

MEMORANDUM

TO: City of Beacon City Council

FROM: Keane & Beane, P.C.

RE: Proposed Tree Preservation Law

DATE: January 5, 2018

At the last City Council meeting, the City Council asked our office to draft a proposed local law focusing on tree preservation. The proposed local law creates a new Chapter 202 entitled Tree Preservation.

Tree removal is currently partially regulated by Chapter 204 and Chapter 203 of the Code of the City of Beacon. Chapter 204 requires a person to obtain a temporary permit to remove three or more live trees, located within 100 feet of each other having a DBH of six inches or more. The proposed local law removes all language in Chapter 204 concerning tree removal. In addition, Chapter 203 requires individuals to obtain a permit from the City Clerk to remove any tree in any highway, sidewalk or public place. This requirement remains unaltered and is referenced in the proposed Chapter 202.

The proposed local law regulates the removal of trees with a diameter at breast height (DBH) of 6 inches or more, measured 4 1/2 feet above the ground. Under the proposed local law, one is required to obtain a tree removal permit if they are (1) removing a single tree with a DBH of 8 inches or more, (2) removing a single tree with a DBH of 6 inches or more on slopes over 20%, (3) removing any endangered or threatened species, or (4) removing 10 trees with a DBH of 6 inches or more on a single lot. The City Engineer is responsible for approving all tree removal permits, except where tree removal is proposed in connection with any site plan, subdivision, or special use permit submitted to the Planning Board. In such cases, the Planning Board may approve the tree removal. There are also a number of exceptions when a tree permit is not required, including, for example, the removal of trees that are dead, dying or diseased.

The law sets forth application requirements, replanting standards, and penalties. The law also establishes an appeals process for any aggrieved applicant or individual affected by the determination of the City Engineer with respect to an application for a tree removal permit. Such an appeal is made to the Zoning Board of Appeals.

The City Council should consider referring the proposed local law to the Planning Board. Please note that proposed tree preservation law is not an amendment to the Zoning Code, and therefore it is not required to be referred. The Planning Board has dealt with tree removals as part of subdivision and site plan applications and may have thoughts on the Local Law.