



EVERETT CITY CLERK'S OFFICE  
REC'D 2025 MAR 6 AM 8:49

**AGENDA PACKET**

**REGULAR MEETING OF THE CITY COUNCIL  
MONDAY, MARCH 10, 2025 7:00 PM**

**EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR  
EVERETT, MA 02149**

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**Posted in accordance with the  
provisions of Mass. General Laws  
Chapter 30A- Sections 18-25**

on 3/6/2025 at 8:48am

**Attest:**

*Sergio Cornello*  
**Sergio Cornello City Clerk**



## AGENDA

### REGULAR MEETING OF THE CITY COUNCIL MONDAY, MARCH 10, 2025 7:00 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR  
EVERETT, MA 02149

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#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### PUBLIC PARTICIPATION

#### APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Minutes of the Special Meeting of the City Council of 02/11/2025

Minutes of the Regular Meeting of the City Council of 02/24/2025

#### COMMUNICATIONS FROM HIS HONOR THE MAYOR

1. **C0068-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to appoint the following individuals as Sworn Weighers for Distrigas of Massachusetts at 18 Rover Street, for an unpaid term of one year, expiring March 10, 2026.

Luigi DeFeo, Paul Kajunski, Gilson Pires

2. **C0069-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting the confirmation of the re-appointment of Janet Colameta to the Library Board of Trustees for a term of three (3) years expiring March 10, 2028

3. **C0074-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to accept and expend donations totaling \$200.00 from City of Everett employees during the month of February for the Fire Victims Fund

4. **C0084-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting the confirmation of the appointment of Simone Holyfield to the Historical Commission for a term of three (3) years expiring February 27, 2028

5. **C0090-25** Order/s/ Councilor Stephanie Martins, as President

An order funding an appropriation of \$150,000 from the Fund Budgetary Balance (Free Cash) to the City Council's Professional and Technical Services account as requested by the City Council

6. **C0091-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to appropriate \$500,000 from the General Fund Budgetary Fund Balance (Free Cash) to the Human Resources employee buyback and other account

7. **C0092-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to authorize the City Administration to develop a municipal aggregation plan and to take any and all necessary action to prepare the plan for submission to the Massachusetts Department of Public Utilities pursuant to M.G.L. c. 164, §134

8. **C0093-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to appropriate \$500,000 from the Capital Improvement Stabilization Fund for the costs of design services and related ancillary costs associated with the potential reuse of additional space at the former Everett High School

## COMMITTEE REPORTS

9. **C0057-25** Order/s/ Councilor Stephanie V. Smith, Councilor Robert J. Van Campen, Councilor Stephanie Martins

An Order amending the Everett City Council Rule regarding pre-planned expenses for travel and conference fees

10. **C0077-25** Ordinance/s/ Councilor Stephanie V. Smith, Councilor Katy L. Rogers, Councilor Guerline Alcy Jabouin, Councilor Holly D. Garcia, Councilor Michael K. Marchese, Councilor Peter Pietrantonio, Councilor Robert J. Van Campen, Councilor Stephanie Martins

That the City Council hereby deletes section 7-167 Longevity-Mayor in its entirety and replaces it as follows:

## UNFINISHED BUSINESS

11. **C0259-24** Ordinance/s/ Councilor Katy L. Rogers

An ordinance pertaining to trees in the City of Everett

12. **C0343-24** Resolution/s/ Councilor Guerline Alcy Jabouin

That the Everett City Council engage the State Auditor's office for an audit of accounts, programs, activities and other public functions (in accordance with Mass General Law Part I, Title II, Chapter 11, Section 12)

**13. C0036-25** Resolution/s/ Councilor Katy L. Rogers

That the Everett City Council formally requests a detailed report from the appropriate departments, agencies, or representatives associated with the Kraft Soccer Stadium project, outlining:

1. The current status of the project, including approvals, permits, and progress.
2. Any obstacles or delays affecting the project timeline.
3. A projected timeline for the project's next phases and expected completion.
4. Any agreements, commitments, or obligations made between the City of Everett and the Kraft Group related to the project

**14. C0037-25** Resolution/s/ Councilor Katy L. Rogers

That The City of Everett establish an Adopt-a-Tree Program

**15. C0066-25** Resolution/s/ Councilor Stephanie Martins

That the administration consider providing equitable funding to support local organizations providing emergency assistance to residents

**16. C0078-25** Resolution/s/

Councilor Stephanie Martins, Councilor Guerline Alcy Jabouin, Councilor Holly D. Garcia, Councilor Katy L. Rogers, Councilor Michael K. Marchese, Councilor Peter Pietrantonio, Councilor Robert J. Van Campen, Councilor Stephanie V. Smith

That the DeMaria Administration immediately implement enhanced safeguards and controls in the City's finance department by separating the positions of Auditor and Chief Financial Officer, and comply with all other recommendations as stated in the letter of findings and recommendations issued by the Office of the Inspector General on February 27, 2025

## **NEW BUSINESS**

**17. C0070-25** Ordinance/s/ Councilor Katy L. Rogers

An ordinance promoting transparent marketing practices in rental housing advertisements by prohibiting the use of the word "LUXURY"

**18. C0071-25** Resolution/s/ Councilor Peter Pietrantonio, Councilor Stephanie Smith

That the CFO or representative appear at the next meeting to discuss the distribution of Opioid Settlement Funds

**19. C0072-25** Resolution/s/ Councilor Peter Pietrantonio, Councilor Robert Van Campen

That the city purchasing agent appear at the next meeting to discuss the wellness center RFP

**20. C0073-25** Resolution/s/ Councilor Peter Pietrantonio, Councilor Stephanie Martins

That a representative from National Grid appear at the next meeting to explain the power outages we had in Everett recently.

**21. C0079-25** Resolution/s/ Councilor Anthony DiPierro

A resolution requesting the administration work with the MBTA to eradicate the public safety issues caused at the intersection of Elm Street and Washington Avenue when multiple buses are present

**22. C0081-25** Resolution/s/ Councilor Michael K. Marchese, Councilor Stephanie V. Smith

That the administration update the council on who is paying for the legal representation of the Mayor and the CFO, as well as what the cost was to have the two lawyers that appeared at the special meeting on Tuesday, March 4<sup>th</sup>. Please provide a copy of the invoice for the attorneys, as well as who is paying for them by the next regular council meeting

**23. C0083-25** Resolution/s/ Councilor Peter Pietrantonio, Councilor Stephanie Smith, Councilor Holly Garcia, Councilor Michael Marchese, Councilor Robert Van Campen, Councilor Guerline Alcy Jabouin, Councilor Stephanie Martins

A resolution requesting a vote of no confidence in the Mayor & CFO

**24. C0085-25** Resolution/s/ Councilor Stephanie V. Smith, Councilor Peter Pietrantonio

That Administration provides the City Council with all invoices and/or a financial summary by matter paid to Paik Deal, LLP and Greenberg Traurig, LLP from 2016 to 2025 by the second meeting in March

**25. C0086-25** Resolution/s/ Councilor Stephanie V. Smith, Councilor Peter Pietrantonio

That the Administration provides the City Council with all external law firms currently being retained by the City of Everett (excluding employment matters) and the spend and law firm(s) associated with each matter

**26. C0087-25** Ordinance/s/ Councilor Katy L. Rogers

An ordinance pertaining to trees in the City of Everett

**27. C0088-25** Resolution/s/ Councilor Stephanie Martins

That Chief Strong and/or the administration share the steps that are being taken to address roof leak issues at the Police Station.

**28. C0089-25** Order/s/ Councilor Michael K. Marchese, Councilor Stephanie Martins

A Home Rule Petition proposing changes to the City Charter to create term limits for the offices of Mayor, City Council, & School Committee

## ADJOURNMENT

[www.cityofeverett.com](http://www.cityofeverett.com)

(All agendas and reports can be obtained on City of Everett Website)

Respectfully submitted;

***Michael J. Mangan***

Legislative Aide  
Everett City Council Office



## MEETING MINUTES

### SPECIAL MEETING OF THE CITY COUNCIL TUESDAY, FEBRUARY 11, 2025 6:00 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR  
EVERETT, MA 02149

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#### ROLL CALL

##### Members Present

Holly Garcia, John Hanlon, Michael Marchese, Katy Rogers, Peter Pietrantonio, Stephanie Smith, Robert Van Campen, Stephanie Martins

#### PLEDGE OF ALLEGIANCE

#### PUBLIC PARTICIPATION

#### UNFINISHED BUSINESS

1. **C0017-25** Resolution/s/ Councilor Stephanie V. Smith, Councilor Michael K. Marchese

That Sargent Gaff and the head of parking enforcement be invited to a special meeting of the city council be held to discuss the parking issues occurring in the city and the increased amount of cars on the streets

Sergeant Joseph Gaff from the Everett Police Department and Chad Luongo from the Parking Department appeared before the Council to discuss parking issues in the city. Key points from their presentation and discussion:

- In 2024, the city issued 65,871 parking tickets, a 56% increase from 2023. 25,448 of these were for resident violations, a 49% increase.
- The city towed 158 vehicles for scofflaw violations in 2024, collecting over \$127,000.
- The police receive an average of 150-180 calls per month for parking complaints. In 2024, there were 1,278 parking complaints submitted via the 311 QAlert system.
- The city issued over 27,000 resident parking stickers in 2024. New developments are being allocated limited or no resident parking stickers.
- 179 unneeded handicap parking spots were removed in 2024 after an audit of all handicap spots in the city.
- The city has 8 parking enforcement officers (PEOs) working in shifts to cover days,

Special Meeting of the City Council 02/11/2025 6:00 PM  
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nights and weekends.

- Major upcoming projects include revamping the resident parking sticker program, designating food delivery pickup zones, and adding commercial loading zones.
- A new resident parking sticker subcommittee will be formed with representatives from the Traffic Commission, City Council, and other departments to recommend changes to the program by October 2025.

Councilors raised various issues and questions, including:

- Whether the city needs more PEOs to increase enforcement (Smith, Pietrantonio)
- Implementing 7-day 24-hour resident-only parking (Rogers)
- Painting lines for parking spots and repainting the Broadway bus lane (Garcia)
- Limiting the number of resident stickers per household and incentivizing people to use driveways (Smith, Van Campen, Pietrantonio)
- Concerns about illegal rental car and repair businesses (Smith, Rogers)
- Illegal parking around schools during dropoff/pickup (Pietrantonio)
- Concerns about large commercial vehicles parking on residential streets (Marchese)
- Whether to resume towing for street sweeping violations (Garcia, Smith)

Sergeant Gaff and Mr. Luongo responded to questions and noted that many of these issues would be looked at by the new resident sticker subcommittee. They encouraged councilors and residents to report parking violations.

The Council referred the item to the Traffic Commission for action.

<b>MOTION:</b>	Refer
<b>MOVER:</b>	Stephanie Smith
<b>SECONDER:</b>	Robert Van Campen
<b>RESULT:</b>	<b>Passed [0 TO 0]</b>
<b>AYES:</b>	
<b>NAYS:</b>	
<b>AWAY:</b>	

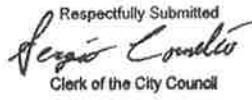
## ADJOURNMENT

Meeting adjourned at 7:43 PM

<b>MOTION:</b>	Adjourn
<b>MOVER:</b>	Stephanie Smith
<b>SECONDER:</b>	Katy Rogers
<b>RESULT:</b>	<b>Passed [0 TO 0]</b>
<b>AYES:</b>	
<b>NAYS:</b>	
<b>AWAY:</b>	



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Respectfully Submitted  
  
Clerk of the City Council



## MEETING MINUTES

### REGULAR MEETING OF THE CITY COUNCIL MONDAY, FEBRUARY 24, 2025 7:00 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR  
EVERETT, MA 02149

#### ROLL CALL

##### Members Present

Guerline Alcy Jabouin, Anthony DiPierro, Holly Garcia, John Hanlon, Michael Marchese, Wayne Matewsky, Peter Pietrantonio, Katy Rogers, Stephanie Smith, Robert Van Campen, Stephanie Martins

#### PLEDGE OF ALLEGIANCE

Member Marchese joined the meeting remotely.

#### PUBLIC PARTICIPATION

#### APPROVAL OF MINUTES OF THE PREVIOUS MEETING

[Minutes of the Regular Meeting of the City Council of 01/27/2025](#)

<b>MOTION:</b>	Accept Meeting Minutes
<b>MOVER:</b>	Robert Van Campen
<b>SECONDER:</b>	Holly Garcia
<b>RESULT:</b>	<b>Passed [0 TO 0]</b>
<b>AYES:</b>	
<b>NAYS:</b>	
<b>AWAY:</b>	

[Minutes of the Regular Meeting of the City Council of 02/10/2025](#)

<b>MOTION:</b>	Accept Meeting Minutes
<b>MOVER:</b>	Robert Van Campen
<b>SECONDER:</b>	Holly Garcia

Regular Meeting of the City Council 02/24/2025 7:00 PM  
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<b>RESULT:</b>	<b>Passed [0 TO 0]</b>
<b>AYES:</b>	
<b>NAYS:</b>	
<b>AWAY:</b>	

#### COMMUNICATIONS FROM HIS HONOR THE MAYOR

1. **C0061-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting the approval to accept and expend a donation totaling \$2,000.00 from Carlo and Stacy DeMaria for the Fire Victims Fund

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Anthony DiPierro
<b>SECONDER:</b>	John Hanlon
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	

2. **C0063-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting approval to accept and expend a grant from the Urban Areas Security Initiative, in the amount of \$24,200 to the Everett Police Department to add new street cameras and replace old cameras

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Robert Van Campen
<b>SECONDER:</b>	Holly Garcia
<b>RESULT:</b>	<b>Passed [11 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	

3. **C0064-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting approval that the amount of \$1,500,000 be appropriated by borrowing for the Lead Service Replacement program

<b>MOTION:</b>	Refer
<b>MOVER:</b>	Stephanie Smith
<b>SECONDER:</b>	Robert Van Campen
<b>RESULT:</b>	<b>Passed [0 TO 0]</b>
<b>AYES:</b>	
<b>NAYS:</b>	

**AWAY:**

Item was referred to committee.

4. **C0065-25** Order/s/ Councilor Stephanie Martins, as President

An order requesting confirmation of the appointment of Kaylin Deschenes to the Everett Police Department

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Anthony DiPierro
<b>SECONDER:</b>	Stephanie Smith
<b>RESULT:</b>	<b>Passed [11 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	

5. **C0067-25** Ordinance/s/ Councilor Stephanie Martins, as President

An ordinance recodifying the City of Everett's Zoning Ordinance and corresponding Zoning Map

Referred to the Planning Board.

<b>MOTION:</b>	Refer
<b>MOVER:</b>	Stephanie Smith
<b>SECONDER:</b>	Robert Van Campen
<b>RESULT:</b>	<b>Passed [11 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	

**COMMITTEE REPORTS**

6. **C0057-25** Order/s/ Councilor Stephanie V. Smith, Councilor Robert J. Van Campen, Councilor Stephanie Martins

An Order amending the Everett City Council Rule regarding pre-planned expenses for travel and conference fees

Requested to be kept in committee.

<b>MOTION:</b>	Postpone
<b>MOVER:</b>	Stephanie Smith

<b>SECONDER:</b>	Robert Van Campen
<b>RESULT:</b>	<b>Passed [11 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	

#### UNFINISHED BUSINESS

##### 7. **C0422-24** Resolution/s/ Councilor Wayne A. Matewsky, & The Entire City Council

That the City Council honor Rose LeCours with an appropriate portrait, as the first and longest serving woman on the City Council.

The item was referred to the Council President to work on this with Legislative Aide Mike Mangan.

<b>MOTION:</b>	Refer
<b>MOVER:</b>	Wayne Matewsky
<b>SECONDER:</b>	Anthony DiPierro
<b>RESULT:</b>	<b>Passed [11 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	

##### 8. **C0029-25** Resolution/s/ Councilor Wayne A. Matewsky

That the Police Traffic Division notify idling trucks in the area of the Premier Apartment Building that they are disturbing residents from the hours of 8PM to 6AM

<b>MOTION:</b>	Refer Back to Sponsor(s)
<b>MOVER:</b>	Wayne Matewsky
<b>SECONDER:</b>	Anthony DiPierro
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	Smith

Councilor Matewsky reported the problem has been resolved after Sgt. Gaff from the Police Dept spoke to Restaurant Depot and the produce center about idling trucks. Code Enforcement also instructed Restaurant Depot to clean up their area, which they did

##### 9. **C0034-25** Resolution/s/ Councilor Stephanie Martins, Councilor Stephanie V. Smith,

Councilor Robert J. Van Campen

That the Director of Health and Human Services and Interim Director of HR appear at the next meeting to provide a status on the efforts to hire new school nurses as funded in 2024

Council requested a written communication from the Administration on the hiring status and field trips by the first meeting in April.

<b>MOTION:</b>	Refer
<b>MOVER:</b>	Stephanie Smith
<b>SECONDER:</b>	Robert Van Campen
<b>RESULT:</b>	<b>Passed [11 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	

Council requested a written communication from the Administration on the hiring status and field trips by the first meeting in April.

## NEW BUSINESS

### 10. C0058-25 Resolution/s/ Councilor Wayne A. Matewsky

That the group or association called The Island End appear at the second meeting in March to discuss any plans or future development in the area

<b>MOTION:</b>	Postpone
<b>MOVER:</b>	Wayne Matewsky
<b>SECONDER:</b>	John Hanlon
<b>RESULT:</b>	<b>Passed [11 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	

### 11. C0059-25 Resolution/s/ Councilor Wayne A. Matewsky, & The Entire City Council

That the Davis Development Corporation be invited to the second meeting in March to discuss thier future plans on the 98 acres site

<b>MOTION:</b>	Postpone
<b>MOVER:</b>	Wayne Matewsky
<b>SECONDER:</b>	John Hanlon
<b>RESULT:</b>	<b>Passed [11 TO 0]</b>



<b>AYES:</b>	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	

12. **C0062-25** Resolution/s/ Councilor Michael K. Marchese

That the city address the over abundance of commercial vehicles and the parked cars that have not moved in weeks

<b>MOTION:</b>	Refer
<b>MOVER:</b>	Michael Marchese
<b>SECONDER:</b>	Stephanie Smith
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	DiPierro

Referred to the traffic commission for action.

13. **C0066-25** Resolution/s/ Councilor Stephanie Martins

That the administration consider providing equitable funding to support local organizations providing emergency assistance to residents

Referred to the Administration for a response.

<b>MOTION:</b>	Refer
<b>MOVER:</b>	Stephanie Martins
<b>SECONDER:</b>	Katy Rogers
<b>RESULT:</b>	<b>Passed [11 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	

## MAINTENANCE REQUESTS

A. Councilor Anthony DiPierro

That the administration consider painting a temporary crosswalk across Fuller Street, at the intersection of Miller Street, until raised crosswalks are installed  
The item was referred to the respective department automatically.

B. Councilor Michael K. Marchese



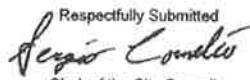
That a speed bump be placed on Tremont Street between Floyd Street and Everett Street

The item was referred to the respective department automatically.

#### ADJOURNMENT

Meeting adjourned at 8:45 PM

<b>MOTION:</b>	Adjourn
<b>MOVER:</b>	Robert Van Campen
<b>SECONDER:</b>	Peter Pietrantonio
<b>RESULT:</b>	<b>Passed [11 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, DiPierro, Garcia, Hanlon, Marchese, Matewsky, Pietrantonio, Rogers, Smith, Van Campen, Martins
<b>NAYS:</b>	
<b>AWAY:</b>	

Respectfully Submitted  
  
Clerk of the City Council



C0068-25

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**To:** Mayor and City Council

**From:** Councilor Stephanie Martins

**Date:** March 10, 2025

---

**Agenda Item:**

An order requesting approval to appoint the following individuals as Sworn Weighers for Distrigas of Massachusetts at 18 Rover Street, for an unpaid term of one year, expiring March 10, 2026.

Luigi DeFeo, Paul Kajunski, Gilson Pires

**Background and Explanation:**

**Attachments:**



**CARLO DeMARIA**  
**MAYOR**

**CITY OF EVERETT - OFFICE OF THE MAYOR**

484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ [mayorcarlo.demaria@ci.everett.ma.us](mailto:mayorcarlo.demaria@ci.everett.ma.us)

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February 24, 2025

Honorable City Council  
484 Broadway  
Everett, MA 02149

Dear Honorable Members:

I hereby submit for your consideration an order to appoint the following individuals as Sworn Weighers for Distrigas of Massachusetts at 18 Rover Street, for an unpaid term of one year, expiring March 10, 2026:

Luigi DeFeo	18 Oakdale Road, North Reading, MA 01864
Paul Kajunski	24 Winter Street, Hanover, MA 02339
Gilson Pires	150 Carroll Avenue, Brockton, MA 02301

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria  
Mayor



February 24, 2025  
**City of Everett, Massachusetts**  
**CITY COUNCIL**

**Offered By:** \_\_\_\_\_  
**Councilor Stephanie Martins, as President**

**Bill Number:**  
**Bill Type: Order**

Be it  
Ordered: BY City Council OF THE CITY OF EVERETT, as  
follows:

ORDER That in accordance with the M.G.L., Chapter 41,  
Section 85 and section 2-10 of the City Charter the City  
Council hereby approves the attached list of three (3)  
Sworn Weighers for Distrigas of Massachusetts located  
at 18 Rover St. for an unpaid term of one (1) year  
expiring March 10, 2026.



C0069-25

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**To:** Mayor and City Council

**From:** Councilor Stephanie Martins

**Date:** March 10, 2025

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**Agenda Item:**

An order requesting the confirmation on the appointment of Janet Colameta to the Library Board of Trustees for a term of Three (3) years expiring March 10, 2028

**Background and Explanation:**

**Attachments:**



**CARLO DeMARIA**  
**MAYOR**

***CITY OF EVERETT - OFFICE OF THE MAYOR***

*484 Broadway Everett, Massachusetts 02149*

☎ 617-394-2270

✉ [mayorcarlo.demaria@ci.everett.ma.us](mailto:mayorcarlo.demaria@ci.everett.ma.us)

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February 24, 2025

The Honorable City Council  
Everett City Hall  
484 Broadway  
Everett, MA 02149

RE: Re-appointment to the Library Board of Trustees

Dear Honorable Members:

Please be advised that in accordance with Section 3-3 of the City Charter and, Section I (II)(a)(b) of the City of Everett Administrative Code, I hereby re-appoint, subject to confirmation by the City Council, Janet Colameta to the Library Board of Trustees for a term of Three (3) years expiring March 10, 2028.

Thank you for your favorable consideration in this matter.

Respectfully Submitted,

Carlo DeMaria  
Mayor



February 24, 2025  
**City of Everett, Massachusetts**  
**CITY COUNCIL**

Offered By: \_\_\_\_\_  
Councilor Stephanie Martins, as President

**Bill Number:**  
**Bill Type: Order**

Be it  
Ordered: BY City Council OF THE CITY OF EVERETT, as  
follows:

I hereby submit for your approval the re-appointment of Janet Colameta to the Library Board of Trustees for a term of three (3) years, expiring March 10, 2028.





