

PUBLIC HEALTH, SAFETY AND PUBLIC WORKS COMMITTEE — MEETING MINUTES

Winthrop Town Hall, Harvey Room — Wednesday, 16 September 2026, 4:00 pm

Subject: Draft Tree Ordinance (development-activity section)

ATTENDANCE

Committee: Suzanne Swope (Chair), Marty Finn, Paul Reardon — all present. Also participating: Tom Derderian, Tree Warden (remote); Tony Marino (in person); Joe Romano, Precinct 3; John Morgan. Prior minutes were noted as online and unrelated to this topic; they were not reviewed.

PUBLIC COMMENT AND OPENING VIEWS

Tony Marino opened by saying the tree bylaw should be treated holistically rather than in pieces: sidewalks, ADA accessibility versus trees, and the language other communities use should all be settled before the town starts applying rules to developers. The development section is a useful piece, but the whole tree bylaw should come first.

John Morgan said he does not hate trees, but a tree that interferes with a public sidewalk or public safety should be addressed as a safety hazard. He recounted the 190 Somerset Avenue tree matter, which ran nearly four years; in 2023 the cost to remove the tree and repair the sidewalk was quoted at roughly \$10,000 to \$12,000, and he questioned how much more a bump-out costs the town to save one tree. He was surprised to learn of a recent bump-out decision from a third party, and said he believes the cost of a bump-out far exceeds the loss of a tree.

Tom Derderian framed the dilemma: streets and sidewalks are a fixed width, and healthy trees are outgrowing them. His practice is to evaluate each tree's health and, where the tree is sound, work with DPW to save it and make the passage safer. He described the honey locust at 329 Shirley Street, where a heaved metal grate had become a hazard: DPW pressure-washed the surface soil from the roots, he hand-pruned surface roots, DPW lifted out the grate with an excavator, and the sidewalk will be replaced smoother. Each situation is unique and is a combined engineering-and-biology problem; unhealthy trees should come out.

Marty Finn said his biggest fear from the last Town Council meeting is that developers would simply pay into a tree fund rather than plant on site, and that the town would lose the canopy that makes Winthrop pleasant. Winthrop has no spare public acreage for replanting elsewhere, so the ordinance has to prevent that loophole.

Paul Reardon agreed and suggested a hybrid: other towns such as Newton take fee money because they have land to plant on, but Winthrop may need to require, for example, that a developer replace half the caliper inches on the lot and pay for the other

half. He does not want a repeat of the parking pattern, where developments pay a fee instead of providing spaces. He also noted the harbor walkway plantings as an example of where a second row of trees could be added.

Marty Finn read from the Brookline Tree Preservation By-law: for protected trees over 6 inches diameter at breast height, a developer must replant on site (the primary method), pay a mitigation fee into a tree preservation fund, or do a combination. Winthrop effectively has two of Brookline's three options, since replanting elsewhere is rarely possible here; his preference is on-site replanting.

STAFF UPDATE (TONY MARINO)

Nothing new. Steve's (DPW) concerns about bump-outs and street widths still stand, and Tony shares them: what worked at Somerset will not work everywhere. If grant money arrives (a \$100,000 figure was mentioned as a possibility, with nothing firm yet), the town lacks public space to plant that much. He proposed a lottery or waiting list under which the town plants trees in willing private homeowners' yards, since most of the town's canopy is on private land and residents will increasingly want shade. The Chair agreed it is a good idea and noted her draft makes the same point about private trees.

SECTION-BY-SECTION REVIEW OF THE DRAFT

Section 1, Purpose and Authority: no comments. The Chair observed that piecemeal ordinances are problematic because trees touch parking, DPW and zoning variances all at once. Tom Derderian asked that the ordinance be written to close loopholes so a developer cannot satisfy the letter but not the spirit, for example by planting a few undersized trees in a corner. He contrasted 91 Veterans Road, where a Norway maple was removed and the owner agreed to a row of eight oaks in a wide soil strip, with 210 Winthrop Street, where the building meets the sidewalk and three small proposed tree wells surrounded by hardscape would leave the trees to die within a year or two. Paul Reardon noted Newton requires developers to submit tree plans for approval by the tree department against an approved species list; the group agreed Winthrop should require an approved planting plan (as Conservation Commission does for wetlands) with follow-up sign-off before a certificate of occupancy.

Section 2, Definitions: no objections.

Section 3, Exceptions: the draft applies to development activity on lots of 5,000 square feet or more, which Tony noted is already the minimum lot size. Some lots that predate 1955 zoning have a legal right to be built on. The Chair confirmed this draft covers development activity only; her full rewrite addresses private property and will be taken up at a later meeting.

Tree protection planning (pre-construction): Tony felt the requirements were somewhat heavy for Winthrop's tight lots. He asked that section 5.3 be dropped (the building

commissioner can make that call), that the security or monitoring deposit be kept, and that "temporary fencing" be substituted for chain-link or equivalent, with temporary fencing defined in the definitions. He suggested noting that fencing must be installed before site work or foundation work begins (construction sequencing).

Section 4, On-site planting requirement, item E (structural conflict with an existing building): Tony was satisfied that the developer must plant the maximum number of trees the site can hold before off-site relief is granted, given the tree warden will approve the planting plan.

Section 6, Removal permits and replacement: Tony favors the Newton one-for-one caliper-inch model for simplicity and a published approved tree list for specimen selection. On 6.4 (fee in lieu), the Chair said the per-inch rate is capped by the state (about \$300 per caliper inch was mentioned); Tony recommended adding an overall dollar cap (for example \$5,000 or \$10,000) so large lots do not become prohibitively expensive.

Section 7, Public shade trees and sidewalk conflicts: this is the work already underway. A question about the tree next to the police station was explained as a National Grid pole permit matter rather than a tree matter. On paving: asphalt is used over roots where concrete cannot be formed, and Tom noted concrete needs a deeper footing than asphalt, so asphalt can preserve more root system; the right choice is site-specific. The Chair will work on the damage-to-public-shade-tree provision, which currently has no figure attached; Tony noted that girdling bark kills trees and is a known trick on waterfront lots.

Enforcement: the penalty (\$300 per day, under Chapter 40, Section 21D) is standard. It should run until the violation is resolved, whether by payment for a replacement or an agreed plan; the aim is to prompt action rather than to collect.

A question from the floor: today a Winthrop homeowner may remove a tree on private property without any approval, unless it is a street tree within a set distance of the road; condo associations do so routinely. The Chair cited this as the reason she does not want to wait long on the full ordinance.

DECISIONS AND NEXT STEPS

The committee did not vote. The Chair will bring the development-activity draft, as written, to the Town Council on Tuesday and recommend that the entire tree ordinance be reviewed before any part is approved. The full ordinance must go to a public hearing, the Planning Board and Rules and Ordinances.

The Chair asked for an additional committee meeting, after Tuesday but before the next regular meeting (1 October), with the whole ordinance in front of the committee; she will ask Jim for the extra meeting. Members already have her full draft and were asked to send comments.

Items for the next draft: an approved tree list; a required planting plan approved by the Tree Warden with sign-off before occupancy; "temporary fencing" defined and substituted for chain-link; fencing installed before site work begins; dropping 5.3 while keeping the deposit; an overall dollar cap on the fee in lieu; a figure for damage to public shade trees; and the private-yard planting lottery or waiting list as a use for any grant funds.

Paul Reardon will send his written comments.
Meeting adjourned at approximately 4:43 pm.