



Tree Protection Ordinance

HEALTH & ENVIRONMENT COMMITTEE

JANUARY 22, 2020

Tree Protection Ordinance

(amendment February 2019)

8.66.055 - Procedure for Other Significant Tree Removals. For any significant tree removal not subject to 8.66.050, a permit will be required from the City Arborist. In all cases, the City Arborist shall keep a record of the type and size of tree removed, the reason for the removal, photographs of the tree documenting the reason for removal, the date, the contractor(s) involved, and the name and address of the property owner. **No such permits will be issued for one year following ordination of this section, except for emergency circumstances, significant utility infrastructure projects undertaken pursuant to State or Federal regulations or programs, for City park projects or where a tree poses significant negative impacts on an adjacent existing structure or for dead or dangerous trees or where a lot is of such density with existing trees that the removal of certain significant trees is considered beneficial to the health of the tree canopy.** Any tree removed in violation of this section, within the one year following ordination, shall require a payment into the tree replacement fund as per section 8.66.070 according to a schedule as follows: 10% of the replacement value for property owners who qualify for the City of Cambridge residential real property tax exemption, no fee for property owners that receive established forms of financial assistance, and the full replacement cost in all other circumstances. The value to be paid into the tree replacement fund shall be equivalent to the cost of purchasing, planting, watering and maintaining said Replacement Trees for a period of not less than five years.

Summary of TPO Changes

Requires a DPW Permit for removal of all *significant* trees (*over 8" DBH*)

Allows for documentation of type, size, condition and reason for removal

One Year restriction on *significant* tree removals except for:

- Private Property Trees:
 - The tree is dead or dangerous;
 - An emergency exists relative to public health, safety or welfare;
 - Removing the tree may result in a healthier tree canopy; or
 - The tree poses a significant risk to an adjacent existing structure
- Park/Utility Projects:
 - significant utility infrastructure projects undertaken pursuant to State or Federal regulations or programs, and
 - City park projects

Payment into the City's Tree Replacement Fund:

- 10% of the replacement value for property owners who qualify for the City of Cambridge residential real property tax exemption,
- no fee for property owners that receive established forms of financial assistance, and
- the full replacement cost in all other circumstances.

The value to be paid into the tree replacement fund shall be equivalent to the cost of purchasing, planting, watering and maintaining said Replacement Trees for a period of not less than five years (\$850.00 per inch). Not to exceed \$300/day fine.

Violation of Tree Removal Permit

Outreach and Notification of TPO Changes

- Created new website page
- Sent postcards to 41,000 households
- Press release to local papers
- Contacted arborist association and landscape contractors by phone and email
- Social media posts

Important Update: Private Property Tree Removal

Dear Cambridge Property Owner:

Effective March 11th, 2019, an amended City Ordinance restricts **removal of “significant trees”** on private property. **“Significant trees”** have a diameter of 8 inches or more (measured at 4 feet above ground).

Removal of any significant private property tree requires a permit from the City, which will only be issued when one of the following circumstances can be demonstrated:

1. The tree is dead or dangerous;
2. An emergency exists relative to public health, safety or welfare;
3. Removing the tree may result in a healthier tree canopy; or
4. The tree poses a significant risk to an adjacent existing structure.

Any property owner or contractor who removes a tree in violation of this ordinance must pay into the City’s Tree Replacement Fund and may be subject to a stop work order, injunction, or fines up to \$300 for each day the violation continues.

Learn more about the Tree Protection Ordinance, requirements for a permit, and Tree Replacement Fund fee assessments at: www.Cambridgema.gov/TreeProtection

CAMBRIDGE

MASSACHUSETTS

Proposed
Amendment
(CO#0-4, dated
01/13/20)



Current 1-year exception for
removal of significant trees expires
February 25, 2020



Amendment would extend tree
removal restrictions until
December 31, 2020

Tree Removal Permit Requirements

- A completed Tree Removal Permit Application Form
- Photograph of the tree silhouette (entire tree),
- Photograph of damaged area on the tree (if applicable),
- Photograph of the tree trunk at 4 feet high (Diameter at Breast Height),
- A completed Level 2 International Society of Arboriculture (“ISA”) Tree Risk Assessment related to the Tree provided by a Certified Arborist,
- A signed Certification from a Certified Arborist
- Detailed narrative describing the emergency circumstance signed by property owner (if applicable), and
- Detailed Report Indicating the nature of the infrastructure utility project (if applicable).

