



Medford City Council  
Medford, Massachusetts

## **Committee of the Whole, November 20, 2024**

### **City Council**

Isaac B. "Zac" Bears  
Anna Callahan  
Kit Collins  
Emily Lazzaro  
Matt Leming  
George A. Scarpelli  
Justin Tseng

This meeting will take place at 6:00 P.M. in the City Council Chamber, 2nd Floor, Medford City Hall, 85 George P. Hassett Drive, Medford, MA and via Zoom.

Zoom Link: <https://us06web.zoom.us/j/84296318382>

Call-in Number: +13017158592,,84296318382# US

Live: Channel 22 (Comcast), Channel 43 (Verizon), [YouTube](#), and [medfordtv.org](http://medfordtv.org).

To submit written comments, please email [AHurtubise@medford-ma.gov](mailto:AHurtubise@medford-ma.gov).

### **CALL TO ORDER & ROLL CALL**

### **ACTION AND DISCUSSION ITEMS**

#### **19-070 - Offered by Vice President Collins and Councilor Callahan**

Tree Ordinance

### **PAPERS IN COMMITTEE**

To view Papers in Committee, please email [ahurtubise@medford-ma.gov](mailto:ahurtubise@medford-ma.gov).

## **Adjournment**

**19-070**  
**COMMITTEE OF THE WHOLE**  
**MEETING REPORT**  
**WEDNESDAY, OCTOBER 11, 2023, @ 6:00 P.M**

Join Zoom Meeting

<https://us06web.zoom.us/j/83855975112>

Meeting ID: 838 5597 5112

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Attendees: Council President Nicole Morell; Council Vice President Isaac “Zac” Bears; Councillor Kit Collins; Councillor Justin Tseng; City Clerk Adam Hurtubise; Tree Warden Aggie Tuden; Interim Building Commissioner Bill Forte; other attendees as noted in the body of this report.

President Morell called the meeting to order on Wednesday, October 11, 2023, at 6:08 p.m. in the Medford City Council Chamber on the second floor of Medford City Hall and via Zoom. The purpose of this meeting was to discuss Paper **19-070**, the proposed Tree Ordinance.

President Morell highlighted work done on the ordinance so far, dating to the last meeting on this topic in March of this year.

Commissioner Forte said he had made a commitment to try to divide the ordinance, particularly regarding trees on public and private ways. He said he added language that would enforce tree mitigation on private property. He said Medford has a lot of remodeling and revamping, but not a lot of rebuilds. He said we obviously don’t want all the trees cut down without mitigation. He said that the Building Commissioner would have jurisdiction over trees on one-family and two-family projects. He said he added

language on emergency removal of trees that endanger structures. He said he also included an option for a tree mitigation fund. He said that may require a hearing in certain circumstances. He said the only comment he had from the Mayor's Office is that the process in creating and passing this is a public process.

Vice President Bears said that the private property piece is a significant change. Commissioner Forte said he didn't want to interfere with the Tree Warden.

Vice President Bears said that if this ordinance enters the zoning realm, there would be additional hearings required and it would need to go to the Community Development Board.

President Morell read the changes to the draft ordinance.

Councillor Collins asked Commissioner Forte to walk through standards for replacing removed trees for new construction.

Commissioner Forte said that a person who is clear-cutting an undeveloped lot will have a certain number of trees that are lost. The mitigation fund would have certain fees and the moneys in that account could be a special revenue account, but the idea is to pay fees for removing trees. The Tree Committee would have control over the fund. He said we don't want to stall a project for a significant period of time. He said this would require a person to provide a site plan showing any kind of site improvements. He said the trees would need to be identified and inventoried on a site plan. He said people who want to trim a couple of branches should be able to do that by right. He said a mitigation fund can be set up easily. He said he set the calipers of the trees a little less than was in the original draft. He said the general idea is to preserve the tree canopy and promote green initiatives. He said a fee would be in lieu of not replacing a tree.

Councillor Collins said she wanted to get clarification on projects that will be regulated. Commissioner Forte said that this is dimensional like anything else that would be in the zoning ordinance. Anything that would have to go for site plan review would be something outside of that. He said that this mitigates most of the by-right projects.

Lauretta James, Sherman Place, said she didn't get to read the proposed draft but that this was very informative. She said the average diameter of 10 inches needs to be adjusted. She said most cities use an 8-inch diameter and some use six inches. She asked if the total number of removed trees would be included in proposed drafts. She also discussed landscape designs, tagging and identifying trees. She also asked about what would happen with three-story homes. She said it's important to have a certified arborist review any removal of trees.

Commissioner Forte said he is trying to balance the needs of the City for construction and housing with the need for tree preservation. He said he understands the need for placement of the tree canopy. He said when vegetation is sizeable, it also presents threats to structures. He said that that this is not a comprehensive ordinance. He said it is one area that is open to regulation.

President Morell said that the crux of all our ordinances is whether it can be enforced.

Bob Paine, 15 West Street, Chair of the Energy and Environment Committee said he saw that a definition of pruning was added. He said there was a fee for removal of various sizes of trees and he wanted to know if that part was changed. He said that clear-cutting should identify the number of trees that are being cut.

Alicia Hunt, Director of Planning, Development, and Sustainability said she wanted to make sure that there is no gap between regulation by the Building Commissioner and anything that might require site plan review. She said that the language should be sent to the CD Board for review. She said she wanted to make sure that we're not missing anything. She said it is not illegal for someone to clear a large parcel before they build on it.

President Morell said that this is a good point because the clear-cutting of a lot on Winthrop Street, where nothing has been built yet, led to the drafting of this paper in 2019.

Amanda Bowen, 57 Madison Street, said she is not clear whether we are talking about whether there is any provision anywhere for trees that are not involved in construction projects. She said she hopes we will include provisions for trees not involved in construction projects. She also asked about penalties if people ignore the process.

Commissioner Forte said that any violation of the zoning ordinance would have fines. He said that there should be a mitigation fee and it should be clear. He said that the fee structure or fine structure would follow the structure of the zoning ordinance.

Councillor Collins said that this is complicated. She said she wanted to make sure we are catching all the complexities.

Vice President Bears asked about clearing with a permit versus clearing without a permit. Commissioner Forte said that there should be language in the preamble that says "No tree shall be removed unless..." and that this should be made clear in the first paragraph. He said a stop-work order should be issued immediately if there are suspected violations. He said that the Tree Committee can negotiate with builders or developers.

