

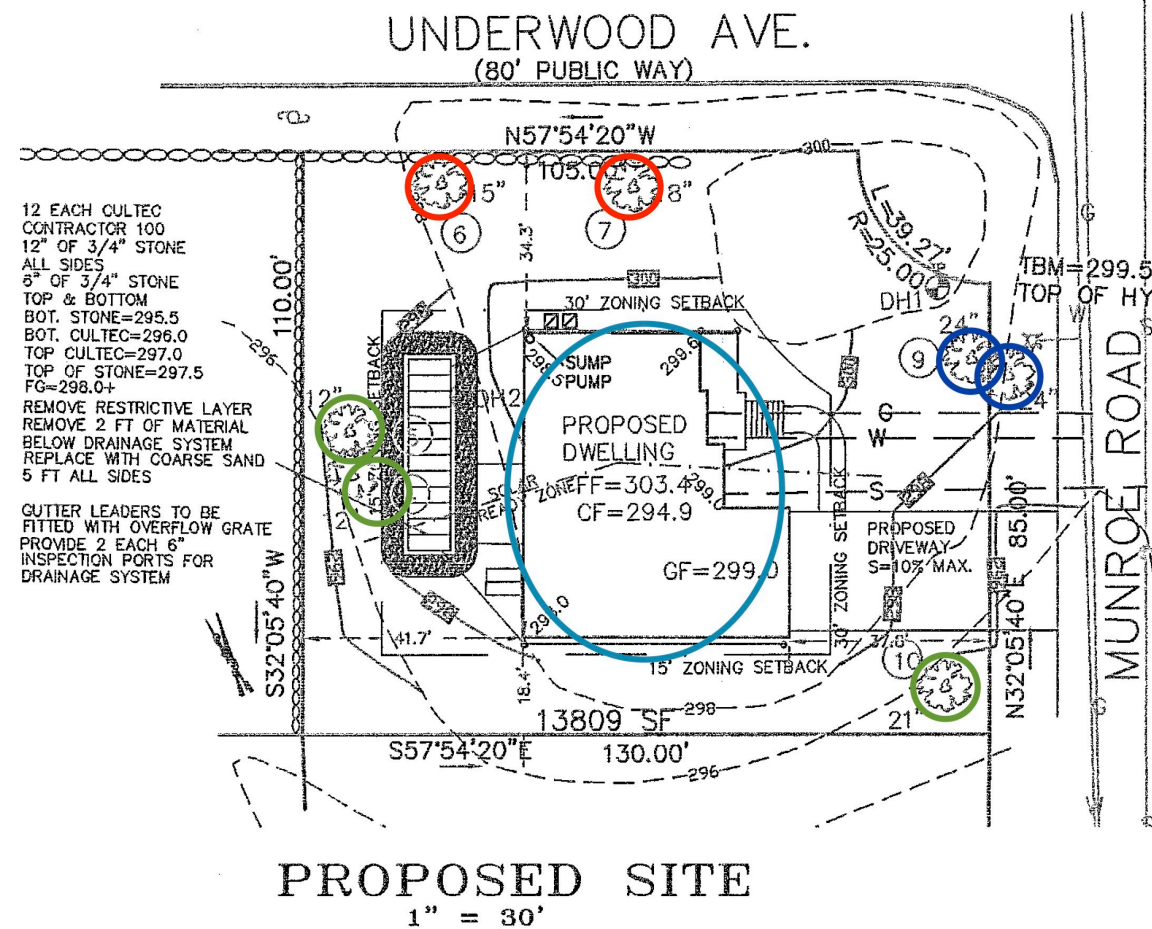
The Tree by-law does not work

It generates fees, but does NOT save trees

The goal in 2000 was to “think before you cut”