C0074-25

---

**To:** Mayor and City Council  
**From:** Councilor Stephanie Martins  
**Date:** March 10, 2025

---

**Agenda Item:**

An order requesting approval to accept and expend donations totaling \$200.00 from City of Everett employees during the month of February for the Fire Victims Fund

**Background and Explanation:**

**Attachments:**



**CARLO DeMARIA**  
**MAYOR**

***CITY OF EVERETT - OFFICE OF THE MAYOR***

*484 Broadway Everett, Massachusetts 02149*

☎ 617-394-2270

✉ [mayorcarlo.demaria@ci.everett.ma.us](mailto:mayorcarlo.demaria@ci.everett.ma.us)

February 27, 2025

Honorable City Council  
484 Broadway  
Everett, MA 02149

Dear Honorable Members:

I hereby submit for your consideration an order to accept and expend donations totaling \$200.00 from City of Everett employees during the month of February for the Fire Victims Fund. Employees are given the opportunity to wear jeans on Thursdays by making a \$5.00 to the Fire Victims Fund. These funds are collected weekly.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria  
Mayor



February 27, 2025  
**City of Everett, Massachusetts**  
**CITY COUNCIL**

Offered By: \_\_\_\_\_  
Councilor Stephanie Martins, as President

**Bill Number:**  
**Bill Type: Order**

Be it  
Ordered: BY City Council OF THE CITY OF EVERETT, as  
follows:

to accept and expend donations totaling \$200.00 from City of Everett employees during the month of February for the Fire Victims Fund. Employees are given the opportunity to wear jeans on Thursday by making a \$5.00 donation to the Fire Victims Fund. These funds are collected weekly.



C0084-25

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**To:** Mayor and City Council  
**From:** Councilor Stephanie Martins  
**Date:** March 10, 2025

---

**Agenda Item:**

An order requesting the confirmation on the appointment of Simone Holyfield to the Historical Commission for a term of three (3) years expiring February 27, 2028

**Background and Explanation:**

**Attachments:**



**CARLO DeMARIA**  
**MAYOR**

***CITY OF EVERETT - OFFICE OF THE MAYOR***

*484 Broadway Everett, Massachusetts 02149*

☎ 617-394-2270

✉ [mayorcarlo.demaria@ci.everett.ma.us](mailto:mayorcarlo.demaria@ci.everett.ma.us)

---

February 27, 2025

The Honorable City Council  
Everett City Hall  
484 Broadway  
Everett, MA 02149

**Re: Appointment of Historical Commission**

Dear Honorable Members:

Please be advised that in accordance with Section 3-3 of the City Charter and, Section H (II)(a)(b) of the City of Everett Administrative Code, I hereby appoint, subject to confirmation by the City Council, Simone Holyfield to the Historical Commission for a term of three (3) years expiring February 27, 2028.

Thank you for your favorable consideration in this matter.

Respectfully Submitted,

Carlo DeMaria  
Mayor



February 27, 2025  
**City of Everett, Massachusetts**  
**CITY COUNCIL**

**Offered By:** \_\_\_\_\_  
**Stephanie Martins, as President**

**Bill Number:**  
**Bill Type: Order**

Be it  
Ordered: BY City Council OF THE CITY OF EVERETT, as  
follows:

I hereby submit for your approval the appointment of Simone Holyfield to the Historical Commission for a term of three (3) years, expiring February 28, 2028.



C0090-25

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**To:** Mayor and City Council

**From:** Councilor Stephanie Martins

**Date:** March 10, 2025

---

**Agenda Item:**

An order requesting approval to appropriate additional funds from the Fund Budgetary Balance (Free Cash) to the City Council professional and technical services account

**Background and Explanation:**

**Attachments:**





**CARLO DeMARIA**  
**MAYOR**

***CITY OF EVERETT - OFFICE OF THE MAYOR***

*484 Broadway Everett, Massachusetts 02149*

☎ 617-394-2270

✉ [mayorcarlo.demaria@ci.everett.ma.us](mailto:mayorcarlo.demaria@ci.everett.ma.us)

---

March 5, 2025

The Honorable City Council  
Everett City Hall  
484 Broadway  
Everett, MA 02149

**RE: Resolution C0075-25**

Dear Honorable Members:

In response to the above-referenced resolution to referred to my office on March 4, 2025, please find an order appropriating additional funds from the Fund Budgetary Balance (Free Cash) to the City Council professional and technical services account.

Thank you.

Respectfully submitted,

Carlo DeMaria  
Mayor



**March 5, 2025**  
**City of Everett, Massachusetts**  
**CITY COUNCIL**

**Offered By:** \_\_\_\_\_  
**Stephanie Martins, as President**

**Bill Number:**  
**Bill Type: Order**

Be it  
Ordered: BY City Council OF THE CITY OF EVERETT, as  
follows:

That the sum of \$150,000 be appropriated from the General Fund Budgetary Fund Balance (Free Cash) to the City Council professional and technical services account. This appropriation is necessary to cover the request by City Council for additional audit services, as well as any legal and other ancillary expenses, solely related to the letter issued by the Office of the Inspector on February 27, 2025.



C0091-25

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**To: Mayor and City Council**

**From: Councilor Stephanie Martins**

**Date: March 10, 2025**

---

**Agenda Item:**

An order requesting approval to appropriate \$500,000 from the General Fund Budgetary Fund Balance (Free Cash) to the Human Resources employee buyback and other account

**Background and Explanation:**

**Attachments:**



**CARLO DeMARIA**  
**MAYOR**

***CITY OF EVERETT - OFFICE OF THE MAYOR***

*484 Broadway Everett, Massachusetts 02149*

☎ 617-394-2270

✉ [mayorcarlo.demaria@ci.everett.ma.us](mailto:mayorcarlo.demaria@ci.everett.ma.us)

---

March 5, 2025

The Honorable City Council  
Everett City Hall  
484 Broadway  
Everett, MA 02149

**RE: Resolution C0075-25**

Dear Honorable Members:

I hereby submit for your consideration an order to appropriate **\$500,000** from the General Fund Budgetary Fund Balance (Free Cash) to the Human Resources employee buyback and other account.

This appropriation is necessary to cover additional costs related to employee retirements. While the city works to project the number of employees who may leave service in any given fiscal year, FY25 has resulted in more public safety employees who have retired or left city service than was projected initially. The city is requesting these funds to meet its obligation to its workforce under applicable collective bargaining agreements.

I recommend your favorable passage of this order.

Thank you.

Respectfully submitted,

Carlo DeMaria  
Mayor



March 5, 2025  
**City of Everett, Massachusetts**  
**CITY COUNCIL**

**Offered By:** \_\_\_\_\_  
**Stephanie Martins, as President**

**Bill Number:**  
**Bill Type: Order**

Be it  
Ordered: BY City Council OF THE CITY OF EVERETT, as  
follows:

That the sum of \$500,000 be appropriated from the General  
Fund Budgetary Fund Balance (Free Cash) to the Human  
Resources Employee buyback and other account.

This appropriation is necessary to cover additional costs related  
to employee retirements.



C0092-25

---

**To:** Mayor and City Council

**From:** Councilor Stephanie Martins

**Date:** March 10, 2025

---

**Agenda Item:**

An order requesting approval to authorize the City Administration to develop a municipal aggregation plan and to take any and all necessary action to prepare the plan for submission to the Massachusetts Department of Public Utilities pursuant to M.G.L. c. 164, §134

**Background and Explanation:**

**Attachments:**

***CITY OF EVERETT***  
***Office of the Mayor***

**Carlo DeMaria**  
Mayor



**Everett City Hall**  
484 Broadway  
Everett, MA 02149-3694  
Phone: (617) 394-2270  
Fax: (617)381-1150

March 5, 2025

The Honorable City Council  
City Hall  
484 Broadway  
Everett, Massachusetts 02149

Dear Honorable Members:

Please find attached an order to authorize the City Administration to develop a municipal aggregation plan and to take any and all necessary action to prepare the plan for submission to the Massachusetts Department of Public Utilities pursuant to M.G.L. c. 164, §134.

Thank you for your favorable consideration.

Respectfully submitted,

Carlo DeMaria  
Mayor





March 5, 2025

*City of Everett, Massachusetts*  
**CITY COUNCIL**

Offered By: \_\_\_\_\_  
**Councilor Stephanie Martins, as President**

**Bill Number:** Be it  
**Bill Type: Order** Ordered: BY City Council OF THE CITY OF EVERETT, as follows:

To authorize the City Administration to develop a municipal aggregation plan and to take any and all necessary action to prepare the plan for submission to the Massachusetts Department of Public Utilities pursuant to M.G.L. c. 164, §134.



C0093-25

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**To:** Mayor and City Council  
**From:** Councilor Stephanie Martins  
**Date:** March 10, 2025

---

**Agenda Item:**

An order requesting approval to appropriate \$500,000 from the Capital Stabilization account for the costs of design services and related ancillary costs associated for the potential reuse of additional space at the former Everett High School

**Background and Explanation:**

**Attachments:**



**CARLO DeMARIA**  
**MAYOR**

***CITY OF EVERETT - OFFICE OF THE MAYOR***

*484 Broadway Everett, Massachusetts 02149*

☎ 617-394-2270

✉ [mayorcarlo.demaria@ci.everett.ma.us](mailto:mayorcarlo.demaria@ci.everett.ma.us)

March 5, 2025

The Honorable City Council  
Everett City Hall  
484 Broadway  
Everett, MA 02149

**RE: Resolution C0075-25**

Dear Honorable members:

I hereby submit for your consideration an order to appropriate **\$500,000** from the Capital Stabilization account for the costs of design services and related ancillary costs associated for the potential reuse of additional space at the former Everett High School.

Based on the input from residents and members of this City Council at a recent community meeting to discuss the proposed reuse of the former Everett High School for additional academic space, I am submitting this request for funds to hire a vendor to prepare actual designs for the reuse of that space. These designs would provide information as to costs for reuse of this space, in addition to the information already shared with you in the feasibility study that has been conducted.

The current balance in the Capital Stabilization as of March 5, 2025 is **\$7,260,256**.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria  
Mayor



March 5, 2025  
**City of Everett, Massachusetts**  
**CITY COUNCIL**

Offered By: \_\_\_\_\_  
Stephanie Martins, as President

**Bill Number:**  
**Bill Type: Order**

Be it  
Ordered: BY City Council OF THE CITY OF EVERETT, as  
follows:

To appropriate **\$500,000** from the Capital Stabilization account  
for the costs of design services and related ancillary costs  
associated for the potential reuse of additional space at the  
former Everett High School.

The current balance in the Capital Stabilization account is  
**\$7,260,256.**



C0057-25

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**To:** Mayor and City Council

**From:** Councilor Stephanie V. Smith, Councilor Robert J. Van Campen, Councilor Stephanie Martins

**Date:** February 10, 2025

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**Agenda Item:**

An Order amending the Everett City Council Rule regarding pre-planned expenses for travel and conference fees

**Background and Explanation:**

**Attachments:**



**CITY COUNCIL .....No. C0057-25**

IN THE YEAR TWO THOUSAND AND TWENTY-FIVE

**AN ORDER AMENDING THE EVERETT CITY COUNCIL RULE REGARDING PRE-PLANNED EXPENSES FOR TRAVEL AND CONFERENCE FEES**

/s/Councilors Stephanie V. Smith, Robert J. Van Campen and Stephanie Martins

**Whereas:** The purpose of City Council Rules is to document the accepted practices and clarify expectations by establishing guidelines for the orderly, consistent, and fair conduct of the City Council's business.

**Whereas:** City Council Rules should be updated whenever better practices are identified.

**Now,** therefore, by the authority granted to the City Council of the City of Everett, Massachusetts by its City Charter to adopt rules regulating its procedures:

**Be it Ordered** by the City Council of the City of Everett, Massachusetts that Rule 54 of the Rules of the Everett City Council of Everett be amended as follows:

Subsection D.5 of Rule 54 is hereby amended by deleting the current text of the subsection in its entirety and replacing it with a new version of the subsection text as follows:

5. Whenever possible, reservations for pre-planned expenses for travel and conference fees for city council members that are to be paid from funds appropriated for city council expenses shall be made by a member of the city council office staff using a city credit card.
  - a. The associated charges shall be applied to the same line item used to reimburse members for their personal actual and necessary expenses;
  - b. The council staff member who made the reservations shall submit expense reports as necessary for such expenses;
  - c. Such expense reports may contain expenses attributed to one or more members; but such reports shall clearly delineate the expenses attributed to each member; and.
  - d. For members of the city council staff who have pre-planned expenses for travel and conference fees, the same process shall be followed but the associated charges shall be applied to the department's professional development line item.

This act shall take effect upon its passage.



A true copy attest

A handwritten signature in black ink that reads "Sergio Cornelio".

Sergio Cornelio, City Clerk

#2- C0057-25

Legislative Affairs & Election Committee  
February 24, 2025

The Committee on Legislative Affairs & Elections met on Monday, February 24, 2025 at 6:00pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Robert Van Campen, presiding, Councilors Stephanie Smith, Katy Rogers and Stephanie Martins, as Ex-Officio. Member absent was Councilor Michael Marchese.

Communication received from Councilor Marchese that he would be away out of State and unable to attend.

The Committee considered an Order offered by Councilors Stephanie Smith, Robert Van Campen and Stephanie Martins: An Order amending the Everett City Council Rules regarding pre-planned expenses for travel and conference fees.

Councilor Smith explained that the intent was to bring the City Council in line with the travel policies of the rest of other city employees. However, she noted that she had spoken with Chief Financial officer Eric Demas prior to the meeting and he suggested that the language included in the City wide policy also be included in the City Council rules which he agreed to provide prior to the next meeting.

The Committee voted: To grant further time.

Respectfully Submitted,

John W. Burley  
Clerk of Committees





C0077-25

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**To:** Mayor and City Council

**From:** Councilor Anthony DiPierro

**Date:** March 4, 2025

---

**Agenda Item:**

That the City Council hereby deletes section 7-167 Longevity-Mayor in its entirety and replaces it as follows<sup>4</sup>

**Background and Explanation:**

**Attachments:**

**ENROLLED ORDINANCE**

*PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF  
EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.*

**ENROLLED: XX/XX/XXXX DATE OF PROPOSED ORDAINMENT: XX/XX/XXXX**



**CITY COUNCIL .....No. C0077-25**

**IN THE YEAR TWO THOUSAND AND TWENTY-FIVE**

**AN ORDINANCE REDEFINING THE ANNUAL LONGEVITY BONUS PAYMENT**

Councilor /s/ Stephanie V. Smith, Katy Rogers, Michael Marchese, Robert Van Campen,  
Stephanie Martins, Peter Pietrantonio, Guerline Alcy-Jabouin, Holly Garcia,

**Whereas:** The Office of the Inspector General (OIG) notified the City Council as part of an investigative report, that the purpose of longevity payments “is to reward and retain employees for their skill and experience through a system that recognizes years of valuable service. Longevity payments are not a means to pad the salaries of elected officials”; and

**Whereas:** The Office of the Inspector General (OIG) recommended the City Council to “eliminate longevity payments to elected officials”; and

**Whereas:** Elected officials of the City of Everett, including the Mayor, members of the City Council and School Committee, are compensated through salaries established by ordinance or state law, and additional bonuses tied to tenure may undermine the principles of equitable governance and public service.

**Now,** therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make ordinances:

**Be it Ordained** by the City Council of the City of Everett, Massachusetts that the Revised Ordinances of the City of Everett be amended as follows:

Section 7-167 of the Revised Ordinances of the City of Everett is hereby amended by deleting the entire current text of said section, including title and replacing it with the following text:

**7-167 Longevity – Elected Officials**

**(a) Definitions**

- Elected Official: any individual holding a position in the City of Everett that is filled through a public election process, including but not limited to the Mayor, City Council member or School Committee Member

- Longevity payment: any payment, stipend, or benefit provided to an individual based solely on the years of service or tenure in a position
- (b) No elected official is eligible or shall receive a longevity payment during their time in office or retroactively for time served in an elected position

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.

A true copy attest



A handwritten signature in black ink, reading "Sergio Cornelio". The signature is written in a cursive, flowing style.

Sergio Cornelio, City Clerk



C0259-24

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**To:** Mayor and City Council

**From:** Councilor Katy L. Rogers

**Date:** July 22, 2024

---

**Agenda Item:**

City of Everett tree ordinance

**Background and Explanation:**

The City of Everett is dedicated to enhancing its urban tree canopy, which will improve the environment, esthetics, and quality of life for its residents. The benefits include energy conservation, air quality improvement, storm runoff reduction, micro-climate control, wind speed reduction, noise pollution reduction, wildlife habitat provision, aesthetic enhancement, property value protection, and public space definition.

**Attachments:**

Katy Rogers <katyforeverett@gmail.com>

7/16/2024 6:48 PM

## Everett Tree Ordinance

To Michael Mangan <michael.mangan@ci.everett.ma.us> • david\_flood@comcast.net

### City of Everett Tree Ordinance

**BACKGROUND:** The City of Everett is dedicated to enhancing its urban tree canopy, which will improve the environment, aesthetics, and quality of life for its residents. The benefits include energy conservation, air quality improvement, storm runoff reduction, microclimate control, wind speed reduction, noise pollution reduction, wildlife habitat provision, aesthetic enhancement, property value protection, and public space definition.

### ORDINANCE:

#### 1. Urban Canopy Preservation and Expansion

- Preserve existing trees and promote new tree planting.
- Ensure the city remains a Tree City USA by maintaining a tree department, having a city tree ordinance, spending at least \$2 per capita on urban forestry, and celebrating Arbor Day.
- Adhere to the "right tree, right place" philosophy for long-term success.

#### 2. Tree Protection and Replacement

- Protect Public Shade Trees as defined by M.G.L. c. 87.
- Encourage private property owners to plant trees within their lot's setback area.
- Allow the Tree Warden or authorized organizations to plant trees in public rights-of-way or within the setback from such rights-of-way.

#### 3. Tree Removal and Mitigation

- Require a Tree Permit for any project impacting Significant Trees, Public Trees, or Public Shade Trees.
- A Mitigation Plan is required for any tree removal, detailing replacement trees and, if necessary, mitigation payments to the Tree Replacement Fund.

#### 4. Definitions

- Key terms include Aggregate Diameter, Caliper, Certified Arborist, DBH, Lot, Mitigation Payment, Mitigation Plan, Pruning Standards, Public Shade Tree, Public Tree, Replacement Caliper, Replacement Trees, Remove, Significant Tree, Tree Permit, Tree Protection Plan, Tree Protection Zone, Tree Replacement, Tree Replacement Fund, Tree Survey, Tree Warden.

#### 5. Tree Warden Responsibilities

- Oversee all trees within public rights-of-way and on city property.
- Develop an annual work plan for tree maintenance, replacements, plantings, and removals.
- Grant or deny permits, coordinate with city departments, and enforce the ordinance.

#### 6. Tree Survey and Permit Requirements

- A Tree Survey is required for projects needing a Building Permit, Special Permit, or Site Plan Review.

- Tree Permits are required for any project that may impact Significant Trees, Public Trees, or Public Shade Trees.
- 7. Enforcement and Penalties**
- Violations of the ordinance will result in fines up to \$300 per day, mandatory tree replacement, or mitigation payments.
  - Unauthorized tree removal will incur significant penalties based on the tree's DBH.

**8. Tree Replacement Fund**

- Established for the sole purpose of supporting tree planting and maintenance throughout the city.

**Severability**

- If any provision of this ordinance is found invalid, the remaining sections shall remain in effect.

**Effective Date**

- This ordinance takes effect immediately upon passage and publication as provided by law.

**BACKGROUND:** This ordinance was created in collaboration on with the City of Everett arborist and is being presented upon his suggestions ☐

## City Of Everett Tree Ordinances

### Intent and Purpose

1. The City of Everett is committed to investing in its urban tree canopy. To that end, these ordinances shall guide the City in the preservation of existing trees, the promotion of new tree planting and in community engagement with our urban canopy. Development of the City's urban canopy will serve to improve the environment, the aesthetics and the quality of life in the City of Everett and for its residents. The numerous functions of a well-developed urban tree canopy include;
  - a. Conserving energy, and combating heat island effect by providing shade and evaporative cooling through transpiration,
  - b. Improving local and global air quality by absorbing carbon dioxide, ozone, particulate matter, and producing oxygen,
  - c. Reducing storm runoff, flooding and soil erosion,
  - d. Providing microclimate control,
  - e. Reducing wind speed and directing air flow,
  - f. Reducing noise pollution,
  - g. Providing habitat for birds, small mammals, and other wildlife,
  - h. Enhancing visual and aesthetic qualities that attract visitors and businesses,
  - i. Providing natural privacy among neighbors,
  - j. Protecting and increasing real property values,
  - k. Contributing to the definition of public spaces and creating civic identity and responsibility.
2. The provisions of this ordinance reinforce, enhance, and expand existing legal vehicles to ensure that future development and public policy adequately preserve, protect, and provide for replacement of Public Trees and Public Shade Trees as well as increasing the total tree inventory.
3. The City resolves to plant more trees and in greater variety in order to compensate for past tree losses, the length of time required for a tree to achieve maturity and to provide resiliency through biodiversity. The City will adhere to "right tree, right place" philosophy to ensure that all new trees are planted and maintained to ensure long term success into maturity.
4. This ordinance:
  - a. Ensures that The City of Everett sustains its designation as Tree City USA by meeting or exceeding the four core standards of sound urban forestry management;
    - i. Maintaining a tree department,
    - ii. Having a City tree ordinance,
    - iii. Spending at least \$2.00 per capita on urban forestry,
    - iv. Celebrating Arbor Day.
  - b. Protects and preserves Public Shade Trees pursuant to M.G.L. c. 87.

- c. Encourages private property owners to plant or to accept a tree from the City to be planted within the setback area of their lot instead of in the tree lawn or tree pit, if the Tree Warden so recommends.
- d. Allows the Tree Warden, or a private organization acting with the written consent of the Tree Warden, to plant trees acquired with public or private funds in the public rights-of-way or within the setback from such public rights-of-way with acceptance by the property owner for the purpose of improving, protecting, shading, or ornamenting the land.

## Definitions

1. "Aggregate Diameter": The combined DBH (diameter at breast height) of multiple tree trunks growing from the same root system shall be considered to be the DBH of the tree in the case of any tree where more than one stem originates below 54.5 feet from the ground.
2. "Caliper": A measurement of the tree trunk diameter used when any tree is less than 6" and is a measurement of the diameter of the tree trunk at 12 inches above the ground. Caliper measurement is typically used when purchasing new trees.
3. "Certified Arborist": An arborist certified by the Massachusetts Arborists' Association or the International Society of Arboriculture, or any successor of either organization.
4. "DBH (diameter at breast height)": The diameter of a tree trunk measured in inches at a height of 4.5 feet above the ground. For multiple trunk trees, DBH is the aggregate diameter of the trunks.
5. "Lot": A parcel of land in identical ownership throughout, bounded by other lots or streets, which is designated by its owner to be used, developed or built upon as a unit.
6. "Mitigation Payment." A payment to be paid to the Tree Replacement Fund associated with the removal of applicable Significant Trees, Public Trees or Public Shade Trees that have not been replaced with Replacement Trees in accordance with the mitigation requirements established in this Ordinance. The Mitigation Payment shall be in accordance with the City of Everett's most recent tree planting costs in consideration of two (2) times or more, the total DBH or Caliper of trees Removed.
7. "Mitigation Plan": A document to be provided where any applicable Significant Tree, Public Tree or Public Shade Tree is proposed to be Removed from a Lot, stating;
  - a. Why any applicable Significant Tree, Public Tree or Public Shade Tree is proposed to be Removed from a Lot,
  - b. A description of the Replacement Tree proposed to replace any applicable Significant Tree, Public Tree or Public Shade Tree to be Removed,
  - c. The Mitigation Payment, if required.
8. "Pruning Standards": Standards for pruning of trees as defined in the ANSI A300 Tree Care Standards and any future amendments or revisions to the same.
9. "Public Shade Tree": A tree located in the public way, as defined in M.G.L. c. 87, Sec. 5.
10. "Public Tree": Any tree located on land owned completely by the City of Everett. This does not include any tree that fits the definition of a Public Shade Tree under M.G.L. c. 87.