Lauretta James said that an occupancy permit should not be issued until everything is mitigated.

Councillor Tseng said most of the ordinance looks pretty solid. He asked if we might be able to recruit the talent we are asking for in the ordinance.

Director Hunt said if we ask a certified arborist to go out and look at trees, there is an expectation that the arborist would be paid. She said she is reading the draft that a resident could hire a certified arborist. She said that the reason for compensation is fair and equitable treatment of people.

President Morell said it might make sense to have the Tree Warden as an ex officio member of the Tree Committee.

Director Hunt said that this might be a compensation issue but that it might make sense to have the Tree Warden ex officio on the committee.

President Morell said that the ordinance is not written in any way that usurps the authority of the Tree Warden.

Councillor Collins said she agrees that we should be compensating our boards and commissions. She said she knows that the tree canopy is not equally distributed in Medford.

Director Hunt said she would advocate striking the line that says that members of the Tree Committee would serve without compensation.

Councillor Tseng moved to strike the line that says Medford Tree Committee Members shall serve without compensation (Councillor Collins second)—approved on a roll call vote of four in favor (Vice President Bears, Councillor Collins, Councillor Tseng, and President Morell), zero opposed, and Councillors Caraviello, Knight, and Scarpelli absent.

Councillor Collins moved to update the language that says, consideration shall be given that at least one member of the committee shall be a Massachusetts-certified arborist, or international-certified arborist or similar certification to the extent that appropriate candidates are available and willing to serve; she further moved to include language that Medford residency is not required to fulfill this expertise (Vice President Bears second)—approved on a roll call vote of four in favor (Vice President Bears, Councillor Collins, Councillor Tseng, and President Morell), zero opposed, and Councillors Caraviello, Knight, and Scarpelli absent.

President Morell said that other provisions of the ordinance might be too vague.

Vice President Bears said that if the Tree Committee is going to be approving mitigation plans, he said he would like the Mayor's appointees to be confirmed by the Council, especially if there is any sort of real authority to decide. He said that the CD Board might be a better body for determination of some of these.

Vice President Bears moved to add the words "subject to confirmation by a majority vote of the City Council after the word 'Mayor'" in the first clause of 2a (Councillor Collins second)--approved on a roll call vote of four in favor (Vice President Bears, Councillor Collins, Councillor Tseng, and President Morell), zero opposed, and Councillors Caraviello, Knight, and Scarpelli absent.

Vice President Bears suggested reviews of some of the processes in the draft ordinance. President Morell suggested referring out specific questions to the tree warden.

Vice President Bears moved to refer the draft ordinance of the Tree Committee and the private trees draft ordinance to Planning, Development, and Sustainability for comment, as well as to the Energy and Environment Committee, and to request comments from Trees Medford, and that the ordinances be loaded to the Google Drive (Councillor Collins second)-- approved on a roll call vote of four in favor (Vice President Bears, Councillor Collins, Councillor Tseng, and President Morell), zero opposed, and Councillors Caraviello, Knight, and Scarpelli absent.

Vice President Bears moved to adjourn at 7:30 p.m. (Councillor Collins second)-- approved on a roll call vote of four in favor (Vice President Bears, Councillor Collins, Councillor Tseng, and President Morell), zero opposed, and Councillors Caraviello, Knight, and Scarpelli absent.

President Morell adjourned the meeting at 7:30 p.m.

**19-070**  
**COMMITTEE OF THE WHOLE**  
**MEETING REPORT**  
**WEDNESDAY, MARCH 8, 2023 @ 6:30 P.M.**

Join Zoom Meeting  
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Attendees: Council President Nicole Morell; Council Vice President Isaac “Zac” Bears; Councillor Richard Caraviello; Councillor Kit Collins; Councillor George Scarpelli; Councillor Justin Tseng; City Clerk Adam Hurtubise; DPW Commissioner Tim McGivern; Tree Warden Aggie Tuden; Alicia Hunt, Director of Planning, Development, and Sustainability; Building Commissioner Bill Forte; other attendees as noted in the body of this report.

President Morell called the meeting to order on Wednesday, March 8, 2023, at 6:44 p.m. in the Medford City Council Chamber on the second floor of Medford City Hall, and via Zoom. The purpose of the meeting was to discuss the proposed Tree Ordinance (Paper **19-070**). The start of the meeting was delayed by a Subcommittee meeting immediately beforehand, and by technical difficulties.

President Morell thanked participants for attending. She updated the Committee on progress to date. Previously, the Council had considered separating the ordinance into multiple ordinances and those drafts arrived this week. This is an ordinance that provides pathways to multiple solutions. She said we are trying to get people not to take down trees. She said it will be helpful to hear from the invited department heads. She said MGL is fairly explicit in the protection of public shade trees. She said she looked at ordinances in neighboring communities.



Councillor Collins said a lot of constituent groups and people across City Hall have put a lot of work into this. She said she wanted to use this ordinance to make sure we are not losing trees. She said this is a great start here. She said she is hoping to see other strategies.

Vice President Bears asked for a procedural overview. President Morell spoke about public trees first.

Councillor Scarpelli arrived at 6:52 p.m.

President Morell said establishing the tree fund is perhaps the most important aspect. She suggested some strike and replace amendments in the body of the document. She suggested adjusting the Tree Warden definition.

Vice President Bears said many of these comments needed review.

Commissioner McGivern said he has had a chance to review the documents. He said one ordinance was broken into three ordinances. He said the ordinance mirrors Chapter 87.

Vice President Bears asked, in terms of the tree fund, whether we want to include a section on what the tree fund is. President Morell said it is a bit of a circular definition. She asked if a time limit for stump removal is reasonable to include. Commissioner McGivern said there are times when the City may remove trees but the stumps may remain behind and lag for longer than 30 days.

President Morell asked if there are times when private companies remove trees and the stump remains, and whether that becomes a problem. Commissioner McGivern said he would look into that. Commissioner McGivern said that if a private entity gets permission to take down a tree, the stump would be included in that. He said he sees no harm in defining this.

Vice President Bears asked about whether regulations can be issued to supplement the ordinance. Commissioner McGivern said the regulations could help with that.

President Morell asked if there are rules about when the Tree Warden can remove a tree. Commissioner McGivern said Chapter 87 governs. Vice President Bears said that this could be the key to the ordinance.

