



Programs & Services Committee Report

City of Newton In City Council

Wednesday, January 21, 2026

Present: Councilors Krintzman (Chair), Malakie (Vice Chair), Bixby, Oliver, Baker, Charm, Farrell, and Micley

Also Present: Councilors Leary and Roche

City Staff: Mark Welch, Acting Commissioner of Parks & Recreation; Jennifer Wilson, Assistant City Solicitor; Katie Whewell, Acting Director of Planning; John Morse, Chief Operations Officer; John Rice, Chief Community Service Officer

All agendas and reports, both past and present, can be found at the following link: [Newton City Council - Programs & Services Committee](#)

For more information regarding this meeting, a video recording can be found at the following link: [January 21 Programs & Services Committee Meeting \(YouTube\)](#)

#26-26 Requesting discussion and possible amendments on notification process for Tree Permit applications
COUNCILORS MALAKIE, WRIGHT, BLOCK, FARRELL, LUCAS, OLIVER, LEARY AND GETZ requesting revision and amendments to Chapter 21 Article 3 Trees to apply abutter notification requirements to all permits and require notifications use a template provided by the Tree Warden that includes an explanation of the Tree Save Area and the right of abutters to have their trees protected.

Action: **Programs & Services Held 8-0**

Notes: Chair Krintzman introduced Vice Chair Malakie to lead discussion of this item. Attached is a document with suggested changes to Ch. 21 § 21-83 "Permit Application" which Vice Chair Malakie referenced during the discussion.

Vice Chair Malakie stated the intent of the docket item was to standardize the abutter notification process that had been in place since changes in March 2024. Issues with the abutter notification process include submission of standardized, one paragraph letters; a wide range of specificity regarding plans for construction and impact on trees and uploading certified mail receipts of abutter notifications rather than messages shared with abutters. Vice Chair Malakie suggested that Commissioner of Parks & Rec Marc Welch could create a fillable form for abutter notifications, like forms which have been successful in other aspects of the

Tree Permit application process. Streamlining the notification process would allow residents to be appraised on the potential impact of construction on nearby trees and be prepared to report issues or failures with permit compliance. Vice Chair Malakie also suggested expanding the abutter notification requirement to all work rather than just for construction permits.

Commissioner Welch joined the committee to discuss the abutter notification process within the Tree Permit application. Commissioner Welch noted when non-construction work occurs and notification is required, such as on commercial property or properties with a three-family or greater unit. Commissioner Welch agreed with Vice Chair Malakie's comments that information included in abutter notifications vary from detailed and compliant to minimal communication. Commissioner Welch stated that more consistency and clearer guidance within the abutter notification system would be beneficial.

Chair Krintzman asked Commissioner Welch for opinions on the abutter notification ordinance and if there were potential issues that could be addressed with an amendment change. Commissioner Welch replied that most problems originate from applicant parties submitting information in the wrong location and the workload generated for Parks & Rec through the abutter notification system.

A Councilor asked what information applicants receive about the "Trees" ordinance when a Tree Permit process begins. Commissioner Welch stated that several sections of the application include information on the ordinance that include explanations and links to documents with additional support. The Councilor also asked about experiences that neighboring communities have had with their tree-related ordinances. Commissioner Welch responded by saying there is a consensus on the large administrative effort created by those ordinances that have proved challenging.

A Councilor asked a clarifying question about situations when an abutter notification is not required. Commissioner Welch confirmed that arborist-certified trees, with diameters less than 40", and on lots with less than a 3-family unit can be taken down without notification. Chair Krintzman explained that Vice Chair Malakie's proposal would expand notification requirements to include these situations as instances that would require Tree Permit applicants to send abutter notifications. Commissioner Welch's example does not currently require abutter notification but does require approval of a Tree Permit. The Councilor asked what changes would happen to the Parks & Rec workload if the proposed notification changes were implemented. Commissioner Welch responded that the increased amount of documentation would add a slight amount of review time, but shared concern on potential challenges for applicants, particularly residential applicants. Commissioner Welch said computer fluency poses a problem for some submitting applicants and additional forms might complicate their experience.

A Councilor discussed their experience with the "Tree" ordinance and the challenges that some faced when reviewing ordinance language for new forms and requirements inserted

within the “Trees” ordinance. The Councilor asked if a visual aide could be developed to help explain the current notification system and compare it to the proposed changes. Vice Chair Malakie described the three current categories of Tree Permits: tree removal involved with construction that requires abutter notification; tree removal of non-exempt trees that require abutter notification, and; removal of exempt trees that does not require abutter notification.

