

Laura Golitko and Daniel West

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02/26/2024

Planning Board

55 Summer Street

Lynnfield, MA 01940

Subject: Request for the Removal of a Protected Tree at 26 Pinewood Road

Dear Planning Board,

I hope this letter finds you well. I am writing to formally appeal for the removal of a protected tree on my property, located at 26 Pinewood Road. The tree in question is a 48" diameter Oak tree and it has been identified as a potential hazard to both property and personal safety.

We closed on our house on Dec. 6th and on Dec. 18th when a storm hit Lynnfield, a large branch from the Oak tree in question fell and hit our house causing damage to our deck. Luckily, no one was in the backyard, or they could have been seriously injured. After this event we asked Arbor Tree Service to come out and assess the Oak tree. Most of the tree branches hang over our roof and in some places are resting directly on the roof. In addition, many of the branches are leaning towards our neighbor's house. We also had Mayer Tree Service come out and they detected water in the tree, meaning the tree is hollow and poses an additional threat. Therefore, based on the structural instability of the tree and potential threat to nearby structures and safety of individuals in the vicinity, we would like an exemption to remove the tree without mitigation per bylaw § 225-3. Activities That Do Not Require a Tree Permit under section C.

In addition, according to the Protecting Lynnfield's Trees one pager listed on the town website, there are exemptions for smaller lots with regards to identifying a protected tree based on the defined tree yard. Our lot is only 10,000 square feet and the tree bylaws for our zone apply to lots that are at least 15,000 square feet. Due to the small nature of our lot, we would like an exemption to remove this tree.

Finally, shortly after the tree arborist came to visit our house, we learned that there is a tree permit associated with our property that the builder applied for with the intention of removing 5 trees and paying the mitigation fee, which is attached for reference. This was never brought to our attention before a certificate of occupancy was issued to us by the town. According to the approval letter for the tree permit, mitigation must occur prior to the issuance of a Certificate of Occupancy by the Town. The Town was obligated to ensure that the obligations set forth in the tree permit had been satisfied prior to issuance of a certificate of occupancy. We relied on the Town's issuance of a certificate of occupancy in moving forward with our home purchase, and the Town should not have issued a certificate of occupancy without first ensuring that the tree permit work had been completed.

In consideration of the potential risks associated with the tree and the nuances associated with our lot, along with the Town's oversight in issuing a Certificate of Occupancy prior to ensuring fulfillment of the obligations in the tree permit that was previously issued, I kindly request that the Planning Board approve the removal of the aforementioned tree. We understand the importance of protecting trees within the community and believe that the removal of this tree is justified due to the imminent danger it poses as well as the above-mentioned circumstances regarding the tree permit associated with the lot.

We appreciate your time and attention to this matter. Please do not hesitate to contact me if you require any additional information.

Thank you for your consideration.

Sincerely,

Laura Golitko and Daniel West