Vice President Bears suggested creating a separate tree fund section. Vice President Bears said 86-94 and 86-95 need to be updated.

President Morell asked about any requirements when a utility needs to have a tree pruned for utility work. Commissioner McGivern said a special certification is required for arborists doing this work. They have to notify the City.

Patrick Harris said that private entities taking down trees may have trouble complying with the 30 days required for stump removal. President Morell said that the proposed amendment would say that stump removal is part of the permit. Mr. Harris said private homeowners need to get City permission for removal of a City tree.

Mr. Harris said that the planting of trees is also a safety issue. He said that the planters don't follow DigSafe.

Kim Deandre, 54 Canal Street, said she supports removal of stumps. She said she knows the City is behind on this.

Sarah Gerould, Burbank Road, said she would like to take a look at changes made to the ordinance and would like to review the changes that were made. She said she is in the process of applying for funding from the State for various planting programs. She said she would support a forestry management plan. She said she supports removals of stumps in a timely way. She said we need some accountability from the City on this issue.

Elizabeth Dowey, 69 Sharon Street, said she sees trees that are butchered. She said if a tree is not pruned correctly, that shortens the lifespan of the tree. She said it is expensive for arborists to come in, but their work can prolong the life of a tree.

Ryan Andrews, 50 Hicks Avenue, said he would be happy to volunteer to go over some basic pruning activities.

President Morell said she believed Waltham had a tree ordinance. Commissioner Forte, who came to Medford from that community, said he hadn't had a chance to make comments on the divided ordinance. He said that this should definitely be separated between private property and public property. He said he's the Conservation Commission Chair in his town. He said he has also mitigated code enforcement arguments between neighbors. He said that the rhetoric is usually, "Don't get involved." He said that in dealing with this problem, he has an idea of how the ordinance should be written. He said this can be regulated at a residential construction level. He said he

believes we can regulate tree removal almost by zoning chart. He said there would be a tree mitigation chart. That would get routed to the Tree Warden for approval. He said existing homeowners should be given certain exemptions, such as when a tree has become menacing. He said he doesn't know if we should require homeowners to mitigate trees. He said cutting trees without a permit could lead to fines. He said we could handle it from a zoning and code enforcement standpoint as long as it's not on a public way. He said he doesn't see any harm in having some exemptions for undeveloped lots. He said he would like to rework the ordinance because enforcement should always come from the Building Commissioner or his designee. He suggested redlining the draft ordinance.

Vice President Bears asked if these changes should be general ordinances or zoning ordinances. Commissioner Forte said that these should all be zoning ordinances. He said tree mitigation requests can usually be reasonable.

Councillor Collins said she is curious about what we can do with a tree mitigation schedule. Commissioner Forte said he would want to consult the tree warden on all of this, and also potentially the Conservation Commissioner. He said there is a tough balancing act for removing trees on private property. He said there is a reasonable assumption that a builder is not going to take down a tree that is not threatening the builder's investment.

Councillor Collins said she agreed with the exemptions Commissioner Forte mentioned. She asked about a permit and review process. She asked for the purpose of the permitting and review process. Commissioner Forte said the intent of the review from the tree warden is different from what DPW would review. The tree warden would have the expertise to identify species, size, and other issues. He said his staff doesn't have the expertise. He said he does not have an arborist.

Vice President Bears said he would like to see some sort of structure for the table. Commissioner Forte said ideally we would replace everything we take down. He said if the Council has a desire to change something, it would be on that topic.

President Morell said an educational effort would also be helpful in these situations. Commissioner Forte said trees help with wetlands mitigation. He said that the best education he can give is not to do any tree work without a permit. He said he could launch a campaign with Steve Smirti.

Councillor Scarpelli said he appreciated the discussion. He said we need to examine the liability factors. He said he appreciates the different outlooks. He said that this is a slippery slope moving forward.

Vice President Bears asked if Commissioner Forte considers Councillor Scarpelli's points to be part of a policy discussion. Commissioner Forte said that it is not going to be as subjective as it is administrative.

Ms. Dowey said that comments like, "It's my property and I can do what I want" don't take into account that the tree canopy protects the climate.

Councillor Scarpelli said he understands this but he is getting these questions from his constituents.

Ms. Gerould said Trees Medford is very committed to improving the tree canopy in Medford. She said that this might put a bigger burden on the City for replacing trees. She said we can't afford to wait any longer.

Commissioner McGivern said that in order for the City to tell a private landowner that the landowner could not cut down a tree, that might be contrary to state law. A conservation commission can ask for municipal regulations. Protecting things in nature because they are part of the public good is generally in the public interest. He said Commissioner Forte's tree chart is a good idea.

Director Hunt said that the climate plan discusses the importance of trees. She said trees clean the air and that impacts all of us. She said that the trees are really important for clean air. She said sometimes trees die of old age.

Mr. Harris asked for the time frame on the paperwork for removing a tree. President Morell said that this remains to be seen. Mr. Harris said the tree canopy in the 1930s was much less than it is now. He said residents do plant new trees.

President Morell said the main concern about the tree committee ordinance is the power being granted to the tree committee. She said that the recommendation is for it to serve in an advisory capacity. Legal review also raised this point and President Morell highlighted communications from Attorney Stein that highlighted these concerns.

Director Hunt said it sounds like the committee is a watchdog. She said there could come a time when a committee member ignores Chapter 87.

Councillor Collins said that when she reads it again, the language seems less problematic. She said she wants to make sure we're not going too far. President Morell said that clarification and explicit intention would be helpful.

Vice President Bears said that it looked like the tree committee would just be focused on public trees. He said he sees value in certain tasks of the committee.

Councillor Tseng said most people seem to concur on the advisory oversight role. He said that this is a question for department heads. He said he would trust the members of the committee and that empowering that would be a good idea.

Commissioner McGivern said he wants to make sure we're not creating conflicting duties. He said some of these duties might be held by the tree warden. He said adding another entity into the mix might impact the relationship between the tree warden and the tree committee. He said he would prefer to make the committee's role as clear as possible.

Director Hunt said a lot of this language came to the City from Trees Medford. She said she doesn't want this committee to replace Trees Medford because there needs to be a level of advocacy involved. She said community groups have no obligation to follow the Open Meeting Law.

Warden Tuden said she is glad to be a part of this effort.