11. "Replacement Caliper": The caliper for applicable Significant Trees, Public Trees and Public Shade Trees planted in replacement for Removed trees shall be at least two (2) times the DBH or aggregate diameter whichever is greater, of the tree Removed.
12. "Replacement Trees." A tree or trees to be planted to replace applicable Significant Trees, Public Trees or Public Shade Trees to be Removed from the Lot. The approval of the Tree Warden will be required if Replacement Trees are to be placed on other Lots. Replacement Trees shall continue to be identified as such for a period of ten (10) years.
13. "Remove (including removing and removal)": Cutting down any applicable Significant Tree, Public Tree or Public Shade Tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of an applicable Significant Tree, Public Tree or Public Shade Tree, including, but not limited to, excessive or improper pruning.
14. "Significant Tree": Any tree six (6) inches DBH or larger which is on a Lot. This does not include any tree that fits the definition of a Public Tree under this ordinance or any tree that fits the definition of a Public Shade Tree under M.G.L. c. 87.
15. "Tree Permit": A document signed and certified by the Tree Warden required to be issued for any project requiring a Site Plan Review per the City of Everett Code of Ordinances, Division IV, Sec. 19, where any applicable Significant Tree, Public Tree or Public Shade Tree may be damaged or disturbed as a result of a project on the lot. A Tree Permit shall also be required for any project that requires or may result Removal, damage or disturbance including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the Tree Protection Zone or other means to any Public Trees or Public Shade Trees and their Tree Protection Zone.
16. "Tree Protection Plan": A document designed by a Certified Arborist and approved by the Tree Warden which shall include the following information;
  - a. Drawings of Tree Protection measures,
  - b. The location on the Lot of all applicable Significant Trees, Public Trees and Public Shade Trees and their Tree Protection Zone ,
  - c. An indication of which applicable Significant Trees, Public Trees and Public Shade Trees and their Tree Protection Zones may be affected, damaged or otherwise disturbed including by the compaction of soil in and around a tree's root system by vehicle traffic, parking or other means,
  - d. In the event that any applicable Significant Tree, Public Tree or Public Shade Tree is proposed to be Removed, the Tree Protection Plan shall include the location of any applicable Significant Tree, Public Tree and Public Shade Tree, and their Genus, Species, Height and DBH or Caliper,
  - e. In the event that any applicable Significant Tree, Public Tree or Public Shade Tree is proposed to be Removed, the Tree Protection Plan shall include the location of Replacement Tree or trees and their Genus, Species, Height and DHB or Caliper.
  - f. A schedule for planting the proposed Replacement Tree or trees,
  - g. In the event that any applicable Significant Tree, Public Tree or Public Shade Tree is proposed to be Removed and an inadequate number of Replacement Trees are proposed to be planted, a Mitigation Plan shall be included in the Tree Protection Plan,

- e. Such other conditions as specified by the Tree Warden pursuant to applicable regulations.
- 17. "Tree Protection Zone": The area surrounding a tree which must remain as undisturbed as possible so as to prevent damage or removal of the tree. Including but not limited to the area where roots critical to the vigor and structure of the tree are located. The size and shape of a Tree Protection Zone shall be defined by a Certified Arborist, shall adhere to the ANSI A300 Tree Care Standards and be approved by the Tree Warden.
- 18. "Tree Replacement": The Tree Warden shall require the replacement of any Removed applicable Significant Tree, Public Tree or Public Shade Tree, which shall be planted by the applicant or their contractors under the supervision of a Certified Arborist and subject to approval by the Tree Warden.
- 19. "Tree Replacement Fund": Payments required by this ordinance for planting at the same site or at another location shall be deposited into this fund.
- 20. "Tree Survey": A document designed by a Certified Arborist and approved by the Tree Warden which shall include the location, Genus, Species, Height and DBH of all Significant Trees, Public Trees and Public Shade Trees and their Tree Protection Zone on a Lot and those trees that have been Removed from a Lot within one year prior to the submission of a Tree Survey. If applicable; a Tree Survey shall include a Tree Protection Plan and a Mitigation Plan. A Tree Survey shall be required for any project requiring any Building Permit, a Special Permit per The City of Everett Code of Ordinances, Division IV Sec. 3 or a Site Plan Review per the City of Everett Code of Ordinances, Division IV, Sec. 19. A Tree Survey shall also be required for any project that requires or may result in any Public Trees or Public Shade Trees being Removed, damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the Tree Protection Zone.
- 21. "Tree Warden": The individual who holds this title shall be an arborist certified by the Massachusetts Arborists Association (MAA), The International Society of Arboriculture or any successor of either organization. The duties and responsibilities of the Tree Warden shall conform to M.G.L. c. 87 and shall include other responsibilities described in this ordinance.

## Compliance with state law

- a. Nothing in this ordinance shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing municipal or state law.

## Tree Replacement Fund

- b. There is hereby established a Tree Replacement Fund which shall be held by the City Treasurer in an account and administered in accordance with applicable provisions of the Massachusetts General Laws. Any payments into the Tree Replacement Fund shall be deposited in said Fund and shall be used solely for the purpose of supporting tree planting and maintenance throughout the entire City.

## Applicability

- c. The terms and provisions of this ordinance shall be administered by the Tree Warden and shall apply to any applicable Significant Tree and to any Public Tree or Public Shade Tree and their Tree Protection Zone located within the City of Everett.

## Tree Warden

1. The Tree Warden shall be a Certified Arborist by the Massachusetts Arborist's Association, The International Society of Arboriculture, or any successor of either organization.
2. The duties and responsibilities of the Tree Warden shall conform to M.G.L.A. c. 87 and shall include, but not be limited to, the following and as may be further specified in this ordinance;
  - a. Care and control of all trees within public rights-of-way and care and control of all trees on City property,
  - b. Development of an annual work plan, using the tree inventory as a resource, for systematic tree maintenance, replacements, plantings, and removals for each fiscal year. The plan shall include locations of work, designated work to be accomplished, and resources including funds required,
  - c. Posting notices and holding public hearings for the removal of Public Trees and Public Shade Trees as required by M.G.L. c. 87 and this ordinance,
  - d. Expending funds appropriated for planting trees on land within public rights-of-way, City owned property and in the setback of a Lot with the express approval of the Owners,
  - e. Granting or denying permits and attaching thereto reasonable conditions required under this ordinance,
  - f. Working in conjunction with other City departments to seek grants or other assistance concerning the preservation, maintenance and planting of trees in City,
  - g. Development of rules, regulations, tree inventories, manuals, and other data, in conjunction with other City departments, to carry out the purposes and intent of this ordinance,
  - h. Supervising the planting and care of City trees to ensure that such planting and care meets the criteria of these ordinances and the ANSI A300 Tree Care Standards,
  - i. Ensuring the regular maintenance of and updating of the City of Everett's Tree Inventory to track removal and replacement of trees in order to replace lost trees in an orderly fashion,
  - j. Appointment of designee to serve in the absence of the Tree Warden,
  - k. Coordinate with any private organization that creates a program for the planting or pruning of Public Trees and Public Shade Trees on City property, in the public rights-of-way or within the setbacks with the express approval of the Owners,
  - l. With authorization by the council, undertaking other responsibilities consistent with the purposes and intent of this ordinance,
  - m. Enforcement of this ordinance.

## Tree Survey

1. A Tree Survey Shall be required in the case of any project that requires any Building Permit, a Special Permit per The City of Everett Code of Ordinances, Division IV Sec. 3, or a Site Plan Review per the City of Everett Code of Ordinances, Division IV, Sec. 19. The application for any Building Permit, a Special Permit or a Site Plan Review shall include a tree survey which shall first have been submitted to the Tree Warden not less than twenty-one (21) days prior to the submission of the application for a, Building Permit, Special Permit or Site Plan Review.
2. A Tree Survey shall also be required for any project that requires or may result in any Public Trees or Public Shade Trees being Removed, damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the Tree Protection Zone.
3. A Tree Survey shall include the location, Genus, Species, Height, DBH and Tree Protection Zone of all Significant trees, Public trees and Public Shade trees that will be Removed, damaged, or disturbed, including through the compaction of soil due to the passage or parking of vehicles or equipment within the Tree Protection Zone by any project requiring any Building Permit, a Special Permit per The City of Everett Code of Ordinances, Division IV Sec. 3 or a Site Plan Review per the City of Everett Code of Ordinances, Division IV, Sec. 19.

## Tree Permits

1. A Tree Permit shall be required in the case of any project where any applicable Significant Tree or Public Tree or Public Shade Tree will be Removed, damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the Tree Protection Zone,
2. No Tree Permit Application fee shall be charged,
3. If applicable, a Tree Permit application shall be submitted concurrently with a Tree Survey in accordance with this ordinance and if applicable, a Mitigation Plan and a Tree Protection Plan,
4. The Tree Warden shall review applications for Tree Permits in accordance with the provisions of this ordinance and with any rules or regulations promulgated hereunder,
5. The Tree Warden shall date stamp or otherwise record the date of filing of each application for a Tree Permit,
6. The Tree Warden shall complete the review of each Tree Permit application relating wholly to Significant Tree Removal no later than ten (10) business days after the submission of a completed application to the Tree Warden,
7. Upon the issuance of a Tree Permit, the Tree Warden may prescribe in writing such protective measures for existing trees, as they deem necessary. The Tree Warden shall make a determination that the prescribed protective measures have been adequately provided before any disturbance of the site related to the permitted activity may begin,
8. In the case of any project which requires any Building Permit, a Special Permit per The City of Everett Code of Ordinances, Division IV Sec. 3 or a Site Plan Review per the City of Everett Code of Ordinances, Division IV, Sec. 19, the Owner of the Lot shall be required to commit to comply with all provisions of the Tree Permit and if applicable, the provisions of the Mitigation Plan, the Tree Protection Plan and other provisions of this Chapter and regulations promulgated hereunder in the application for requires any Building Permit, a Special Permit per The City of

Everett Code of Ordinances, Division IV Sec. 3, or a Site Plan Review per the City of Everett Code of Ordinances, Division IV, Sec. 19,

9. If applicable, the Tree Warden shall report whether the Tree Permit was granted or denied to the Planning Board or the Director of Inspectional Services within the same ten (10) business days. If the Planning Board or the Director of Inspectional Services receives no such report about a Tree Permit for the property within the above-stated time period, the Planning Board or Director of Inspectional Services shall accept a Building Permit, Special Permit or Site Plan Review application without that report,
10. In the case of a project where a Tree Permit allows for the Removal of an applicable Significant Tree, a Public Tree or a Public Shade Tree, Tree Warden shall keep a record of the type and size of tree Removed, the reason for the removal, photographs of the tree documenting the reason for removal, the date, the contractors, and the name and address of the property owner,
11. Any Tree Permit issued by the Tree Warden shall be valid for 90 days from issuance. The Tree Warden, following an email or written request by the applicant, may extend the length of the permit for any length of time, as they deem necessary and appropriate,
12. A Tree Permit may be suspended or revoked at any time by the Tree Warden upon written notice to the permit holder that the permit holder has failed to comply with either this ordinance or the conditions of the Tree Permit. The written notice shall be sent by certified mail, return receipt requested, or by hand delivery and shall provide an opportunity for the permit holder to correct the non-compliance and apply for a renewal of the Tree Permit upon compliance, where practicable.

## Mitigation Plan

1. In the case of any project which requires a Tree Permit and where a Tree Survey identifies a Tree Removal, A Mitigation Plan will be required for all Trees Removed,
2. The Mitigation Plan shall be designed and certified by a Certified Arborist,
3. The Mitigation Plan shall be subject to approval by the Tree Warden,
4. If applicable a Mitigation Plan shall be submitted concurrently with an application for a Tree Permit. A Mitigation Plan shall include;
  - a. Why any Tree is proposed to be Removed from a Lot,
  - b. A description of the Replacement Tree proposed to replace any tree to be Removed, including Genus, Species, Height and Caliper,
  - c. A schedule for planting the proposed Replacement Tree,
  - d. If applicable, a Mitigation Payment,
  - e. If applicable, a Tree Protection Plan,
5. Replacement Trees will continue to be identified as Replacement Trees for a period of ten (10) years after they are planted,
6. No Replacement Tree shall be Removed without a Tree Permit issued by the Tree Warden. In all cases, the Tree Warden shall keep a record of the type and size of any Replacement Tree Removed, the reason for the removal, photographs of the Replacement Tree documenting the reason for removal, the date, the contractor, and the name and address of the property owner,
7. A Mitigation Payment will be required for all Replacement Trees Removed. The Mitigation Payment shall be assessed on a DBH basis in consideration of the Replacement Tree Removed, in accordance with the City of Everett's most recent tree planting and maintenance costs

inclusive of purchasing, planting, watering, and maintaining Replacement Trees for a period of not less than five years. No reduction of the amount of Mitigation Payment otherwise available under this Ordinance will be allowed in connection with the Removal of Replacement Trees.

8. In the case of any project which requires a Tree Permit and where a Tree Survey identifies a tree Removal, the total DBH of Replacement Trees, or Mitigation Payment of equivalent value, as applicable, shall be 2 times or more, the total DBH of the trees to be Removed.

## Tree Protection Plan

1. A Tree Protection Plan shall be required in the case where any applicable Significant Tree, Public Tree or Public Shade Tree or their Tree Protection Zone which will not be Removed, extends or overlaps into the work zone of any project, excavation or construction where any applicable Significant Tree, Public Tree or Public Shade Tree or their Tree Protection Zone may be damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the Tree Protection Zone,
2. If applicable a Tree Protection Plan shall be submitted concurrently with an application for a Tree Permit.
3. The Tree Protection Plan shall be designed and certified by a Certified Arborist,
4. The Tree Protection Plan shall be subject to approval by the Tree Warden,
5. All applicable Significant Trees, Public Trees and Public Shade Trees and their Tree Protection Zone near the excavation or construction of any building, structure, or street, or in the vicinity of utility work shall be sufficiently guarded and protected by those responsible for such work so as to prevent injury to said applicable Significant Trees, Public Trees and Public Shade Trees.
6. A Tree Protection Plan shall include;
  - a. The location on the Lot of all applicable Significant Trees, Public Trees and Public Shade Trees and their Tree Protection Zone
  - b. An indication of which applicable Significant Trees, Public Trees and Public Shade Trees and their Tree Protection Zones may be affected, damaged or otherwise disturbed including by the compaction of soil in and around a tree's root system by vehicle traffic, parking or other means.
  - c. Descriptions and drawings of tree protection measures that will be used to prevent damage or disturbance to trees and their root systems that will be retained.

## Significant trees

1. A Tree Permit shall be required in the case of any project that requires a Site Plan Review per the City of Everett Code of Ordinances, Division IV, Sec. 19, where the Tree Survey identifies any Significant tree that will be Removed, Damaged or disturbed including through pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the Tree Protection Zone.
2. No Tree Permit shall be required for the removal or disturbance of a Significant Tree located wholly on a Lot not Owned or managed by the City of Everett except in the case of any project which requires a Site Plan Review per Division IV: Zoning, § 19 Site Plan Review
3. A Tree Permit to Remove an applicable Significant Tree shall be issued when an applicable Significant Tree will be;



- f. Replaced or relocated on site or on an abutter's setback with the abutter's express approval in accordance with the provisions of the Mitigation Plan,
- g. Replaced by a Mitigation Payment into the Tree Replacement fund,
- h. The Tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of utility service, is causing drainage or passage problems upon public rights-of-way, or poses a threat to pedestrian or vehicular safety and no other means of mitigation is applicable as certified by the Tree Warden.
- i. The removal of the Tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified by the Tree Warden.

## Public Tree and Public Shade Trees

1. A Tree Permit shall be required in the case of any project where any Public Tree or Public Shade Tree will be Removed, damaged or disturbed including through pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the Tree Protection Zone.
2. Except as provided by a Tree Permit, no person other than the Tree Warden or their designee shall Remove, prune, alter or disturb any Public Tree or Public Shade Tree or the Tree Protection Zone of any Public Tree or Public Shade Tree, including through the compaction of soil due to the passage or parking of vehicles or equipment.
3. When a Public Tree or Public Shade Tree is to be Removed, a public tree hearing shall be scheduled. The public tree hearing will be advertised twice in a local newspaper during the 14 days prior to the public tree hearing, posted on the City website, the City hall bulletin board, and a notice shall be affixed to the tree itself. The resident or owner requesting the removal of a Public Tree or Public Shade Tree shall pay for costs associated with this notice.
4. After the conclusion of a favorable public tree hearing a Tree Permit to Remove a Public Tree or Public Shade Tree shall be issued when a Public Tree or Public Shade Tree will be;
  - a. Replaced or relocated on site or on an abutter's setback with the abutter's express approval in accordance with the provisions of the Mitigation Plan,
  - b. Replaced by a Mitigation Payment into the Tree Replacement fund,
  - c. The Tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of utility service, is causing drainage or passage problems upon public rights-of-way, or poses a threat to pedestrian or vehicular safety and no other means of mitigation is applicable as certified by the Tree Warden.
  - d. The removal of the Tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified by the Tree Warden.

## Duty of Care

1. Upon issuance of any City of Everett permit by the Planning Board, the director of Inspectional Services or the Tree Warden, the permit holder is required to take reasonable precautions to ensure that any applicable Significant Tree and all Public Trees and Public Shade Trees are adequately protected and maintained free from harm from work associated with the permit issued. Failure to adequately protect and maintain any applicable Significant Trees and all Public Trees and Public Shade Trees free from harm may result in a fine, and failure to adequately protect applicable Significant Trees and all, Public Trees and Public Shade Trees that results in

any applicable Significant Trees and all, Public Trees and Public Shade Trees being Removed within Five (5) years of the failure to protect being noted may result in a fine and a Mitigation Payment that reflects the value in accordance with two (2) times the DBH of the applicable Significant Trees, Public Trees or Public Shade Trees Removed.

## Tree Donations

1. Voluntary contributions may be made to benefit tree planting and maintenance in Everett shall be deposited into the Tree Replacement Fund.

## Enforcement

1. Any person who violates any of the provisions of this Chapter shall be notified by the Tree Warden of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and a reasonable time period within which compliance must be had.
2. Upon notice from the Tree Warden that work on any Lot on which an applicable Significant Trees, Public Tree, Public Shade Tree or their Tree Protection Zone is located is being performed contrary to any applicable Tree Protection Plan or Mitigation Plan or any provision of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing, and shall be given to the owner of the Lot involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work will be permitted to resume.
3. Any person who shall continue any work in or about said lot after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$300.00. Each day during which a violation exists shall constitute a separate offense.
4. Injunctive Relief. Whenever there exists reasonable cause to believe that a person is violating any applicable Mitigation Plan or Tree Protection Plan or any provision of this Chapter, the City may institute a civil action for a mandatory or prohibiting injunction in a court of competent jurisdiction ordering the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
5. Failure to apply for and receive a Tree Permit or failure to replace an applicable Significant Tree, Public Tree, Public Shade Tree or make a payment into the Tree Replacement Fund or to post and maintain a bond in accordance with this ordinance shall constitute a separate violation of this Chapter for which there shall be a fine of not more than \$300.00. Each day such violation continues shall constitute a separate offense.
6. Alternative Penalty; As an alternative to any fine stated in this ordinance, citations may be issued pursuant to M.G.L. c. 40, § 21D, assessing a fine of not more than \$300.00 for each day the violation is committed or permitted to continue.
7. Tree vandalism. Each instance of mayhem shall constitute a violation of this ordinance and shall be subject to a fine of up to \$300.00.
8. Removal without a Tree Permit. Each instance in which an applicable Significant Tree, Public Tree or Public Shade Tree is Removed without a Tree Permit shall constitute a violation of this ordinance and shall be subject to a fine in the amount applicable to the City of Everett's most recent tree planting and maintenance costs inclusive of purchasing, planting, watering, and maintaining Replacement Trees for a period of not less than five years,



- j. The fine for any applicable Significant Tree, Public Tree or Public Shade Tree Removed without a Tree Permit shall be assessed at two (2) times the total DBH of any applicable Significant Tree, Public Tree or Public Shade Tree Removed,
  - k. No reduction of the amount of the fine otherwise available under this Ordinance will be allowed in connection with the Removal of any applicable Significant Tree, Public Tree or Public Shade Tree Removed without a Tree Permit.
- 9. Each failure to replace an applicable Significant Tree, Public Tree or Public Shade Tree or to make a payment into the Tree Replacement Fund beyond the timeframe of the Tree Permit shall constitute a separate violation of this ordinance and shall be subject to a fine in the amount of \$300.00. Each day such violation continues shall constitute a separate offense.
  - 10. Failure to comply with a condition contained in a Tree Permit. Each instance where there is a failure to comply with a condition contained in a Tree Permit shall be subject to a fine in the amount of \$300.00.
  - 11. Failure to comply with a stop work order. Each instance where there is a failure to comply with a stop work order shall constitute a violation of this ordinance, which shall be subject to a fine in the amount of \$300.00. Each day such violation continues shall constitute a separate offense;
  - 12. Nothing herein shall be construed to require the City of Everett to make a payment into the Tree Replacement Fund for any tree that it Removes.

### Severability

- 1. Severability. The provisions of this ordinance are severable. If any section, provision, or portion of this ordinance is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this ordinance shall continue to be valid.

### Effective Date

In Effect. This Ordinance shall take effect immediately upon passage and publication as provided by law.

#4- C0259-24

Legislative Affairs & Election Committee  
September 9, 2024

The Committee on Legislative Affairs & Elections met on Monday, September 9, 2024 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Michael Marchese, presiding, Councilors Stephanie Smith, Katy Rogers and Stephanie Martins.

The Committee considered an Ordinance offered by Councilor Katy Rogers: An Ordinance pertaining to trees in the City of Everett.

David St. Louis, Arborist, was also present.

David Flood, Legislative Research Specialist provided the Committee with a reformatted version of the Tree Ordinance submitted by Councilor Rogers, but noted that the Ordinance still needed a preamble. Councilor Rogers remarked that the Ordinance provides opportunities for the City to invest in its urban tree canopy. Councilor Smith asked Mr. St. Louis if this Ordinance would result in any costs to the City and Mr. St. Louis responded that it shouldn't. The Committee recommended that the Sponsor meet with Mr. Flood to address the need for a preamble as well as to finalize a fine schedule and suggested that the Ordinance be provided to the City Solicitor for her review and comments prior to it being presented at the next meeting.

The Committee voted: to grant further time.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

**ENROLLED ORDINANCE**

PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF  
EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.

ENROLLED: MM/DD/2024

DATE OF PROPOSED ORDAINMENT: MM/DD/2024



**CITY COUNCIL..... No. C0259-24**

**IN THE YEAR TWO THOUSAND AND TWENTY-FOUR**

**AN ORDINANCE PERTAINING TO TREES IN THE CITY OF EVERETT**

Councilor /s/ Katy L. Rogers

**Whereas: x; and**

**Whereas: x, and**

**Whereas: x.**

Now, therefore, by the authority granted to the City Council of the City of Everett-Tree,  
Massachusetts to make and amend ordinances:

**Be it Ordained** by the City Council of the City of Everett, Massachusetts that Chapter 17 of the  
Revised Ordinances of the City of Everett is hereby amended as follows:

The title of Chapter 17 shall be amended by changing the title from “STREETS AND  
SIDEWALKS” to “STREETS, SIDEWALKS AND OTHER OUTDOOR SPACES”

Chapter 17 of the Revised Ordinances of the City of Everett is hereby further amended as  
follows:

Article V of Chapter 17 of the Revised Ordinances of the City of Everett shall be amended by  
adding a new Division 3 as follows:

**DIVISION 3. CITY TREE ORDINANCES**

**Section 17-120 Intent and purpose**

(a) The City of Everett is committed to investing in its urban tree canopy. To that end, these  
ordinances this division shall guide the city in:

(1) The preservation of existing trees;

(2) The promotion of new tree planting; and

(1) In community engagement with our urban canopy.

