday, March 13, 2019 10:59 AM
To: City Council; City Clerk Contact
Subject: public comment re "A proposed amendment to the Somerville Zoning Ordinance related to the protection of Significant Trees"

Dear Councilors,

I attended your Tuesday March 12 public hearing and spoke in support of the proposed zoning amendment regulating removal of significant trees on private property. I would also like to submit the following additional thoughts on this subject.

1. My primary complaint about the proposed amendment is that it is not strong enough. It should define and punish violations more aggressively, to more forcefully deter bad actors, and it should require that removed trees be replaced by a *greater* caliper of trees, not merely an equal amount. **It takes only a brief application of brute force to destroy an existing tree, and it's relatively easy to put a planting in the ground, but it takes good luck and decades of waiting to produce a thriving mature tree.** Climate change and other stresses of our urban environment mean that many trees planted today will not survive to maturity, and those that do will need decades. Any requirement to replace removed trees needs to be strong enough to ensure that the community's future needs will be met.
2. I agree with the multiple commenters who suggested that **the amendment should incorporate some "carrots"** (to proactively incentivize the planting trees in its own right, and not just as a response to tree removals) in addition to a tough array of "sticks."
3. The main concern from opponents of the amendment seems to be the financial hardship it may place on some homeowners. This is a valid point. However, the Council should be wary of adding outright exemptions to the amendment, because **exemptions will significantly decrease the likelihood of the amendment achieving its desired regulatory outcome.** Instead, perhaps the amendment could allow resident owners to apply for a financial hardship stipend from a City fund (e.g. within the OSPCD budget) to help defray costs of tree removal permits and/or tree replacements.
 - a. **Eligibility for financial support or any abatement/waiver of regulatory requirements/costs needs to be contingent on a residential real estate tax exemption having been granted to the applicant at the property in question,** though as Councilor Niedergang noted, a mechanism will need to be devised to prevent exploitation of an existing tax exemption to remove trees immediately in advance of a property transfer. (This is another strong argument as to why only financial assistance, but *not* outright exemptions, should be offered.)
 - b. **The Council need not consider financial hardship arguments relating to any property where a residential real estate tax exemption has not been granted to the applicant at the property in question.** If a tax exemption has not been granted, then the applicant is either a renter who is not directly financially impacted by the amendment, or an owner who by definition is wealthy enough to own more property than they need and therefore has no legitimate claim to hardship.
 - c. I am putting my trust in the Council and the City's experts to tailor an amendment that can meet its stated intent of preserving Somerville's privately owned trees while still avoiding financial hardship to resident owners. However, as you attempt this, **I ask you to bear in mind the uncomfortable truth that the long-term sustainability of the Somerville community is more important than the finances of any single resident.**

Thank you for considering my comments.
Ulysses Lateiner
15 Chandler Street

BCC: Wards 2, 5, 7, 6, and At Large City Councilors

PS I am also appending my comments from March 12, in case it is helpful for you to have these in writing as well:

I am a property owner with at least one tree subject to the proposed zoning amendment. I enthusiastically support this amendment as both reasonable and necessary.

An urban community like Somerville has numerous passive infrastructure needs, such as carbon capture, air purification, sound dampening, urban wildlife habitat, and shading and cooling of residents and structures. The costs to design and procure new systems to meet these needs would be astronomical. Fortunately, we already have an elegant system that does all these things at once, and best of all, this system costs nothing to design and construct: it's called Trees. However, although the benefits of Trees literally grow on trees, we won't have Trees, or enjoy their benefits, if we don't protect them. And currently, nothing prohibits private property owners from destroying this critical community infrastructure.

Our community already considers it appropriate for zoning to regulate many aspects of private property, such as fences, building siding and fenestration, outbuildings and decks, etc. These are cosmetic concerns with no direct impact on neighborhood well-being, so if you think about it, it's quite illogical that we don't regulate tree removal on private property, because the carbon storage, air purification, sound dampening, shading and cooling, and other benefits trees provide are vastly more significant, and they benefit the entire community. When trees on private property are cut down, this is *not* a private matter. It harms the neighbors' interests as well as the interests of the entire Somerville community.

Nobody in this room wants to live in a concrete desert, but to be blunt: the damage we allow to mature trees today cannot be amended during the lifetimes of most people in this room. There's no magical dial we can turn up in the future to restore our lost trees more quickly, so I hope the council will refine and enact this amendment as soon as possible.

John Long

From: Lumina Infinite <luminainfinite@gmail.com>
Sent: Wednesday, March 13, 2019 5:10 PM
To: Somerville's Friends of the Urban Forest; City Clerk Contact; City Council
Subject: Please protect our common good - the Trees of Somerville

Dear City Councilors,

I am writing in support of legal protections for trees on private property in Somerville.

