

Table comparing Tree Regulations in Lexington, Wellesley and Newton.

Table only includes regulations on private land (not public trees)

Prepared on October 1, 2014.

Note that much of the text is copied and pasted from regulations, however, sometimes I paraphrased. I also added emphasis in some places.

	Lexington	Wellesley	Newton
Applicability	<p>The circumstances under which the tree protection, removal and replacement regulatory process delineated in this bylaw shall apply are as follows:</p> <p>(1) Proposed cutting (trunk, limbs or roots) of existing public shade trees on public and private ways (accepted or unaccepted streets) or of Town trees on Town-owned (or leased land being used as a public facility) by any person.</p> <p>(2) Proposed demolition of an existing residential or nonresidential structure.</p> <p>(3) Proposed major construction on an existing residential or nonresidential lot.</p> <p>Additionally, if any protected trees were removed during the 12 months preceding the application for the building or demolition permit, a tree removal and mitigation proposal regarding the protected trees already removed shall be submitted to the Building Commissioner.</p>	<p>The by-law applies when any of the following are true:</p> <ul style="list-style-type: none"> • demolishing a structure with a footprint of 250 sq. ft. or greater; • constructing a structure on a vacant lot; • constructing a retaining wall with a height of 4 feet or greater; • constructing a structure or an addition that increases the total existing footprint (lot coverage) by 50% or more. <p>Protected Trees (as defined below) removed within the past 12 months prior to an application for any of the projects above are also subject to the requirements of the Tree Bylaw.</p>	<p>The terms and provisions of this article shall apply to any protected tree (as defined below) located on land within the city not owned by the city, the commonwealth, or any independent authority of the commonwealth, or by the federal government except protected tree(s) located on an <i>exempt lot</i>.</p> <p>Exempt lot:</p> <p>(1) The lot is occupied and used primarily as a dwelling for up to four families at the time any protected tree(s) are removed.</p> <p>(2) The lot owner at the time of protected tree removal has owned the lot continuously for a minimum of ninety (90) days prior to the removal of any protected tree(s).</p> <p>(3) The existing structure on the lot remains occupied as a dwelling with a person or persons living in it for eighteen consecutive months from the date any protected tree(s) are removed.</p> <p>(4) The lot remains owned by the same person for eighteen consecutive months from the date any protected tree(s) are removed.</p>