~~(a)(b)~~ Development of the city's urban canopy will serve to improve the environment, the aesthetics and the quality of life in the city of Everett and for its residents. ~~The numerous functions of a well-developed urban tree canopy include;~~

~~(c)~~ The numerous functions of a well-developed urban tree canopy include:

- (1) Conserving energy, and combating heat island effect by providing shade and evaporative cooling through transpiration<sub>7,1</sub>;
- (2) Improving local and global air quality by absorbing carbon dioxide, ozone, particulate matter, and producing oxygen<sub>7,1</sub>;
- (3) Reducing storm runoff, flooding and soil erosion<sub>7,1</sub>;
- (4) Providing microclimate control<sub>7,1</sub>;
- (5) Reducing wind speed and directing air flow<sub>7,1</sub>;
- (6) Reducing noise pollution<sub>7,1</sub>;
- (7) Providing habitat for birds, small mammals, and other wildlife<sub>7,1</sub>;
- (8) Enhancing visual and aesthetic qualities that attract visitors and businesses<sub>7,1</sub>;
- (9) Providing natural privacy among neighbors<sub>7,1</sub>;
- (10) Protecting and increasing real property values<sub>7,1</sub>; and
- (11) Contributing to the definition of public spaces and creating civic identity and responsibility.

~~(b)(d)~~ The provisions of this ~~ordinance~~ division reinforce, enhance, and expand existing legal vehicles to ensure that future development and public policy adequately preserve, protect, and provide for replacement of public trees and public shade trees as well as increasing the total tree inventory.

~~(e)~~ The city resolves to plant more trees and in greater variety in order to compensate for past tree losses, the length of time required for a tree to achieve maturity and to provide resiliency through biodiversity.

~~(e)(f)~~ The city will adhere to "right tree, right place" philosophy to ensure that all new trees are planted and maintained to ensure long term success into maturity.

~~(d)(g)~~ This ~~ordinance~~ division:

- (1) Ensures that the city ~~of Everett~~ sustains its designation as Tree City USA by Meeting or exceeding the four core standards of sound urban forestry management;
  - a. Maintaining a tree department<sub>7,1</sub>;
  - b. Having a city tree ordinance<sub>7,1</sub>;
  - c. Spending at least \$2.00 per capita on urban forestry<sub>7,1</sub>; and

- a. Celebrating Arbor Day.
- (2) Protects and preserves public shade trees pursuant to M.G.L. c. 87.
- (3) Encourages private property owners to plant or to accept a tree from the city to be planted within the setback area of their lot instead of in the tree lawn or tree pit, if the tree warden so recommends.
- (4) Allows the tree warden, or a private organization acting with the written consent of the tree warden, to plant trees acquired with public or private funds in the public rights-of-way or within the setback from such public rights-of-way with acceptance by the property owner for the purpose of improving, protecting, shading, or ornamenting the land.

**Section 17-121 Definitions**

- (a) "Aggregate diameter": The combined DBH (~~diameter at breast height~~) of multiple tree trunks growing from the same root system shall be considered to be the DBH of the tree in the case of any tree where more than one stem originates below 54.5 feet from the ground.
- (b) "Caliper": A measurement of the tree trunk diameter used when any tree is less than 6" ~~inches~~ and is a measurement of the diameter of the tree trunk at 12 inches above the ground. Caliper measurement is typically used when purchasing new trees.
- (c) "Certified arborist": An arborist certified by the Massachusetts Arborists' Association or the International Society of Arboriculture, or any successor of either organization.
- (d) "DBH (diameter at breast height)": The diameter of a tree trunk measured in inches at a height of 4.5 feet above the ground. For multiple trunk trees, DBH is the aggregate diameter of the trunks.
- (e) "Lot": A parcel of land in identical ownership throughout, bounded by other lots or streets, which is designated by its owner to be used, developed or built upon as a unit.
- (f) "Mitigation payment." A payment to be paid to the tree replacement fund associated with the removal of applicable significant trees, public trees or public shade trees that have not been replaced with replacement trees in accordance with the mitigation requirements established in this ~~Ordinance~~ division. The mitigation payment shall be in accordance with the ~~City of Everett's city's~~ most recent tree planting costs in consideration of ~~two (2)~~ times or more, the total DBH or caliper of trees removed.
- (g) "Mitigation plan": A document to be provided where any applicable significant tree, public tree or public shade tree is proposed to be removed from a lot, stating;
  - (1) Why any applicable significant tree, public tree or public shade tree is proposed to be removed from a lot;
  - (2) A description of the replacement tree proposed to replace any applicable significant tree, public tree or public shade tree to be removed, and
  - (3) The mitigation payment, if required.



- (h) "Pruning standards": Standards for pruning of trees as defined in the ANSI A300 Tree Care Standards and any future amendments or revisions to the same.
- (i) "Public shade tree": A tree located in the public way, as defined in M.G.L. c. 87, Sec. 5.
- (j) "Public tree": Any tree located on land owned completely by the city of Everett. This does not include any tree that fits the definition of a public shade tree under M.G.L. c. 87.
- ~~1. "Replacement Caliper": The caliper for applicable Significant Trees, Public Trees and Public Shade Trees planted in replacement for Removed trees shall be at least two (2) times the DBH or aggregate diameter whichever is greater, of the tree Removed.~~
- (k) "Replacement trees." A tree or trees to be planted to replace applicable significant trees, public trees or public shade trees to be removed from the lot. The approval of the tree warden will be required if replacement trees are to be placed on other lots. Replacement trees shall continue to be identified as such for a period of ~~ten (10)~~ years.
- (l) "Remove (including removing and removal)": Cutting down any applicable significant tree, public tree or public shade tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of an applicable significant tree, public tree or public shade tree, including, but not limited to, excessive or improper pruning.
- (m) "Significant tree": Any tree ~~six (6)~~ inches DBH or larger which is on a lot. This does not include any tree that fits the definition of a public tree under this ordinance or any tree that fits the definition of a public shade tree under M.G.L. c. 87.
- (n) "Tree permit": A document signed and certified by the tree warden required to be issued for any project requiring a site plan review per ~~the City Appendix A, Section 19 of Everett Code of these Revised Ordinances, Division IV, Sec. 19,~~ where any applicable significant tree, public tree or public shade tree may be damaged or disturbed as a result of a project on the lot. A tree permit shall also be required for any project that requires or may result removal, damage or disturbance including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone or other means to any public trees or public shade trees and their tree protection zone.
- (o) "Tree protection plan": A document designed by a certified arborist and approved by the tree warden which shall include the following information:
  - (1) Drawings of tree protection measures;
  - (2) The location on the lot of all applicable significant trees, public trees and public shade trees and their tree protection zone;
  - (3) An indication of which applicable significant trees, public trees and public shade trees and their tree protection zones may be affected, damaged or otherwise disturbed including by the compaction of soil in and around a tree's root system by vehicle traffic, parking or other means;
  - (4) In the event that any applicable significant tree, public tree or public shade tree is proposed to be removed, the tree protection plan shall include the location of any applicable significant tree, public tree and public shade tree, and their genus, species, height and DBH or caliper,

- (2) In the event that any applicable significant tree, public tree or public shade tree is proposed to be removed, the tree protection plan shall include the location of replacement tree ~~or trees(s)~~ and their genus, species, height and DHB or caliper.
  - (3) A schedule for planting the proposed replacement tree ~~or trees(s)~~;
  - (4) In the event that any applicable significant tree, public tree or public shade tree is proposed to be removed and an inadequate number of replacement trees are proposed to be planted, a mitigation plan shall be included in the tree protection plan,
  - (5) Such other conditions as specified by the tree warden pursuant to applicable regulations.
- (p) "Tree protection zone": The area surrounding a tree which must remain as undisturbed as possible so as to prevent damage or removal of the tree. Including but not limited to the area where roots critical to the vigor and structure of the tree are located. The size and shape of a tree protection zone shall be defined by a certified arborist, shall adhere to the ANSI A300 Tree Care Standards and be approved by the tree warden.
  - (q) "Tree replacement": The tree warden shall require the replacement of any removed applicable significant tree, public tree or public shade tree, which shall be planted by the applicant or their contractors under the supervision of a certified arborist and subject to approval by the tree warden.
  - (r) "Tree replacement fund": Payments required by this ~~ordinance~~ division for planting at the same site or at another location shall be deposited into this fund.
  - (s) "Tree survey": A document designed by a certified arborist and approved by the tree warden which shall include the location, genus, species, height and DBH of all significant trees, public trees and public shade trees and their tree protection zone on a lot and those trees that have been removed from a lot within ~~one~~ one year prior to the submission of a tree survey. If applicable, a tree survey shall include a tree protection plan and a mitigation plan. A tree survey shall be required for any project requiring any building permit, a special permit per ~~The City Appendix A, Section 3 of Everett Code of these Revised Ordinances, Division IV Sec. 3~~ or a site plan review per ~~the City of Everett Code of Appendix A, Section 19 of these Revised Ordinances, Division IV, Sec. 19~~. A tree survey shall also be required for any project that requires or may result in any public trees or public shade trees being removed, damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.
  - (t) "Tree warden": The individual who holds this title shall be an arborist certified by the Massachusetts Arborists Association (MAA), the International Society of Arboriculture or any successor of either organization. The duties and responsibilities of the tree warden shall conform to M.G.L. c. 87 and shall include other responsibilities described in this ~~ordinance~~ division.

**Section 17-122 Compliance with state law**

Nothing in this ~~ordinance~~ division shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing municipal or state law.

**Section 17-123 Tree replacement fund**

(a) There is hereby established a tree replacement fund which shall be held by the city treasurer in an account and administered in accordance with applicable provisions of the Massachusetts General Laws.

(a)(b) Any payments into the tree replacement fund shall be deposited in said fund and shall be used solely for the purpose of supporting tree planting and maintenance throughout the entire city.

**Section 17-124 Applicability**

The terms and provisions of this ~~ordinance~~ division shall be administered by the tree warden and shall apply to any applicable significant tree and to any public tree or public shade tree and their tree protection zone located within the city ~~of Everett~~.

**Section 17-125 Tree warden**

- (a) The tree warden shall be a certified arborist by the Massachusetts Arborist's Association, the International Society of Arboriculture, or any successor of either organization.
- (b) The duties and responsibilities of the tree warden shall conform to M.G.L. ~~A.~~ c. 87 and shall include, but not be limited to, the following and as may be further specified in this ~~ordinance;~~ division:
  - (1) Care and control of all trees within public rights-of-way and care and control of all trees on city property;~~;~~
  - (2) Development of an annual work plan, using the tree inventory as a resource, for systematic tree maintenance, replacements, plantings, and removals for each fiscal year. The plan shall include locations of work, designated work to be accomplished, and resources including funds required;~~;~~
  - (3) Posting notices and holding public hearings for the removal of public trees and public shade trees as required by M.G.L. c. 87 and this ~~ordinance;~~ division;
  - (4) Expending funds appropriated for planting trees on land within public rights-of-way, city owned property and in the setback of a lot with the express approval of the owners;~~;~~
  - (5) Granting or denying permits and attaching thereto reasonable conditions required under this ~~ordinance;~~ division;
  - (6) Working in conjunction with other city departments to seek grants or other assistance concerning the preservation, maintenance and planting of trees in ~~City;~~ the city;
  - (7) Development of rules, regulations, tree inventories, manuals, and other data, in conjunction with other city departments, to carry out the purposes and intent of this ordinance;~~;~~



- (6) Supervising the planting and care of city trees to ensure that such planting and care meets the criteria of ~~these ordinances~~this division and the ANSI A300 Tree Care Standards;<sub>2</sub>
- (7) Ensuring the regular maintenance of and updating of the ~~City of Everett's~~city's tree inventory to track removal and replacement of trees in order to replace lost trees in an orderly fashion;<sub>3</sub>
- (8) Appointment of designee to serve in the absence of the tree warden;<sub>3</sub>
- (9) Coordinate with any private organization that creates a program for the planting or pruning of public trees and public shade trees on city property, in the public rights-of-way or within the setbacks with the express approval of the owners,
- (10) With authorization by the ~~council~~mayor, undertaking other responsibilities consistent with the purposes and intent of this ~~ordinance~~division; and
- (11) Enforcement of this ordinance.

**Section 17-126      *Tree survey***

- (a) A tree survey shall be required in the case of any project that requires any building permit, a special permit per ~~The City~~Appendix A, Section 3 of ~~Everett Code of these Revised Ordinances, Division IV Sec. 3,~~ or a site plan review per ~~the City of Everett Code of Ordinances, Division IV, Sec.~~Appendix A, Section 19. The application for any building permit, a special permit or a site plan review shall include a tree survey which shall first have been submitted to the tree warden not less than ~~twenty-one (21)~~ days prior to the submission of the application for a building permit, special permit or site plan review.
- (b) A tree survey shall also be required for any project that requires or may result in any public trees or public shade trees being removed, damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.
- (c) A tree survey shall include the location, genus, species, height, DBH and tree protection zone of all significant trees, public trees and public shade trees that will be removed, damaged, or disturbed, including through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone by any project requiring any building permit, a special permit per ~~The City~~Appendix A, Section 3 of ~~Everett Code of these Revised Ordinances, Division IV Sec. 3,~~ or a site plan review per ~~the City of Everett Code of~~Appendix A, Section 19 of these Revised Ordinances, ~~Division IV, Sec. 19.~~

**Section 17-127      *Tree permits***

- (a) A tree permit shall be required in the case of any project where any applicable significant tree or public tree or public shade tree will be removed, damaged or disturbed including ~~through,~~ pruning, digging or ~~through,~~ the compaction of soil ~~due to the~~ passage or parking of vehicles or equipment within the tree protection zone;<sub>2</sub>
- (b) No tree permit application fee shall be charged;<sub>2</sub>

- (c) If applicable, a tree permit application shall be submitted concurrently with a tree survey in accordance with this ordinancedivision and if applicable, a mitigation plan and a tree protection plan<sub>7.2</sub>
- (d) The tree warden shall review applications for tree permits in accordance with the provisions of this ordinancedivision and with any rules or regulations promulgated hereunder<sub>7.2</sub>
- (e) The tree warden shall date~~—~~stamp or otherwise record the date of filing of each application for a tree permit<sub>7.2</sub>
- (f) The tree warden shall complete the review of each tree permit application relating wholly to significant tree removal no later than ~~ten (10)~~ business days after the submission of a completed application to the tree warden<sub>7.2</sub>
- (g) Upon the issuance of a tree permit, the tree warden may prescribe in writing such protective measures for existing trees, as they deem necessary. The tree warden shall make a determination that the prescribed protective measures have been adequately provided before any disturbance of the site related to the permitted activity may begin,
- (h) In the case of any project which requires any building permit, a special permit per ~~The City- Appendix A, Section 3 of Everett Code of these Revised Ordinances, Division IV Sec. 3\_~~ or a site plan review per ~~the City of Everett Code of Appendix A, Section 19 of these Revised Ordinances, Division IV, Sec. 19,~~ the owner of the lot shall be required to commit to comply with all provisions of the tree permit ~~and if applicable, the~~ provisions of the mitigation plan, the tree protection plan and other provisions of this Chapterdivision and regulations promulgated hereunder in the application for requires any building permit, a special permit per ~~The City of Everett Code of Ordinances, Division IV Sec. Appendix A, Section 3,~~ or a site plan review per the ~~City of Everett Code of Ordinances, Division IV, Sec. Appendix A, Section 19,~~
- (i) If applicable, the tree warden shall report whether the tree permit was granted or denied to the planning board or the director of inspectional services within the same ~~ten (10)~~ business days. If the planning board or the director of inspectional services receives no such report about a tree permit for the property within the above-stated time period, the planning board ~~et/or~~ director of inspectional services shall accept~~a~~ building permit, special permit or site plan review application without that report,
- (j) In the case of a project where a tree permit allows for the removal of an applicable significant tree, a public tree or a public shade tree, the tree warden shall keep a record of the type and size of tree(s) removed, the reason(s) for the removal, ~~photographs~~ photograph(s) of the tree(s) documenting the reason for removal, the date, the contractors, and the name and address of the property owner,
- (k) Any tree permit issued by the tree warden shall be valid for 90 days from issuance. The tree warden, following an email or written request by the applicant, may extend the length of the permit for any length of time, as they deem necessary and appropriate,
- (l) A tree permit may be suspended or revoked at any time by the tree warden upon written notice to the permit holder that the permit holder has failed to comply with either this ordinancedivision or the conditions of the tree permit. The written notice shall be sent by certified mail, return receipt requested, or by hand delivery and shall provide an

opportunity for the permit holder to correct the non-compliance and apply for a renewal of the tree permit upon compliance, where practicable.

**Section 17-128 Mitigation plan**

- (a) In the case of any project which requires a tree permit and where a tree survey identifies a tree removal, a mitigation plan will be required for all trees removed,
- (b) The mitigation plan shall be designed and certified by a certified arborist,
- (c) The mitigation plan shall be subject to approval by the tree warden,
- (d) If applicable, a mitigation plan shall be submitted concurrently with an application for a tree permit. A mitigation plan shall include:
  - (1) Why any tree is proposed to be removed from a lot,
  - (2) A description of the replacement tree proposed to replace any tree to be removed, including genus, species, height and caliper,
  - (3) A schedule for planting the proposed replacement tree,
  - (4) If applicable, a mitigation payment,
  - (5) If applicable, a tree protection plan,
- (e) Replacement trees will continue to be identified as replacement trees for a period of ~~ten~~ **(10)** years after they are planted,
- (f) No replacement tree shall be removed without a tree permit issued by the tree warden. In all cases, the tree warden shall keep a record of the type and size of any replacement tree removed, the reason for the removal, photographs of the replacement tree documenting the reason for removal, the date, the contractor, and the name and address ~~off~~ the property owner,
- (g) A mitigation payment will be required for all replacement trees removed. The mitigation payment shall be assessed on a DBH basis in consideration of the replacement tree removed, in accordance with the ~~City of Everett's city's~~ most recent tree planting and maintenance costs inclusive of purchasing, planting, watering, and maintaining replacement trees for a period of not less than ~~five~~ **5** years. No reduction of the amount of mitigation payment otherwise available under this ~~Ordinance will~~ **division shall** be allowed in connection with the removal of replacement trees.
- (h) In the case of any project which requires a tree permit and where a tree survey identifies a tree removal, the total DBH of replacement trees, or mitigation payment of equivalent value, ~~asa4s~~ applicable, shall be 2 times or more, the total DBH of the trees to be removed.

**Section 17-129 Tree protection plan**

- (a) A tree protection plan shall be required in the case where any applicable significant tree, public tree or public shade tree or their tree protection zone which will not be removed, extends or overlaps into the work zone of any project, excavation or construction where any applicable significant tree, public tree or public shade tree or their tree protection zone may be damaged or disturbed including through, pruning, digging or through the

compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone~~;~~

- (b) If applicable a tree protection plan shall be submitted concurrently with an application for a tree permit.
- (c) The tree protection plan shall be designed and certified by a certified arborist~~;~~
- (d) The tree protection plan shall be subject to approval by the tree warden,
- (e) All applicable significant trees, public trees and public shade trees and their tree protection zone near the excavation or construction of any building, structure, or street, or in the vicinity of utility work shall be sufficiently guarded and protected by those responsible for such work so as to prevent injury to said applicable significant trees, public trees and public shade trees.
- (f) A tree protection plan shall include~~;~~
  - (12) ~~The location on the Lot of all applicable Significant Trees, Public Trees and Public Shade Trees and their Tree Protection Zone~~
  - (1) An indication of which applicable significant trees, public trees and public shade trees and their tree protection zones may be affected, damaged or otherwise disturbed including by the compaction of soil in and around a tree's root system by vehicle traffic, parking or other means~~;~~ and
  - (2) Descriptions and drawings of tree protection measures that will be used to prevent damage or disturbance to trees and their root systems that will be retained.

**Section 17-130 Significant trees**

- (a) A tree permit shall be required in the case of any project that requires a site plan review per the City of Everett Code of Ordinances, ~~Division IV, See Appendix A, Section~~ 19, where the tree survey identifies any significant tree that will be removed, damaged or disturbed including through pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.
- (b) No tree permit shall be required for the removal or disturbance of a significant tree located wholly on a lot not owned or managed by the city ~~of Everett~~ except in the case of any project which requires a site plan review per ~~Division IV: Zoning Appendix A, § 19~~ Site Plan Review
- (c) A tree permit to remove an applicable significant tree shall be issued when an applicable significant tree will be~~;~~
  - (1) Replaced or relocated on site or on an abutter's setback with the abutter's express approval in accordance with the provisions of the mitigation plan,
  - (2) Replaced by a mitigation payment into the tree replacement fund,
  - (3) The tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of utility service, is causing drainage or passage problems upon public rights-of-way, or poses a threat to pedestrian or vehicular safety and no other means of mitigation is applicable as certified by the tree warden.



- ~~(13)~~(12) The removal of the tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified by the tree warden.

**Section 17-131 Public tree and public shade trees**

- (a) A tree permit shall be required in the case of any project where any public tree or public shade tree will be removed, damaged or disturbed including through pruning, digging or though the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.
- (b) Except as provided by a tree permit, no person other than the tree warden or their designee shall remove, prune, alter or disturb any public tree or public shade tree or the tree protection zone of any public tree or public shade tree, including through the compaction of soil due to the passage or parking of vehicles or equipment.
- (c) When a public tree or public shade tree is to be removed, a public tree hearing shall be scheduled. The public tree hearing will be advertised twice in a local newspaper during the 14 days prior to the public tree hearing, posted on the city website, the city hall bulletin board, and a notice shall be affixed to the tree itself. The resident or owner requesting the removal of a public tree or public shade tree shall pay for costs associated with this notice.
- (d) After the conclusion of a favorable public tree hearing, a tree permit to remove a public tree or public shade tree shall be issued when a public tree or public shade tree will be:
  - (1) Replaced or relocated on site or on an abutter's setback with the abutter's express approval in accordance with the provisions of the mitigation plan;
  - (2) Replaced by a mitigation payment into the tree replacement fund;
  - (3) The tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of utility service, is causing drainage or passage problems upon public rights-of-way, or poses a threat to pedestrian or vehicular safety and no other means of mitigation is applicable as certified by the tree warden; or
  - (4) The removal of the tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified by the tree warden.

**Section 17-132 Duty of care**

- (a) Upon issuance of any city ~~of Everett~~ permit by the planning board, the director of inspectional services or the tree warden, the permit holder is required to take reasonable precautions to ensure that any applicable significant tree and all public trees and public shade trees are adequately protected and maintained free from harm from work associated with the permit issued.
- ~~(a)~~(b) Failure to adequately protect and maintain any applicable significant trees and all public trees and public shade trees free from harm may result in a fine, and failure to adequately protect applicable significant trees and all, public trees and public shade trees that results in any applicable significant trees and all, public trees and public shade trees being

removed within ~~Five (5)~~ years of the failure to protect being noted may result in a fine and a mitigation payment that reflects the value in accordance with ~~two (2)~~ times the DBH of the applicable significant trees, public trees or public shade trees removed.

**Section 17-133 Tree donations**

Voluntary contributions may be made to benefit tree planting and maintenance in ~~Everett~~the city shall be deposited into the tree replacement fund.

