



City of Cambridge

O-28
IN CITY COUNCIL
June 2, 2003

VICE MAYOR DAVIS

ORDERED: That the attached letters from the Historical Commission regarding the proposed Tree Protection Ordinance be referred to the staff presenters at the Ordinance Committee meeting for analysis of the comments.

In City Council June 2, 2003
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk

A true copy;

ATTEST:- 
D. Margaret Drury, City Clerk



City of Cambridge

O-29
IN CITY COUNCIL
June 2, 2003

VICE MAYOR DAVIS

ORDERED: That the City Manager be and hereby is requested to instruct his staff to file the necessary zoning amendments that will be required for implementation of the Tree Protection Ordinance so that they could be adopted at the same time as this ordinance and that this proposed ordinance remain in committee.

In City Council June 2, 2003
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk

A true copy;

A handwritten signature in cursive script that reads "D. Margaret Drury".

ATTEST:-

D. Margaret Drury, City Clerk

“Plan” would be a condition of the issuance of any building permit authorizing the new construction. The affected areas are those same retail, office, industrial and high-density residential zoning district where the site plan and project review requirements of Sections 19.20 and 19.50 of the recently adopted Citywide Zoning Ordinance are imposed. Where a special permit is required under these sections, the Planning Board would be authorized to impose conditions based on the Tree Protection Plan and the recommendations of the Arborist, but only after a public hearing at which interested persons could express their views on any such conditions. Two limited commercial areas, at the Kendall Square Urban Renewal area’s Cambridge Center and University Park near Central Square, would not be subject to the “Tree Protection Plan” requirements as these areas are also not subject to the site plan and project review procedures.

In the residential neighborhoods of the city, the same “Tree Protection Plan” would be required where multifamily or townhouse developments needing a special permit from the Planning Board are proposed. In the Residence B and Residence C zoning districts a special permit is required for any proposed project of six or more new housing units. The Residence B district is found principally in North and West Cambridge; the Residence C district is found in Cambridgeport. In the Residence C-1 zoning districts found in Mid-Cambridge, Riverside, and East Cambridge, a special permit is required where twelve or more new housing units are proposed on a lot. As proposed, the special permit requirements would not apply to projects of the Affordable Housing Trust or other qualified projects for the construction of low and moderate income affordable housing.

Councillor Davis said that she has received a lot of mail expressing concern about residential buildings. She asked how the ordinance would affect three and four-unit buildings. Ms. Glowa said that such properties would be affected only if the owner plans to build six or more new units on the property. She further explained that it only applies to developments of 25,000 square feet or townhouse developments of six units or more.

In response to a question from Vice Mayor Davis, Les Barber said that in the last five years in residential neighborhoods only three developments would have been covered.

Councillor Maher asked for an example of a project that would have been subject to the ordinance over the past five years. Mr. Barber said that of the lots being developed now, there is a project on Decatur Street in which a twenty-unit residential development is planned on a former industrial site. The owner will have to submit a report. If there are no trees at present, the ordinance would not require payments to the trust fund. Mr. Barber said that the 1977 development of townhouses on Pemberton Street is an example of the type of residential development that the ordinance would cover.

Councillor Maher asked what if there had been a tree with a 12-inch thick trunk in the middle of the lot? What would developers be required to do? Mr. Barber said that they could try to save the tree and plan around it, or plant replacement trees or make a payment to the Tree Fund.

Councillor Maher asked why enact something that will affect so few projects and trees. Mr. Barber said that there is an important value in a public statement of a policy of concern for trees. Also, there have in the past been some projects in which there was a significant loss of trees.

Ms. Peterson added that the Task Force spent a great deal of time discussing what type of projects would be covered by the ordinance. There was not support on the task force for regulating small properties.