Vice President Bears moved to include language saying that the Tree Warden shall promulgate regulations about stump removal by private entities (Councillor Collins second)--

Vice President Bears moved that subsections b—g of section 86-93 should be combined and updated to reflect that those processes and practices follow Chapter 87 (Councillor Collins second)—

Vice President Bears moved to create a separate section of this ordinance to establish a tree fund (Councillor Tseng second)—

Vice President Bears moved to request that the Building Commissioner provide a redlined copy or draft of the private tree ordinance (Councillor Tseng second)—

Vice President Bears moved to request comments from the DPW Commissioner and the Tree Warden on the tree committee ordinance (Councillor Tseng second)--

Councillor moved to join the motions (Vice President Bears second)—motions joined on a roll call vote of six in favor, zero opposed, and Councillor Knight absent.

Councillor Tseng moved for approval on the joined motions, and further moved to adjourn at 8:31 p.m. (Vice President Bears second)—approved on a roll call vote of six in favor, zero opposed, and Councillor Knight absent.

President Morell adjourned the meeting at 8:31 p.m.

## Public Tree Preservation, Protection, and Replacement Ordinance

Chapter 86, Article III, of the City of Medford Ordinances is hereby amended as follows:

Section 86-91 hereby deleted in its entirety and the following new sections are hereby adopted:

### Sec. 86-91 - Intent and Purpose

This ordinance is enacted for the purpose of preserving and protecting both Public Shade Trees and trees otherwise located on public property as set forth herein.

A mature tree canopy maintains the natural beauty of Medford for all to enjoy today and in future generations, and protects the community in critically important ways. It reduces energy consumption and ambient summertime temperatures, air pollution, flooding, and soil erosion. It provides privacy, absorbs noise and boosts mental health. It supports wildlife and increases resilience to climate change. Protecting the City's tree canopy is thus an essential community function and public purpose. This protection requires the City to manage its urban forest.

To achieve this purpose, this ordinance outlines the procedures that the Tree Warden will use to regulate the removal and replacement of trees in certain circumstances. This ordinance also establishes a Tree Fund to supplement the City budget for public tree maintenance, tree planting, stump removal, and tree-planting site-preparation as well as a fund for City residents to petition to fund private tree maintenance.

**Commented [TM1]:** There are very real impacts to DPW contained in this proposed ordinance. I do not believe it could be implemented successfully with existing DPW resources and structure. I recommend that the ordinance be evaluated against current human and monetary resources and include an assessment of projected FTE's required for a successful implementation of this Ordinance. My gut tells me somewhere between 2 and 3 FTEs. That information can be used to initiate a strategy to arrive at the required support to make the implementation of this successful. Its not there yet.

**Commented [RS2]:** The tree fund(s) will need to be revisited after consultation with the City's finance department and we have a better sense of what monies are coming in and out. Also, the City may not be able to use public funds for private trees absent a public purpose.

Ultimately, the tree fund(s) may be addressed through this ordinance but it also may be addressed elsewhere, for example, an amendment to the City's existing revolving account ordinance.

## Sec. 86-92 - Definitions

**Caliper:** Diameter of a tree trunk (in inches) measured six inches above the ground for trees up to and including four-inch diameter, and 12 inches above the ground for larger trees.

**Certified Arborist:** A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).

~~**Code Enforcement Officer:** Building Department employee whose duties are defined in Section 5.~~

**Community Forestry Management Plan:** Plan to identify the City's goals and priorities for managing its public trees; to describe the current status of the City's urban forest resources and its management program; and to document the methods, resources, and personnel that will be used to achieve these goals over the next five years.

~~**Construction Permit:** Permit issued by the Building Department allowing construction projects to begin.~~

**Construction:** Any activity which affects trees, tree root zones, or is within the drip line and that requires a building permit or permit, including driveways, solar installation where trees are removed, site work on foundations, underground utilities, excavation, grading, and paving construction or alteration of a structure or structures where the drip zone of a tree would be affected. Work that is entirely interior is excluded.

**Demolition:** Any act of pulling down, destroying, removing or razing a building or altering or disturbing the landscape, removing trees, soils or supporting vegetation or commencing the work with the intent of completion.

**DBH ("Diameter at Breast Height"):** The diameter (in inches) of the trunk of a tree (or, for multiple trunk trees, the aggregate diameters of the multiple trunks) in the same plot of land measured 4 1/2 feet from the existing grade at the base of the tree.

**Drip Line:** A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

**Hazardous Trees:** Trees that have been deemed by the Tree Warden to be dead, injured, unduly and unusually dangerous, where the hazard cannot be eliminated by pruning; likely to cause disease or infestation in other trees, in imminent danger of falling, dangerously close to existing structures, causing disruption of public utility service, causing drainage or passage problems upon rights-of-way that cannot be remediated by other means, or poses an unavoidable threat to pedestrian or vehicular safety that cannot be eliminated by pruning.

**Commented [RS3]:** This section, in particular, will need to be reviewed, clarified and revised after consideration of the general comments contained herein.

Additionally, where terms are defined herein, I recommend they be used consistently throughout.

You may want to define Public Shade Tree using the definition found in c. 87.

I have also suggested some deletions/amendments that seem likely.



**Landscape Design Plan** - A written description and scale drawing of the future site that includes the locations of plantings, structures, hardscape, greenscape, topography, and indicating future canopy.

**Medford Tree Committee:** The Committee established ~~by Section 6 of this ordinance~~ to promote the planting and protection of trees in Medford.

**Person:** Any Medford resident, property owner, person, firm, partnership, association, corporation, company or organization of any kind including public or private utility and municipal department.

**Protected Tree:** ~~All Any tree on private property with a Diameter at Breast Height (DBH) of six (6) inches or greater, and all p~~Public trees as defined in this section.

**Public Tree:** All trees within a public way, ~~private way~~, public park or its boundaries, or leased land being used as a public facility are Public Trees. When the tree's ownership or rights are material to the issue, and the boundaries of the public way cannot be ascertained by records or monuments, the Tree Warden shall determine if the tree in question is a public tree. Any tree within the public right-of-way except for state highways that, as determined by the Tree Warden, has any portion of the stem between six inches and 4 1/2 feet above grade actively growing into the public right-of-way. (See ~~G.L.c.87 s.1Ch 87 Sec 4-~~)

**Replacement Trees:** ~~Trees planted or relocated by or on behalf of the property owner to mitigate approved tree removal.~~

**Significant Tree:** Any ~~Protected T~~tree which is seventy-five (75) years or older as determined by an arborist, or 30" or more in DBH. ~~All significant trees are protected trees.~~

**Tree Protection and Mitigation Plan:** ~~A plan submitted to the Code Enforcement Officer for approval prior to the commencement of demolition and/or construction on a property on which a Protected Tree is located.~~

**Tree Removal:** Removal or destruction by ~~saws, or other~~ mechanical, chemical or physical means of a living tree, or any act (a) that has caused a significant or protected tree to die within the previous 12 months or (b) is likely to cause significant decline or death within a three-year period.