**Section 17-134 Enforcement**

- (a) Any person who violates any of the provisions of this ~~Chapter~~division shall be notified by the tree warden of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and a reasonable time period within which compliance must be had.
- (b) Upon notice from the tree warden that work on any lot on which an applicable significant ~~Tree~~street, public tree, public shade tree or their tree protection zone is located is being performed contrary to any applicable tree protection plan or mitigation plan or any provision of this ~~Chapter~~division, such work shall be immediately stopped. The stop work order shall be in writing, and shall be given to the owner of the lot involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work will be permitted to resume.
- (c) Any person who shall continue any work in or about said lot after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$300.00. Each day during which a violation exists shall constitute a separate offense.
- (d) ~~Injunctive Relief.~~ Whenever there exists reasonable cause to believe that a person is violating any applicable mitigation plan or tree protection plan or any provision of this ~~Chapter~~division, the city may institute a civil action for a mandatory or prohibiting injunction in a court of competent jurisdiction ordering the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
- (e) Failure to apply for and receive a tree permit or failure to replace an applicable significant tree, public tree ~~or~~, public shade tree or make a payment into the tree replacement fund or to post and maintain a bond in accordance with this ~~ordinance~~division shall constitute a separate violation of this ~~Chapter~~division for which there shall be a fine of not more than \$300.00. Each day such violation continues shall constitute a separate offense.
- (f) ~~Alternative Penalty.~~ As an alternative to any fine stated in this ~~ordinance~~division, citations may be issued pursuant to M.G.L. c. 40, § 21D, assessing a fine of not more than \$300.00 for each day the violation is committed or permitted to continue.
- (g) ~~Tree vandalism.~~ Each instance of ~~mayhem~~vandalism to an applicable significant tree, public tree or, public shade tree shall constitute a violation of this ~~ordinance~~division and shall be subject to a fine of up to \$300.00.
- (h) ~~Removal without a Tree Permit.~~ Each instance in which an applicable significant tree, public tree or public shade tree is removed without a tree permit shall constitute a violation of this ~~ordinance~~division and shall be subject to a fine in the amount applicable

to the ~~City of Everett~~city's most recent tree planting and maintenance costs inclusive of purchasing, planting, watering, and maintaining replacement trees for a period of not less than ~~five~~5 years;

~~(14)~~(13) The fine for any applicable significant tree, public tree or public shade tree removed without a tree permit shall be assessed at ~~two~~(2) times the total DBH of any applicable significant tree, public tree or public shade tree removed,

~~(15)~~(14) No reduction of the amount of the fine otherwise available under this ~~Ordinance~~division will be allowed in connection with the removal of any applicable significant tree, public tree or public shade tree removed without a tree permit.

- (i) Each failure to replace an applicable significant tree, public tree or public shade tree or to make a payment into the tree replacement fund beyond the timeframe of the tree permit shall constitute a separate violation of this ~~ordinance~~division and shall be subject to a fine in the amount of \$300.00. Each day such violation continues shall constitute a separate offense.
- (j) Failure to comply with a condition contained in a tree permit. Each instance where there is a failure to comply with a condition contained in a tree permit shall be subject to a fine in the amount of \$300.00.
- (k) Failure to comply with a stop work order. Each instance where there is a failure to comply with a stop work order shall constitute a violation of this ~~ordinance~~division, which shall be subject to a fine in the amount of \$300.00. Each day such violation continues shall constitute a separate offense;
- (l) Nothing herein shall be construed to require the city ~~of Everett~~ to make a payment into the tree replacement fund for any tree that it removes.

## Severability

~~Severability. Secs. 17-135-17-139~~ *Reserved*

The provisions of this ordinance are severable. If any section, provision, or portion of this ordinance is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this ordinance shall continue to be valid.

## Effective Date

~~In Effect.~~ This ordinance shall take effect ~~immediately~~ upon passage by the City Council and publication as provided by law ~~subsequent approval by His Honor the Mayor.~~



A true copy attest

*Sergio Cornelio*

Sergio Cornelio, City Clerk



**ENROLLED ORDINANCE**

*PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF  
EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.*

ENROLLED: MM/DD/2024

DATE OF PROPOSED ORDAINMENT: MM/DD/2024



**CITY COUNCIL..... No. C0259-24**

IN THE YEAR TWO THOUSAND AND TWENTY-FOUR

**AN ORDINANCE PERTAINING TO TREES IN THE CITY OF EVERETT**

Councilor /s/ Katy L. Rogers

**Whereas:** x; and

**Whereas:** x, and

**Whereas:** x.

**Now**, therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make and amend ordinances:

**Be it Ordained** by the City Council of the City of Everett, Massachusetts that Chapter 17 of the Revised Ordinances of the City of Everett is hereby amended as follows:

The title of Chapter 17 shall be amended by changing the title from “**STREETS AND SIDEWALKS**” to “**STREETS, SIDEWALKS AND OTHER OUTDOOR SPACES**”

Chapter 17 of the Revised Ordinances of the City of Everett is hereby further amended as follows:

Article V of Chapter 17 of the Revised Ordinances of the City of Everett shall be amended by adding a new Division 3 as follows:

**DIVISION 3. CITY TREE ORDINANCES**

***Section 17-120 Intent and purpose***

- (a) The City of Everett is committed to investing in its urban tree canopy. To that end, this division shall guide the city in:
- (1) The preservation of existing trees;
  - (2) The promotion of new tree planting; and
  - (3) In community engagement with our urban canopy.

- (b) Development of the city's urban canopy will serve to improve the environment, the aesthetics and the quality of life in the city and for its residents.
- (c) The numerous functions of a well-developed urban tree canopy include:
  - (1) Conserving energy, and combating heat island effect by providing shade and evaporative cooling through transpiration;
  - (2) Improving local and global air quality by absorbing carbon dioxide, ozone, particulate matter, and producing oxygen;
  - (3) Reducing storm runoff, flooding and soil erosion;
  - (4) Providing microclimate control;
  - (5) Reducing wind speed and directing air flow;
  - (6) Reducing noise pollution;
  - (7) Providing habitat for birds, small mammals, and other wildlife;
  - (8) Enhancing visual and aesthetic qualities that attract visitors and businesses;
  - (9) Providing natural privacy among neighbors;
  - (10) Protecting and increasing real property values: and
  - (11) Contributing to the definition of public spaces and creating civic identity and responsibility.
- (d) The provisions of this division reinforce, enhance, and expand existing legal vehicles to ensure that future development and public policy adequately preserve, protect, and provide for replacement of public trees and public shade trees as well as increasing the total tree inventory.
- (e) The city resolves to plant more trees and in greater variety in order to compensate for past tree losses, the length of time required for a tree to achieve maturity and to provide resiliency through biodiversity.
- (f) The city will adhere to "right tree, right place" philosophy to ensure that all new trees are planted and maintained to ensure long term success into maturity.
- (g) This division:
  - (1) Ensures that the city sustains its designation as Tree City USA by Meeting or exceeding the four core standards of sound urban forestry management;
    - a. Maintaining a tree department;
    - b. Having a city tree ordinance;
    - c. Spending at least \$2.00 per capita on urban forestry; and
    - d. Celebrating Arbor Day.
  - (2) Protects and preserves public shade trees pursuant to M.G.L. c. 87.

- (3) Encourages private property owners to plant or to accept a tree from the city to be planted within the setback area of their lot instead of in the tree lawn or tree pit, if the tree warden so recommends.
- (4) Allows the tree warden, or a private organization acting with the written consent of the tree warden, to plant trees acquired with public or private funds in the public rights-of-way or within the setback from such public rights-of-way with acceptance by the property owner for the purpose of improving, protecting, shading, or ornamenting the land.

***Section 17-121 Definitions***

- (a) "Aggregate diameter": The combined DBH of multiple tree trunks growing from the same root system shall be considered to be the DBH of the tree in the case of any tree where more than one stem originates below 54.5 feet from the ground.
- (b) "Caliper": A measurement of the tree trunk diameter used when any tree is less than 6 inches and is a measurement of the diameter of the tree trunk at 12 inches above the ground. Caliper measurement is typically used when purchasing new trees.
- (c) "Certified arborist": An arborist certified by the Massachusetts Arborists' Association or the International Society of Arboriculture, or any successor of either organization.
- (d) "DBH (diameter at breast height)": The diameter of a tree trunk measured in inches at a height of 4.5 feet above the ground. For multiple trunk trees, DBH is the aggregate diameter of the trunks.
- (e) "Lot": A parcel of land in identical ownership throughout, bounded by other lots or streets, which is designated by its owner to be used, developed or built upon as a unit.
- (f) "Mitigation payment." A payment to be paid to the tree replacement fund associated with the removal of applicable significant trees, public trees or public shade trees that have not been replaced with replacement trees in accordance with the mitigation requirements established in this division. The mitigation payment shall be in accordance with the city's most recent tree planting costs in consideration of 2 times or more, the total DBH or caliper of trees removed.
- (g) "Mitigation plan": A document to be provided where any applicable significant tree, public tree or public shade tree is proposed to be removed from a lot, stating;
  - (1) Why any applicable significant tree, public tree or public shade tree is proposed to be removed from a lot;
  - (2) A description of the replacement tree proposed to replace any applicable significant tree, public tree or public shade tree to be removed, and
  - (3) The mitigation payment, if required.
- (h) "Pruning standards": Standards for pruning of trees as defined in the ANSI A300 Tree Care Standards and any future amendments or revisions to the same.
- (i) "Public shade tree": A tree located in the public way, as defined in M.G.L. c. 87, Sec. 5.

- (j) "Public tree": Any tree located on land owned completely by the city. This does not include any tree that fits the definition of a public shade tree under M.G.L. c. 87.
- (k) "Replacement trees." A tree or trees to be planted to replace applicable significant trees, public trees or public shade trees to be removed from the lot. The approval of the tree warden will be required if replacement trees are to be placed on other lots. Replacement trees shall continue to be identified as such for a period of 10 years.
- (l) "Remove (including removing and removal)": Cutting down any applicable significant tree, public tree or public shade tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of an applicable significant tree, public tree or public shade tree, including, but not limited to, excessive or improper pruning.
- (m) "Significant tree": Any tree 6 inches DBH or larger which is on a lot. This does not include any tree that fits the definition of a public tree under this ordinance or any tree that fits the definition of a public shade tree under M.G.L. c. 87.
- (n) "Tree permit": A document signed and certified by the tree warden required to be issued for any project requiring a site plan review per Appendix A, Section 19 of these Revised Ordinances, where any applicable significant tree, public tree or public shade tree may be damaged or disturbed as a result of a project on the lot. A tree permit shall also be required for any project that requires or may result removal, damage or disturbance including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone or other means to any public trees or public shade trees and their tree protection zone.
- (o) "Tree protection plan": A document designed by a certified arborist and approved by the tree warden which shall include the following information:
  - (1) Drawings of tree protection measures;
  - (2) The location on the lot of all applicable significant trees, public trees and public shade trees and their tree protection zone;
  - (3) An indication of which applicable significant trees, public trees and public shade trees and their tree protection zones may be affected, damaged or otherwise disturbed including by the compaction of soil in and around a tree's root system by vehicle traffic, parking or other means;
  - (4) In the event that any applicable significant tree, public tree or public shade tree is proposed to be removed, the tree protection plan shall include the location of any applicable significant tree, public tree and public shade tree, and their genus, species, height and DBH or caliper,
  - (5) In the event that any applicable significant tree, public tree or public shade tree is proposed to be removed, the tree protection plan shall include the location of replacement tree(s) and their genus, species, height and DHB or caliper.
  - (6) A schedule for planting the proposed replacement tree(s);
  - (7) In the event that any applicable significant tree, public tree or public shade tree is proposed to be removed and an inadequate number of replacement trees are

proposed to be planted, a mitigation plan shall be included in the tree protection plan,

- (5) Such other conditions as specified by the tree warden pursuant to applicable regulations.
- (p) "Tree protection zone": The area surrounding a tree which must remain as undisturbed as possible so as to prevent damage or removal of the tree. Including but not limited to the area where roots critical to the vigor and structure of the tree are located. The size and shape of a tree protection zone shall be defined by a certified arborist, shall adhere to the ANSI A300 Tree Care Standards and be approved by the tree warden.
- (q) "Tree replacement": The tree warden shall require the replacement of any removed applicable significant tree, public tree or public shade tree, which shall be planted by the applicant or their contractors under the supervision of a certified arborist and subject to approval by the tree warden.
- (r) "Tree replacement fund": Payments required by this division for planting at the same site or at another location shall be deposited into this fund.
- (s) "Tree survey": A document designed by a certified arborist and approved by the tree warden which shall include the location, genus, species, height and DBH of all significant trees, public trees and public shade trees and their tree protection zone on a lot and those trees that have been removed from a lot within 1 year prior to the submission of a tree survey. If applicable, a tree survey shall include a tree protection plan and a mitigation plan. A tree survey shall be required for any project requiring any building permit, a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances. A tree survey shall also be required for any project that requires or may result in any public trees or public shade trees being removed, damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.
- (t) "Tree warden: The individual who holds this title shall be an arborist certified by the Massachusetts Arborists Association (MAA), the International Society of Arboriculture or any successor of either organization. The duties and responsibilities of the tree warden shall conform to M.G.L. c. 87 and shall include other responsibilities described in this division.

***Section 17-122 Compliance with state law***

Nothing in this division shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing municipal or state law.

***Section 17-123 Tree replacement fund***

- (a) There is hereby established a tree replacement fund which shall be held by the city treasurer in an account and administered in accordance with applicable provisions of the Massachusetts General Laws.

- (b) Any payments into the tree replacement fund shall be deposited in said fund and shall be used solely for the purpose of supporting tree planting and maintenance throughout the entire city.

***Section 17-124      Applicability***

The terms and provisions of this division shall be administered by the tree warden and shall apply to any applicable significant tree and to any public tree or public shade tree and their tree protection zone located within the city.

***Section 17-125      Tree warden***

- (a) The tree warden shall be a certified arborist by the Massachusetts Arborist's Association, the International Society of Arboriculture, or any successor of either organization.
- (b) The duties and responsibilities of the tree warden shall conform to M.G.L. c. 87 and shall include, but not be limited to, the following and as may be further specified in this division:
  - (1) Care and control of all trees within public rights-of-way and care and control of all trees on city property;
  - (2) Development of an annual work plan, using the tree inventory as a resource, for systematic tree maintenance, replacements, plantings, and removals for each fiscal year. The plan shall include locations of work, designated work to be accomplished, and resources including funds required;
  - (3) Posting notices and holding public hearings for the removal of public trees and public shade trees as required by M.G.L. c. 87 and this division;
  - (4) Expending funds appropriated for planting trees on land within public rights-of-way, city owned property and in the setback of a lot with the express approval of the owners;
  - (5) Granting or denying permits and attaching thereto reasonable conditions required under this division;
  - (6) Working in conjunction with other city departments to seek grants or other assistance concerning the preservation, maintenance and planting of trees in the city;
  - (7) Development of rules, regulations, tree inventories, manuals, and other data, in conjunction with other city departments, to carry out the purposes and intent of this ordinance;
  - (8) Supervising the planting and care of city trees to ensure that such planting and care meets the criteria of this division and the ANSI A300 Tree Care Standards;
  - (9) Ensuring the regular maintenance of and updating of the city's tree inventory to track removal and replacement of trees in order to replace lost trees in an orderly fashion;
  - (10) Appointment of designee to serve in the absence of the tree warden;

- (6) Coordinate with any private organization that creates a program for the planting or pruning of public trees and public shade trees on city property, in the public rights-of-way or within the setbacks with the express approval of the owners,
- (7) With authorization by the mayor, undertaking other responsibilities consistent with the purposes and intent of this division; and
- (8) Enforcement of this ordinance.

***Section 17-126 Tree survey***

- (a) A tree survey shall be required in the case of any project that requires any building permit, a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19. The application for any building permit, a special permit or a site plan review shall include a tree survey which shall first have been submitted to the tree warden not less than 21 days prior to the submission of the application for a building permit, special permit or site plan review.
- (b) A tree survey shall also be required for any project that requires or may result in any public trees or public shade trees being removed, damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.
- (c) A tree survey shall include the location, genus, species, height, DBH and tree protection zone of all significant trees, public trees and public shade trees that will be removed, damaged, or disturbed, including through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone by any project requiring any building permit, a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances

***Section 17-127 Tree permits***

- (a) A tree permit shall be required in the case of any project where any applicable significant tree or public tree or public shade tree will be removed, damaged or disturbed including pruning, digging or through, the compaction of soil passage or parking of vehicles or equipment within the tree protection zone.
- (b) No tree permit application fee shall be charged.
- (c) If applicable, a tree permit application shall be submitted concurrently with a tree survey in accordance with this division and if applicable, a mitigation plan and a tree protection plan.
- (d) The tree warden shall review applications for tree permits in accordance with the provisions of this division and with any rules or regulations promulgated hereunder.
- (e) The tree warden shall date-stamp or otherwise record the date of filing of each application for a tree permit.
- (f) The tree warden shall complete the review of each tree permit application relating wholly to significant tree removal no later than 10 business days after the submission of a completed application to the tree warden.

- (g) Upon the issuance of a tree permit, the tree warden may prescribe in writing such protective measures for existing trees, as they deem necessary. The tree warden shall make a determination that the prescribed protective measures have been adequately provided before any disturbance of the site related to the permitted activity may begin,
- (h) In the case of any project which requires any building permit, a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances, the owner of the lot shall be required to commit to comply with all provisions of the tree permit provisions of the mitigation plan, the tree protection plan and other provisions of this division and regulations promulgated hereunder in the application for requires any building permit, a special permit per Appendix A, Section 3, or a site plan review per the Appendix A, Section 19,
- (i) If applicable, the tree warden shall report whether the tree permit was granted or denied to the planning board or the director of inspectional services within the same 10 business days. If the planning board or the director of inspectional services receives no such report about a tree permit for the property within the above-stated time period, the planning board or director of inspectional services shall accept building permit, special permit or site plan review application without that report,
- (j) In the case of a project where a tree permit allows for the removal of an applicable significant tree, a public tree or a public shade tree, the tree warden shall keep a record of the type and size of tree(s) removed, the reason(s) for the removal, photograph(s) of the tree(s) documenting the reason for removal, the date, the contractors, and the name and address of the property owner,
- (k) Any tree permit issued by the tree warden shall be valid for 90 days from issuance. The tree warden, following an email or written request by the applicant, may extend the length of the permit for any length of time, as they deem necessary and appropriate,
- (l) A tree permit may be suspended or revoked at any time by the tree warden upon written notice to the permit holder that the permit holder has failed to comply with either this division or the conditions of the tree permit. The written notice shall be sent by certified mail, return receipt requested, or by hand delivery and shall provide an opportunity for the permit holder to correct the non-compliance and apply for a renewal of the tree permit upon compliance, where practicable.

***Section 17-128 Mitigation plan***

- (a) In the case of any project which requires a tree permit and where a tree survey identifies a tree removal, a mitigation plan will be required for all trees removed,
- (b) The mitigation plan shall be designed and certified by a certified arborist,
- (c) The mitigation plan shall be subject to approval by the tree warden,
- (d) If applicable, a mitigation plan shall be submitted concurrently with an application for a tree permit. A mitigation plan shall include:
  - (1) Why any tree is proposed to be removed from a lot,
  - (2) A description of the replacement tree proposed to replace any tree to be removed, including genus, species, height and caliper,



- (9) A schedule for planting the proposed replacement tree,
- (10) If applicable, a mitigation payment,
- (11) If applicable, a tree protection plan,
- (e) Replacement trees will continue to be identified as replacement trees for a period of 10 years after they are planted,
- (f) No replacement tree shall be removed without a tree permit issued by the tree warden. In all cases, the tree warden shall keep a record of the type and size of any replacement tree removed, the reason for the removal, photographs of the replacement tree documenting the reason for removal, the date, the contractor, and the name and address of the property owner,
- (g) A mitigation payment will be required for all replacement trees removed. The mitigation payment shall be assessed on a DBH basis in consideration of the replacement tree removed, in accordance with the city's most recent tree planting and maintenance costs inclusive of purchasing, planting, watering, and maintaining replacement trees for a period of not less than 5 years. No reduction of the amount of mitigation payment otherwise available under this division shall be allowed in connection with the removal of replacement trees.
- (h) In the case of any project which requires a tree permit and where a tree survey identifies a tree removal, the total DBH of replacement trees, or mitigation payment of equivalent value, as applicable, shall be 2 times or more, the total DBH of the trees to be removed.

***Section 17-129 Tree protection plan***

- (a) A tree protection plan shall be required in the case where any applicable significant tree, public tree or public shade tree or their tree protection zone which will not be removed, extends or overlaps into the work zone of any project, excavation or construction where any applicable significant tree, public tree or public shade tree or their tree protection zone may be damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.
- (b) If applicable a tree protection plan shall be submitted concurrently with an application for a tree permit.
- (c) The tree protection plan shall be designed and certified by a certified arborist.
- (d) The tree protection plan shall be subject to approval by the tree warden,
- (e) All applicable significant trees, public trees and public shade trees and their tree protection zone near the excavation or construction of any building, structure, or street, or in the vicinity of utility work shall be sufficiently guarded and protected by those responsible for such work so as to prevent injury to said applicable significant trees, public trees and public shade trees.
- (f) A tree protection plan shall include:
  - (1) An indication of which applicable significant trees, public trees and public shade trees and their tree protection zones may be affected, damaged or otherwise

disturbed including by the compaction of soil in and around a tree's root system by vehicle traffic, parking or other means; and

- (12) Descriptions and drawings of tree protection measures that will be used to prevent damage or disturbance to trees and their root systems that will be retained.

***Section 17-130 Significant trees***

- (a) A tree permit shall be required in the case of any project that requires a site plan review per the City of Everett Code of Ordinances, Appendix A, Section 19, where the tree survey identifies any significant tree that will be removed, damaged or disturbed including through pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.
- (b) No tree permit shall be required for the removal or disturbance of a significant tree located wholly on a lot not owned or managed by the city except in the case of any project which requires a site plan review per Appendix A, § 19 Site Plan Review
- (c) A tree permit to remove an applicable significant tree shall be issued when an applicable significant tree will be:
  - (1) Replaced or relocated on site or on an abutter's setback with the abutter's express approval in accordance with the provisions of the mitigation plan,
  - (2) Replaced by a mitigation payment into the tree replacement fund,
  - (3) The tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of utility service, is causing drainage or passage problems upon public rights-of-way, or poses a threat to pedestrian or vehicular safety and no other means of mitigation is applicable as certified by the tree warden.
  - (4) The removal of the tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified by the tree warden.

***Section 17-131 Public tree and public shade trees***

- (a) A tree permit shall be required in the case of any project where any public tree or public shade tree will be removed, damaged or disturbed including through pruning, digging or though the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.
- (b) Except as provided by a tree permit, no person other than the tree warden or their designee shall remove, prune, alter or disturb any public tree or public shade tree or the tree protection zone of any public tree or public shade tree, including through the compaction of soil due to the passage or parking of vehicles or equipment.
- (c) When a public tree or public shade tree is to be removed, a public tree hearing shall be scheduled. The public tree hearing will be advertised twice in a local newspaper during the 14 days prior to the public tree hearing, posted on the city website, the city hall bulletin board, and a notice shall be affixed to the tree itself. The resident or owner requesting the removal of a public tree or public shade tree shall pay for costs associated with this notice.

- (d) After the conclusion of a favorable public tree hearing, a tree permit to remove a public tree or public shade tree shall be issued when a public tree or public shade tree will be:
  - (1) Replaced or relocated on site or on an abutter's setback with the abutter's express approval in accordance with the provisions of the mitigation plan;
  - (2) Replaced by a mitigation payment into the tree replacement fund;
  - (3) The tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of utility service, is causing drainage or passage problems upon public rights-of-way, or poses a threat to pedestrian or vehicular safety and no other means of mitigation is applicable as certified by the tree warden; or
  - (4) The removal of the tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified by the tree warden.

***Section 17-132 Duty of care***

- (a) Upon issuance of any city permit by the planning board, the director of inspectional services or the tree warden, the permit holder is required to take reasonable precautions to ensure that any applicable significant tree and all public trees and public shade trees are adequately protected and maintained free from harm from work associated with the permit issued.
- (b) Failure to adequately protect and maintain any applicable significant trees and all public trees and public shade trees free from harm may result in a fine, and failure to adequately protect applicable significant trees and all public trees and public shade trees that results in any applicable significant trees and all public trees and public shade trees being removed within 5 years of the failure to protect being noted may result in a fine and a mitigation payment that reflects the value in accordance with 2 times the DBH of the applicable significant trees, public trees or public shade trees removed.

