

8 September, 2022

Select Board;

Thank you all for your dedication to our town. Arlington is very fortunate to benefit from the time and energy that citizens take to participate in our committees and boards. I was inspired to join the Tree Committee in 2018 by the events recounted below.

I am writing as a town citizen to ask the Select Board to deny the appeal of the 261 Hillside town street tree. These street trees belong to and benefit the entire community. I also ask the homeowners to develop their plan to meet their needs as well as that of our community. I for one would be happy to work with them towards that end.

Webcowet Rd was a tree lined street when we moved in in 1992. By 2017, three fourths of our town street maples were gone due to age and disease. That summer a developer proposed removing a full-grown healthy ash, a town street tree, at 40 Webcowet Rd to allow for a driveway. His petition to remove the tree had been denied by our Tree Warden through the process at the time and he appealed to the Select Board. Our neighborhood rallied to save the tree and there was very fully attended Select Board meeting where about 30 of us showed up in support of the tree and about 10 of us spoke in its defense. The SB denied the appeal and the developer changed the driveway to accommodate the tree which is alive and healthy today.

I started getting involved in the town's activities around environmental related causes and eventually joined the Tree Committee in 2018. The Committee at that time was completing a Tree Management Plan which is in effect today and under which we have been able to plant over 1200 trees over the last 5 years. One of the main goals of the Tree management plan is to preserve existing tree canopy. Many private developments and public projects have shown much more commitment to protecting and preserving our existing trees over the last couple of years with the support of our Tree Warden, our DPW and town planning and management departments.

But we are still not ahead of the game. Despite the additional trees, we are very vulnerable to continued canopy loss through age and disease especially of Norway maples and American Ash. It will take the next two decades to achieve a more fully diverse tree inventory for our town and climate change has been showing its impact for years. That is why it is vital we preserve what we have as we continue to plant and invest in our future.

For the record, Webcowet Rd is a very good case study that emphasizes all the facets of tree management in our town. We continue to maintain our few remaining maples although they are in decline. We have a minimal healthy mature tree canopy, a honey locust and the ash. And we have 11 new plantings, most of which are starting to thrive and grow, but a few of which are struggling through the heat and dryness of this summer. We have neighbors who are very committed to watering and supporting our young trees and some that are not. I would be happy to give a very brief historical tour.

Respectfully yours,

Keith Schnebly
78 Webcowet Rd
Arlington, MA 02474

To: Arlington Select Board

From: Mary Ellen Aronow and Eliza Burden, co-chairs Arlington Tree Committee

Re: 261 Hillside Ave - 9/12/22 re-hearing of appeal of tree warden's denial of public tree removal

Date: September 8, 2022

We write to respectfully urge you to deny the request by a citizen to remove a healthy public street tree in the town tree strip at 261 Hillside Road. The Massachusetts Public Shade Tree law, MGL c. 87, protects all street trees in the state along the public way. The law declares street trees to be "public shade trees" (Sec. 1). That means, street trees belong to the Town for the benefit of the Town and all of its citizens, not to any specific individual. Massachusetts law has protected Public Shade Trees at least since 1896, and clearly the Legislature intended to fiercely protect Public Shade Trees by making removal difficult. There are many roadblocks to removal of healthy public shade trees including provisions that say healthy public trees can be removed only by the tree warden and only after a public hearing. (Sec. 3). If there is even one objection prior to or at the hearing, the Warden must deny the removal. In fact, the Tree Warden can deny removal even if there are no objections. MA c. 87 is a strong statement of the importance of trees to each community and to the entire state.

Our Tree Warden denied the tree removal at a 4.12.2022 public tree hearing, and again in follow up correspondence. The Tree Warden has said the street tree is healthy and poses no danger. There is nothing in MA c. 87 that says the Select Board must negotiate with the appellant or allow removal.

Arlington is a regional leader in tree protection and preservation. Tree care and protection has become a part of town plans, missions, bylaws and how the municipality operates. Our Tree Warden works with Arlington's builders to configure their site plans to save trees on the private property to be developed, and to protect and work around nearby public street trees. It has been gratifying to see the Town's builders, departments, and residents pull together to preserve Arlington's tree canopy as contemplated in the Town's Master Plan and other town planning reports.

Allowing removal of the public street tree at 261 Hillside would be contrary to the public interest, and contrary to the goals and efforts by our Tree Warden.¹ Ruling in favor of removal risks moving backward the tremendous work the town has done to increase the expectations of builders and anyone living in town for protection and preservation of healthy public trees.

