



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

## **Tree Preservation Subcommittee Minutes 04-04-16**

### **Minutes of the Tree Preservation Subcommittee of April 4, 2016**

Pursuant to a notice filed with the Town Clerk, the Tree Preservation Subcommittee met at 7:00 a.m. on April 4, 2016 in the First Floor Meeting Room, 141 Keyes Road, Concord, MA. ~

#### Members Present:

Tanya Gailus  
 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

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

Ms. Gailus volunteered to take minutes.

How to reach out to people was the first agenda item. Having existing bylaws accessible online, preparing a survey by using the talking points prepared by Ms. Brown as a springboard, neighborhood outreach meetings, and questions about mandated neighborhood meetings, were raised as relevant. There were also questions such as "should there be a bylaw in the first place?", "how do we specify the problem, so that we may suggest a solution?", "should public trees be included as part of our deliberations?" It was noted that the charge as prepared by the Planning Board does mention both public and private trees. Mr. Meltzer, citing recent tree clearings due to public projects in Acton, opined that if there is a bylaw, the Town should be bound by it as well. He also mentioned citizens need to be educated about their own property rights, including impacts bio retention areas. It was noted that having a bylaw that also applies to the Town may potentially strengthen the Town's enforceability on other State Agencies. Ms. Whiting-Cash gave the example of the lawsuit between Massport and the Lincoln Conservation Commission regarding work at Hanscom.

Ms. Whiting Cash specified that the charge was not worded to target developers, but to focus on development sites. Mr. Meltzer pointed out as an example that the Rail Trail was a development. Neighborhood meetings as potentially a part of a bylaw were brought up again by Ms. Gailus. Ms. Whiting Cash raised the question of how such mandates would be enforced, and re-focused the discussion on identifying the problem the subcommittee is trying to address. "What is the wider sentiment? How are people feeling about it?"

Mr. Meltzer mentioned that Lexington was going to reconsider its bylaw. Ms. Brown reminded that links for the bylaws the legal study group is researching need to be put on the subcommittee's website. Ms. Collins suggested a matrix of existing bylaws and a comparison of issues each addressed.

Ms. Gailus suggested that as a parallel to public outreach and gathering information about public sentiment, the subcommittee could also proceed with work towards a potential bylaw, and see how the public feels about the result, while affirming that public outreach is indeed essential. Mr. Meltzer asked again about whether people know what their property rights are.

Ms. Brown directed the discussion to how to formulate a survey. Ms. Hughes indicated that more than 5 and fewer than 10 questions was the rule of thumb.~

Question ideas were suggested, including around the issues of should there be a bylaw, conflicts between tree preservation and

property rights, solar panel installations not favoring trees, do trees contribute to the value of a property, how should clearings be regulated, and an open comment section.

It was decided that members should send their survey question suggestions to Ms. Hire, Ms. Brown, and copy Ms. Hughes by April 11th. Ms. Hire volunteered to organize the input into a survey draft.

Ms. Gailus, in reference to comments made earlier, brought up a concern about Open Meeting Laws as they might apply to the work of subgroups of the subcommittee which are assigned to study and report on specific areas, as being potentially applicable to deliberations among subgroup members. It was understood that Ms. Hughes would check with Ms. Anita Tekle, Town Clerk.

Before moving on to the next agenda item of the Concord Journal article draft and outreach, Ms. Lodynsky expressed concern that it may be a good idea in the future to cover minutes and old business before moving on to newer discussions.

The Concord Journal outreach article draft was discussed, as prepared by Ms. Gailus. She mentioned that she had used relatively informal language for outreach purposes, but might favor more formal format for a press release. Some feedback suggested tighter language and more action specific wording (such as "mitigate", suggested by Ms. Hire rather than prevent or limit). Ms. Muno expressed concern that there was too much mention of tree benefits, but Ms. Gailus indicated those statements were on the charge of the committee. Mr. Funkhouser said he preferred a less Thoreauvian effect. Ms. Gailus stated that was not the intent of author of the draft. It was agreed that comments would be sent to Ms. Hughes, and that a mention of the upcoming survey would be included in the final outreach article as well.

Outreach ideas were discussed:

Ms. Hughes said the twitter account was active; coffees, information tables during townwide events, such as Youth Baseball sign up day (Ms. Brown) where a cross section of Concord families would be present, neighborhood email lists, Agricultural Day, Earth Day/Musketaquid Parade, Patriots' Day Parade were mentioned. Ms. Gill-Pazaris (interested citizen) mentioned that she would bring up the subcommittee and its charge during upcoming Concord CAN meetings and conservation coffees. She stated her view that trees and plant life are important in general, that people should ask what they want the town to look like, that community interest in habitat and nature needs to be encouraged.

Ms. Brown mentioned again the importance of listening sessions throughout town and of organizing public forums. She reiterated that the timeline for outreach as specified in the charge is March through May. Ms. Gailus offered to host an outreach table during the Patriots' Day Parade on April 18th. Ms. Brown commented that we were unlikely to be ready by April 18<sup>th</sup>. Ms. Collins offered to draft a poster for that occasion. Youth Baseball picture day and Earth Day is April 30.

Minutes for the meetings of February 22 and March 11 were read and approved with a minor amendment.

Ms. Lodynsky brought up the existence of the Open Space and Recreation Plan for the town as prepared and distributed by the Natural Resources Commission. She noted that the publication includes around 450 responses to a survey about citizen preferences about what's important in town, and suggested that the data might help the Tree Preservation Subcommittee.~

The next meeting times for the subcommittee were set as April 15, May 2, and May 16, all at 7 am.

There was brief mention again of the importance of knowing what has been regulated elsewhere, who enforces it, the pros and cons of existing bylaws in other communities. It was suggested that the next meeting's agenda include a report on existing bylaws, from members studying the legal dimensions of the charge.

The meeting was adjourned.

Respectfully submitted,

Tanya B. Gailus