I hope that you vote yes to enact the proposed amendment to the zoning code, and also to consider and enact the more comprehensive revisions to the city's Tree Protection Ordinance that are before the Legislative Matters Committee.

I am writing to you as a mother of two children, and as the owner of one of the Affordable Housing Units in Somerville. We were lucky to purchase our condo in 2013 through the Affordable Housing lottery. One reason I ask that you protect all of the trees of Somerville is for the equity it ensures for all of our citizens including those who do not have the resources to own land with trees. It is heartbreaking to feel that you cannot afford the beauty of a tree.

We are grateful for our condominium, that it affords us the stability to stay in Somerville without increasing rent. But we will do not have access to green space in our small condo with a parking lot as a backyard. We depend on the public and private landowners of Somerville to care for our shared trees in order for us to be able to have the luxury of shade or the health benefits of green leaves.

We watched in horror as the trees along Beacon Street were cut down. We learned that it is very difficult to have healthy trees along a busy street, where they are so threatened by so many different factors like sidewalk curbstones, careless drivers, lack of soil for roots and being trimmed for overhead power lines.

We ask that the trees beyond the sidewalk be protected. These trees are able to grow to maturity and have opportunities for success. They can survive.

We ask you to please protect Somerville's trees. Give them a better chance to grow and do the good that they do for all of us. They are a shared resource for EVERY citizen of Somerville, not just for those who are privileged to own the property that they are growing on. The trees of Somerville belong to all of us, just like the sunshine and the blue sky. Let us leave a legacy for future generations, and show them that we were considering the common good.

Thank you,

Lumina, Rene, Georgio and Shalom Gershfield Cordova
65 Beacon St.

John Long

From: mkocol@yahoo.com
Sent: Wednesday, March 13, 2019 6:29 PM
To: council@somervillema.gov; City Clerk Contact
Cc: Mary Kocol
Subject: Re: Public Hearing Tues. 3/12 on Regulation of Private Tree Removal | City of Somerville

Dear City of Somerville,

Is there a link to last night's tree meeting at City Hall, I was not able to attend due to another commitment.

Regarding the tree issue, the real culprit is the greedy condo developer man. They should be fined for cutting down, injuring trees, and reducing green spaces. They grab the money and run Somerville real estate, & have been pricing people out of neighborhoods for decades. And now they are destroying what's left of our trees and environment. They must be reigned in.

Instead of being antagonistic with property owners, especially those who've lived here a long time with modest means and do not have a Big Pharma salary; why not offer a program where homeowners can:

- buy healthy, affordable trees for their private property,
- seek affordable arbor care for their existing trees,
- become educated on tree care & what's an invasive: how to care for urban trees, which trees grow best in the city, how to identify tree pests & problems, how to water a tree without running up your water bill, etc.

Condo developers will be mandated to pay for new tree planting & education program from the money they make off Somerville & its residents. Some people let their trees go because they can't afford an arborist to prune the tree, this later becomes hazardous in storms.

Residents who are passionate about trees can put energy into improving existing tree life & planting new ones, and learning the difference between what's a good tree and what's an invasive that will harm the environment. For example, Norway maples are invasive, if allowed to grow they will crowd out/shade our better native trees and spoil the environment further. Saving invasive Norway maples is not a good idea.

There are many excellent locally grown saplings that can be purchased from non-commercial garden places such as: Arnold Arboretum, Steven Coolidge Estate (N. Andover), Long Hill and Sedgwick Gardens, and good commercial growing centers: Pembertons, Allendale Farms, Mahoneys, etc . Many of the Trustees of the Reservation properties sell tree saplings, started on their properties acclimated to our environment, and are well worth supporting these local gardens.

Also, why are green roofs not required to be built in every new mixed/use structure going up everywhere in Somerville? There's no excuse for new builds to not have green roof technology built into the original plans. Green roofs curtail storm water run off, improve air quality, bring in pollinators, and if building residents are willing, they could be garden spaces. The City should demand that developers incorporate green roofs into the building plans at their expense - not to be pushed off onto buyers who are already paying ridiculous \$ to live here. If they want to do business in Somerville they must be environmentally conscious, they must build green roofs, they must not take down mature trees.

It will take time & patience to grow up new healthy trees in Somerville, in the mean time, with all the extra sun, people should plants gardens and flowers. Rain gardens can be planted to help with storm water run off. These in turn will bring in pollinators to improve the climate for tree growth. The Somerville Garden Club & Massachusetts Master Gardener Program are great resources for residents to learn about what can be planted in the city to make a greener, better Somerville.

I appreciate the City's new tree plantings I've seen along the public sidewalks in Winter Hill area!

Thank you for reading,

Mary Kocol
PO Box 441467
Somerville, MA 02144