Permit Application Summary

Approved Permit Applications:		
Reason for Removal Category	Count of Approved Applications	% of Approved Applications
1. Dead or Dangerous	263	76%
4. City Parks Project	36	10%
5. Provide a healthier tree canopy on your property	22	6%
6. Tree poses a significant impact to an adjacent existing structure	10	3%
3. Significant utility infrastructure project	9	3%
2. Emergency Circumstances	7	2%
Grand Total	347	100%

Denied Permit Applications:		
Reason for Denial	Count of Denied Applications	% of Denied Applications
Did not reapply - Application incomplete	11	58%
Did not reapply - Did not meet category requirements	7	37%
Did not reapply - Incorrect Category	1	5%
Grand Total	19	100%

Anecdotal Community Feedback

Pros:

- Resident feedback that the Cambridge is trying to protect trees
- Learning that pruning for clearance can be an appropriate alternative to removals
- Construction redesigns to preserve trees that didn't qualify for removal permit
- Sparked discussions among neighbors about tree preservation
- Feedback from practicing arborists working within the city is supportive of the amendment

Cons:

- Current amendment does not allow replanting to offset mitigation
- No protection for tree roots or aggressive pruning
- Not allowed to remove invasive species
- Cost of Arborist assessment
- Residents have said they are waiting for amendment to sunset to proceed with removals

Commercial Arborist Feedback

- Tree care companies charge between \$250-300 to perform the site visit and online permit
- Consulting arborists charge \$600-\$800 per tree
 - Will adjust price if multiple trees are involved
- Tree care companies charge \$50-\$150 to visit a site and notify property owner if tree(s) meet the tree removal requirements.
 - Will charge the remaining balance if property owner decides to move forward with tree removal permit.
- Anecdotal feedback from residents to practicing arborists:
 - Most residents understand why the city has enacted the tree ordinance after the reasoning is explained for the ordinance. Some still complain about the amendment.
 - Few have said they will wait until the ordinance expires.
- Both tree care companies said they will not get involved with live, healthy trees. One arborist said they try to encourage property owners preserve and maintain healthy trees on their properties.

UFMP Task Force



18 Task Force Members



Met 12 times during 2018-2019 to review progress, pose questions, and provide advice to the consultant team, and



the interaction with the Task Force has significantly shaped the content of the Technical Report, the approach to the subject, and the components of the response strategies.