**Tree Removal Permit:** Permit issued by the ~~City Tree Warden~~ for removal of trees based on appropriate application process.

**Tree Removal Permit Applicant:** The person or entity that is seeking to remove a protected tree or trees.

**Tree Removal Permit Application:** Process and forms to be used by those seeking to remove a protected tree.

**Tree Fund:** An account established pursuant to this ordinance for the deposit of contributions in lieu of tree replanting.

**Commented [RS4]:** See my prior note about this.

**Tree Save Zone:** The area surrounding all Protected Trees to the drip line, sufficiently large to ensure the health of the Protected Tree(s), including their trunks, crowns, and root systems.

**Tree Warden:** As defined in G.L. c. 87 s. 2 and Medford Rev. Ords. 1974, ch. 26, § 2 with the legal authority to act pursuant to G.L. c. 87 et seq., ~~the Tree Warden is the City employee responsible for the management of the City's public trees. The duties of the tree warden are further defined in Section 4.~~

**Commented [RS5]:** If you want to make changes to or add anything regarding the Tree Warden, I recommend you revise the existing section.

**Urban Forest:** All of the Protected Trees in the city and the lands that support those trees.

## Sec. 86-93 - Tree Removal Permit – Jurisdiction, Process and Applicability

- A. A Public Tree may not be trimmed, pruned, or removed by any person other than the Tree Warden or their designee until and unless the Tree Warden issues a written permit after a public hearing consistent with G.L. 87, §§3-5. Removal of a Public Tree must include stump removal within 30 days of tree removal.

**Commented [TM6]:** Is 30 days an existing rule? There may be times where we are not able to remove the stump within 30 days, so does that mean we wait on the tree removal? No, because it is usually a safety hazard. This will need to be fixed.

- ~~B. The requirements of this Section shall not apply to trees designated by the Tree Warden as:~~
- ~~1. In need of emergency actions necessary for public safety, health and welfare;~~
  - ~~2. Trees severely damaged as the direct result of a natural disaster;~~
  - ~~3. Trees that are hazardous;~~
  - ~~4. Trees currently infected by a disease or insect infestation of a permanent nature and that cannot be mitigated by pruning.~~

### B. Application and Hearing Process

### C. Approval Criteria

### D. Protection of Significant Trees

- E. Mitigation/Tree Replacement - Replacement of trees should be made with native trees and within the year whenever possible. The city will maintain an updated inventory of all public trees, removals and stumps. The Community Forestry Master Plan will indicate priorities for the planting of trees throughout the city to promote an equitable and adequate urban tree canopy.

### F. Prohibited Activities

### G. Emergencies

Sec. 86-94 - Enforcement and Penalties

Sec. 86-95 – Severability

## MEDFORD TREE COMMITTEE ORDINANCE

Chapter 2, Article III of the Medford City Ordinances is hereby amended as follows to insert a new Division 17, creating the Medford Tree Committee:

**Commented [RS1]:** You may want to review some of the divisions that relate to other City Committees and determine if anything should be added or changed here.

1. **Purpose:** The Medford Tree Committee will promote a diverse, healthy and sustainable urban forest that will provide for the health, general welfare and quality of life of Medford's citizens, and the beauty and quality of its environment.
2. **Appointments:**
  - a. The Medford Tree Committee members shall serve without compensation. The Committee shall consist of five Medford residents; one appointment made by City Council and all additional appointments made by the Mayor. At least one member of the committee will hold a license as MA Certified Arborist or International Certified Arborist, or similar certification).
  - b. On formation of the Medford Tree Committee, two members shall be appointed for a term of three years, two members shall be appointed for a term of two years, and one member shall be appointed for a term of one year. Thereafter, each member shall be appointed for a term of three years. Each term shall expire at the end of the appropriate fiscal year, provided however, that members of the Medford Tree Committee shall continue to serve, beyond the expiration of their term, until a replacement is appointed.
3. **Duties:** The Medford Tree Committee will serve in an advisory capacity to the City on all matters concerning public trees. The duties may include but not be limited to:
  - a. Working with the Tree Warden on Public Tree Hearings, including documentation of tree hearings.
  - b. Ensure the City adheres to provisions of M.G. L. 87 and Chapter 40-15C, governing shade trees on public ways and scenic roads, as well as applicable City ordinances.
  - c. The committee's work will include considerations of management of the urban forest and environment as a whole or in particular neighborhoods or watersheds, such as the perceived pace of tree removals in particular neighborhoods, considerations of area flooding or increased flood risk caused by tree cutting in particular locations, exacerbation of the heat island effect in areas with poor canopy coverage, and erosion and sedimentation risk in steep terrains.

**Commented [RS2]:** This may not be practically possible and you may want to make it a preference as opposed to a requirements.

**Commented [RS3]:** This section will likely require review, revisions and clarification once the amendments to Chapter 86 of the City Ordinances are finalized.

I recommend revising it generally to have the Committee serve in a more advisory capacity as to public shade trees as the Committee cannot usurp the statutory authority of the Tree Warden under c. 87 and you may not want to vest enforcement authority in a volunteer committee. Also the scope of this may cross into the jurisdiction of other City Boards, Committees, Officials etc.

I have highlighted particular paragraphs that may need review.