Public trees are public assets which belong to the citizens of Arlington and are increasingly vital in light of climate change. In our experience, the Town does not destroy, alter, or take away public access to public assets for the convenience of few private citizens. If instead, the appeal for public tree removal competes with another public interest (e.g. Broadway Plaza construction), the Select Board should carefully balance the protection of healthy trees and a workable public construction project. The Select Board should not sacrifice the public interest (destroying a public tree) for the benefit of a private interest (a homeowner's project) unless there is an emergency, which is not the case with 261 Hillside.

We respectfully request that the Select Board deny the 261 Hillside appeal and any future appeals of a denied tree hearing for a non-public project absent an emergency.

Sincerely,

Mary Ellen Aronow and Eliza Burden, Co-chairs Arlington Tree Committee

¹ Per 1899 Massachusetts law, every city and town must have a tree warden who is responsible for trees on public property. In the 1800s, the word "warden" was a common title for natural resource officials and signified a unique legal responsibility to guard public resources against destructive forces that might include persons, insects or diseases. Source: MA Tree Wardens and Foresters Assn. [emphasis added]

From: "Mara E. Vatz" <mara.vatz@gmail.com>
To: sbadmin@town.arlington.ma.us, amaher@town.arlington.ma.us
Date: 09/09/2022 07:03 AM
Subject: Objection to tree removal at 261 Hillside Avenue

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Dear Arlington Select Board,

I am writing to object to the request to remove the healthy 18" Honey Locust at 261 Hillside Avenue (on the George St. side). I have been a member of the Arlington Tree Committee for the last 5 years, though I am writing now as a private citizen.

I have always been impressed by the thoughtful, measured debates around tree protection that occur at Select Board meetings. The Select Board has historically been a champion of tree protection in Arlington, and has helped establish a culture among builders and planners of opting for creative designs that accommodate, rather than threaten, our trees. However, my impression after hearing the discussion at the August 22 Select Board meeting is that a great deal of institutional memory has been lost, which prevented the Board from adequately considering many of the costs of removing this tree.

First and foremost, I was incensed that our Tree Warden's expert opinion was so readily dismissed by the Board. Before even considering whether the driveway could be extended in the other direction, and with no mention of the myriad benefits the tree provides to the Town (shade, air filtration, flood control, wildlife habitat, beauty), Mr. Hurd stated "My inclination is to, I don't want to say "overrule" the Tree Warden, but to look what's being asked of us and the totality of the property, and I think what they're asking for is reasonable." I would expect more from the Select Board than making decisions based on an "inclination" of an individual board member who feels the request is "reasonable." It should also be noted that Mr. Hurd lives across the street from the residents making this request, and as such, might have recused himself from this discussion.

Ms. Mahon began the discussion by voicing her concern that approving this removal would set a precedent for future appeals. Mr. Hurd stated that since expanding a driveway is a "significant expense," it's unlikely that there will be a "flurry of applications." However, this ignores the very real flurry of new residential construction in town, in which many properties are converted into condos with the famously difficult underground parking and sloped driveway. In the past few years there have been several tree hearings in which the request to remove a tree in

order to create a driveway for new construction have been denied. One example of note is the property at 40 Webcowet road. The original removal request was denied at the hearing. The builder appealed the decision and the Select Board proceeded to deny his request. As a result, he altered the building plan and the mature tree remains in place today. I worry that if the Select Board approves the removal of the tree at 261 Hillside Avenue to allow residents to expand their driveway, many more healthy, mature trees will be removed by builders in years to come.

Finally, the resident claimed that this particular species of tree is not well suited to be a street tree, and suggested that the person who planted the tree "made the wrong choice." There are many factors that go into choosing the right species for any given location, and in our current environment of extreme weather, one important consideration is whether a tree is urban tolerant. Honey Locusts, unlike many native trees, can withstand heat, salt, and pollution, which is why they are found in many public plazas, including in Arlington center. Another goal of street tree planting is to establish a diversity of species and to avoid a mono-crop, which can be easily destroyed by a single pest. According to the Street Tree Inventory conducted in 2017, 56% of Arlington's public shade trees are Maple. The next highest category is Ash, which makes up 9% of Arlington's Public trees. There are about 900 Ash trees currently, all of which face the imminent threat of the Emerald Ash Borer, and many of which will have to be removed over the next decade. Only 6% of Arlington street trees are Locust. An 18" healthy Honey Locust ought to be protected and recognized as a valuable asset to this town. I cannot fathom how a permeable driveway could make up for the loss of this tree.

