



# City of Cambridge Department of Public Works

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To: Louis A. DePasquale,  
City Manager

From: Owen O' Riordan,  
Commissioner, DPW  
and  
Nancy E. Glowa  
City Solicitor

DATE: **May 17, 2021**

**RE: The Tree Protection Ordinance and supporting regulations.**

Please find attached further proposed amendments to the Tree Protection Ordinance and draft regulations that are expected to be issued by the Commissioner for Public Works in connection with the Ordinance, as discussed at the City Council meeting of March 21<sup>st</sup>, 2021 and the Ordinance Committee meeting of April 28<sup>th</sup>, 2021. Further to the discussions at the Ordinance Committee meeting of April 28<sup>th</sup>, 2021, the draft regulations have been updated to reflect the outcome of that meeting with special consideration being provided to the Mitigation Section as it applies to Significant Tree removals. The draft regulations are what is currently proposed but there may be further changes before they are promulgated. If there are further changes, we will submit a final version for your information.

The Tree Protection Ordinance provides the Commissioner for Public Works with the authority to promulgate regulations to further the provisions of the Ordinance. It is the intention of the attached draft regulations to accomplish that task. It is also recognized that moving forward the regulations will be subject to further change as the implementation of the Ordinance evolves and as the application of the provisions are field tested in the community.

The 2019 Amendment to the 2004 Tree Protection Ordinance addressed the removal of Significant Trees in other areas of the community outside those associated with large projects, which were the subject of the original Ordinance. In doing so the 2019 Amendment required those who wanted to remove Significant Trees in those other areas to obtain a permit from the Department of Public Works, but restricted the granting of any such permits to rare circumstances associated with dead or dangerous trees, emergencies and other exceptional situations. At this time, given that the Urban Forestry Master Plan has been completed, the proposed amendments before the City Council will allow for permits to be issued more broadly, but in doing so will identify more trees as being Significant Trees (6 inches and above), attach more value to very large trees (30" and above) and incentivize replanting as the most advantageous form of mitigation.



Scenarios	Significant Trees to be removed. (size in inches)	Replacement Trees (in inches)	Mitigation Payment No Exemption Applied Option 1	Mitigation Payment No Exemption Applied Option 2	Mitigation Payment No Exemption Applied Option 3	Mitigation Payment No Exemption Applied Option 4
Scenario 1	8	2	\$0	\$5,100	\$3,400	\$2,550
Scenario 2	8					
	16		\$20,400	\$20,400	\$20,400	\$20,400
Scenario 3	8	2				
	16		\$13,600	\$18,700	\$17,000	\$16,150
Scenario 4	8	2				
	16	2	\$0	\$17,000	\$13,600	\$8,500
Scenario 5	8	2				
	16	2				
		2	\$0	\$15,300	\$10,200	\$6,800
Scenario 6	8	2				
	16	2				
	32		\$40,800	\$57,800	\$54,400	\$49,300
Scenario 7	8	2				
	16	2				
	32	2	\$0	\$56,100	\$51,000	\$28,050

Table 1: Mitigation payments for each of the four Options reviewed at the Ordinance Committee hearing 4/28/21.

At this time, after consideration at the recent Ordinance Committee meeting, Mitigation Payment Option 4 of the four options reviewed has been recommended for adoption by the City Council as the best mitigation procedure proposed for “ Other Significant Tree Removals” under proposed Section 8.66.070 of the Ordinance. This procedure will not apply to “Large Projects”. As is illustrated in Table 1, for most of the scenarios presented, Option 4 provides the greatest incentive to plant an equal number of Replacement Trees to substitute for the Significant Trees removed. By replanting, the cost to the property owner is most reduced. It should be noted that Option 2 in Table 1 is the same mitigation payment as that which will apply to Large Projects and that the cost figures shown are for instances where a residential exemption has not been applied.

Finally, in response to the motion forwarded to the City Council by the Ordinance Committee that the amended Ordinance use appropriate gender-neutral pronouns, the proposed amendments for the Ordinance submitted herewith reflect these changes. Additionally, some concern was also expressed by members of the Ordinance Committee whether the initial language proposed for Option 4 accurately reflects the procedure associated with this option. Given that concern, staff have further reviewed that language and propose for City Council the following substitute language:

“A Mitigation Payment will be required for all Significant Trees removed where an insufficient quantity of Replacement Trees is provided. Where no Replacement Trees are proposed the Mitigation Payment of equivalent value shall be based on the total DBH of the Significant Trees to be removed and 1.5 times the total DBH of Exceptional Trees to be removed from the Lot. When Replacement Trees are planted on a lot, the Mitigation Payment will be based on one-half of the DBH difference between each Significant Tree removed and each Replacement Tree planted to replace it on a one-for-one basis. This calculation will start with the smallest Significant Tree to be removed and then proceed in ascending order based on the sizes of the additional Significant Trees to be removed. This calculation will also value Exceptional Trees at 1.5 times their total DBH. When the number of Replacement Trees planted

exceeds the number of Significant Trees removed, each additional Replacement Tree will be credited based on its DBH. "