- d. Working with Tree Warden and local groups to develop and recommend a Community Forestry Management Plan for adoption by the City Council.
- e. Working with the Tree Warden on an annual report of tree -planting, -removal, and -maintenance activity.
- f. Promoting the creation of manuals or guidance for planting, maintaining and removing trees from streets, parks and private land.
- g. Promoting equity of tree planting across the city including in neighborhoods identified as needing more trees.
- h. Engaging in projects and activities that promote sustainable forestry and the long-term health of public trees in the City, including programs and community events.
- i. Providing liaison and recommendations on tree-related matters to the City Council and all other city boards and commissions and to community organizations.
- j. Working with outside groups and the DPW to develop, maintain, and use an inventory of existing public trees and forests, including historic and notable trees, in order to improve understanding, management, and protection of tree resources.
- k. Reviewing vegetation management plans from utilities to promote appropriate pruning of public trees.
- l. Promoting knowledge and awareness of the benefits of trees and their impact on the quality of life.
- m. Serving as catalyst for community education and outreach related to trees and forests.
- n. Serving as a means of publicizing and making available city information on trees.
- o. Evaluating costs of mitigation and penalties by setting annual increases to keep pace with the actual market costs of mitigation as outlined in this ordinance.
- p. Evaluating intended placement of replacement trees.
- q. ~~Enforcement of this ordinance.~~

## Private Tree Protection and Preservation Ordinance

### I. Intent and Purpose

This ordinance is enacted for the purpose of preserving certain trees on private property in the City of Medford. A mature tree canopy maintains the natural beauty of Medford for all to enjoy today and in future generations and protects the community in critically important ways. It reduces energy consumption and ambient summertime temperatures, air pollution, flooding, and soil erosion. It provides privacy, absorbs noise and boosts mental health. It supports wildlife and increases resilience to climate change. Protecting the City's tree canopy is thus an essential community function. This protection requires the City to manage its urban forest.

### II. Definitions

**Caliper:** Diameter of a tree trunk (in inches) measured six inches above the ground for trees up to and including four-inch diameter, and 12 inches above the ground for larger trees.

**Certified Arborist:** A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).

**Code Enforcement Officer:** Building Department employee whose duties are defined in Section 5.

**Community Forestry Management Plan:** Plan to identify the City's goals and priorities for managing its public trees; to describe the current status of the City's urban forest resources and its management program; and to document the methods, resources, and personnel that will be used to achieve these goals over the next five years.

**Construction Permit:** Permit issued by the Building Department allowing construction projects to begin.

**Construction:** Any activity which affects trees, tree root zones, or is within the drip line and that requires a building permit or permit, including driveways, solar installation where trees are removed, site work on foundations, underground utilities, excavation, grading, and paving construction or alteration of a structure or structures where the drip zone of a tree would be affected. Work that is entirely interior is excluded.

**Demolition:** Any act of pulling down, destroying, removing or razing a building or altering ~~or disturbing~~ the landscape, removing trees, soils or supporting vegetation or commencing the work with the intent of completion.

**Commented [RS1]:** In my opinion, this might be subject to challenge as a taking. The City will need to have a legitimate public purpose for regulating trees on private property. I do not know that a Court will say that maintaining a mature tree canopy is a sufficient public purpose. How successful the City may be in defending this ordinance against a challenge, if any, will also depend on how and to what extent the City ultimately decides to regulate private trees.

**Commented [RS2]:** This will need a final review once all necessary policy decisions have been made. There are likely terms that will need to change and which do not need to be included. I have noted some terms which it appears can be deleted.

**DBH ("Diameter at Breast Height"):** The diameter (in inches) of the trunk of a tree (or, for multiple trunk trees, the aggregate diameters of the multiple trunks) in the same plot of land measured 4 1/2 feet from the existing grade at the base of the tree.

**Drip Line:** A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

**Hazardous Trees:** Trees that have been deemed by the Tree Warden to be dead, injured, unduly and unusually dangerous, where the hazard cannot be eliminated by pruning; likely to cause disease or infestation in other trees, in imminent danger of falling, dangerously close to existing structures, causing disruption of public utility service, causing drainage or passage problems upon rights-of-way that cannot be remediated by other means, or poses an unavoidable threat to pedestrian or vehicular safety that cannot be eliminated by pruning.

~~**Landscape Design Plan** – A written description and scale drawing of the future site that includes the locations of plantings, structures, hardscape, greenscape, topography, and indicating future canopy.~~

**Medford Tree Committee:** The Committee established by Section 6 of this ordinance to promote the planting and protection of trees in Medford.

**Person:** Any ~~Medford resident~~individual, ~~property owner~~, ~~person~~, firm, partnership, association, corporation, company or organization of any kind including public or private utility and municipal department.

**Protected Tree:** Any tree on private property with a Diameter at Breast Height (DBH) of six (6) inches or greater, ~~and all p~~Public trees as defined in this section.

~~**Public Tree:** All trees within a public way, private way, public park or its boundaries, or leased land being used as a public facility are Public Trees. When the tree's ownership or rights are material to the issue, and the boundaries of the public way cannot be ascertained by records or monuments, the Tree Warden shall determine if the tree in question is a public tree. Any tree within the public right-of-way except for state highways that, as determined by the Tree Warden, has any portion of the stem between six inches and 4 1/2 feet above grade actively growing into the public right-of-way. (See G.L.c.87 s.1Ch 87 Sec 1.)~~

**Replacement Trees:** Trees planted or relocated by or on behalf of the property owner to mitigate approved tree removal.

**Significant Tree:** Any tree which is seventy-five (75) years or older as determined by an arborist, or 30" or more in DBH. All significant trees are ~~P~~protected ~~T~~trees.

**Tree Protection and Mitigation Plan:** A plan submitted to the Code Enforcement Officer for approval prior to the commencement of demolition and/or construction on a property on which a Protected Tree is located, and where the demolition and/or construction is anticipated to impact a Protected Tree.

**Tree Removal:** Removal or destruction by saws, or other mechanical, chemical or physical means of a living tree, or any act (a) that has caused a significant or protected tree to die within the previous 12 months or (b) is likely to cause significant decline or death within a three-year period.

**Tree Removal Permit:** Permit issued by the City for removal of trees based on appropriate application process.

**Tree Removal Permit Applicant:** The person or entity that is seeking to remove a protected tree or trees.

**Tree Removal Permit Application:** Process and forms to be used by those seeking to remove a protected tree.

**Tree Fund:** An account established pursuant to this ordinance for the deposit of contributions in lieu of tree replanting.

**Tree Save Zone:** The area surrounding all Protected Trees to the drip line, sufficiently large to ensure the health of the Protected Tree(s), including their trunks, crowns, and root systems.

**Tree Warden:** As defined in G.L. c.87 s.2 and Medford Rev. Ords. 1974, ch. 26, § 2, -the Tree Warden is the City employee responsible for the management of the City's public trees. The duties of the tree warden are further defined in Section 4.