Councillor Maher asked about other communities in Massachusetts with a tree ordinance. Ms. Glowa said that Brookline has had an ordinance for two to three years. She also believes there is an ordinance in Newton and another community. The Brookline ordinance is more comprehensive and has generated concern among small property owners. She does not remember the provisions of the other two ordinances. Ms. Peterson stated that she will get the information. Councillor Maher said that he would be interested in seeing a tree ordinance from other urban areas. Ms. Peterson said that she would provide it.

Councillor Simmons asked about replacement trees – what if there is no place to put a replacement tree? Ms. Glowa said that the preferred option is to replace the tree on the site. The ordinance allows replacement of a tree with a twelve-inch caliper in any combination of other trees that amount to a total of a twelve-inch caliper. If it is not feasible to replace the tree on the site, the developer could make a payment to a tree replacement fund.

Vice Mayor Davis asked whether the ordinance would have an impact on development at Harvard. Mr. Barber said that there are many special permit projects by various developers including Harvard that would be affected. Many are occurring on fairly barren sites.

Mayor Sullivan asked whether development of barren sites results in an increase of the total trees. Mr. Barber answered in the affirmative. In response to a question from Mayor Sullivan, Mr. Barber said that since 1991, the zoning ordinance has required planting and landscaping in parking lots.

Vice Mayor Davis made a made the following motion:

ORDERED: That the attached letters from the Historical Commission be referred to the staff presenters at this meeting for analysis of the comments.

The order was adopted on a voice vote without objection.

Rebecca Ramsey, 5 Exeter Park, said that she has lived in Cambridge for over twenty-five years. She noted that Tech Square is an example of what happens when there is no protection of trees. The city needs this ordinance to protect Cambridge's trees.

Roger Frymire, 22 Fairmont Avenue, spoke in support of the proposed ordinance. He said that the Metropolitan District Commission had plans to remove 300 trees and replace 330 trees. Due to input from the Public Planting Commission and the Conservation Commission, it appears that the removal has been cut to half of those in the original plan.

James Wally, 109 Larch Road, said that if Cambridge starts by adopting this ordinance, it will end up affecting small property owners.

Lenore Schloming, 102 Inman Street, said that after seeing Cambridge Rent Control start as a seven-page law lasting five years and end up as a 200-300 page law lasting twenty-four years, she is skeptical of regulations staying as limited as they are at first. In his transmission to the City Council, Robert W. Healy clearly mentions the possibility of later expansion of trees. She also sees this ordinance as unfair to small builders and thus an impediment to producing more housing. In addition, it is unnecessary because most builders end up planting trees.

Karen Schlomy, 3 Irving Terrace, stated that she is a homeowner in Cambridge. Property owners cannot do what they want with their property; there are many regulations and restrictions. The recommended ordinance is almost a travesty in how little it will affect. Owners who are not building could clear cut their property and leave it that way. In the three years since the task force was formed, the City of Newton has created and passed a far more comprehensive tree protection ordinance that still protects small property owners.

Mary Otis Stevens, 6 Riesdel Avenue, retired architect, spoke in support of the ordinance. It is a good start. She would like to see it expanded. In light of the regulations and permits that developers of the size that are affected already face, this ordinance will be a very small piece of the plethora of regulations they will encounter.

Skip Schloming, 102 Inman Street, said that the stated goal of the tree ordinance, according to Mr. Healy is a maximum tree canopy. That is an inappropriate goal, especially in an economy that requires downsizing government. This is a decision that should be left in private hands. There is plenty of space on the streets and in the parks.

Sam Warner Bass, Cambridge, member of the task force, spoke in support of the proposal, which he characterized as extremely modest. Its goal is to educate developers to work with the city to protect trees.

Karen Carmean, Cambridge Street, stated that this modest step is a very important one. It is a declaration that Cambridge cares about trees. Springfield has had an ordinance protecting all trees since the 1950's.

John Pitkin, 18 Fayette Street, spoke in support of the ordinance. He expressed his interest in protecting other trees as well, especially trees in front yards, and gave the

example of the tulip tree in the front yard of a building on Cambridge Street. Such a program would have to be carefully designed to operate in an equitable way.