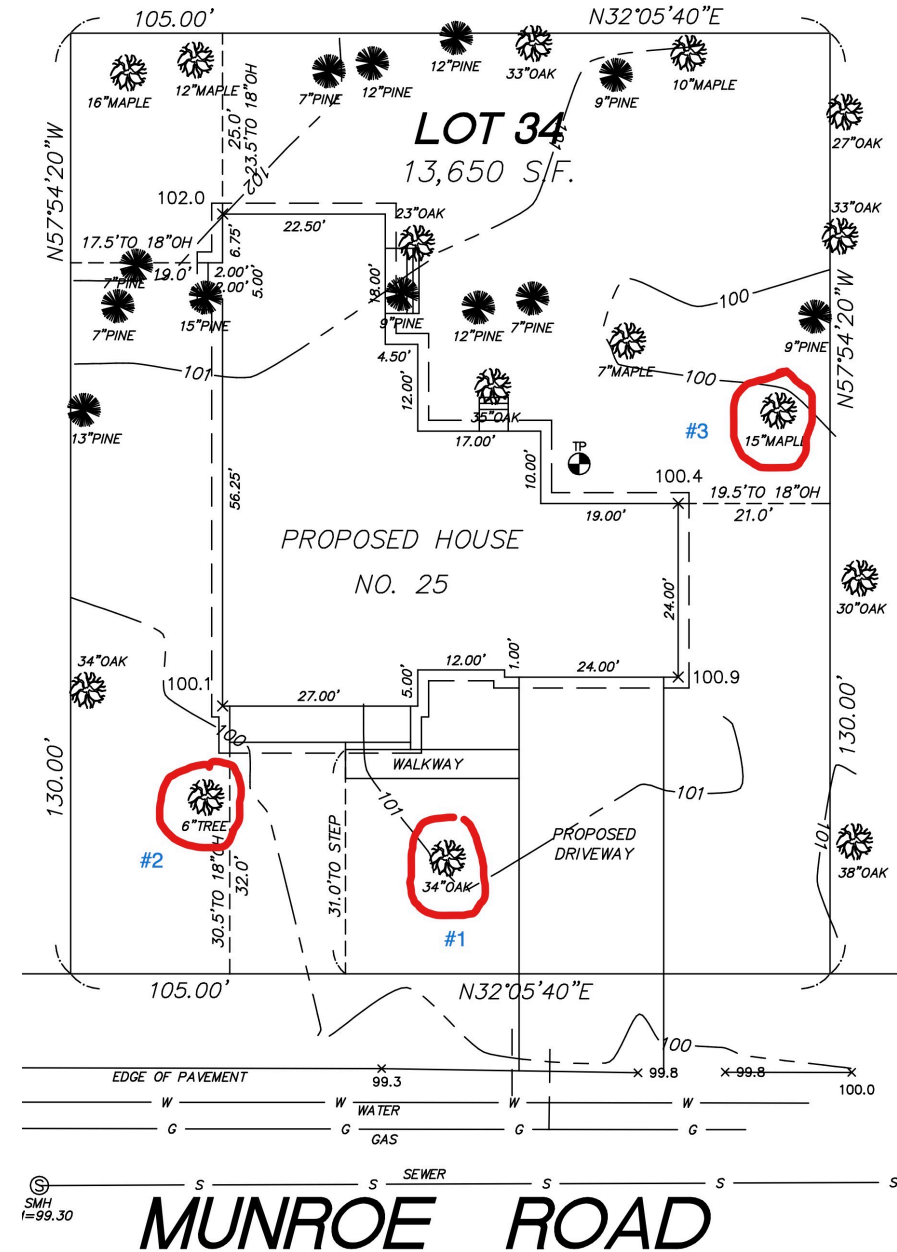
The Tree by-law does not work: 37 Munroe Rd

- Why was the 21" "green" tree approved for removal, since it was 30 ft away from the new house?
- Fines of a few \$100s have NO impact on builder of a \$2-3 million new house
- The site now looks "bare"



The Tree by-law does not work: 25 Munroe Rd

- Why was the 34" oak approved for removal since it was 25 ft away from the new house?



The Tree by-law is being enforced without conviction, nor clear records

Since our Tree by-law became effective, no applicant for a tree removal permit has sued the Town: we are too lenient

The Tree Warden cannot easily provide instances when the applicant did NOT cut trees after his intervention

The Tree by-law requires that “Upon removal of any tree of six-inch DBH or greater, the owner of the property on which the tree is located shall provide information to the Town regarding the removal of that tree and the reason for its removal.” yet no such records are available

The Tree Committee should

- Have an Excel summary of # and DBH of protected trees saved and removed site by site, kept current by the Tree Warden
- Institute site checks to assess why protected trees were allowed to be removed
 - in 2000 the Tree Committee viewed itself as the Tree Warden's "Board of Directors"
- Ensure that repeated offenders are no longer allowed to cut protected trees
- If needed, rewrite the Tree by-law to assert the SUPERIOR and ENFORCEABLE public interest ("climate resilience") over the individual applicant's interest (cutting to save time and money)
 - allowing the Tree Warden to PREVENT the cutting of certain trees

Appendix: 25 Munroe Rd

----- Forwarded message -----

From: Christopher Filadoro <cfiladoro@lexingtonma.gov>
 Date: Fri, Jul 21, 2023 at 1:49 PM
 Subject: RE: 25 Munroe Rd
 To: Patrick Mehr <patrick.mehr@gmail.com>
 Cc: Gerry Paul <gerryp@bu.edu>, David Pinsonneault <dpinsonneault@lexingtonma.gov>

