

# Tree Committee 2021 Annual Town Meeting Warrant Articles

- This is a draft and subject to change
- Underlining indicates additions/changes to the current Tree Bylaw

## **ARTICLE   AMEND GENERAL BYLAWS-RECEIVE APPRAISED VALUE FOR REMOVED TREES**

To see if the town will vote to amend Chapter 120 of the Code of the Town of Lexington, Trees, to require that when an applicant applies for permission from the Town to remove a Town-owned tree or Public Shade Tree, the applicant be required to provide an appraisal of the tree's value and, if permission to remove the tree is granted, pay an amount up to the appraised value of the tree to the Lexington Tree Fund; or act in any other manner in relation thereto.

*(Inserted by the Select Board at the request of the Tree  
Committee)*

DESCRIPTION: This article will ensure that the Town receives a fair value for a removed Town tree.

DRAFT MOTION: Amend Section § 120-7-B. of the Lexington Tree Bylaw as follows:

Procedures. Any person seeking to prune or remove a public shade tree or Town tree shall submit an application to the Tree Warden in accordance with any application requirements issued by the Tree Warden. The Tree Warden shall hold a public hearing on applications for removal, at the expense of the applicant, in accordance with the provisions outlined within General Law Chapter 87. In addition to the public notices required by Chapter 87, the Town shall provide notice of the public hearing using then current Town electronic public notice methods. If the tree is removed, the Select Board may require the applicant to pay up to the appraised value of the tree, as determined by a mutually agreed upon member of the American Society of Consulting Arborists using the Council of Tree and Landscape Appraisers trunk formula method, to the Lexington Tree Fund. The permit issued by the Tree Warden may specify schedules, terms, and conditions including, requiring the planting of replacement trees.

**ARTICLE                    AMEND GENERAL BYLAWS-TREE BYLAW FEES AND MITIGATION PAYMENTS**

To see if the town will vote to amend Chapter 120 of the Code of the Town of Lexington, Trees, to increase the fees and mitigation payments for removal of trees protected under the Bylaw, and to adjust these items to reflect inflation; or act in any other manner in relation thereto.

*(Inserted by the Select Board at the request of the Tree Committee)*

DESCRIPTION: This article will increase the fees and mitigation payments under the Tree Bylaw to better reflect the cost associated with administering the Bylaw and the cost of planting trees with mitigation funds, and will make it more attractive for applicants to replant versus making payments to the Lexington Tree Fund, and will better protect large trees.

DRAFT MOTION:

(a) Amend Section § 120-8-B-1. of the Lexington Tree Bylaw as follows:

Such fee shall be at least \$20 per DBH inch of protected tree to be removed. The fee shall be evaluated annually and adjusted as needed to reflect inflation.

(b) Amend Section § 120-8-C-2. of the Lexington Tree Bylaw as follows:

Contribution into the Lexington Tree Fund, provided such fund is reauthorized to the extent required by law, or otherwise to the surplus revenue of the Town: such contribution shall be \$200 per replacement inch of protected tree or Town tree removed not already mitigated as per Subsection C(1). This amount shall be evaluated annually and adjusted as needed to reflect inflation.

(c) Amend Section § 120-16. Replacement Inch Calculation Table of the Lexington Tree Bylaw as follows:

For Level 2 Trees (24" DBH and larger), "replace 2 times inches removed" with "replace 4 times inches removed"

## ARTICLE

## AMEND GENERAL BYLAWS- TREE BYLAW: DATA COLLECTION AND EDUCATION

To see if the town will vote to amend Chapter 120 of the Code of the Town of Lexington, Trees, to:

- a. require the owner of a property at which major construction or demolition is planned to submit itemized detailed information
    - initially with submission of the building permit, for all trees 6 inches DBH or larger on the property; and
    - at the completion of work at the property, for all remaining trees 6 inches DBH or larger on the property and for trees planted as mitigation
  - b. require prior notification to the Town before removal of any tree 6 inches DBH or larger on private property at which neither major construction nor demolition is planned
- ; or act in any other manner in relation thereto.

*(Inserted by the Select Board at the request of the Tree Committee)*

DESCRIPTION: This article provides for the collection of additional information on sites where the tree bylaw applies and also for sites on which it does not. This additional information will be used to better understand the effectiveness of the bylaw and inform decisions about future changes to the bylaw. Additionally, the requirement for notification on sites where the bylaw does not currently apply provides an opportunity for education of the applicant on the benefits of trees and on options other than removal. For these sites where the bylaw does not currently apply, the Tree Committee is recommending that there be no fee associated with this notification, no requirement for an onsite inspection, and no penalty for failing to provide notice.

### DRAFT MOTION:

(a) Amend Section § 120-8-B. of the Lexington Tree Bylaw as follows:

Procedures. When major construction or demolition is planned, the owner of the property shall submit to the Building Commissioner as part of the application for a building or demolition permit a site plan drawn and stamped by a registered land surveyor showing all existing trees on the property of six-inch DBH or greater. For each tree shown in the plan, the owner of the property shall enter into the on-line permit system information including, but not limited to : DBH, reason for removal, alternatives considered, whether the tree is in the setback, whether the tree is a proposed hazard, and if known, tree species. Additional items specified by the Tree Warden and the Tree Committee may be specified in rules and regulations promulgated by the Select Board.

### § 120-8-B- F (New Section)

Upon completion of work at the property, the owner, through the online permit system, shall indicate which trees 6 inches DBH or greater have been removed and whether the tree has been removed because it was deemed a hazard by the Tree Warden. The owner shall also enter the following information for any trees planted as mitigation per § 120-8-C-1: species and DBH. The owner shall

provide an updated site plan indicating trees 6 inches DBH or greater that have been removed and indicating trees planted as mitigation.

(b) Add the following new section to the Lexington Tree Bylaw:

§ 120-? New Section (Logically after 120-8) **Non-protected Trees**

On private property at which neither major construction nor demolition is planned, before removing a tree greater than 6 inches DBH, the owner of the property shall apply for a permit for each tree greater than 6 inches DBH to be removed. The owner of the property shall enter into the Town permit system information including but not limited to: tree species, location, DBH, reason for removal, and alternatives to removal considered.

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