



**NEWTON
CONSERVATORS**

F A L L I S S U E

NEWSLETTER

Preserving open space and connecting people to nature since 1961

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Newton's Tree Preservation Ordinance

By Marc Welch, Deputy Commissioner/City Forester, Newton



PHOTO: KEN MALLORY

Bullough's Pond with overlying tree canopies

In 1999 the City of Newton became one of two communities (Lexington was the other) in Massachusetts to regulate the removal of trees on private property. Over the next 20 years, Newton's Tree Preservation Ordinance was occasionally updated to address loopholes and to make minor language corrections. Two years ago, the Tree Warden, the Mayor's Office, and the City Council embarked on a significant update to the tree ordinance. The City Council met publicly many times over two years, conducted two public comment meetings, and received substantial amounts of input. The result was a more comprehensive ordinance that was passed in December of 2023, and that took effect on March 1, 2024.

The Tree Preservation Ordinance was originally established to protect the tree canopy in Newton, and the current improved version does just that. The ordinance establishes a procedure that requires all property owners to apply for a permit prior to removal of any tree with a trunk diameter of six inches or larger at breast height (slightly above 4 feet) to ensure review by

the Tree Warden and compliance with the established standards for the replacement of trees and the protection of existing trees. A tree permit is also required any time construction takes place regardless of whether or not trees are involved.

The tree canopy of the City of Newton is a valuable resource critical for the well-being of the city residents, visitors, and businesses. Trees mitigate the effects of climate change, improve air quality, provide habitat for wildlife, and improve physical and mental health. Preserving tree canopy and planting replacement trees is key to enhancing the quality of life and the environment of the city. It protects public health against climate change impacts such as heat, drought, and flooding. The tree ordinance helps preserve the character of wooded and natural areas, contributes to reducing energy consumption, protects air quality, and baffles noise. Wildlife habitat is preserved and enhanced, and topsoil erosion is reduced. Additionally, the tree ordinance and the protection of trees safeguard property values and ensure that trees are part of the character of the city.

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Tree removal from private property in Newton

With the passage of the updated tree ordinance came new permitting requirements. There are currently three types of permit applications. The type applied for depends on the nature of the work, the tree or trees,

and the type of property. All applications are applied for through the city's online, consolidated permitting portal. The portal is used to apply for everything from tree permits, to building permits, to event permits, and many more. The permit portal can be accessed from the city's website. The link to tree permit applications can be accessed from the Tree Preservation Ordinance website. A link to this site is also at the bottom of this article.



Professional arborists use cranes to prune or remove trees in Newton

The most frequently applied for tree permit is for the removal of Exempt Trees. An Exempt Tree is a tree that is between six inches and thirty-nine inches in trunk diameter located on single- or two-family lots where no exterior work is planned for two years following the removal of the trees. The home must also be occupied. The majority of properties in the city are one- or two-family lots. During the work that was done to update the tree ordinance, it was important

to distinguish between trees being removed for construction purposes on one- and two-family lots and instances where a homeowner wanted to remove an average tree on their property for a reason other than construction, such as adding a bit more sun to their garden, to add a swing set or other routine reasons. This also includes the removal of invasive trees like Norway maples and trees of heaven. Additionally, if a property owner wishes to remove an invasive tree, regardless of trunk diameter or lot type, they can do so as long as the removal of the tree is to benefit other trees and other plants in the area, and they must have the permission of the Tree Warden.

People wishing to remove Exempt Trees can apply for a permit from the city. There is no cost to apply for this

permit, and there is no tree replacement requirement. The application asks a few simple questions and requires the person's contact information. Along with the filled-out form, the application must include a picture of the tree, a sketch of where it is on the lot, and a form completed by the company removing the tree. Filing for the Exempt Tree removal permit can be done by the property owner, tree company, or anyone else authorized by the homeowner.

There are two other Tree Permit types; one is for all construction-related work, and one is for tree removals



Arborists remove branches from a private property

on non-one and two-family lots or for the removal of very large trees on one- and two-family lots. These applications require more detailed information, have a filing fee of \$150, and require the applicant to

work with a certified arborist. Some of the most significant concepts and changes to the Tree Preservation Ordinance are connected with these applications.



The key concepts of the Tree Preservation Ordinance that ensure better tree protection and more thoughtful projects are:

Greater value was placed on larger trees. The larger the tree, the greater the number of replacement trees are required. The prior version of the tree ordinance required that for every trunk diameter inch that was removed, a diameter inch was to be replaced. Now, trees 25 to 39 inches in trunk diameter require 1.5 inches for each inch removed; trees 40 to 55 inches in trunk diameter must be 2 inches for each inch removed; and trees 56 inches in trunk diameter and larger require 3 inches replaced for each inch removed. Additionally, if an individual chooses to make a payment instead of replacing a tree on site, the ordinance requires that the payment also factors in the environmental impacts due to the loss of the tree.

All applicants for Tree Permits associated with construction must work with a certified arborist any time trees are



Tree removal in process.

present that may be impacted by the work. Often, individuals looking to do construction jump to the conclusion that trees must be removed and do not explore saving trees. This is typically

because they don't know how easy it can be to save trees or make small alterations to their plans that would result in a tree being saved. The ordinance requires that an arborist develop a tree protection plan and review the trees on the site before work occurs. The conversations the arborist has with the property owner often lead to trees being saved that previously would have been removed.

An area of great feedback leading up to the revision of the Tree Preservation Ordinance was the impact of construction on trees located on properties abutting lots where work is

taking place. The ordinance addresses this in two ways. First, it requires that before work occurs, the abutters receive notification about the work that will be done. Second, it requires that trees on neighboring lots be included in the tree protection plan for the project, another change from the prior ordinance.



These provisions, plus several other improvements, have led to much stronger tree protections in the city. The Tree Preservation Ordinance is now a key component in protecting the city's tree canopy, maintaining the city's character, and, over time, improving the environment.

Tree Preservation Ordinance website:
bit.ly/4dQB9bq ♦

Get Involved with the Conservators - Volunteers Needed

Newton Conservators needs volunteers to help with various activities, including annual monitoring of the conservation restrictions we hold on City of Newton properties, pulling invasive plants, updating our inventory of plants and animals on Newton's public lands, and collecting new signups from interested Newton residents on our walks or at community events such as Village Days, the Harvest Fest, and others. You'll work alongside and be trained as needed by experienced Conservators' board members. If you're willing to volunteer for a couple hours, it would be most appreciated. To learn more about volunteer opportunities and contact us about them, go to newtonconservators.org/volunteer/

Thank you.

