



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

• (617) 498-9020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

EDWARD A. CUNNINGHAM
SEVERLIN B. SINGLETON
DAVID B. O'CONNOR
BIRGE ALBRIGHT
LEGAL COUNSEL

July 7, 1983

Mr. Arthur Parris
Chairman
Cambridge Planning Board
57 Inman Street
Cambridge, Mass. 02139

Re: Removal of Tree
258 Upland Road, Cambridge

Dear Mr. Parris:

I am enclosing a petition from Mr. Charles Demetrian requesting that the tree in front of 258 Upland Road be removed as it is infested with carpenter ants. I am also enclosing a copy of chapter 87 of the General Laws, section 3, which sets forth the requirements for removal of a public shade tree. This section requires a joint hearing before the planning board and tree warden.

Please schedule a joint hearing as required by section 3 as soon as possible. Deputy City Manager, Richard Rossi, will provide you with the name of the person who will be designated as the tree warden. It should also be noted that Mr. James Woods of the Public Works Department has a complete report on the condition of the tree.

Sincerely,

Russell B. Higley
City Solicitor

RBH/jl
Encs.

cc: Mr. Robert W. Healy
Mr. Paul E. Healey✓

CHARLES DEMETRION
258 Upland Road
Cambridge, MA 02140
(617) 876 - 5608

2 ph?

June 15, 1983

Robert Healey
City Manager
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Healey:

I would like to have the tree located on city property in front of my house removed. It is infested with carpenter ants that are entering my home and that of my tenants.

I am submitting the names of my neighbors and tenants who are familiar with this situation and have no objection to its removal whatsoever.

I've been a Cambridge taxpayer for twenty-five years and have never requested anything before.

I have a one year old grandson who can't go out on the porch to play because of these carpenter ants!!

Sincerely,

Charles Demetron

Charles Demetron
Landlord

CD/dd

James P. Finkel
Signature

205 UPLAND ROAD
Address

Joseph Mingle
Signature

205 Upland Road.
Address

Paul Bruman
Signature

232 Upland Rd.
Address

Michele Heist
Signature

258 Upland Rd. #2
Address

Laurie E. Heist
Signature

258 Upland Rd. #3
Address

Madeline F. Finkel
Signature

1000 St. Emmanuelle
Address

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CHAPTER 87

Shade Trees

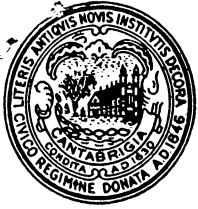
§ 3. Cutting of Public Shade Trees; Hearing.

Except as provided by section five, public shade trees shall not be cut, trimmed or removed, in whole or in part, by any person other than the tree warden or his deputy, even if he be the owner of the fee in the land on which such tree is situated, except upon a permit in writing from said tree warden, nor shall they be cut down or removed by the tree warden or his deputy or other person without a public hearing and said tree warden or his deputy shall cause a notice of the time and place of such hearing thereof, which shall identify the size, type and location of the shade tree or trees to be cut down or removed, to be posted in two or more public places in the town and upon the tree at least seven days before such hearing and published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than seven days before the day of the hearing or if no such local newspaper exists then in accordance with the provisions of section six of chapter four; provided, however, that when a public hearing must be held under the provisions of this section and under section fifteen C of chapter forty prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the tree warden and the planning board, or if there is no planning board, the selectmen of a town or the city council of a city, and notice of such consolidated public hearing shall be given by the tree warden or his deputy as provided herein. Any person injured in his property by the action of the officers in charge of the public shade trees as to the trimming, cutting, removal or retention of any such tree, or as to the amount awarded to him for the same, may recover the damages, if any, which he has sustained, from the town under chapter seventy-nine. (Amended by 1978, 114 approved April 28, 1978, effective 90 days thereafter; 1979, 552, § 2, approved Aug. 20, 1979, effective 90 days thereafter.)

Editorial Note—

The 1978 amendment rewrote the first sentence, expanding the notice requirements.

The 1979 amendment rewrote the first sentence, adding provisions for consolidated hearing where scenic roads are involved.



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DAVID B. O'CONNOR
BIRGE ALBRIGHT
LEGAL COUNSEL

July 8, 1983

Mr. Arthur Parris
Chairman
Cambridge Planning Board
57 Inman Street
Cambridge, Mass. 02139

Re: Removal of Tree
258 Upland Road, Cambridge

Dear Mr. Parris:

I am enclosing a copy of a letter from Jim Woods of the Forestry Division of the Public Works Department concerning his inspection and findings of the tree at 258 Upland Road.

Very truly yours,

Russell B. Higley
City Solicitor

RBH/jl
Enc.

cc: Mr. Robert W. Healy
Mr. Paul E. Healey
Mr. Charles Demetrion



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Deputy City Manager
Richard Rossi

Date 7-7-83

From Jim Woods

Reference 258 Upland Rd.

Subject Tree Removal

The tree located at the above address was inspected by me on 7-7-83.

My findings are as follows..

The tree (18" Norway Maple) is in Fair to Good condition health wise. There is a 4" limb to be removed. There is also a small area of decay approximately 20' up the main trunk.

Complaints about ants have been made in the past but, I didn't find any sign of activity. From the above findings I cannot see any reason to remove this tree at this time.

Service calls:

4-12-82 Clear house remove 8" limb to allow more sun in yard

8-19-82 Complaint - Ants, tree dusted

5-18-83 Complaint - Ants, tree dusted no ants around tree

6-8-83 Complaint - Ants, tree dusted no ants around tree

If tree is removed the cost to P.W.D. would be \$275.00

c/c E.R. Kennedy
W.J. Ryan
Russell B. Higley

#702

Comm. from Russell B. Higley, City Solicitor,
enclosing a comm. sent to the Planning Board
enclosing the petition of Charles Demetrion
for the removal of a tree at the premises
numbered 258 Upland Road.

July 7, 1983