**Urban Forest:** All of the trees in the city and the lands that support those trees.

### III. **Applicability**

The requirements of this ordinance and any rules and regulations promulgated hereunder shall apply in the following circumstances.

#### A.

The requirements of this ordinance shall not apply to public shade trees regulated by G.L. c. 87, to trees otherwise located on public property or to trees designated by the Tree Warden, or his designee as follows:

**Commented [RS3]:** For this section, I recommend including the types of projects, work etc. that will require written approval to remove a tree as well as any specific exceptions, for example, safety or a diseased tree.

**Commented [RS4]:** You may want to consider specifying a City official, board, committee, commission, council that is authorized to enact rules and regulations hereunder.



A.

**IV. Procedures and Requirements**

- A. No Person may \_\_\_\_\_ unless and until the \_\_\_\_\_ issues a written Tree Removal Permit pursuant to this ordinance.
- B. Any person who wishes to obtain a Tree Removal Permit shall submit a written application to the \_\_\_\_\_ and provide, upon request, such information as the \_\_\_\_\_ may require. In approving such an application, the \_\_\_\_\_ may specify any reasonable conditions as deemed appropriate by the \_\_\_\_\_.
- C. In evaluating any application under this ordinance, the \_\_\_\_\_ shall consider the following criteria:
- D. Mitigation-
- E. Emergencies -
- F. Appeal

**V. Enforcement**

- A. Any person who violates this ordinance shall be subject to a fine of \$300 for each separate offense, which fine shall be paid into the City's \_\_\_\_\_ Fund. Each day or portion thereof during which a violation continues shall constitute a separate offense.; if more than one, eEeach tree affected shall constitute a separate offense.
- B. **Significant Trees:** The removal of Significant Trees shall require additional penalties.
1. All penalty/violation fees shall be paid into the Tree Fund.
  2. Each day during which any violation of the provisions of this ordinance shall occur or continue shall be a separate offense.
  3. Failure to make payment of any fines may result in the revocation, suspension, or denial of any local license or permit, including renewals and transfers.
  4. The daily penalty will be \$250 for every inch (1") of DBH improperly removed. (Example: 15" DBH tree = \$250 x 15"= \$3,750 /day until remediation is approved and acted upon).
- C. Enforcement shall be by the Tree Warden or a member of the Forestry Department, Building Department or Engineering Department, and all others involved in approving permits or work within this bylaw/ordinance, including the police.

**Commented [RS5]:** In this section, you will need to determine, for example, what activities require approval, who issues that approval, any hearing/notice/ process requirements, if there will be any filing fee for the approval and if there will be any type of mitigation required when a tree is removed.

You may also want to consider if there will be a right of appeal, to whom an appeal is directed and, if so, who can appeal.

**Commented [RS6]:** This is the maximum allowed to be recovered under G.L. c. 40, §21D

**Commented [RS7]:** I note that the City has accepted G.L. c. 40, §57, it is unclear of a fine issued not under G.L. c. 40, §21D is covered thereby. Not familiar enough with City ordinances to define support for this.

**Commented [RS8]:** I recommend enforcement be only by the municipal officer (including any designee) that issues the permit.

- D. **Stop Work Order:** Upon notice that trees are being removed without a Tree Removal Permit, such work shall be immediately stopped by the Tree Warden or a member of the Forestry Department, Building Department or Engineering Department or another designee. The stop work order shall be in writing and shall be mailed to the owner of record of the property and posted at the front of the property in a conspicuous location, and if possible, given to the owner of the lot involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work will be permitted to resume.
- E. **Suspension or Revocation:** A Tree Removal Permit may be suspended or revoked at any time by the Tree Warden or Code Enforcement Officer upon written notice to the permit holder that the permit holder has failed to comply with either this article or the conditions of the permit. The written notice shall be sent by certified or registered mail, return receipt requested, or by hand delivery and shall provide an opportunity for the permit holder to correct the noncompliance and apply for a renewal of the Tree Removal Permit upon compliance, where practicable. The suspension or revocation of a Tree Removal Permit in accordance with this subsection shall not affect the validity of a building permit issued in reliance upon the issuance (granting) of such Tree Removal Permit nor shall such suspension or revocation be cause for withholding the issuance of a certificate of occupancy.
- F. **Corrective Actions:** Corrective Actions may include, but will not be limited to, regrading, installation of additional erosion controls, replacement of vegetation, or other remedial actions. Code enforcers from the Buildings Department will oversee the correct reparations from the homeowner/developer.

**VI. Severability**

The provisions of this ordinance are severable. If any section, provision, or portion of this ordinance is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this ordinance shall continue to be valid.

**Commented [RS9]:** See my prior comment about who enforces

## Private Property Tree Protection and Preservation Ordinance

### I. Intent and Purpose

This section regulates the removal of trees on private property in the City of Medford. A mature tree canopy maintains the natural beauty of Medford for all to enjoy today and in future generations and protects the community in critically important ways. It reduces energy consumption and ambient summertime temperatures, air pollution, flooding, and soil erosion. It provides privacy, absorbs noise and boosts mental health. It supports wildlife and increases resilience to climate change. Protecting the City's tree canopy is thus an essential community function.

### II. Definitions

**Caliper:** Diameter of a tree trunk (in inches) measured 12 inches above the ground for trees up to and including ten-inch diameter, and 24 inches above the ground for larger trees.

**Certified Arborist:** A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).

**Code Enforcement Officer:** The Building Commissioner or their designee.

**Construction Permit:** A building permit issued by the Building Department allowing construction, demolition or renovation of buildings and structures on a parcel of land.

**Construction:** Any activity which affects trees, tree root zones, or is within the drip line and that requires a building permit or trench permit, including driveways, retaining walls, solar installation where trees are removed, site work on foundations, underground utilities, excavation, grading, and paving construction or alteration of a structure or structures where the drip zone of a tree would be affected. Any vegetation within 5 feet of a structure is excluded.

**Contractor:** An individual or firm who purchases a property to improve, renovate, expand or demolish a structure with the purpose of selling the property.

**Demolition:** Any act of pulling down, destroying, removing, or razing a building or altering or disturbing the landscape, removing trees, soils or supporting vegetation or commencing the work with the intent of completion.

**DBH ("Diameter at Breast Height"):** The diameter (in inches) of the trunk of a tree (or, for multiple trunk trees, the aggregate diameters of the multiple trunks) in the same plot of land measured 4 1/2 feet from the existing grade at the base of the tree.