Public Meetings



Three Public Meetings



Health & Environment Committee
Presentation



Climate Protection Action
Committee Presentation

UFMP CURB LOSS + GROW CANOPY

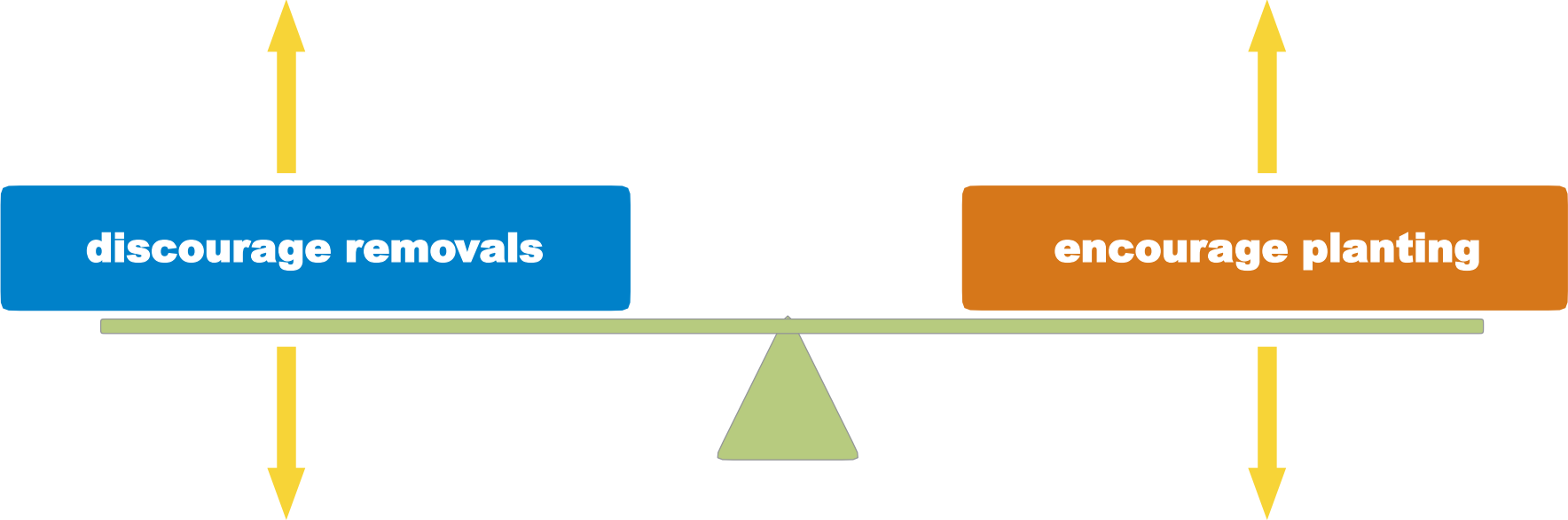
A Menu of 47 Strategies

- 19 Policy
- 7 Design
- 9 Practice
- 12 Outreach & Education

1	Enhance and Expand the Tree Protection Ordinance	Policy
2	Formalize Practices for Planting and Inspection	
3	Leverage Land Use Requirements	
4	Leverage Public-Private Partnerships	
5	Institutionalize Tree Priorities	
6	Plant Resilient Species	Design
7	Street Tree Planting Strategies	
8	Site New Parks and Open Space Strategically	
9	Improve Monitoring	Practices
10	Expand Maintenance	
11	Expand Planting Practices	
12	Invest in Educational Programs	Outreach
13	Build Community Partnerships	
14	Seek Alternative Green Strategies	Other
15	Integrate UFMP into Complementary Planning Studies	

TREE PROTECTION ORDINANCE

Competing interests



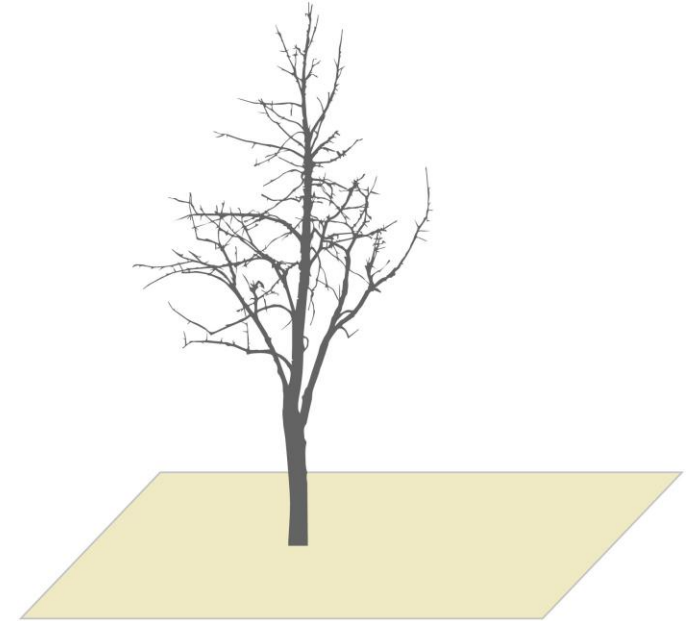
Summary of Strategies for Ordinance Consideration

- Redefine Significant Tree to 6" DBH
- Strengthen Back of Sidewalk Program
- Earmark Tree Fund dollars for community grants/alternative uses
- Review Mitigation Costs
- Extend Tree Protection Ordinance to all Private Property
- Require City Arborist Inspection Prior to Occupancy



IN ALL CASES Always allow removal of dead or hazardous trees

1. Get Arborist evaluation
2. File permit
3. Receive approval /
No mitigation required
4. Receive free replacement if desired



