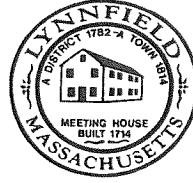


Town of Lynnfield, Massachusetts



PLANNING BOARD
55 Summer Street
Lynnfield, MA 01940

781-334-9490

Brian R. Charville, Chair

Ed P. Champy III, Clerk

March 14, 2024

Lauren Golitko & Daniel West
26 Pinewood Road
Lynnfield MA 01940

RE: 26 Pinewood Road, Lynnfield Tree Preservation Permit

On February 5, 2024 you visited the Town Offices to inquire about the removal of a large 48" DBH oak tree in the rear yard of your new home. I explained that a Tree Preservation Permit had been granted (9/12/2022) for the construction of your home which would require mitigation if the protected tree were to be removed. I explained that the mitigation options included planting replacement trees, making a monetary donation to the Tree Fund of \$9,600.00 or some combination of both. At that time, you were planning to contact the seller to negotiate a resolution. We exchanged multiple emails clarifying the circumstances of the permit, including the fact that the original applicant had been granted permission to remove the tree subject to mitigation, but in the end had chosen to retain the tree. Under the bylaw, no mitigation is required when no trees are removed.

On February 21 you indicated that you would like to submit an appeal to the Planning Board to remove the tree without providing any mitigation.

On March 5 I received an email from you including the appeal in letter format, with supporting photographs, a copy of the original permit and a copy of your Certificate of Occupancy.

In your letter you argue that the Town was obligated to ensure the conditions of the tree permit had been satisfied prior to the issuance of the Certificate of Occupancy. The original permit required mitigation because trees were to be removed. No trees were removed, but because the Town noted that construction related activities may have occurred in the critical root zones* of the trees, I required that the trees be inspected by a Certified Arborist to ensure that no harm had occurred.

*Critical root zone as defined S225-13 (g): The minimum area beneath the canopy of a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The zone is represented by a circle centering on the tree's trunk and extending outward to the tree's dripline. The minimum radius shall be determined by multiplying the DBH by eighteen.

Mark Cicoria, ISA Certified Arborist, of Cicoria Tree Service inspected the trees on September 30, 2023 and a written report was submitted to the Town. The report indicated that the oak in question was in full fall foliage, had little to no deadwood and no visual signs of external decay. A cluster of maples in the front of the property were also noted to appear “solid.”

As no trees had been removed*, either directly or indirectly, I determined that no mitigation was required and the Certificate of Occupancy was granted by the Building Inspector. Under Section 225-4.B of the Tree Preservation Bylaw, the removal of any protected tree within 24 months after the issuance of a Certificate of Occupancy requires mitigation.

Your appeal will be heard by the Planning Board at their regular meeting on March 27, 2024 at 7:00 PM. Public notice will be mailed to all abutters within 300 feet of your property.

Sincerely,



Emilie Cademartori, Director
Planning and Conservation

From Section 225-13 Definitions

REMOVE REMOVED, REMOVAL or REMOVING

The cutting down of any protected tree and all other acts that directly or indirectly result in the death of a protected tree in the prior 12 months or within two years thereafter, as determined by a certified arborist based on arboricultural practices recommended by the International Society of Arboriculture (I.S.A.), including, but not limited to, damaging, poisoning, excessive pruning or other direct or indirect actions.