***Section 17-133 Tree donations***

Voluntary contributions may be made to benefit tree planting and maintenance in the city shall be deposited into the tree replacement fund.

***Section 17-134 Enforcement***

- (a) Any person who violates any of the provisions of this division shall be notified by the tree warden of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and a reasonable time period within which compliance must be had.
- (b) Upon notice from the tree warden that work on any lot on which an applicable significant tree, public tree, public shade tree or their tree protection zone is located is being performed contrary to any applicable tree protection plan or mitigation plan or any provision of this division, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the lot involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work will be permitted to resume.

- (c) Any person who shall continue any work in or about said lot after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$300.00. Each day during which a violation exists shall constitute a separate offense.
- (d) Whenever there exists reasonable cause to believe that a person is violating any applicable mitigation plan or tree protection plan or any provision of this division, the city may institute a civil action for a mandatory or prohibiting injunction in a court of competent jurisdiction ordering the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
- (e) Failure to apply for and receive a tree permit or failure to replace an applicable significant tree, public tree or, public shade tree or make a payment into the tree replacement fund or to post and maintain a bond in accordance with this division shall constitute a separate violation of this division for which there shall be a fine of not more than \$300.00. Each day such violation continues shall constitute a separate offense.
- (f) As an alternative to any fine stated in this division, citations may be issued pursuant to M.G.L. c. 40, § 21D, assessing a fine of not more than \$300.00 for each day the violation is committed or permitted to continue.
- (g) Each instance of vandalism to an applicable significant tree, public tree or, public shade tree shall constitute a violation of this division and shall be subject to a fine of up to \$300.00.
- (h) Each instance in which an applicable significant tree, public tree or public shade tree is removed without a tree permit shall constitute a violation of this division and shall be subject to a fine in the amount applicable to the city's most recent tree planting and maintenance costs inclusive of purchasing, planting, watering, and maintaining replacement trees for a period of not less than 5 years:
  - (1) The fine for any applicable significant tree, public tree or public shade tree removed without a tree permit shall be assessed at 2 times the total DBH of any applicable significant tree, public tree or public shade tree removed,
  - (2) No reduction of the amount of the fine otherwise available under this division will be allowed in connection with the removal of any applicable significant tree, public tree or public shade tree removed without a tree permit.
- (i) Each failure to replace an applicable significant tree, public tree or public shade tree or to make a payment into the tree replacement fund beyond the timeframe of the tree permit shall constitute a separate violation of this division and shall be subject to a fine in the amount of \$300.00. Each day such violation continues shall constitute a separate offense.
- (j) Failure to comply with a condition contained in a tree permit. Each instance where there is a failure to comply with a condition contained in a tree permit shall be subject to a fine in the amount of \$300.00.
- (k) Failure to comply with a stop work order. Each instance where there is a failure to comply with a stop work order shall constitute a violation of this division, which shall be subject to a fine in the amount of \$300.00. Each day such violation continues shall constitute a separate offense.

- (l) Nothing herein shall be construed to require the city to make a payment into the tree replacement fund for any tree that it removes.

***Secs. 17-135-17-139 Reserved***

The provisions of this ordinance are severable. If any section, provision, or portion of this ordinance is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this ordinance shall continue to be valid.

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.



A true copy attest

*Sergio Cornelio*

Sergio Cornelio, City Clerk

#2- C0259-24

Legislative Affairs & Election Committee  
September 23, 2024

The Committee on Legislative Affairs & Elections met on Monday, September 23, 2024 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Michael Marchese, presiding, Councilors Stephanie Smith, Katy Rogers and Robert Van Campen, as ex-officio. Member absent was Councilor Stephanie Martins.

The Committee considered an Ordinance offered by Councilor Katy Rogers: An Ordinance pertaining to trees in the City of Everett.

Councilor Rogers informed the Committee that she had collaborated with the City's Arborist on the subject matter but still needed to meet with David Flood, Legislative Research Analyst, David Palumbo, Direction of Inspectional Services and David St. Louis, Arborist to finalize the proposal.

The Committee voted: To grant further time.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

#1- C0259-24

Legislative Affairs & Election Committee  
October 15, 2024

The Committee on Legislative Affairs & Elections met on Tuesday, October 15, 2024 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Michael Marchese, presiding, Councilors Stephanie Smith, Katy Rogers, Stephanie Martins and Robert Van Campen, as ex-officio.

The Committee considered an Ordinance offered by Councilor Katy Rogers: An Ordinance pertaining to trees in the City of Everett.

Councilor Rogers informed the Committee that she had a meeting with Arborist Jacob St. Louis, City Solicitor Colleen Mejia and City Council Legislative Research Analyst David Flood to fine tune the Ordinance which she noted was influenced by State guidelines. Councilor Smith asked if the Building Department was in agreement with the proposal and Councilor Rogers responded that everyone was on the same page regarding the Ordinance.

The Committee voted: To report back to the City Council with a recommendation for Favaorable action.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

#1- C0259-24

Legislative Affairs & Election Committee  
October 28, 2024

The Committee on Legislative Affairs & Elections met on Monday, October 28, 2024 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Michael Marchese, presiding, Councilors Stephanie Smith, Katy Rogers, Stephanie Martins and Robert Van Campen, as ex-officio.

The Committee considered an Ordinance offered by Councilor Katy Rogers: An Ordinance pertaining to trees in the City of Everett.

Councilor Rogers stated that more time was needed on this agenda item, in order to work out some additional language

The Committee voted: To report back to the City Council with a recommendation for further time in committee

Respectfully Submitted,

Michael J. Mangan  
Legislative Aide



#1- C0259-24

Legislative Affairs & Election Committee  
December 9, 2024

The Committee on Legislative Affairs & Elections met on Monday, December 9, 2024 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Michael Marchese, presiding, Councilors Stephanie Smith, Katy Rogers, Stephanie Martins and Robert Van Campen, as ex-officio.

The Committee considered an Ordinance offered by Councilor Katy Rogers: An Ordinance pertaining to trees in the City of Everett.

Councilor Rogers informed the Committee that additional modifications were proposed but had not been included in the draft proposed ordinance. She remarked that she thought everyone was on the same page and asked the members to please let her know if any other changes need to be made. Councilor Smith agreed to work with Councilor Rogers in completing the final draft of the Ordinance to be presented to the Committee at its next meeting.

The Committee voted: To grant further time with a request to invite the City Solicitor and City Arborist to the next meeting.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

#1- C0259-24

Legislative Affairs & Election Committee  
January 13, 2025

The Committee on Legislative Affairs & Elections met on Monday, January 13, 2025 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Stephanie Smith, presiding, Councilors Katy Rogers and Stephanie Martins. Member absent was Councilor Michael Marchese.

Communication received from Councilor Marchese that he would be out of State and unable to attend.

The Committee considered an Ordinance offered by Councilor Katy Rogers: An Ordinance pertaining to trees in the City of Everett.

Councilor Rogers informed the Committee that Councilor Smith helped to clean up the language on the proposed Ordinance and requested that the matter be referred out to the next regular meeting on January 27<sup>th</sup> which would allow the members ample time to review the final draft for approval. Councilor Martins concurred that the members would have ample time to review and offer any amendments at that regular meeting if necessary. Councilor Smith requested that the City Solicitor, City Planner and Tree Warden also review to insure it meets with their approval as well.

The Committee voted: To report back to the City Council with a recommendation for Favorable action pending the review and approval of the City Solicitor, City Planner and Tree Warden.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

## **CITY OF EVERETT TREE POLICY**

This policy is supplemental to the provisions outlined in Chapter 17 Article V Division 3 **STREETS, SIDEWALKS AND OTHER OUTDOOR SPACES.**

The City of Everett is committed to investing in its urban tree canopy. To that end, this division shall guide the city in:

- The preservation of existing trees;
- the promotion of new tree planting; and
- In community engagement with our urban canopy.

Development of the city's urban canopy will serve to improve the environment, the aesthetics and the quality of life in the city and for its residents.

- The numerous functions of a well-developed urban tree canopy include:
  - Conserving energy, and combating heat island effect by providing shade and evaporative cooling through transpiration;
  - Improving local and global air quality by absorbing carbon dioxide, ozone, particulate matter, and producing oxygen;
  - Reducing storm runoff, flooding and soil erosion;
  - Providing microclimate control;
  - Reducing wind speed and directing air flow;
  - Reducing noise pollution;
  - Providing habitat for birds, small mammals, and other wildlife;
  - Enhancing visual and aesthetic qualities that attract visitors and businesses;
  - Providing natural privacy among neighbors;
  - Protecting and increasing real property values; and
  - Contributing to the definition of public spaces and creating civic identity and responsibility.

The provisions of this reinforce, enhance, and expand existing legal vehicles to ensure that future development and public policy adequately preserve, protect, and provide for replacement of public trees and public shade trees as well as increasing the total tree inventory.

The city resolves to plant more trees and in greater variety in order to compensate for past tree losses, the length of time required for a tree to achieve maturity and to provide resiliency through biodiversity.

The city will adhere to “right tree, right place” philosophy to ensure that all new trees are planted and maintained to ensure long term success into maturity.

This policy helps to:

- Ensure that the city sustains its designation as Tree City USA by Meeting or exceeding the four core standards of sound urban forestry management;
  - Maintaining a tree department;
  - Having a city tree ordinance;
  - Spending at least \$2.00 per capita on urban forestry; and
  - Celebrating Arbor Day.
- Protect and preserve public shade trees pursuant to M.G.L. c. 87.

- Encourage private property owners to plant or to accept a tree from the city to be planted within the setback area of their lot instead of in the tree lawn or tree pit, if the tree warden so recommends.
- Allow the tree warden, or a private organization acting with the written consent of the tree warden, to plant trees acquired with public or private funds in the public rights-of-way or within the setback from such public rights-of-way with acceptance by the property owner for the purpose of improving, protecting, shading, or ornamenting the land.

### Definitions

- "Aggregate diameter": The combined DBH of multiple tree trunks growing from the same root system shall be considered to be the DBH of the tree in the case of any tree where more than one stem originates below 54.5 feet from the ground.
- "Caliper": A measurement of the tree trunk diameter used when any tree is less than 6 inches and is a measurement of the diameter of the tree trunk at 12 inches above the ground. Caliper measurement is typically used when purchasing new trees.
- "Certified arborist": An arborist certified by the Massachusetts Arborists' Association or the International Society of Arboriculture, or any successor of either organization.
- "DBH (diameter at breast height)": The diameter of a tree trunk measured in inches at a height of 4.5 feet above the ground. For multiple trunk trees, DBH is the aggregate diameter of the trunks.
- "Lot": A parcel of land in identical ownership throughout, bounded by ~~other~~ other lots or streets, which is designated by its owner to be used, developed or built upon as a unit.
- "Mitigation payment." A payment to be paid to the tree replacement fund associated with the removal of applicable significant trees, public trees or public shade trees that have not been replaced with replacement trees in accordance with the mitigation requirements established in this division. The mitigation payment shall be in accordance with the city's most recent tree planting costs in consideration of 2 times or more, the total DBH or caliper of trees removed.
- "Mitigation plan": A document to be provided where any applicable significant tree, public tree or public shade tree is proposed to be removed from a lot, stating;
  - Why any applicable significant tree, public tree or public shade tree is proposed to be removed from a lot;
  - A description of the replacement tree proposed to replace any applicable significant tree, public tree or public shade tree to be removed, and
  - The mitigation payment, if required.
- "Pruning standards": Standards for pruning of trees as defined in the ANSI A300 Tree Care Standards and any future amendments or revisions to the same.
- "Public shade tree": A tree located in the public way, as defined in M.G.L. c. 87, Sec. 5.
- "Public tree": Any tree located on land owned completely by the city. This does not include any tree that fits the definition of a public shade tree under M.G.L. c. 87.
- "Replacement trees." A tree or trees to be planted to replace applicable significant trees, public trees or public shade trees to be removed from the lot. The approval of the tree warden will be required if replacement trees are to be placed on other lots. Replacement trees shall continue to be identified as such for a period of 10 years.
- "Remove (including removing and removal)": Cutting down any applicable significant tree, public tree or public shade tree and all other acts which cause the actual removal or the

effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of an applicable significant tree, public tree or public shade tree, including, but not limited to, excessive or improper pruning.

- "Significant tree": Any tree 6 inches DBH or larger which is on a lot. This does not include any tree that fits the definition of a public tree under this ordinance or any tree that fits the definition of a public shade tree under M.G.L. c. 87.
- "Tree permit": A document signed and certified by the tree warden required to be issued for any project requiring a site plan review per Appendix A, Section 19 of these Revised Ordinances, where any applicable significant tree, public tree or public shade tree may be damaged or disturbed as a result of a project on the lot. A tree permit shall also be required for any project that requires or may result removal, damage or disturbance including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone or other means to any public trees or public shade trees and their tree protection zone.
- "Tree protection plan": A document designed by a certified arborist and approved by the tree warden which shall include the following information:
  - Drawings of tree protection measures;
  - The location on the lot of all applicable significant trees, public trees and public shade trees and their tree protection zone;
  - An indication of which applicable significant trees, public trees and public shade trees and their tree protection zones may be affected, damaged or otherwise disturbed including by the compaction of soil in and around a tree's root system by vehicle traffic, parking or other means;
  - In the event that any applicable significant tree, public tree or public shade tree is proposed to be removed, the tree protection plan shall include the location of any applicable significant tree, public tree and public shade tree, and their genus, species, height and DBH or caliper,
  - In the event that any applicable significant tree, public tree or public shade tree is proposed to be removed, the tree protection plan shall include the location of replacement tree(s) and their genus, species, height and DHB or caliper.
  - A schedule for planting the proposed replacement tree(s);
  - In the event that any applicable significant tree, public tree or public shade tree is proposed to be removed and an inadequate number of replacement trees are proposed to be planted, a mitigation plan shall be included in the tree protection plan,
  - Such other conditions as specified by the tree warden pursuant to applicable regulations.
- "Tree protection zone": The area surrounding a tree which must remain as undisturbed as possible so as to prevent damage or removal of the tree. Including but not limited to the area where roots critical to the vigor and structure of the tree are located. The size and shape of a tree protection zone shall be defined by a certified arborist, shall adhere to the ANSI A300 Tree Care Standards and be approved by the tree warden.
- "Tree replacement": The tree warden shall require the replacement of any removed applicable significant tree, public tree or public shade tree, which shall be planted by the applicant or their contractors under the supervision of a certified arborist and subject to approval by the tree warden.

- "Tree replacement fund": Payments required by this division for planting at the same site or at another location shall be deposited into this fund.
- "Tree survey": A document ~~designed by a certified arborist and~~ approved by the tree warden which shall include the location, genus, species, height and DBH of all significant trees, public trees and public shade trees and their tree protection zone on a lot and those trees that have been removed from a lot within 1 year prior to the submission of a tree survey. If applicable, a tree survey shall include a tree protection plan and a mitigation plan. A tree survey shall be required for any project requiring any building permit, a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances. A tree survey shall also be required for any project that requires or may result in any public trees or public shade trees being removed, damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.
- "Tree warden: The individual who holds this title shall be an arborist certified by the Massachusetts Arborists Association (MAA), the International Society of Arboriculture or any successor of either organization. The duties and responsibilities of the tree warden shall conform to M.G.L. c. 87 and shall include other responsibilities described in this division.

#### Tree Warden

The tree warden shall be a certified arborist by the Massachusetts Arborist's Association, the International Society of Arboriculture, or any successor of either organization.

#### The tree warden shall be appointed by the Mayor.

The duties and responsibilities of the tree warden shall conform to M.G.L. c. 87 and shall include, but not be limited to, the following and as may be further specified in this division

- Care and control of all trees within public rights-of-way and care and control of all trees on city property;
- Development of an annual work plan, using the tree inventory as a resource, for systematic tree maintenance, replacements, plantings, and removals for each fiscal year. The plan shall include locations of work, designated work to be accomplished, and resources including funds required;
- Posting notices and holding public hearings for the removal of public trees and public shade trees as required by M.G.L. c. 87 and this division
- Expending funds appropriated for planting trees on land within public rights-of-way, city owned property and in the setback of a lot with the express approval of the owners;
- Granting or denying permits and attaching thereto reasonable conditions required under this division;
- Working in conjunction with other city departments to seek grants or other assistance concerning the preservation, maintenance and planting of trees in the city;

- Development of rules, regulations, tree inventories, manuals, and other data, in conjunction with other city departments, to carry out the purposes and intent of this ordinance;
- Supervising the planting and care of city trees to ensure that such planting and care meets the criteria of this division and the ANSI A300 Tree Care Standards;
- Ensuring the regular maintenance of and updating of the city's tree inventory to track removal and replacement of trees in order to replace lost trees in an orderly fashion;
- Appointment of designee to serve in the absence of the tree warden;
- Coordinate with any private organization that creates a program for the planting or pruning of public trees and public shade trees on city property, in the public rights-of-way or within the setbacks with the express approval of the owners,
- With authorization by the mayor, undertaking other responsibilities consistent with the purposes and intent of this policy; and
- Enforcement of this City Tree Ordinance

#### Tree permits

A tree permit shall be required in the case of any project where any applicable significant tree or public tree or public shade tree will be removed, damaged or disturbed including pruning, digging or through, the compaction of soil passage or parking of vehicles or equipment within the tree protection zone.

- No tree permit application fee shall be charged.
- If applicable, a tree permit application shall be submitted concurrently with a tree survey in accordance with this ordinance and if applicable, a mitigation plan and a tree protection plan
- The tree warden shall review applications for tree permits in accordance with the provisions of this division and with any rules or regulations promulgated hereunder.
- The tree warden shall date-stamp or otherwise record the date of filing of each application for a tree permit.
- The tree warden shall complete the review of each tree permit application relating wholly to significant tree removal no later than 10 business days after the submission of a completed application to the tree warden.
- If applicable, the tree warden shall report whether the tree permit was granted or denied to the planning board or the director of inspectional services within the same 10 business days. If the planning board or the director of inspectional services receives no such report about a tree permit for the property within the above-stated time period, the planning board or director of inspectional services shall accept building permit, special permit or site plan review application without that report,
- In the case of a project where a tree permit allows for the removal of an applicable significant tree, a public tree or a public shade tree, the tree warden shall keep a record of the type and size of tree(s) removed, the reason(s) for the removal, photograph(s) of the tree(s) documenting the reason for removal, the date, the contractors, and the name and address of the property owner,

### Mitigation Plan

In the case of any project which requires a tree permit and where a tree survey identifies a tree removal, a mitigation plan will be required for all trees removed,

- The mitigation plan shall be designed and certified by a certified arborist,
- The mitigation plan shall be subject to approval by the tree warden,
- If applicable, a mitigation plan shall be submitted concurrently with an application for a tree permit. A mitigation plan shall include:
  - Why any tree is proposed to be removed from a lot,
  - A description of the replacement tree proposed to replace any tree to be removed, including genus, species, height and caliper,
  - A schedule for planting the proposed replacement tree,
  - If applicable, a mitigation payment,
  - If applicable, a tree protection plan
- No replacement tree shall be removed without a tree permit issued by the tree warden. In all cases, the tree warden shall keep a record of the type and size of any replacement tree removed, the reason for the removal, photographs of the replacement tree documenting the reason for removal, the date, the contractor, and the name and address of the property owner,
- A mitigation payment will be required for all replacement trees removed. The mitigation payment shall be assessed on a DBH basis in consideration of the replacement tree removed, in accordance with the city's most recent tree planting and maintenance costs inclusive of purchasing, planting, watering, and maintaining replacement trees for a period of not less than 5 years. No reduction of the amount of mitigation payment otherwise available under this division shall be allowed in connection with the removal of replacement trees.
- In the case of any project which requires a tree permit and where a tree survey identifies a tree removal, the total DBH of replacement trees, or mitigation payment of equivalent value, as applicable, shall be 2 times or more, the total DBH of the trees to be removed.

### Tree Protection Plan

A tree protection plan shall be required in the case where any applicable significant tree, public tree or public shade tree or their tree protection zone which will not be removed, extends or overlaps into the work zone of any project, excavation or construction where any applicable significant tree, public tree or public shade tree or their tree protection zone may be damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.

- If applicable a tree protection plan shall be submitted concurrently with an application for a tree permit.



- The tree protection plan shall be designed and certified by a certified arborist.
- The tree protection plan shall be subject to approval by the tree warden
- All applicable significant trees, public trees and public shade trees and their tree protection zone near the excavation or construction of any building, structure, or street, or in the vicinity of utility work shall be sufficiently guarded and protected by those responsible for such work so as to prevent injury to said applicable significant trees, public trees and public shade trees.
- A tree protection plan shall include:
  - An indication of which applicable significant trees, public trees and public shade trees and their tree protection zones may be affected, damaged or otherwise disturbed including by the compaction of soil in and around a tree's root system by vehicle traffic, parking or other means; and
  - Descriptions and drawings of tree protection measures that will be used to prevent damage or disturbance to trees and their root systems that will be retained.

#### Significant trees

A tree permit shall be required in the case of any project that requires a site plan review per the City of Everett Code of Ordinances, Appendix A, Section 19, where the tree survey identifies any significant tree that will be removed, damaged or disturbed including through pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.

- No tree permit shall be required for the removal or disturbance of a significant tree located wholly on a lot not owned or managed by the city except in the case of any project which requires a site plan review per Appendix A, § 19 Site Plan Review
- A tree permit to remove an applicable significant tree shall be issued when an applicable significant tree will be:
  - Replaced or relocated on site or on an abutter's setback with the abutter's express approval in accordance with the provisions of the mitigation plan,
  - Replaced by a mitigation payment into the tree replacement fund,
  - The tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of utility service, is causing drainage or passage problems upon public rights-of-way, or poses a threat to pedestrian or vehicular safety and no other means of mitigation is applicable as certified by the tree warden.
  - The removal of the tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified by the tree warden.

Public tree and public shade trees

- A tree permit shall be required in the case of any project where any public tree or public shade tree will be removed, damaged or disturbed including through pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.
- Except as provided by a tree permit, no person other than the tree warden or their designee shall remove, prune, alter or disturb any public tree or public shade tree or the tree protection zone of any public tree or public shade tree, including through the compaction of soil due to the passage or parking of vehicles or equipment.
- When a public tree or public shade tree is to be removed, a public tree hearing shall be scheduled. The public tree hearing will be advertised twice in a local newspaper during the 14 days prior to the public tree hearing, posted on the city website, the city hall bulletin board, and a notice shall be affixed to the tree itself. The resident or owner requesting the removal of a public tree or public shade tree shall pay for costs associated with this notice.
- After the conclusion of a favorable public tree hearing, a tree permit to remove a public tree or public shade tree shall be issued when a public tree or public shade tree will be:
  - Replaced or relocated on site or on an abutter's setback with the abutter's express approval in accordance with the provisions of the mitigation plan;
  - Replaced by a mitigation payment into the tree replacement fund;
  - The tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of utility service, is causing drainage or passage problems upon public rights-of-way, or poses a threat to pedestrian or vehicular safety and no other means of mitigation is applicable as certified by the tree warden; or
  - The removal of the tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified by the tree warden.