Vice Mayor Davis moved that the City Manager be and hereby is requested to instruct his staff to file the necessary zoning amendments that will be required for implementation of the tree protection so that they could be adopted at the same time as this ordinance and that this proposed ordinance remain in committee.

The motion passed on a voice vote.

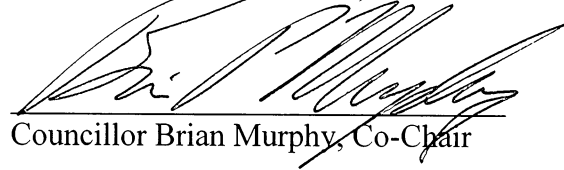
Councillor Murphy and Councillor Maher thanked all those present for their attendance.

The meeting was adjourned at 5:50 p.m.

For the Committee,



Councillor David P. Maher, Co-Chair



Councillor Brian Murphy, Co-Chair

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City of Cambridge

ORDINANCE COMMITTEE MEMBERS

In City Council June 2, 2003

*Councillor David P. Maher, Co-Chair
Councillor Brian Murphy, Co-Chair
Vice Mayor Henrietta Davis
Councillor Marjorie C. Decker
Councillor Anthony D. Galluccio
Councillor Kenneth E. Reeves
Councillor E. Denise Simmons
Councillor Timothy J. Toomey
Mayor Michael A. Sullivan*

The Ordinance Committee held a public meeting on May 7, 2003, beginning at four o'clock and forty-four minutes p.m. in the Sullivan Chamber to consider a proposed tree ordinance.

Present at the hearing were Councillor David P. Maher and Councillor Brian Murphy, Co-Chairs of the committee, Vice Mayor Henrietta Davis, Councillor Marjorie C. Decker, Councillor Anthony D. Galluccio, Councillor Kenneth E. Reeves, Councillor E. Denise Simmons, Councillor Timothy J. Toomey, Mayor Michael A. Sullivan, City Clerk D. Margaret Drury and Elaine McGrath, City Clerk's Office. Also present were Lisa Peterson, Commissioner of Public Works, Charles Sullivan, Executive Director of the Historical Commission, Nancy Glowa, Deputy City Solicitor, Lester Barber, Director of Zoning and Land Use for the Community Development Department (CDD), Stuart Dash, Director of Community and Neighborhood Planning, CDD and John Bolduc, CDD.

Councillor Murphy convened the hearing and explained the purpose. He invited Commissioner Peterson to begin the presentation. Ms. Peterson introduced Nancy Glowa, Lester Barber, Stuart Dash, Charles Sullivan and Kelly Rider, the new City Arborist.

Ms. Peterson provided some background information on the development of the proposed ordinance. She began with a review of the history of the proposal, starting with the Tree Protection Task Force convened by the City Manager in June, 2000, in response to a request from the Health and Environment Committee of the City Council. The task force adopted two goals: (1) establish and maintain maximum tree cover, and (2) prevent the loss of highly valued, significant trees. Thereafter, the task force developed recommendations to achieve these goals.

Councillor Davis requested a description of what would be covered by the tree ordinance in light of concerns of small property owners about the potential effects of the ordinance on small properties.

Attorney Glowa explained that the ordinance would affect certain retail projects, office, industrial, industrial and high-density residential areas. In retail, office, industrial and institutional areas, any project of 25,000 square feet or more would be required to implement a "Tree Protection Plan" approved by the City Arborist. That approved

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Committee Report #5

A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor David P. Maher and Councillor Brian Murphy, Co-Chairs of the Ordinance Committee, for a meeting held on May 7, 2003 to consider a proposed tree ordinance.

In City Council June 2, 2003

**REPORT ACCEPTED.
REMAINS IN COMMITTEE.
TWO ORDERS ADOPTED.
SEE ORDERS #28 & 29.**