**Drip Line:** A vertical line running through the outermost portion of the crown of a tree, **where the branches are 5 inches or greater**, and extending to the ground.

**Hazardous Trees:** Trees that have been deemed by the Tree Warden and/or a certified arborist to be dead, injured, unduly and unusually dangerous, where the hazard cannot be eliminated by pruning; likely to cause disease or infestation in other trees, in imminent danger of falling, dangerously close to existing structures, causing disruption of public utility service, causing drainage or passage problems upon rights-of-way that cannot be remediated by other means, or poses an unavoidable threat to pedestrian or vehicular safety that cannot be eliminated by pruning.

**Landscape Design Plan -** A written description and scale drawing of the future site that includes the locations of plantings, structures, hardscape, greenspace, topography, and indicating future canopy.

**Medford Tree Committee:** The Committee established by Section 6 of this ordinance to promote the planting and protection of trees in Medford.

**Person:** Any Medford resident, property owner, person, firm, partnership, association, corporation, company or organization of any kind including public or private utility and municipal department.

**Protected Tree:** Any tree on private property with a Diameter at Breast Height (DBH) of ten (10) inches or greater.

**Pruning:** The act of removing, trimming or lopping any portion of a tree up to a maximum of 50 percent of branches greater than 5 inches in diameter that is overgrown or poses a safety risk to persons or structures.

**Removal:** The act of removing a tree which includes removal of the stump by pulling from the earth or grinding it to a level below grade and made safe.

**Replacement Trees:** Trees planted or relocated by or on behalf of the resident owner or contractor to mitigate approved tree removal, **which are a minimum of a 3 inch caliper**.

**Resident owner:** The legal owner of a property subject to this section, who primarily resides at the property in which trees are disturbed for more than 6 months in a calendar year.

**Significant Tree:** Any tree which is seventy-five (75) years or older as determined by an arborist, or 30” or more in DBH. All significant trees are Protected Trees.

**Tree Protection, Replacement and Mitigation Plan:** A plan submitted to the **Building Commissioner or Designee** for approval prior to the commencement of demolition and/or construction on a property of which trees defined in this section are located.

**Tree Removal:** Removal or destruction by saws, or other mechanical means of a living tree, or any act (a) that has caused a significant or protected tree to die within the previous 12 months or (b) is likely to cause significant decline or death within a three-year period.

**Tree Removal Permit:** Permit issued by the **Building Department** for removal of trees based on appropriate application process **on privately owned property**.

**Tree Removal Permit Applicant:** The person or entity that is seeking to remove a protected tree or trees.

**Tree Removal Permit Application:** Process and forms to be used by those seeking to remove a protected tree.

**Tree Fund:** An account established for the deposit of contributions in lieu of tree replanting.

**Tree Save Zone:** The area surrounding all Protected Trees to the drip line, sufficiently large to ensure the health of the Protected Tree(s), including their trunks, crowns, and root systems.

**Tree Warden:** As defined in G.L. c.87 [s.2 and Medford Rev. Ords. 1974, ch. 26, § 2](#), -the Tree Warden is the City employee responsible for the management of the City’s public trees. The duties of the tree warden are further defined in Section 4.

**Undeveloped land:** A Parcel of land, or portion thereof, that has remained undisturbed from construction activity or maintenance for more than 15 years.

**Applicability.** The provisions of this section shall apply to the following activity on privately owned land;

- Removal of any tree with a caliper of 10 inches or greater at breast height for any reason.
- Construction, alteration and demolition of a structure, parcel, accessory building, retaining wall, fence or other structures where the removal of trees is necessary.
- Alteration of any portion of a lot or parcel for the purposes of expanding activity area or cleared open space for leisure outdoor space.
- Removal of any tree 10 inches or greater in diameter at breast height, or portion thereof.

**New Construction or alteration of a parcel or structure.**

The owner, contractor or owner's agent shall provide a site plan which includes the location and caliper of all trees on a parcel. Such plan, prepared by a civil engineer or landscape architect and shall show the caliper of all trees, which trees exist to remain and which trees to be replanted.

Mitigation and tree replacement shall be in accordance with the following schedule.

Removal of one tree 10 inches to 15 inches= 2 trees of 3 inch caliper.

Removal of one tree 15 inches to 30 inches= 3 trees of 3 inch caliper.

Removal of one tree 30 inches and above= 4 trees of 3 inch caliper.

Removal of multiple trees of any size or greater listed above are subject to a fee in accordance with the following schedule.

- The total clearing of a parcel of land up to 7,000 square feet= \$1,000.00 payment to the tree mitigation fund.
- The total clearing of a parcel containing 7,000 to 20,000 square feet= \$2,500 payment to the tree mitigation fund.
- More than 20,000 square feet of total lot clearing is subject to site plan review by the CDB in accordance with Chapter 94 Section 94-11.7

Resident owners must apply for a permit to remove trees from the property in which they reside for purposes of maintaining conditions near any structure. Protected trees as defined by this section are subject to review and approval from the Tree Warden. If in the opinion of the Tree Warden that the trees to be removed are significant, they shall refer the proposed tree cutting/removal to the Tree Preservation Committee.

**Tree Removal activity exempt from this section.**

- Trees that pose an imminent risk of falling branches, rotted trunk base, or other indicators of failure as determined by a Certified Arborist.
- Removal of any tree or portion thereof for purposes of gathering sunlight for Photovoltaic solar panel systems or arrays.
- Trees damaged by storms or other natural causes.

**Protected and significant trees.**

Trees that are aged 75 years or older (as determined by a certified arborist or the Tree Warden) shall be inventoried and preserved to the extent feasible, whether by Resident Owner or Contractor improving a property. If in the determination of the Tree Warden, a tree should be preserved, the Tree Warden shall refer the applicant to the Tree Committee for a public hearing.

The Tree Committee shall hold a public hearing within 30 days of receipt of application to determine the significance of the tree. Upon final decision, the Tree Committee shall provide the decision in writing to the Building Commissioner and the Tree Warden within 21 days of the closing and determination of the Tree Committee.

The Building Commissioner or their designee shall enforce the provisions of this section in accordance with 94-11.0. Determinations by the Building Commissioner or their designees are specific to by-right permits. Special permits and site plan review by the CD Board shall carry provisions of this section by order from the Zoning Board of Appeals, the Community Development Board and the City Council.