I hope that the Select Board will reconsider their plan to move forward with a Memorandum of Understanding and instead deny the request outright, and re-establish the Board's commitment to protecting and preserving Arlington's Tree Canopy.

Sincerely,
Mara Vatz
77 Warren St, Arlington MA

From: Elizabeth Rocco <egrocco@gmail.com>
To: "Ashley Maher" <AMaher@town.arlington.ma.us>
Date: 09/09/2022 01:16 AM
Subject: [SAdmin] Objection to the Removal of a Healthy Street Tree at Hillside

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9/9/2022

Attention: Arlington Select Board

I am writing to object to the removal of a tree in order to expand a driveway at 261 Hillside in Arlington.

I am a resident of Arlington and a family physician and very aware of the multiple health benefits of public trees and the need to protect our public trees.

The residents of 261 Hillside are requesting the removal of a healthy, mature, 18" Honey Locust tree. The tree is a Public Shade Tree, meaning it belongs to the Town and is protected under [Massachusetts Law Chapter 87](#), one of the oldest tree protections laws in the country.

The removal of the tree would be a dangerous precedent that would negatively impact the health of our community today and in the years to come. Allowing a private resident to destroy public assets for home improvement goes against the community interests. Public street trees provide shade, carbon sequestration, air filtration, flood control, wildlife habitat, and beauty.

Arlington has been losing tree canopy steadily since 1980, and the extreme temperatures this summer is making it very hard for newly planted trees to survive and get established. The difficulty expanding the tree canopy will only become more challenging with worsening climate change in coming years.

Arlington also has 900 Ash trees which are all threatened by the Emerald Ash Borer. We are spending tens of thousands of dollars to protect these trees, and even so many of them will die. We have to fight for the trees that are currently healthy and have a good chance of long term survival. Honey Locusts such as the one at 261 Hillside is one of the healthy established trees in Arlington's tree canopy. Honey Locusts are urban tolerant and can handle heat, drought, and salty conditions.

Thank you for protecting one of our most valuable town assets, our public trees!

Elizabeth Grace Rocco MD
94 Grafton St
Arlington 02474
One Medical Google

From: David Cooperman <cooperman.david@gmail.com>
To: "Ashley Maher" <AMaher@town.arlington.ma.us>
Date: 09/08/2022 11:13 PM
Subject: [SBadmin] To the Select Board re: tree at 261 Hillside Ave

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Dear Select Board,

I am writing in regards to the proposed public shade tree removal at 261 Hillside Ave. I hope and respectfully ask that you will deny the request to remove the tree, as a resident should not be able to destroy valuable public property simply because it is inconvenient to them. This would set a terrible precedent. Public shade trees belong to us all and do a great service for air quality, carbon capture, and therefore public health. Establishing and maintaining new trees is more difficult due to more variable weather like the recent dry spell, making established trees even more valuable to the town. While I do not oppose all existing restrictions on development, this one is clearly in place to protect the resources we share. Please uphold it.

Thank you for your service to Arlington,
David

David Cooperman
44 Allen St
Arlington, MA

From: Lucy Thiboutot <lucy.thiboutot@gmail.com>
To: "Ashley Maher" <AMaher@town.arlington.ma.us>
Date: 09/08/2022 11:08 PM
Subject: [SBadm] public shade tree protection

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Dear Arlington Select Board,

I have recently come to learn that the Arlington Select Board will be voting on Monday to determine the fate of a public shade tree at 261 Hillside Ave. As a town resident, I am appalled that this request is being considered, as granting it would set a terrible precedent for the town.

I understand that the residents at 261 Hillside may have their personal reasons for wishing to remove the tree, but public street trees are an essential communal property of great importance, now more than ever, as we see our summers get hotter and hotter. On our street in East Arlington, we have witnessed the struggle of new shade trees to get established in this heat; setting the precedent that residents can decide to tear down established trees could be disastrous for maintaining the ones we have already.

Unlike the Ash trees, which are plentiful in Arlington but all threatened by the Emerald Ash Borer, this Honey Locust tree is well established. We need to fight to protect such trees, not tear them down. They are a great resource as they are well adapted to the tough conditions of living next to the street (getting salt in winter, drought in summer). The Honey Locust at 261 Hillside is a particularly nice mature tree that is doing its job very well.

Thank you very much for your consideration!

Sincerely,
Lucy Thiboutot, Arlington resident