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<p>What is a Protected Tree?</p>	<p>Any tree on private land, with a DBH of six inches or greater (or any multiple trunk tree with a DBH of 15 inches or greater), located in the <u>setback area</u> (or which, as determined by the Tree Warden, has any portion of the stem between six inches and 4 ½ feet above grade actively growing into the setback area), provided that the tree is not hazardous or undesirable as defined in the Tree Manual.</p> <p><i>The minimum setback area</i> around a lot shall be measured in accordance with the larger dimension of 30 feet from the front and 15 feet from the two sides and from the rear of the lot; and the minimum front yard, side yard and rear yard dimensional requirements under the Zoning Bylaw of the Town of Lexington. For the purposes of establishing the setback area in which the provisions of the bylaw shall apply, the measurement shall be from any point on any property line of the lot, to points along an imaginary line drawn representing the setback area as specified. Final judgments regarding required tree protections during construction shall be made by the Tree Warden where deviations from the setback are required.</p>	<p>a. SINGLE FAMILY RESIDENTIAL PROPERTY: If a project triggers the Tree Bylaw and the site is in a Single Residence District 10, 15, 20, 30, or 40, or a General Residence District, any tree with a DBH of 10” or greater within the Tree Yards <u>is considered to be a Protected Tree</u>. The Regulations contain a table depicting the location on the lot, or Tree Yard, where trees 10” DBH or greater must be protected if retained or compensated for if removed.</p> <table border="1" data-bbox="779 477 1484 837"> <thead> <tr> <th colspan="4">Tree Yard Locations – Property Zoned Single Residence District or General Residence District</th> </tr> <tr> <th rowspan="2">Zoning District</th> <th colspan="3">Minimum Tree Yard (feet)</th> </tr> <tr> <th>Front</th> <th>Side</th> <th>Rear</th> </tr> </thead> <tbody> <tr> <td>SRD 10</td> <td>20</td> <td>10</td> <td>10</td> </tr> <tr> <td>SRD 15</td> <td>20</td> <td>20</td> <td>20</td> </tr> <tr> <td>SRD 20</td> <td>20</td> <td>20</td> <td>20</td> </tr> <tr> <td>SRD 30</td> <td>40</td> <td>30</td> <td>30</td> </tr> <tr> <td>SRD 40</td> <td>40</td> <td>40</td> <td>40</td> </tr> <tr> <td>General Residence</td> <td>20</td> <td>10</td> <td>10</td> </tr> </tbody> </table> <p>b. MULTI-FAMILY AND COMMERCIAL/OFFICE PROPERTY: If a project triggers the Tree Bylaw and the site is in any of the following zoning districts, any tree with a DBH of 10” or greater located anywhere on the property <u>is considered to be a Protected Tree</u> and must be protected if retained or compensated for if removed: Townhouse, Multi-Family, Educational, Educational A, Educational B, Lower Falls Village Commercial, Wellesley Square Commercial, Limited Business, Business, Business A, Industrial, Industrial A, Administrative or Professional, Limited Residence, Limited Apartment.</p> <p>c. DETERMINING TREE DIAMETER: Trees with a diameter of 10” or greater and located on property as specified in a. or b. above, <u>are considered to be Protected Trees</u>. The diameter of a tree is measured at breast height, which is considered to be the area of the trunk four and one-half (4.5) feet above the existing grade at the base of the tree; the following formula may be used to determine the diameter: Tree circumference at breast height ÷ π = diameter</p>	Tree Yard Locations – Property Zoned Single Residence District or General Residence District				Zoning District	Minimum Tree Yard (feet)			Front	Side	Rear	SRD 10	20	10	10	SRD 15	20	20	20	SRD 20	20	20	20	SRD 30	40	30	30	SRD 40	40	40	40	General Residence	20	10	10	<p>Any tree having a diameter of eight inches (8") DBH or larger or having an aggregate diameter of fifteen inches (15") DBH or larger and which is located on land subject to the provisions of section 20-32. (typo, it is actually 21-82) – (see “Applicability” Section above).</p>
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Options for Mitigation	<p>(1) Replanting of trees: such replanting shall be on the basis of one inch of caliper of new tree(s) for each inch of DBH of tree(s) removed, and each replanted tree must have a minimum caliper of three inches. The replanting shall occur no later than 12 months after completion of the construction work, either on applicant's land or on land abutting applicant's land with express approval of the owner of such abutting land;</p> <p>(2) Contribution into the Lexington Tree Fund; or</p> <p>(3) (Reserved) <i>Editor's Note: Former Subsection C(3), which required the applicant to demonstrate the desirability of removal of a protected tree, was repealed 3-22-2010 ATM by Art. 27.</i></p> <p>(4) All evergreens planted as replacement trees must be a minimum of six feet in height and may include, without limitation, pine, hemlock, spruce and fir. Low-growing evergreens shall not be accepted as replacement trees.</p> <p>Trees not removed. Trees that are to be left on the site must be protected as specified in the Tree Management Manual.</p>	<p>A. Preserving and Protecting -Tree Retention Plan The Critical Root Zone, Drip-Line and location of the Tree Save Area shall be shown for all Protected Trees to be retained; Plans must specify tree protection measures; Certified Arborist must certify Tree Save Area has been installed correctly; If encroaching in Critical Root Zone, maintenance plan prepared by Certified Arborist required.</p> <p>B. Tree Replanting Plan – Tree Removal One-half (0.5) inches of caliper of new trees is needed to mitigate 1 DBH inch of Protected Trees removed. Additionally:</p> <ol style="list-style-type: none"> 1. Each new tree must have a minimum caliper of 2 inches. 2. Replanting must be complete prior to Final Inspection or the issuance of a Certificate of Occupancy. 3. May plant on abutting land with approval of the abutting property owner. 4. Overstory Tree species (trees that will reach a mature height of <40 ft) must be replaced with an Overstory Tree species. 5. Invasive tree species identified in Appendix A shall not be replanted. <p>C. Tree Removal with Contribution to Tree Bank</p> <p>D. Combination Options</p>	<p>Sec. 21-85. Tree replacement. Tree Replacement must occur within eighteen (18) months, or prior to transfer of property ownership whichever comes first from the date the tree permit is issued and in accordance with the following standards:</p> <ol style="list-style-type: none"> (1) New tree shall be of same or similar species or such other species as advised by Tree Warden in accordance with the Tree Manual and shall have the same DBH inches as that of removed protected tree. (2) In the event that a tree of the same DBH inches cannot be planted, then multiple smaller replacement trees may be planted provided that total DBH of the replacement trees shall, when added together, equal the total DBH of removed protected tree. The tree warden may specify minimum caliper. (3) A replacement tree must survive for a minimum of 18 months from the date it is planted. Documentation of date of planting shall be provided. (4) Replacement tree shall be planted on the same lot from which the tree was removed. <p>Sec. 21-86. Tree replacement fund.</p>