



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

## Tree Preservation Subcommittee Minutes 03-11-16

### Minutes of the Tree Preservation Subcommittee of March 11, 2016

Pursuant to a notice filed with the Town Clerk, the Tree Preservation Subcommittee met at 7:00 a.m. on March 11, 2016 in the First Floor Meeting Room, 141 Keyes Road, Concord, MA. ~

#### Members Present:

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

#### Others Present:

Elizabeth Hughes, Town Planner  
 Victoria Mulligan, Interested Resident

Elissa Brown called the meeting to order at 7 AM at 141 Keyes Rd.

Christa Collins reported on the environmental benefits of trees. She observed that these benefits are well and copiously documented in print and on line and offered to share with members the various sources she has found. Members are invited to circulate appropriate readings to the committee.

Rob Meltzer reported on his legal research. He stated that there are 6 aspects of this matter:

- existing bylaws in Concord
- bylaws in other towns
- challenges to bylaws
- national survey of major issues
- treatises on the subject
- experiences of other towns which have been through this

He will circulate to members the relevant information which he has found prior to the next meeting. Rob warned that tree bylaws can be controversial and lead to debates about private property rights versus government regulation, turf wars between town bodies (conservation commission vs. building department), and "unintended consequences" such as what a tree may be used for. He also noted that a bylaw must include specifics on who will enforce it.

Elizabeth Hughes said that the Natural Resources Commission and the tree warden will not take on any further tree work beyond what is within their jurisdiction (public shade trees).

Pete Funkhauser commented that his discussions with builders, architects and real estate agents revealed a range of opinions from apathy to concern about tree loss. He suggested that we not attempt to address any of their issues at this time, but rather include them in subsequent citizen discussions when we get around to it. ( At this point the group addressed concerns expressed by Tanya Gailus in her email – she was not present – and agreed that professional groups should not be given undue influence up front in the drafting of a bylaw.)

Elissa Brown handed out a list of current Massachusetts and Town regulations. She also noted that Public Works has received a \$60,000 grant to study and manage public trees. She suggested that a new bylaw should probably not cover public trees.

Pete Funkhouser called attention to the "charge" which would seem to limit the new bylaw to "developments". Elizabeth Hughes verified that this was the intent of the Planning Board. Rob Meltzer pointed out that such a limitation might be viewed as discriminatory against developers. The group agreed to give more thought to what is the scope of our "charge".

A discussion was held regarding our next step with public awareness. Should we hold a public hearing or do neighborhood meetings? To what extent can we seek input digitally? It was agreed that the next step is to write an article for publication in the Concord Journal and request citizen feedback either by mail or on our web page (at the Planning Division). The group thought that Tanya Gailus may have volunteered at the last meeting to draft this article.

We agreed to meet after Easter. Elizabeth Hughes will poll us to determine a date.

Respectfully submitted,  
Pete Funkhouser

Approved April 4, 2016