Chair Krintzman clarified that the Committee was answering two questions with discussion on item #26-26. First, the Committee was deciding whether to adopt a standardized abutter notification form that could be used across all Tree Permit applications. Second, the Committee was choosing whether to incorporate an abutter notification requirement across all three Tree Permit categories.

A Councilor asked what impact creation of a standardized form, and additional requirements would have on construction applicants or residential applicants. Commissioner Welch believed that the proposed changes would likely have a neutral effect on construction or contracting applicants but might create a small, new obstacle with residential applicants seeking to remove exempt trees.

A Councilor asked about previous problems that abutters and neighbors have dealt with during tree removals that influenced docketing of #26-26. Vice Chair Malakie responded that residents have been caught off guard when exempt trees are removed without notification because of consequences such as losing trees that provide absorption of storm water which can support residents across property lines. Vice Chair Malakie also said that expanding notification requirements would facilitate dialogue between residents that may help preserve trees that would otherwise be removed without conversation between neighbors.

A Councilor asked for the conversation to shift to review what feedback has been received on the Tree Permit ordinance and metrics that demonstrate the impact of the ordinance since its adoption in March 2024. The Councilor also stated that the expansion of notification requirements could possibly serve as a burden on efforts from single family homeowners in pursuing Tree Permits for legitimate landscaping reasons.

A Councilor raised a concern that an expansion of abutter notification had the possibility to produce unproductive interactions between neighbors and create a dynamic where one side is pitted against another. The Councilor also asked if additional processing could delay removal work. Vice Chair Malakie and Commissioner Welch responded that abutter notifications are typically processed within 24 hours and removal delays stem from individual company workload rather than completion of Tree Permit requirements.

A Councilor asked if abutters were able to affect the tree removal after receiving a notification. Vice Chair Malakie confirmed that an abutter did not have recourse to prevent or delay a tree removal after receiving notification. The Councilor raised a concern that the implication of

receiving a notification was that an abutter had the right to a type of remedy in relation to the removal.

Assistant City Solicitor Jennifer Wilson joined the conversation and confirmed that Law could make exemptions for notice requirements when it relates to dead or diseased trees that need immediate attention.

A straw vote was taken to gauge support to standardize the abutter notification form, which passed 8-0.

A second straw vote was taken to gauge support of expanding the notice requirements to all Tree Permit applications, which did not pass 3-5.

Councilors shared their suggestions as to what should be included in the proposed standardized abutter notification form. Recommendations included: photos of trees scheduled for removal, information on and links to Ch. 21 Art. III “Trees” ordinance, and potential steps for abutters to protect their own trees.

Vice Chair Malakie motioned to hold, which passed unanimously 8-0.

#29-26 Requesting discussion and possible ordinance to incorporate tree preservation into design process

COUNCILORS MALAKIE, WRIGHT, BLOCK, FARRELL, LUCAS, OLIVER, LEARY, GETZ, and GREENBERG requesting discussion of procedural changes and possible ordinance to ensure consideration of tree preservation before the design and permitting process, to promote low-impact development and climate resilience.

Action: **Programs & Services Held 8-0**

Notes: Vice Chair Malakie led discussion on this docket item and referred to the attached material.

Vice Chair Malakie stated the intent of this item was to address protecting trees earlier in the design process to ensure full consideration of preservation efforts. Suggestions included: outreach to contractors and real estate professional to help residents familiarize themselves with the “Trees” ordinance; photographic evidence of protective measures for trees; a hotline to report instances of non-compliance, and future requirements in the development process. Acting Director of Planning Katie Whewell joined the conversation to answer questions about the permitting process and where within the process could be helpful to address the “Trees” ordinance with applicants. Development Review Team (DRT) meetings were recommended as a component of the permitting process where proactive tree preservation planning and information sharing could take place.

Vice Chair Malakie motioned to hold, which passed unanimously 8-0.

The committee adjourned at 9:08 p.m.

Respectfully Submitted,

Josh Krintzman, Chair

Proposed edits to Tree Preservation Ordinance for improved abutter notification:

Sec. 21-83. Permit application.

(a) *Tree Permit Application*

(1) *Required Contents:* An application for a tree permit shall be submitted to the Tree Warden in the form and manner specified by the Tree Warden and shall include the following:

(A) A plan showing the shape and dimensions of the parcel of real property, together with the existing and proposed locations of structures and improvements, if any, and showing the limit of work;

(B) A Tree Plan;

(C) An affidavit, in a form provided by the Tree Warden, attesting that the applicant provided notice to the owners of all abutting properties and all properties directly across the right of way prior to submitting the application along with a list of the addresses of all abutters notified; and

Replace with:

(C) Abutter notice letter, in a form provided by the Tree Warden, and to include an explanation of the Tree Save Area and the right of abutters to have their trees protected; and an affidavit, in a form provided by the Tree Warden, attesting that the applicant provided the notice letter to the owners of all abutting properties and all properties directly across the right of way prior to submitting the application; and a list of the addresses of all abutters notified,

(b) *Exemption Permit Application*

(1) *Required Contents:* An application for an exemption permit shall be submitted to the Tree Warden in the form and manner specified by the Tree Warden and shall include the following:

(A) Documentation showing that the tree(s) to be removed meet the definition of Exempt Tree(s); and

(B) The species and size of each tree being removed, the reason for tree removal, and a diagram and/or photograph depicting the location of each tree to be removed.