Good afternoon Mr. Mehr,

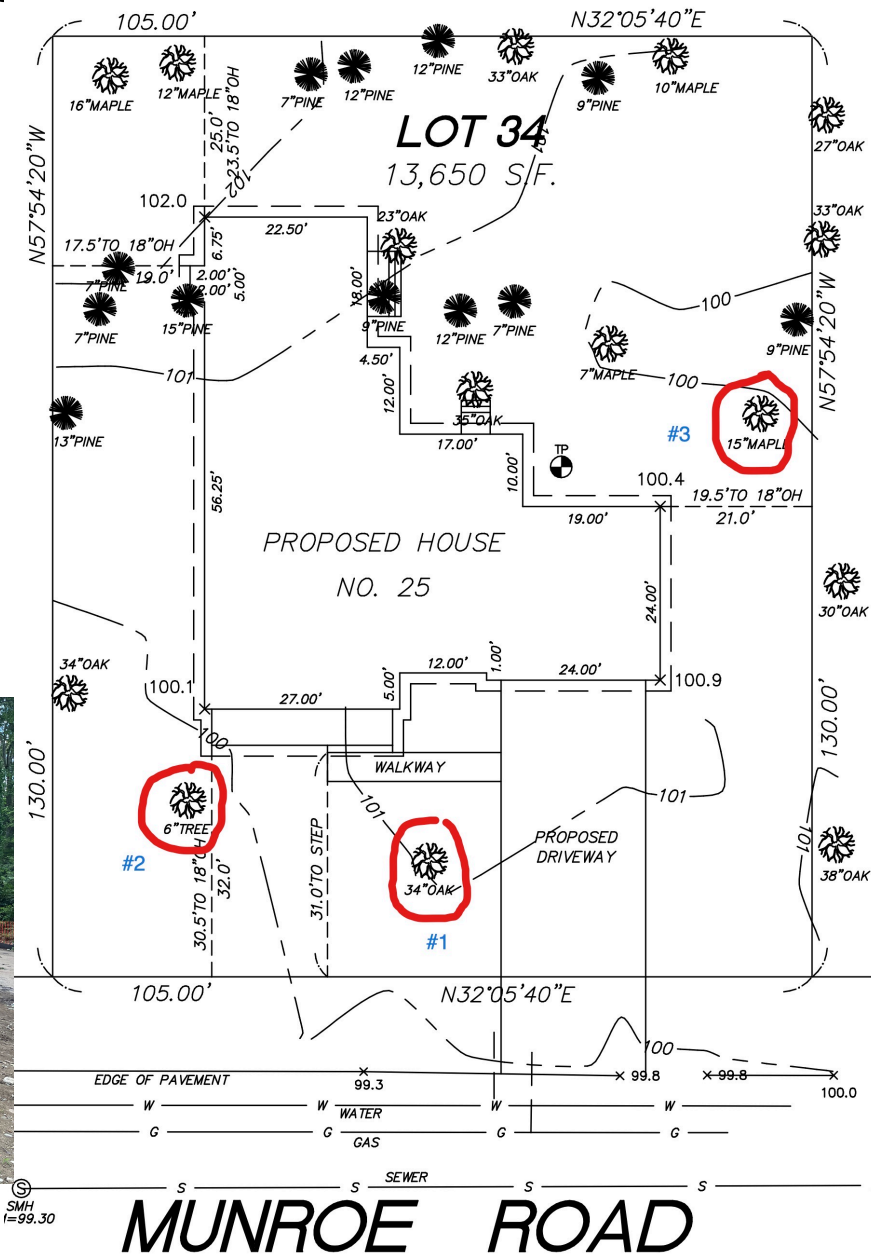
The contractor was approved to remove a 6", 34" and a 15" tree for a total of 55" from the setback areas. It is uncertain at this time weather the owner will be planting or paying a mitigation fee. Finnegan has done a good job in the past when it comes to replanting.

Thank you,

Chris

Why was the 34" oak approved for removal?

This is a small lot that will have impact on the root system. David Pinsonneault emailed: INCORRECT, since the 34" oak was 25 ft away from the new house, more than the 15 ft <https://www.treehelp.com/pages/how-to-prevent-construction-damage> recommends.