DEAD TREE ON THE PROPERTY

VOLUNTARY REMOVAL STRATEGY 1

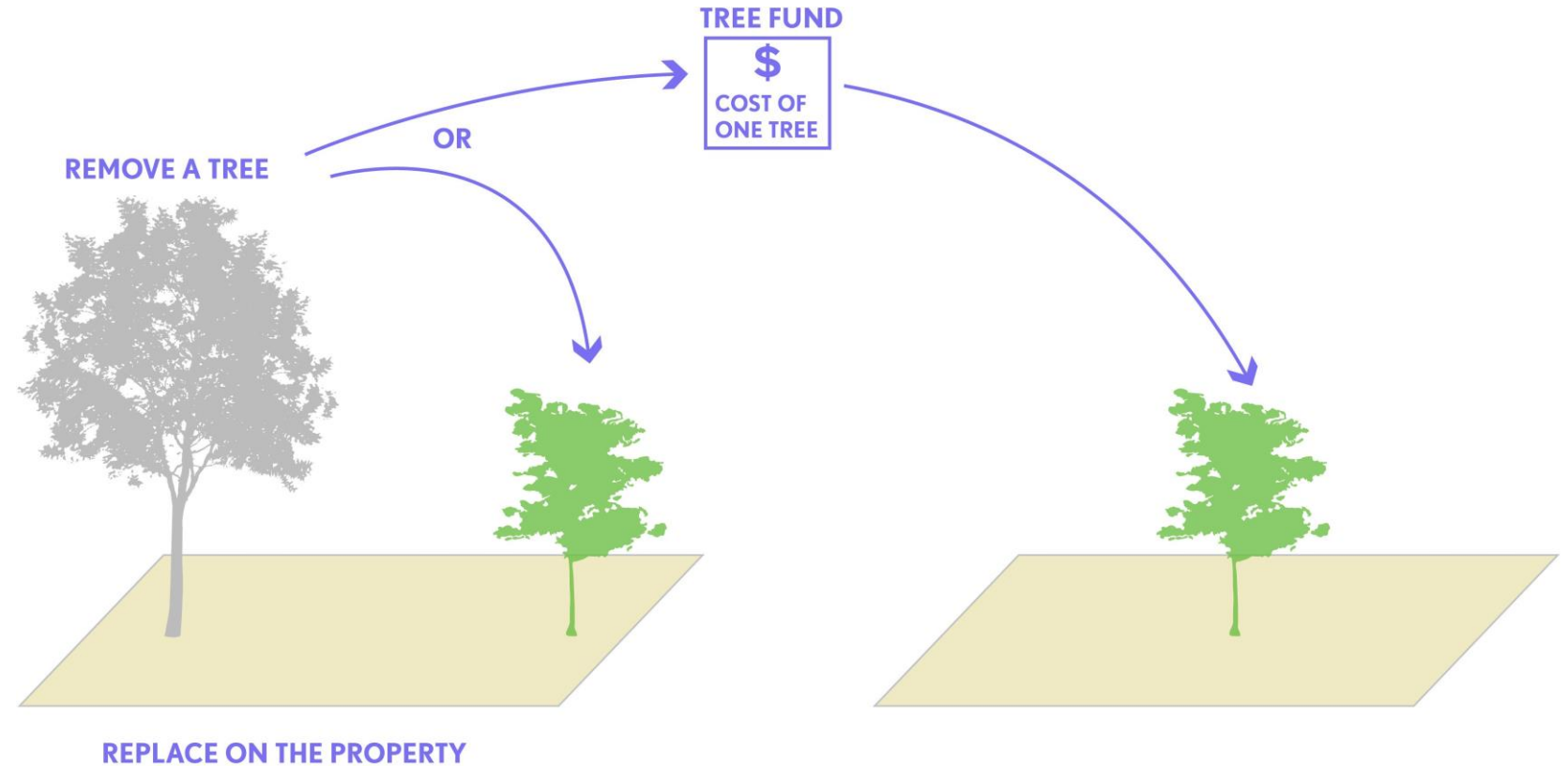
Replace trees One for One

DRAFT FOR DISCUSSION ONLY

1. File permit
2. Replant on site *or*
Pay to support replanting elsewhere
3. Receive free replacement
if on assistance

Notes:

- all trees are treated equally,
no special protections for large trees



VOLUNTARY REMOVAL STRATEGY 2

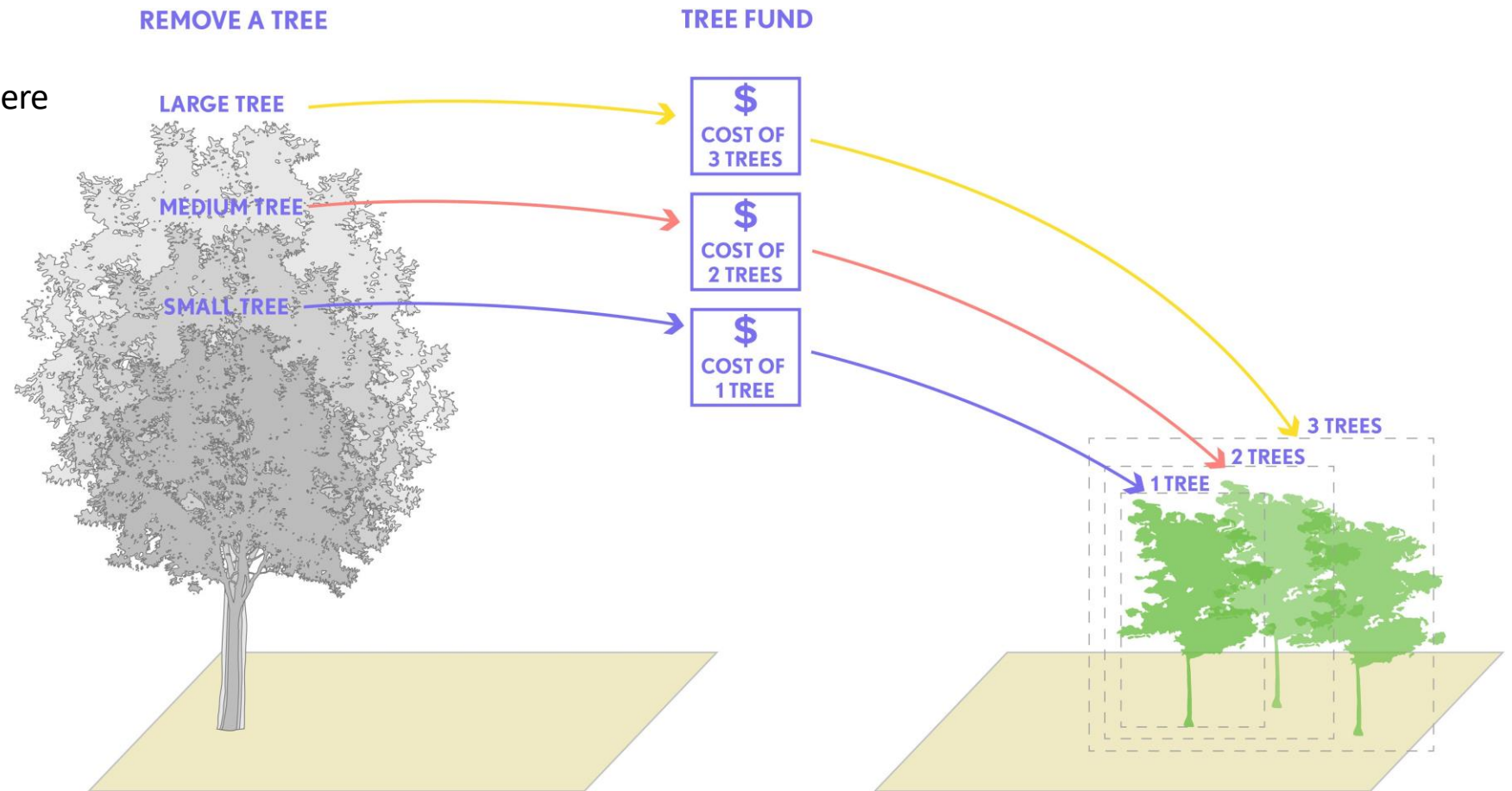
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Replace trees based on size

1. File permit
2. Pay to support replanting elsewhere
3. Receive free replacement if on assistance

Notes:

- larger trees require increased mitigation
- health and location are not considered



TREE PROTECTION ORDINANCE

Summary of Strategies

DRAFT FOR DISCUSSION ONLY