**ENROLLED ORDINANCE**

*PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED  
ORDINANCES OF THE CITY OF EVERETT AND IN COMPLIANCE WITH  
MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.*

ENROLLED: MM/DD/YYYY

DATE OF PROPOSED ORDAINMENT: MM/DD/YYYY



CITY COUNCIL.....No. C025-24

IN THE YEAR TWO THOUSAND AND TWENTY-FOUR

**AN ORDINANCE PERTAINING TO TREES IN THE CITY OF  
EVERETT**

Councilor /s/ Katy L. Rogers

**Whereas:** The city has made significant strides in fostering an environment that attracts cutting-edge industries by recently passing an ordinance adding Section 37 – Everett Docklands Innovation District; and

**Whereas:** The area was thoughtfully designed to encourage advancements in technology, research, and life sciences, positioning Everett as a leader in the region's knowledge-based economy; and

**Whereas:** Life sciences is a cornerstone of modern innovation, offering groundbreaking contributions in medicine, biotechnology, and public health; and

**Whereas:** the Innovation District includes Life Sciences and Life Sciences (Manufacturing) as permitted uses by right per the Master Plan; and

**Whereas:** the Life Science industry will create significant opportunities for economic development, including new jobs for our residents and a stronger, more diversified tax base that benefits all members of our community; and

**Whereas:** it is crucial to support practices that are standard across the life sciences industry to attract businesses to Everett, including the use of limited animal testing for research and development purposes to advance scientific discoveries and ensuring the safety of medical treatments

**Whereas:** The current ordinance bans animal testing of any kind

**Now,** therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make and amend ordinances:

**Be it Ordained** Be it Ordained by the City Council of the City of Everett, Massachusetts that Chapter 17 of the Revised Ordinances of the City of Everett is hereby amended to as follows:

The title of Chapter 17 shall be amended by changing the title from **“STREETS AND SIDEWALKS”** to **‘STREETS, SIDEWALKS AND OTHER OUTDOOR SPACES’**

Chapter 17 of the Revised Ordinances of the City of Everett is hereby further amended by adding a new Division 3 under Article V as follows:

**DIVISION 3. CITY TREES**

***Section 17-120 Intent and purpose***

- (a) The City of Everett is committed to investing in its urban tree canopy. To that end, this ordinance shall guide the city in:
  - (1) The preservation of existing trees;
  - (2) The promotion of new tree planting; and
  - (3) In community engagement with our urban canopy.
- (a) Development of the city's urban canopy will serve to improve the environment, the aesthetics and the quality of life in the city and for its residents.

***Section 17-121 Compliance with state law***

Nothing in this ordinance shall be construed to restrict, amend, or otherwise limit the application or enforcement of existing municipal or state law.

***Section 17-122 Tree replacement fund***

- (a) There is hereby established a tree replacement fund which shall be held by the city treasurer in an account and administered in accordance with applicable provisions of the Massachusetts General Laws.
- (b) Any payments into the tree replacement fund shall be deposited in said fund and shall be used solely for the purpose of supporting tree planting and maintenance throughout the entire city.
- (c) Voluntary contributions may be made to benefit tree planting and maintenance in the city shall be deposited into the tree replacement fund

***Section 17-123 Applicability***

The terms and provisions of this ordinance shall be administered by the tree warden and shall apply to any applicable significant tree and to any public tree or public shade tree and their tree protection zone located within the city.

***Section 17-123 Tree Warden***

The tree warden shall be a certified arborist by the Massachusetts Arborist's Association, the International Society of Arboriculture, or any successor of either organization.

The tree warden shall be appointed by the Mayor.

The duties and responsibilities of the tree warden shall conform to M.G.L., c. 87 and shall include, but not be limited to the responsibilities outlined in the City Tree Policy.

**Section 17-124 Tree survey**

- (a) A tree survey shall be required in the case of any project that requires any building permit, a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19. The application for any building permit, a special permit or a site plan review shall include a tree survey which shall first have been submitted to the tree warden not less than 21 days prior to the submission of the application for a building permit, special permit or site plan review.
- (b) A tree survey shall also be required for any project that requires or may result in any public trees or public shade trees being removed, damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.
- (c) A tree survey shall include the location, genus, species, height, DBH and tree protection zone of all significant trees, public trees and public shade trees that will be removed, damaged, or disturbed, including through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone by any project requiring any building permit, a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances
- (e)(d) A tree survey shall be signed and certified by a certified arborist in the case of any project that requires a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 or for any project that requires or may result in any public trees or public shade trees being removed, damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone. If the project does not involve a public tree, and does not require a special permit or site plan, a tree survey may be self-submitted at the time of the building permit application by the requester without a certified arborist declaring that no trees will be affected by the project.

**Section 17-125 Tree permits**

- (a) A tree permit shall be required in the case of any project where any applicable significant tree or public tree or public shade tree will be removed, damaged or disturbed including pruning, digging or through, the compaction of soil passage or parking of vehicles or equipment within the tree protection zone.
- (b) No tree permit application fee shall be charged.

**Commented [ss1]:** What do you want to call this Policy

**Commented [JS2R1]:** City Tree Policy sounds good to me; Tree Manual or Tree Standards or City of Everett Tree Policy seem fine. I could eventually put them together in a book with other planting and maintenance guidelines similar to Salem's and Malden's

- (c) If applicable, a tree permit application shall be submitted concurrently with a tree survey in accordance with this ordinance and if applicable, a mitigation plan and a tree protection plan.
- (d) Upon the issuance of a tree permit, the tree warden may prescribe in writing such protective measures for existing trees, as they deem necessary. The tree warden shall make a determination that the prescribed protective measures have been adequately provided before any disturbance of the site related to the permitted activity may begin.
- (e) In the case of any project which requires any building permit, a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances, the owner of the lot shall be required to commit to comply with all provisions of the tree permit provisions of the mitigation plan, the tree protection plan and other provisions of this ordinance and regulations promulgated hereunder in the application for requires any building permit, a special permit per Appendix A, Section 3, or a site plan review per the Appendix A, Section 19.
- (f) Any tree permit issued by the tree warden shall be valid for 90 days from issuance. The tree warden, following an email or written request by the applicant, may extend the length of the permit for any length of time, as they deem necessary and appropriate.
- (g) A tree permit may be suspended or revoked at any time by the tree warden upon written notice to the permit holder that the permit holder has failed to comply with either this ordinance or the conditions of the tree permit. The written notice shall be sent by certified mail, return receipt requested, or by hand delivery and shall provide an opportunity for the permit holder to correct the non-compliance and apply for a renewal of the tree permit upon compliance, where practicable.
- (h) Please see the City Tree Policy for further details the permit requirements for significant trees, ~~&~~ public trees and public shade trees

***Section 17-126 Mitigation & tree protection plans***

- (a) Tree removal
  - (4) In the case of any project which requires a tree permit and where a tree survey identifies a tree removal, a mitigation plan will be required for all trees removed.
  - (5) No replacement tree shall be removed without a tree permit issued by the tree warden
  - (6) Replacement trees will continue to be identified as replacement trees for a period of 10 years after they are planted.
  - (7) A mitigation payment will be required for all replacement trees removed
  - (8) Please see the City Tree Policy for further details on what the mitigation plan shall include.
- (b) Tree protection
  - (1) A tree protection plan shall be required in the case where any applicable significant tree, public tree or public shade tree or their

tree protection zone which will not be removed, extends or overlaps into the work zone of any project, excavation or construction where any applicable significant tree, public tree or public shade tree or their tree protection zone may be damaged or disturbed including through, pruning, digging or through the compaction of soil due to the passage or parking of vehicles or equipment within the tree protection zone.

- (2) Please see the City Tree Policy for further details on what the tree protection plan shall include.

***Section 17-127 Duty of Care***

- (a) Upon issuance of any city permit by the planning board, the director of inspectional services or the tree warden, the permit holder is required to take reasonable precautions to ensure that any applicable significant tree and all public trees and public shade trees are adequately protected and maintained free from harm from work associated with the permit issued.
- (b) Failure to adequately protect and maintain any applicable significant trees and all public trees and public shade trees free from harm or unauthorized removal may result in a fine and/or mitigation payment.

***Section 17-128 Enforcement***

- (a) Any person who violates any of the provisions of this ordinance shall be notified by the tree warden of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and a reasonable time period within which compliance must be had.
- (b) Upon notice from the tree warden that work on any lot on which an applicable significant tree, public tree, public shade tree or their tree protection zone is located is being performed contrary to any applicable tree protection plan or mitigation plan or any provision of this ordinance, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the lot involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work will be permitted to resume.
- (c) Any person who shall continue any work in or about said lot after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$300.00. Each day during which a violation exists shall constitute a separate offense.
- (d) Whenever there exists reasonable cause to believe that a person is violating any applicable mitigation plan or tree protection plan or any provision of this ordinance, the city may institute a civil action for a mandatory or prohibiting injunction in a court of competent jurisdiction ordering the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
- (e) Failure to apply for and receive a tree permit or failure to replace an applicable significant tree, public tree or, public shade tree or make a

payment into the tree replacement fund or to post and maintain a bond in accordance with this ordinance shall constitute a separate violation of this ordinance for which there shall be a fine of not more than \$300.00. Each day such violation continues shall constitute a separate offense.

- (f) As an alternative to any fine stated in this ordinance, citations may be issued pursuant to M.G.L. c. 40, § 21D, assessing a fine of not more than \$300.00 for each day the violation is committed or permitted to continue.
- (g) Each instance of vandalism to an applicable significant tree, public tree or, public shade tree shall constitute a violation of this ordinance and shall be subject to a fine of up to \$300.00.
- (h) Each instance in which an applicable significant tree, public tree or public shade tree is removed without a tree permit shall constitute a violation of this ordinance and shall be subject to a fine in the amount applicable to the city's most recent tree planting and maintenance costs inclusive of purchasing, planting, watering, and maintaining replacement trees for a period of not less than 5 years:
  - (1) The fine for any applicable significant tree, public tree or public shade tree removed without a tree permit shall be assessed at 2 times the total DBH of any applicable significant tree, public tree or public shade tree removed,
  - (2) No reduction of the amount of the fine otherwise available under this ordinance will be allowed in connection with the removal of any applicable significant tree, public tree or public shade tree removed without a tree permit.
- (i) Each failure to replace an applicable significant tree, public tree or public shade tree or to make a payment into the tree replacement fund beyond the timeframe of the tree permit shall constitute a separate violation of this ordinance and shall be subject to a fine in the amount of \$300.00. Each day such violation continues shall constitute a separate offense.
- (j) Failure to comply with a condition contained in a tree permit. Each instance where there is a failure to comply with a condition contained in a tree permit shall be subject to a fine in the amount of \$300.00.
- (k) Failure to comply with a stop work order. Each instance where there is a failure to comply with a stop work order shall constitute a violation of this ordinance, which shall be subject to a fine in the amount of \$300.00. Each day such violation continues shall constitute a separate offense.
- (l) Nothing herein shall be construed to require the city to make a payment into the tree replacement fund for any tree that it removes.

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.





C0343-24

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**To:** Mayor and City Council  
**From:** Councilor Guerline Alcy Jabouin  
**Date:** February 24, 2025

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**Agenda Item:**

That the Everett City Council engage the State Auditor's office for an audit of accounts, programs, activities and other public functions (in accordance with Mass General Law Part I, Title II, Chapter 11, Section 12)

**Background and Explanation:**


**Attachments:**

EVERETT CITY COUNCIL OFFICE  
484 BROADWAY, ROOM 38  
EVERETT, MASSACHUSETTS 02149

Michael J. Mangan  
Legislative Aide  
617-394-2237  
michael.mangan@ci.everett.ma.us



John W. Burley  
Clerk of Committee  
617-394-2236  
john.burley@ci.everett.ma.us

To: Stephanie Martins, President - City Council  
Sergio Cornelio, Clerk - City Council  
From:  John W. Burley, Clerk of Committees - City Council  
Date: January 16, 2025

Re: **Return of Papers**

Please be advised that the *Committee on Legislative Affairs* has failed to act on the following subject matters referred to them within the period of eight (8) weeks as required by City Council Rule #46C:

**Ordinance:** offered by Councilor Guerline Alcy-Jabouin

**Dated:** October 15, 2024

**C0333-24** – That the City Council consider voting to repeal the TDM Ordinance.

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**Resolution:** offered by Councilor Guerline Alcy-Jabouin

**Dated:** October 28, 2024

**C0343-24** – That the Everett City Council engage the State Auditor's office for an audit of accounts, programs, activities and other public functions (in accordance with Mass General Law Part I, Title II, Section 12).

Therefore, pursuant to Rule #46C, I am required to forward the following subject matter back to the City Council via the Clerk of the City Council from which the reference was made and endorsed so that the matter will appear on the next City Council regular agenda for a determination of disposition of these items. *However, it should be noted that the Committee was awaiting information from the Sponsor on how she wanted the committee to proceed.*

Thank you in advance for your attention and cooperation.

cc: M. Mangan  
D. Flood  
G. Alcy-Jabouin

January 22, 2025

Dear Fellow Council Members and Mayor DeMaria,

I believe the city would benefit greatly by inviting the state auditor to come in. I recognize that this might not be a popular position for some of you, but I believe the Councilors operating on behalf of their constituents will hear me out.

It is my understanding that the auditor is primarily interested in finances, but would be willing to look at processes, too.

I will first describe just some of the worrying things I have seen that make me suggest that we take this unusual step. An audit may reveal that these areas are within normal limits and nothing the taxpayers should be concerned about. If they are not good practices, then we will have fulfilled our mandate to represent the citizen voters of our city by identifying the problems so that they can be fixed.

**1.Looming lawsuits.**

Our insurance does not cover discrimination lawsuits. Even a partial win or any type of settlement for anyone in the city could hammer our taxpayers.

**2.Money for schools.**

Four of our K-8 schools and our high school are critically overcrowded. Instead of using some of our ARPA funds to renovate another school property the city owns, The City spent \$9.9MM on the Devens School. That's \$247,500/pupil. Then we allocated ten million dollars for just fixing the roof on the old high school, which was left to rot between 2012 and 2024. Now there is talk about renovating that property for grades 7 and 8 for an additional \$76MM. If the plans carefully researched in 2022 to renovate the other property had come to fruition, it would likely have cost \$76MM total, some of which could have come out of our ARPA funds, and that school would be open by now, alleviating the overcrowding in the four K-8 schools. Our application to the state about a new high school is stalled. There is talk about building a high school and vocational school; no single city can afford to build a vocational school, that's why they're all regional.

**3.Over-reliance on residential taxes.**

The decline of our commercial/industrial tax base has been known for years; we knew when the power plant was going to close. No attempts were made to attract light manufacturing. All the talk was about entertainment, first

with more, more Encore!, then with The Stadium. The Zoning Board of Appeals approved building after building of giant luxury apartments with no parking, which contribute less than half of what a commercial enterprise on the site would garner, but have impossibly (and impassibly) clogged our roads with traffic. What sensible small manufacturer would want to have to deal with our traffic?

#### **4.Avoidance of bidding for contracts.**

It is the duty of the city to get the best price for the goods and services it needs. Lately, however, the city has been awarding Memoranda of Understanding (MOU) and Memoranda of Agreement (MOA) to previously-used favored providers and contractors instead of putting contracts of \$50,000 or more out to bid. It also lets vendors whose contracts supposedly expired just go on and on getting paid.

#### **5.Giving away use of city property.**

Examples of this are the Elliot Center, the Wellness Center and For Kids Only. \$60,000 here, \$395,000 there. It adds up! PlayFit gets paid \$395,000 to run the Wellness Center, but charges for some things that used to be included in the Wellness Center membership. The city provides the equipment and maintenance, which amounts to PlayFit conducting its private business on city property. A document request for recent rent paid by For Kids Only, part of a well-funded non-profit organization, resulted in 'no docs.' The most recent money the city received was grant money a few years ago.

#### **6.Inefficient/improper budgeting.**

The city went from an actual annual budget to an "adopted" budget in FY2017. Since then, the budget has had dancing numbers. The "expended" number changes from year to year, even though it's supposedly expended. The expended amount for the previous fiscal year is often inaccurate; one must look two years out to learn the actual expended number. In FY2022, the Finance Department used an old Standard & Poor's report(2019) for the city's financial outlook and its bond rating. The FY2025 budget does not have any rating information in it. The city apparently did not have S&P do a ratings report in calendar 2024, so we don't really know what our bond rating was. However, since the latest budget didn't contain either the financial outlook or the bond rating, the taxpayers are left to guess at the cost of the city's borrowing.

### **7. Ineffective negotiating resulting in lower revenue and higher expenses.**

Our PILOT agreement with Wynn/Encore started at about \$20MM annually and increases at 2.5%. The city also gets Host Community Agreement payment that started at \$5MM per year, and also increases at 2.5%. Even though Encore has average revenues of \$60,000,000 PER MONTH, it is not anticipated that the re-negotiation of these agreements triggered by the sale of Encore for over a billion dollars will significantly increase amounts to Everett.

### **8. Waste of our CARES/ARPA funds.**

The city could not figure out how to use some of our CARES funds and sent over \$2,000,000 back. This was discovered accidentally. ARPA funds were meant to try and make people, and then communities, whole again as the pandemic started to wane, not to rent overpriced trucks. The then-Superintendent of Schools made sure every child who didn't already have a computer at home got a Chromebook for remote learning, but without city wi-fi, many could not participate. Everett received its \$47.1MM in ARPA funds in 2021. As a disproportionately-affected community, it had leeway to use those funds in ways, for example, Brookline could not. It failed miserably. No additional unemployment assistance; .08% spent on rent/mortgage assistance; .006% on grants to small businesses; employees' regular salaries were paid out of ARPA money; and much money paid in administrative costs, especially to Anser, our ARPA "consultant." There was some food assistance, but no affordable childcare, no broadband, no mental-health help for students and nothing toward affordable housing. The city told the taxpayers that they had to give the rest of the money to a sub-recipient to manage, or they would lose it. Chelsea, another disproportionately-affected community had its ARPA plan complete and the money distributed by May of 2022.

### **9. Failure to build housing that is actually affordable.**

Much is made of how many units of a proposed luxury building will be set aside as "affordable housing." The problem is that the numbers are so skewed in Everett that "affordable" isn't. Naturally, developers are not much interested in building truly affordable housing; they gain more profit on luxury housing.

**10. Departments that do not seem to be functioning well.**

There has been a distinct decline in the performance of several departments. Selecting/placing candidates in positions they have absolutely no experience in. Lack of storage space at DPW for all of its vehicles in or near its own lot. ISD-issuing building permits without a site plan filed and in one instance, before the matter had even appeared on an agenda. Etc.

**11.No provisions for future growth.**

No one knows how many more people our water and sewer systems can support. There is no public safety substation near One Broadway, where the police, our ambulance and the Cataldo ambulance are frequently called. This area is substantially distant from Everett proper. Various departments were queried as to plans to accommodate more activity in that area if/when Encore expands and/or The Stadium is approved. They had no plans.

For all the above reasons, and any you would like to add, I hope you will join me in agreeing to invite the state auditor in to help us.

Sincerely,

Councilor Guerline Alcy Jabouin

Guerline Alcy <guerlineforeverett@gmail.com>

2/5/2025 2:22 PM

## Audit Letter to Council and Mayor

To Michael Mangan <michael.mangan@ci.everett.ma.us> • David Flood <david\_flood@comcast.net> •  
David Flood <david.flood@ci.everett.ma.us> • Stephanie Smith <stephanie.smith@ci.everett.ma.us>

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February 5, 2025

Dear Fellow Council Members and Mayor DeMaria,

As discussed at our January 27th meeting, below are the suggested departments that we would suggest to the administration for a referral to the auditor's office to conduct an audit:

Human Resources  
Procurement Office  
Finance Department  
ARPA Funds  
Mayor's Office  
Planning Department

I understand also that the concern might be how will we pay for this service or how much will it cost. The auditor's office is not able to give us a predetermined amount as they don't know yet which department/s they will need to audit without the council and the mayor's approval. Providing this service will assure the community that we are willing to provide transparency when it comes to managing their tax dollars.

I believe the city would benefit greatly by inviting the state auditor to come in. I recognize that this is not a popular position for some of you, but I believe the Councilors operating on behalf of their constituents will hear me out.

It is my understanding that the auditor is primarily interested in finances, but would be willing to look at processes, too.

I will first describe just some of the worrying things I have seen that make me suggest that we take this unusual step. An audit may reveal that these areas are within normal limits and nothing the taxpayers should be concerned about. If they are not good practices, then we will have fulfilled our mandate to represent the citizen voters of our city by identifying the problems so that they can be fixed.

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For all the above reasons, and any you care to add, I hope you will join me in agreeing to invite the state auditor in to help us.

Sincerely,

Councilor Guerline Alcy Jabouin



C0036-25

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**To:** Mayor and City Council

**From:** Councilor Katy L. Rogers

**Date:** January 27, 2025

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**Agenda Item:**

That the Everett City Council formally requests a detailed report from the appropriate departments, agencies, or representatives associated with the Kraft Soccer Stadium project, outlining:

1. The current status of the project, including approvals, permits, and progress.
2. Any obstacles or delays affecting the project timeline.
3. A projected timeline for the project's next phases and expected completion.
4. Any agreements, commitments, or obligations made between the City of Everett and the Kraft

Group related to the project.

**Background and Explanation:**

Constituents are constantly talking about the pros and cons of a professional soccer stadium, yet no information has been provided to the council, despite it gaining significant media attention. We need to be able to provide accurate and up to date information to the citizens of Everett. I request the Mayor to attend a council meeting to provide perspective on this matter

**Attachments:**



C0037-25

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**To:** Mayor and City Council  
**From:** Councilor Katy L. Rogers  
**Date:** January 27, 2025

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**Agenda Item:**

That The City of Everett establish an Adopt-a-Tree Program

**Background and Explanation:**

**BACKGROUND:**

1. The city can advertise this on social media and engage the community to participate in the upkeep of public trees.
2. It also helps the city identify trees that could be used in dedications or memorials.
3. Promotes people to upkeep the trees and reduces pressure on maintenance

**Attachments:**



C0066-25

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**To:** Mayor and City Council

**From:** Councilor Stephanie Martins

**Date:** February 24, 2025

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**Agenda Item:**

That the administration consider providing equitable funding to support local organizations providing emergency assistance to residents

**Background and Explanation:**

**Attachments:**



C0078-25

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**To:** Mayor and City Council

**From:** Councilor Stephanie Martins, Councilor Guerline Alcy Jabouin, Councilor Holly D. Garcia, Councilor Katy L. Rogers, Councilor Michael K. Marchese, Councilor Peter Pietrantonio, Councilor Robert J. Van Campen, Councilor Stephanie V. Smith

**Date:** March 4, 2025

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**Agenda Item:**

That the DeMaria Administration immediately implement enhanced safeguards and controls in the City's finance department by separating the positions of Auditor and Chief Financial Officer, and comply with all other recommendations as stated in the letter of findings and recommendations issued by the Office of the Inspector General on February 27, 2025

**Background and Explanation:**

**Attachments:**



**CARLO DeMARIA**  
**MAYOR**

***CITY OF EVERETT - OFFICE OF THE MAYOR***

*484 Broadway Everett, Massachusetts 02149*

☎ 617-394-2270

✉ [mayorcarlo.demaria@ci.everett.ma.us](mailto:mayorcarlo.demaria@ci.everett.ma.us)

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March 5, 2025

The Honorable City Council  
Everett City Hall  
484 Broadway  
Everett, MA 02149

**RE: Resolution C0078-25**

Dear Honorable Members:

I am in receipt of the above-referenced resolution requesting that my Administration take steps to modify the City's internal controls by segregating the duties of Auditor and Chief Financial Officer.

Please be advised that I am willing to present to the City Council for its consideration recommendations for the necessary legislative action to implement such a change. However, this issue is too important and warrants more serious consideration than to rush to meet a deadline imposed on my Administration with less than 24-hours-notice.

In the interim, I wanted to acknowledge that I am in receipt of this resolution and that I will be sharing with the City Council recommendations on how to best implement such a change in a sound, strategic manner that is in the best interest of the residents of Everett.

Thank you.