SMH
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MUNROE ROAD

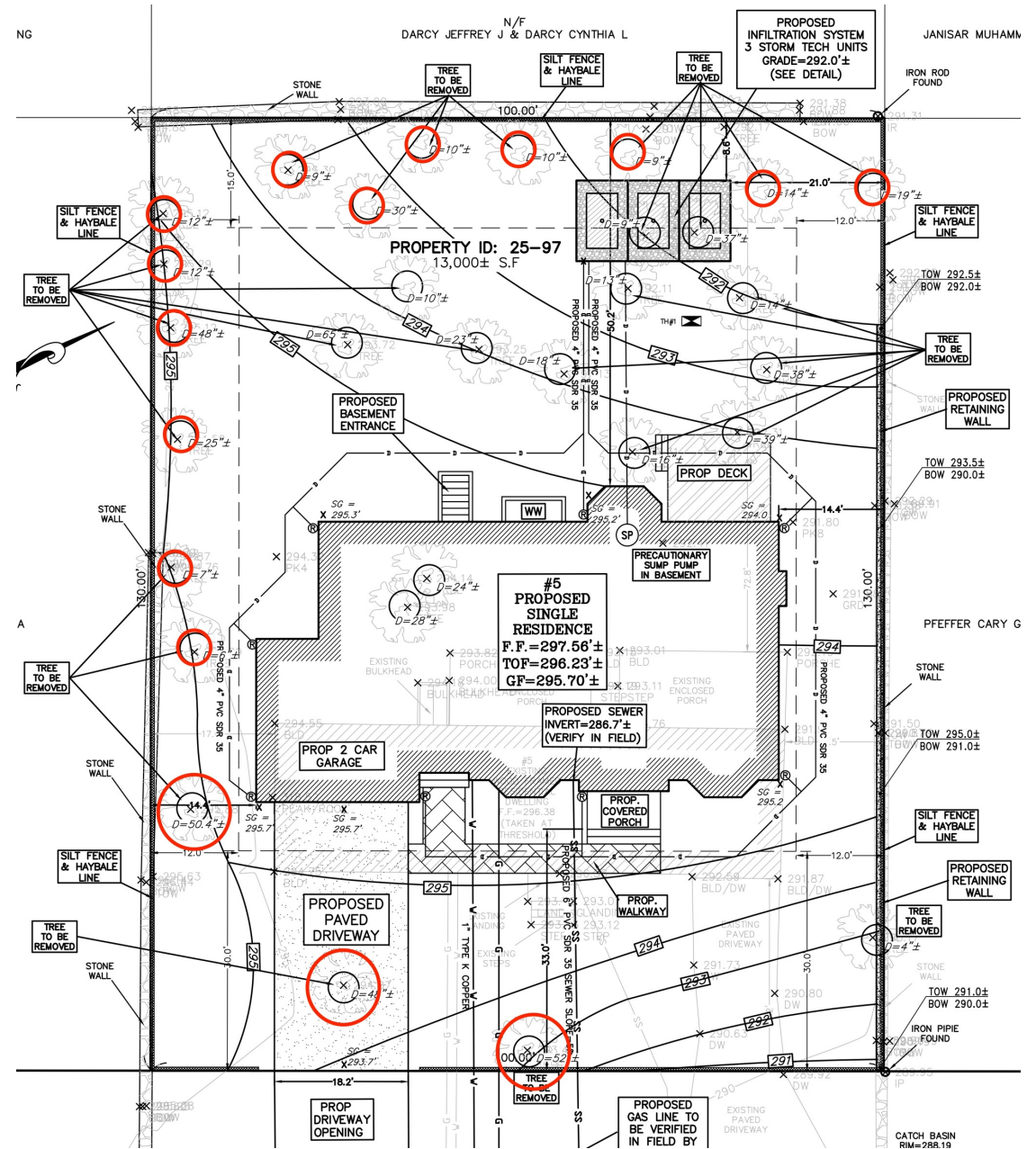
Appendix: 5 Munroe Rd

Why did the 7 “red” trees (DBH 30”, 19”, 14” 10”, 10”, 9”, and 9”) behind the new house and the 7 ones (DBH 12”, 12”, 48”, 25”, 7”, 6”, the “big red” 50.4”) on the left side, and the “big red” 52” in front have to be removed?

My answer: so the builder can save time and money maneuvering his construction equipment on a clear-cut lot

The 48" DBH tree shown on the driveway footprint could also have been saved if the Tree Warden had convinced the builder to flip the house.

This is a perfect example of a clear-cut lot, like 37 Munroe Rd



Appendix: The Tree by-law is being enforced without conviction, nor clear records

Since our Tree by-law became effective, how many times has an applicant **sued the Town** because a tree removal permit was denied? **None.**

Can [the Tree Warden] please send me a dozen **examples** (address, plot plan URL and size of trees saved) **where he got the applicant to NOT cut some trees** that the applicant initially wanted to remove? **This will take a couple of weeks to gather.**

(David Pinsonneault's answers to my questions are **in red**)

The Tree by-law requires (section 120-8 F) that “Upon removal of any tree of six-inch DBH or greater, the owner of the property on which the tree is located shall provide information to the Town regarding the removal of that tree and the reason for its removal.” yet **no such “information” is available in writing**

Prepared for the
Lexington Tree Committee

by Patrick Mehr

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patrick.mehr@gmail.com

August 10, 2023