



29 April 2022

from: Newton Conservators  
to: Mayor Ruthanne Fuller  
re: Newton Cemetery request for exemption from Newton's tree ordinance.

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The Newton Conservators does not believe that the Newton Cemetery should be permanently exempted from Newton's Tree Ordinance (Chapter 21, Article III Trees Division 3 Tree Preservation), as the Cemetery has requested. However, we do believe they should be given credit for trees planted in past years and planned for future years. Failure to do so seems unfairly to penalize them for good stewardship practices.

We agree with the Cemetery that this ordinance was designed primarily to discourage the unnecessary removal of mature trees for purposes such as the redevelopment of residential or commercial property (especially for resale) and to require property owners and developers to mitigate such removals by paying into a fund that the City itself uses for tree planting.

In contrast to this typical situation, the Newton Cemetery:

- has a perpetual mission and ownership
- provides very significant environmental and other benefits to our community including both its human and nonhuman members
- has an admirable past record of planting and sustaining a diverse landscape, including trees
- has committed itself to extensive future tree plantings, mostly of native species, through its adopted long-term landscape management plan

We hope you can take these factors into account as you decide how Newton's tree ordinance should be applied to the Newton Cemetery.

For example, we fully support the way the ordinance calculates impacts and mitigation fees based on the *size* of trees removed and planted (DBH, or "diameter at breast height"), rather than just the *number* of trees. Yet it also seems appropriate to credit the Cemetery both for trees they have planted in the recent past and for trees they will plant in the relatively near future, rather than requiring either that all trees removed for the Cemetery's announced Phase II Expansion be replaced or that their loss be mitigated through fines paid in a single year.

To ensure accountability, perhaps the Cemetery could be required to report to Marc Welch as the City's Director of Urban Forestry the cumulative DBH of new trees planted within a certain number of years from before to after the Phase II Expansion. If the full DBH lost through that project has not yet been replaced by the end of the specified period, the Cemetery might then be required to mitigate the project's remaining negative impact on Newton's tree cover through payments spread over more than one year.

Thank you for considering these thoughts.

Sincerely,

Chris Hepburn, Co-President, for the Board of the Newton Conservators