Insert after (B):

(C) Abutter notice letter, in a form provided by the Tree Warden, and to include an explanation of the Tree Save Area and the right of abutters to have their trees protected; and an affidavit, in

a form provided by the Tree Warden, attesting that the applicant provided the notice letter to the owners of all abutting properties and all properties directly across the right of way prior to submitting the application; and a list of the addresses of all abutters notified.

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While we're on this page, correct "comprised" to "compromised" below:

- (c) *Fee:* The application for a tree permit shall be accompanied by a fee in the amount(s) listed below.
 - (1) The application fee for a tree permit, shall be \$150.
 - (2) There shall be no application fee for an exemption permit or for a tree permit for the removal of a dead or significantly **comprised** tree in accordance with section 21-83(e)(4).

MALAKIE NOTES FOR 1/21/26 PROGRAMS & SERVICES MEETING**#29-26 Requesting discussion and possible ordinance to incorporate tree preservation into design process**

COUNCILORS MALAKIE, WRIGHT, BLOCK, FARRELL, LUCAS, OLIVER, LEARY, GETZ, and GREENBERG requesting discussion of procedural changes and possible ordinance to ensure consideration of tree preservation before the design and permitting process, to promote low-impact development and climate resilience.

Issues:

- That City Council sees: Special permit applications that haven't made effort to minimize tree impacts (tree removals; excavation for buildings, grade changes, retaining walls, stormwater systems in Tree Save Areas, of trees intended to remain, or on neighbors' properties
- Not seen by City Council – by right projects in NewGov; same issues as above
- End users doing build or addition may not be aware of tree ordinance requirements when they commission architect. Some may be aware but view trees as expendable.
- Developers are aware of ordinance but want to maximize FAR. Cost of replacement inches small in relation to profit.
- Developers see trees getting in the way of construction, even if not in building footprint.
- Tree Preservation Plans that are not being followed in real life, e.g. protective fences not up, excavation very close to trunks
- (Sometimes) Unrealistic planting plans, e.g. large maturing trees planted close together – will they still be there in 10 years? Developers do not have to worry about long-term survival/replacement.

Possible measures:

- During design process
 - Have DRT process include tree considerations. (Have Julie Babcock available to answer questions?)
 - Add Tree Ordinance question(s) to Q&A for Special Permits (current Q&A asks about Historical and ConComm, but not trees) e.g. Are you aware of Tree Ordinance requirements for your project? Who will be arborist for project?
 - Include Tree Ordinance awareness in Building Permit and Demo Permit NewGov application. Tree permit is required before getting a building permit or demo permit – when does this become clear to applicant?

- Ideally want to be before house/addition/project is designed. Outreach to architects & real estate agents as NUF did with tree companies. Best practices documents on ISD website.
- Tree Permit-Construction and Building Permit applications
 - Plans should include expected overdig requirements overlaid on plan of trees intended to remain (including DBH). Arborist to assess and MW to check for reasonableness.
 - Plans should show proposed grade changes (+/-) overlaid on tree plan.
 - Photographs of protective measures *in place* should be uploaded to NewGov before any construction or demolition starts
- During construction period
 - Tree permits are already supposed to remain posted in publicly visible location during construction. Have permit include link to NewGov for easy lookup of documents: <https://newtonma.portal.opengov.com/search>
 - Hotline – who to call to prevent irreversible damage, e.g. excavation near trunk of large tree, tree removals with no posted permit, both during work hours, and on weekends/holidays.
- Related considerations for low-impact development
 - Setbacks & open green space – allow adequate room for trees
 - Grade changes – some tree removals happen because builders flatten lots to allow for cookie-cutter houses and bigger footprints instead of designing to existing grade. Consider limiting retaining walls to retaining existing grade, not to change grade.
 - Retaining walls may result in root cutting or burial of roots (which deprive roots of oxygen). Retaining walls often along property lines, potentially affecting neighbor's trees.
 - Stormwater ordinance – stormwater retention requirements should incorporate impact of removing vs retaining large trees.