



**Town of Concord, Massachusetts**  
**22 Monument Square, Concord, MA 01742**

## Tree Preservation Subcommittee Minutes 02-22-16

### Minutes of the Tree Preservation Subcommittee of February 22, 2016

Pursuant to a notice filed with the Town Clerk, the Tree Preservation Subcommittee met at 7:00 a.m. on February 22, 2016 in the First Floor Meeting Room, 141 Keyes Road, Concord, MA. ~

#### Members Present:

Tanya Gailus, Clerk  
 Thandi Muno  
 Gail Magenau Hire  
 Rob Meltzer  
 Elissa Brown, Chair  
 Peter Funkhauser  
 Christa Collins, Vice-Chair  
 Lydia Lodynsky, non-voting

#### Others Present:

Brooke Whiting Cash, Planning Board Liaison  
 Elizabeth Hughes, Town Planner  
 Victoria Mulligan, Interested Resident

The meeting commenced at 7:00 a.m. and was audio-recorded. ~

The meeting began with introductions by individual Subcommittee members and interested citizens. Ms. Whiting Cash gave a brief background on how the Subcommittee came into being, and reviewed the Subcommittee's charge. The stated goal is to review the issues with tree clearing on individual lots and assess the need for a tree preservation bylaw. If the Subcommittee determines there is a need, to research and create a bylaw that can be presented at annual Town Meeting in 2017.

Everyone shared why they felt it was important to explore the need for a tree bylaw. Reasons included;

- Concerns over lots being cleared of trees for development
- Loss of wildlife habitat with the cutting of mature, canopy trees
- An interest in seeing more trees planted along public roads
- Finding a way to strike a balance between tree preservation and private property rights; for example, vista clearing on private lots.
- Mitigating urban heat island effect
- Planning for climate change and understanding how it may affect street trees and forests
- Increasing local awareness of the importance of trees

Mr. Meltzer noted that while quite a few towns have tree protection bylaws, many of them are so complicated as to be unworkable. He also noted the potential conflict between a desire for tree preservation and the increasing number of rooftop solar arrays in town.

Ms. Muno asked for clarification on what was meant by "town trees" as shown on town GIS maps. Ms. Whiting Cash explained that landowners can request that Concord Public Works (CPW) plant trees within a certain distance of the road right-of-way on private lots, and even though they are on private property, the Town maintains them and the property owner would not be able to just cut the tree down.

Ms. Gailus~noted that some towns allow for offsite mitigation planting by developers, but added that she didn't feel that was adequate compensation for a neighborhood that has lost trees.

Ms. Whiting Cash outlined next steps, which include research into existing bylaws and outreach. Subcommittee members will be asked to divide into smaller working groups and gather articles and other information, and to think about ways to raise awareness of the Subcommittee's work. She noted the importance of keeping in mind the distinction between public and private trees, and sensitivity around private property rights.

Ms. Whiting Cash described several types of bylaws that exist, including those that include size thresholds (impact to trees over a certain size triggers the bylaw), requirements to replant trees or pay into a fund to support planting elsewhere, or lot canopy coverage requirements (which she noted are environmentally good but practically challenging), and using existing zoning setbacks to determine bylaw jurisdiction. Other issues to consider are the burden on the property owner, and the burden on town staff, who must administer and enforce the bylaw.

It was agreed that many resources for information exist in town, and a large part of the Subcommittee's work will revolve around outreach to stakeholders, including realtors, developers, environmental groups, and septic companies.

Ms. Brown questioned whether the timeline might be too ambitious. Ms. Whiting Cash acknowledged that there is much work to be done, but with research and outreach starting now, bylaw drafting could be started by next September or October.

The Subcommittee discussed ways of sharing documents of interest, such as a Facebook page or Dropbox, but it was ultimately agreed that sharing documents through the Town Planner, who could distribute information as needed through the email list, would be the most appropriate method. Ms. Collins suggested that each sub-working group could compile a bibliography for sharing with others, as it's anticipated that there will be a great deal of information turned up through research.

Open meeting law requirements were discussed at some length, including reference to subcommittees.

Sub-working groups were identified and members volunteered as follows:

- Mr. Meltzer, Ms. Muno and Ms. Magenau Hire will research existing bylaws and other relevant legal issues.
- Ms. Brown, Ms. Gailus, and Mr. Funkhauser will conduct outreach to stakeholders, including writing articles for submission to the Concord Journal
- Ms. Collins, Ms. Gailus, and Ms. Lodynsky will research the environmental benefits of retaining trees to people, communities, and wildlife.

It was suggested the Subcommittee might take advantage of Arbor Day in the spring to hold an event or otherwise bring attention to the issue.

The Subcommittee agreed to meet again in two weeks, on Monday, March 7<sup>th</sup> at 7 am.

Ms. Brown was elected as Chair of the committee, Ms. Collins was elected as Vice-chair, and Ms. Gailus was elected as Clerk, with the understanding that minute-taking would rotate among all members.

Respectfully submitted,  
Christa Collins

Approved April 4, 2016