Respectfully submitted,

Carlo DeMaria  
Mayor



**CARLO DeMARIA**  
**MAYOR**

***CITY OF EVERETT - OFFICE OF THE MAYOR***

*484 Broadway Everett, Massachusetts 02149*

☎ 617-394-2270

✉ [mayorcarlo.demaria@ci.everett.ma.us](mailto:mayorcarlo.demaria@ci.everett.ma.us)

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March 5, 2025

The Honorable City Council  
Everett City Hall  
484 Broadway  
Everett, MA 02149

**RE: Resolution C0076-25**

Dear Honorable Members:

Attached please find a response from counsel to Mayor DeMaria in response to the above-referenced resolution.

I am furnishing this information to you at the request of Attorney Paik to meet the Council deadline.

Thank you.

Respectfully submitted,

Erin Deveney  
Chief of Staff

Enclosure



**Paik Deal LLP  
6 Beacon St., Suite 305  
Boston, MA 02108  
781-819-3494**

The Honorable City Council  
Everett City Hall  
484 Broadway  
Everett, MA 02149

Dear Honorable Members:

Please accept this response to the above-referenced resolution demanding return of money based upon a review and report by the Office of the Massachusetts Inspector General (OIG).

The City Council's request is based upon a letter issued by the OIG on February 27, 2025, which followed a review during which the Mayor and the administration fully and voluntarily cooperated. The OIG reviewed documents and conducted interviews but did not provide the administration with any ability to provide meaningful input, to confront witnesses, to provide analysis, or to contest the conclusions prior to issuance of the report.

The Mayor and the Administration welcome an impartial review that provides due process, including the ability to review the evidence, to address issues, and to confront accusers. If the final decision of an adjudicatory body orders the Mayor to take remedial steps he will of course abide by that decision.

For these reasons, together with the reasons given in my statement on behalf of the Mayor before the City Council on March 4, 2025, the Mayor will not act on the proposed request until he is given an opportunity for due process.

Young Paik

Counsel to the Mayor



C0070-25

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**To:** Mayor and City Council  
**From:** Councilor Katy L. Rogers  
**Date:** March 10, 2025

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**Agenda Item:**

An ordinance promoting transparent marketing practices in rental housing advertisements by prohibiting the use of the word "LUXURY"

**Background and Explanation:**

In Massachusetts, there is no legal or standardized definition for the term "luxury" when it comes to describing rental properties. The definition of "luxury" is largely subjective and often used to attract potential tenants by implying high-end features or amenities. However, what qualifies as luxury can vary depending on the location, conditions, and individual perceptions.

This ordinance aims to eliminate the use of subjective and misleading terms, specifically the word "luxury," in the marketing and promotion of rental apartments within the City of Everett, while encouraging property owners and managers to highlight specific, verifiable amenities and features. These features should be able to account for themselves in justifying the higher rents associated with luxury.

**Attachments:**



C0071-25

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**To:** Mayor and City Council

**From:** Councilor Peter Pietrantonio

**Date:** March 10, 2025

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**Agenda Item:**

That the city treasurer appear at the next meeting to discuss the distribution of Opioid Settlement Funds

**Background and Explanation:**

**Attachments:**



C0072-25

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**To:** Mayor and City Council

**From:** Councilor Peter Pietrantonio

**Date:** March 10, 2025

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**Agenda Item:**

That the city purchasing agent appear at the next meeting to discuss the Wellness RFP

**Background and Explanation:**

**Attachments:**



C0073-25

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**To:** Mayor and City Council

**From:** Councilor Peter Pietrantonio

**Date:** March 10, 2025

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**Agenda Item:**

That a representative from National Grid appear at the next meeting to explain the power outages we had in Everett recently.

**Background and Explanation:**

**Attachments:**



C0079-25

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**To:** Mayor and City Council  
**From:** Councilor Anthony DiPierro  
**Date:** March 10, 2025

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**Agenda Item:**

A resolution requesting the administration work with the MBTA to eradicate the public safety issues caused at the intersection of Elm Street and Washington Avenue when multiple buses are present

**Background and Explanation:**

**Attachments:**



C0081-25

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**To:** Mayor and City Council

**From:** Councilor Michael K. Marchese

**Date:** March 10, 2025

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**Agenda Item:**

That the administration update the council on who is paying for the legal representation of the Mayor and the CFO, as well as what the cost was to have the two lawyers that appeared at the special meeting on Tuesday, March 4<sup>th</sup>. Please provide a copy of the invoice for the attorneys, as well as who is paying for them by the next regular council meeting

**Background and Explanation:**

**Attachments:**



C0083-25

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**To:** Mayor and City Council

**From:** Councilor Peter Pietrantonio

**Date:** March 10, 2025

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**Agenda Item:**

A resolution requesting a vote of no confidence in the Mayor & CFO

**Background and Explanation:**

**Attachments:**





C0085-25

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**To:** Mayor and City Council

**From:** Councilor Stephanie V. Smith

**Date:** March 10, 2025

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**Agenda Item:**

That Administration provides the City Council with all invoices and/or a financial summary by matter paid to Paik Deal, LLP and Greenberg Traurig, LLP from 2016 to 2025 by the second meeting in March

**Background and Explanation:**

**Attachments:**



C0086-25

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**To:** Mayor and City Council

**From:** Councilor Stephanie V. Smith

**Date:** March 10, 2025

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**Agenda Item:**

That the Administration provides the City Council with all external law firms currently being retained by the City of Everett (excluding employment matters) and the spend and law firm(s) associated with each matter

**Background and Explanation:**

**Attachments:**



C0087-25

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**To:** Mayor and City Council

**From:** Councilor Katy L. Rogers

**Date:** March 10, 2025

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**Agenda Item:**

An ordinance pertaining to trees in the City of Everett

**Background and Explanation:**

**Attachments:**

**ENROLLED ORDINANCE**

*PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF  
EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.*

ENROLLED: MM/DD/2024

DATE OF PROPOSED ORDAINMENT: MM/DD/2024



**CITY COUNCIL..... No. C0087-25**

IN THE YEAR TWO THOUSAND AND TWENTY-FOUR

**AN ORDINANCE PERTAINING TO TREE(S) IN THE CITY OF EVERETT**

Councilor /s/ Katy L. Rogers

**Whereas:** Mature tree(s) offer numerous public benefits as infrastructure that serve to protect public health, welfare, the environment and the aesthetics of the City of Everett; and

**Whereas:** Numerous tree(s) have been lost due to natural causes, incidents related to construction and past management strategies; and

**Whereas:** Tree(s) are living organisms and management of an urban tree canopy requires long term planning and strategies that consider the natural processes and lifespan of tree(s).

**Now,** therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make and amend ordinances:

**Be it Ordained** by the City Council of the City of Everett, Massachusetts that Chapter 17 of the Revised Ordinances of the City of Everett is hereby amended as follows:

The title of Chapter 17 shall be amended by changing the title from “**STREETS AND SIDEWALKS**” to “**STREETS, SIDEWALKS AND OTHER OUTDOOR SPACES**”

Chapter 17 of the Revised Ordinances of the City of Everett is hereby further amended as follows:

Article V of Chapter 17 of the Revised Ordinances of the City of Everett shall be amended by adding a new Division 3 as follows:

**DIVISION 3. CITY TREE ORDINANCES**

***Section 17-120 Intent and purpose***

(a) The City of Everett is committed to investing in its urban tree canopy. To that end, this division shall guide the City in:

(1) The preservation of existing tree(s);

- (2) The promotion of new tree planting; and
- (3) Community engagement with our urban canopy.

***Section 17-121 Compliance with state law***

Nothing in this division shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing municipal or state law.

***Section 17-122 Tree replacement fund***

- (a) There is hereby established a tree replacement fund which shall be held by the City Treasurer in an account and administered in accordance with applicable provisions of the Massachusetts General Laws.
- (b) Any payments into the tree replacement fund shall be deposited in said fund and shall be used solely for the purpose of supporting tree planting and maintenance throughout the entire city.
- (c) Voluntary contributions may be made to benefit tree planting and maintenance in the city shall be deposited into the tree replacement fund.

***Section 17-123 Applicability***

The terms and provisions of this division shall be administered by the Tree Warden and shall apply to any applicable significant tree and to any public tree or public shade tree and their critical root zone located within the city.

***Section 17-124 Tree Warden***

- (a) The Tree Warden shall be a certified arborist by the Massachusetts Arborist's Association, the International Society of Arboriculture, or any successor of either organization, shall be appointed by the Mayor.
- (b) The duties and responsibilities of the Tree Warden shall conform to M.G.L. c. 87 and include but not be limited to the responsibilities outlined in this division and the City of Everett Tree Policy.

***Section 17-125 Tree survey***

- (a) A tree survey shall be required in the case of any project that requires any building permit, a special permit per Appendix A, Section 3 of these Revised Ordinances, or a site plan review per Appendix A, Section 19 of these Revised Ordinances or for any project that requires or may result in any public tree(s) or public shade tree(s) being removed, damaged, or disturbed including through pruning, digging, or the compaction of soil due to the passage or parking of vehicles or equipment within the critical root zone.
- (b) A tree survey may be self-submitted and certified by the applicant at the time of the building permit application in the case of any project that will not require or result in any public tree(s) or public shade tree(s) being removed, damaged or disturbed and that does not require a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances.

- (c) A tree survey shall include the location, tree type and description of impact for all significant tree(s) that will be removed, damaged, or disturbed by any project requiring any building permit and that will not require or result in any public tree(s) or public shade tree(s) being removed, damaged or disturbed and that does not require a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances.
- (d) In the case of any project that requires or may result in any public tree(s) or public shade tree(s) being removed, damaged or disturbed or any project requiring a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances, a tree survey shall include the location, genus, species, height, DBH and critical root zone of all significant tree(s), public tree(s) and public shade tree(s) that will be removed, damaged, or disturbed, including those removed from a lot up to five (5) years prior to the submission of a tree survey unless otherwise certified in writing by the Tree Warden.
- (e) In the case of any project that requires or may result in any public tree(s) or public shade tree(s) being removed, damaged or disturbed or any project requiring any building permit or special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances, a tree survey shall be signed and certified by a certified arborist and submitted to the Tree Warden not less than 21 days prior to the submission of the application for a building permit, special permit or site plan review.
- (f) Please see the City Tree Policy for further details regarding Tree Surveys.

**Section 17-126      *Tree permits***

- a) A tree permit shall be required in the case of any project where any applicable significant tree(s) or any public tree(s) or any public shade tree(s) will be removed, damaged, or disturbed including pruning, digging, or through the compaction of soil passage or parking of vehicles or equipment within the critical root zone of the tree(s).
- b) No tree permit shall be required for the removal or disturbance of any significant tree(s) located wholly on a lot not owned or managed by the City except in the case of any project which requires a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances.
- c) No tree permit application fee shall be charged.
- d) Upon the issuance of a tree permit, the Tree Warden may prescribe in writing such protective measures for existing tree(s), as they deem necessary. The Tree Warden shall make a determination that the prescribed protective measures have been adequately provided before any disturbance of the site related to the permitted activity may begin.
- e) In the case of any project which requires a tree permit, the owner of the lot shall be required to commit to comply with all provisions of the tree permit, provisions of the mitigation plan, the tree protection plan, and other provisions of this division and regulations promulgated hereunder.

- f) Any tree permit issued by the Tree Warden shall be valid for 90 days from issuance. The Tree Warden, following an email or written request by the applicant, may extend the length of the permit for any length of time, as they deem necessary and appropriate,
- g) A tree permit may be suspended or revoked at any time by the Tree Warden upon written notice to the permit holder that the permit holder has failed to comply with either this division or the conditions of the tree permit. The written notice shall be sent by certified mail, return receipt requested, or by hand delivery and shall provide an opportunity for the permit holder to correct the non-compliance and apply for a renewal of the tree permit upon compliance, where practicable.
- h) The requirements of this division may be waived by the Tree Warden during the period of an emergency such as a tornado, windstorm, flood or other act of God. The Tree Warden shall memorialize such instances in writing and keep a record of the same.
- i) Please see the City Tree Policy for further details regarding Tree Permits.

***Section 17-127 Mitigation plan***

- (a) A mitigation plan shall be required in the case where a tree permit allows any applicable significant tree(s), public tree(s), or public shade tree(s) to be removed or effectively removed due to tree damage or disturbance including through pruning, digging, or through the compaction of soil due to the passage or parking of vehicles or equipment within the critical root zone.
- (b) No tree mitigation plan, payment or replacement tree(s) shall be required for removal of significant tree(s) located wholly on a lot not owned or managed by the city except in the case of any project which requires a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances.
- (c) Replacement tree(s) or a mitigation payment shall be required for all applicable significant tree(s), public tree(s), or public shade tree(s) removed from a lot up to five years prior to the application for a tree permit in the case of a project requiring a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances , unless otherwise certified in writing by the Tree Warden.
- (d) A mitigation plan shall be subject to approval by the Tree Warden.
- (e) Some tree(s) may be exempt from replacement tree or mitigation payment requirements at the express written permission of the Tree Warden.
- (f) Please see the City Tree Policy for further details regarding Tree Mitigation.

***Section 17-128 Tree protection plan***

- (a) A tree protection plan shall be required in the case where any applicable significant tree(s), public tree(s), public shade tree(s), or their critical root zone which will not be removed, extends or overlaps into the work zone of any project, excavation or construction where said tree(s) or their critical root zone may be damaged or disturbed including through pruning, digging, or through the compaction of soil due to the passage or parking of vehicles or equipment.

- (b) No tree protection plan shall be required for disturbance to a significant tree located wholly on a lot not owned or managed by the City except in the case of any project which requires a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances.
- (c) Please see the City Tree Policy for further details regarding Tree Protection.

***Section 17-129      Duty of care***

- (a) Upon issuance of any City permit, the permit holder is required to take reasonable precautions to ensure that any applicable tree(s) are adequately protected and maintained free from harm from work associated with the permit issued.
- (b) Failure to adequately protect and maintain any applicable tree(s) free from harm may result in a fine, and failure to adequately protect applicable tree(s) that results in any applicable tree(s) being removed within 5 years of the failure to protect being noted may result in a fine and a mitigation payment that reflects the value in accordance with 2 times the DBH of the applicable tree(s) removed.

***Section 17-130      Enforcement***

- (a) Any person who violates any of the provisions of this division shall be notified by the Tree Warden of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and a reasonable time period within which compliance must be had.
- (b) Upon notice from the Tree Warden that work on any lot on which an applicable significant tree, public tree, public shade tree, or their critical root zone is located, is being performed contrary to the tree permit, the tree protection plan or the mitigation plan or any provision of this division, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the lot involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work will be permitted to resume.
- (c) Any person who shall continue any work in or about said lot after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$300.00. Each day during which a violation exists shall constitute a separate offense.
- (d) Whenever there exists reasonable cause to believe that a person is violating any tree permit, mitigation plan, tree protection plan, or any provision of this division, the City may institute a civil action for a mandatory payment or prohibiting injunction in a court of competent jurisdiction ordering the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
- (e) Failure to apply for and receive a tree permit or failure to replace an applicable significant tree, public tree, or public shade tree, or make a payment into the tree replacement fund in accordance with this division, shall constitute a separate violation of this division for which there shall be a fine of not more than \$300.00. Each day such violation continues shall constitute a separate offense.



- (f) As an alternative to any fine stated in this division, citations may be issued pursuant to M.G.L. c. 40, § 21D, assessing a fine of not more than \$300.00 for each day the violation is committed or permitted to continue.
- (g) Each instance of vandalism to an applicable significant tree, public tree, or public shade tree shall constitute a violation of this division and shall be subject to a fine of up to \$300.00.
- (h) Each instance in which an applicable significant tree, public tree, or public shade tree is removed without a tree permit shall constitute a violation of this division and shall be subject to a fine in the amount applicable to the City's current mitigation payment schedule:
  - (1) The fine for any applicable significant tree, public tree, or public shade tree removed without a tree permit shall be assessed at 2 times the total DBH of any applicable significant tree, public tree, or public shade tree removed,
  - (2) No reduction of the amount of the fine otherwise available under this division will be allowed in connection with the removal of any applicable significant tree, public tree, or public shade tree removed without a tree permit.
- (i) Each failure to replace an applicable significant tree, public tree, or public shade tree or to make a payment into the tree replacement fund beyond the timeframe of the tree permit shall constitute a separate violation of this division and shall be subject to a fine in the amount of \$300.00. Each day such violation continues shall constitute a separate offense.
- (j) Each instance where there is a failure to comply with a condition contained in a tree permit shall be subject to a fine in the amount of \$300.00.
- (k) Each instance where there is a failure to comply with a stop work order shall constitute a violation of this division, which shall be subject to a fine in the amount of \$300.00. Each day such violation continues shall constitute a separate offense.
- (l) Nothing herein shall be construed to require the City to make a payment into the tree replacement fund for any tree that it removes.

***Secs. 17-131-17-139 Reserved***

The provisions of this ordinance are severable. If any section, provision, or portion of this ordinance is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this ordinance shall continue to be valid.

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.



A true copy attest

*Sergio Cornelio*

Sergio Cornelio, City Clerk

## **CITY OF EVERETT TREE POLICY**

This policy is supplemental to the provisions outlined in Chapter 17 Article V Policy 3  
**STREETS, SIDEWALKS AND OTHER OUTDOOR SPACES.**

### **Intent and purpose**

- (a) The City of Everett is committed to investing in its urban tree canopy. To that end, this policy shall guide the City in:
  - (1) The preservation of existing trees;
  - (2) The promotion of new tree planting; and
  - (3) Community engagement with our urban canopy.
- (b) The numerous functions of a well-developed urban tree canopy include:
  - (1) Conserving energy, and combating heat island effect by providing shade and evaporative cooling through transpiration;
  - (2) Improving local and global air quality by absorbing carbon dioxide, ozone, particulate matter, and producing oxygen;
  - (3) Reducing storm runoff, flooding, and soil erosion;
  - (4) Providing microclimate control;
  - (5) Reducing wind speed and directing air flow;
  - (6) Reducing noise pollution;
  - (7) Providing habitat for birds, small mammals, and other wildlife;
  - (8) Enhancing visual and aesthetic qualities that attract visitors and businesses;
  - (9) Providing natural privacy among neighbors;
  - (10) Protecting and increasing real property values; and
  - (11) Contributing to the definition of public spaces and creating civic identity and responsibility.
- (c) The provisions of this policy reinforce, enhance, and expand existing legal vehicles to ensure that future development and public policy adequately preserve, protect, and provide for replacement of public trees and public shade trees as well as increasing the total tree inventory.
- (d) The City resolves to plant more trees and in greater variety in order to compensate for past tree losses, the length of time required for a tree to achieve maturity and to provide resiliency through biodiversity.
- (e) The City will adhere to “right tree, right place” philosophy to ensure that all new trees are planted and maintained to ensure long term success into maturity.
- (f) This policy:

- (1) Ensures that the City sustains its designation as Tree City USA by meeting or exceeding the four core standards of sound urban forestry management;
  - a. Maintaining a tree department;
  - b. Having a city tree ordinance;
  - c. Spending at least \$2.00 per capita on urban forestry; and
  - d. Celebrating Arbor Day.
- (2) Protects and preserves public shade trees pursuant to M.G.L. c. 87.
- (3) Encourages private property owners to plant or to accept a tree from the City to be planted within the setback area of their lot instead of in the tree lawn or tree pit, if the Tree Warden so recommends.
- (4) Allows the Tree Warden, or a private organization acting with the written consent of the Tree Warden, to plant trees acquired with public or private funds in the public rights-of-way or within the setback from such public rights-of-way with acceptance by the property owner for the purpose of improving, protecting, shading, or ornamenting the land.

#### **Definitions**

- (a) "Caliper": Diameter of a tree trunk in inches measured six (6) inches above the ground for trees up to and four (4) inches, use DBH for larger trees.
- (b) including four-inch diameter.
- (c) "Certified arborist": An arborist certified by the Massachusetts Arborists' Association or the International Society of Arboriculture, or any successor of either organization.
- (d) "Critical root zone (CRZ)" – 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 CRZ is represented by a concentric circle centering on the tree's dripline. The minimum area of the CRZ shall be dependent on the required minimum radius of the CRZ; the required minimum radius of the CRZ shall be determined by multiplying a tree's DBH (in inches) by eighteen (18) inches, with the resulting product constituting the minimum radius of the CRZ. EXAMPLE: A tree with a DBH of twenty (20) inches shall have a CRZ with a minimum radius of 360 inches or 30 feet ( $20'' \times 18'' = 360''$  or 30').
- (e) "Pruning standards": Standards for pruning of trees as defined in the ANSI A300 Tree Care Standards and any future amendments or revisions to the same.
- (f) "Diameter at breast height ("DBH")" – The standard measure of tree size over four (4) inches in Caliper, measured as diameter in inches at a height of four and one-half (4.5) feet above the existing grade at the base of the tree. If a tree splits into multiple trunks below four and one-half (4.5) feet above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.
- (g) "Public shade tree": A tree located in the public way, as defined in M.G.L. c. 87, Sec. 5.
- (h) "Public tree": Any tree located on land owned completely by the city. This does not include any tree that fits the definition of a public shade tree under M.G.L. c. 87.

- (i) "Remove (including removing and removal)": Cutting down or destroying any tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death or destruction of any tree, including, but not limited to, excessive or improper pruning.
- (j) "Significant tree": Any tree 6 inches DBH or larger which is on a lot. This does not include any tree that fits the definition of a public tree under this division or any tree that fits the definition of a public shade tree under M.G.L. c. 87.

### **Tree Warden**

- (a) The Tree Warden shall be a certified arborist by the Massachusetts Arborist's Association, the International Society of Arboriculture, or any successor of either organization.
- (b) The Tree Warden shall be appointed by the Mayor.
- (c) The duties and responsibilities of the Tree Warden shall conform to M.G.L. c. 87 and shall include, but not be limited to, the following and as may be further specified in this policy:
  - (1) Care and control of all trees within public rights-of-way and care and control of all trees on City property;
  - (2) Development of an annual work plan, for systematic tree maintenance, replacements, plantings, and removals for each fiscal year;
  - (3) Posting notices and holding public hearings for the removal of public trees and public shade trees as required by M.G.L. c. 87 and division 3: City Tree Ordinances;
  - (4) Expending funds appropriated for planting trees on land within public rights-of-way, City-owned property, and in the setback of a lot with the express approval of the owners;
  - (5) Granting or denying permits and attaching thereto reasonable conditions required under division 3: City Tree Ordinances;
  - (6) Working in conjunction with other City departments to seek grants or other assistance concerning the preservation, maintenance and planting of trees in the City;
  - (7) Development of rules, regulations, tree inventories, manuals, and other data, in conjunction with other City departments, to carry out the purposes and intent of division 3: City Tree Ordinances;
  - (8) Supervising the planting and care of City trees to ensure that such planting and care meets the criteria of division 3: City Tree Ordinances and the ANSI A300 Tree Care Standards;
  - (9) Ensuring the regular maintenance of and updating of the City's tree inventory to track removal and replacement of trees in order to replace lost trees in an orderly fashion;

- (5) Appointment of designee to serve in the absence of the Tree Warden;
- (6) Coordinate with any private organization that creates a program for the planting or pruning of public trees and public shade trees on city property, in the public rights-of-way or within the setbacks with the express approval of the owners,
- (7) With authorization by the mayor, undertaking other responsibilities consistent with the purposes and intent of division 3: City Tree Ordinances and
- (8) Enforcement of division 3: City Tree Ordinances.

**Tree surveys**

- (a) A tree survey shall be required in the case of any project that requires any building permit, a special permit per Appendix A, Section 3 of these Revised Ordinances, or a site plan review per Appendix A, Section 19 of these Revised Ordinances or for any project that requires or may result in any public tree(s) or public shade tree(s) being removed, damaged, or disturbed including through pruning, digging, or the compaction of soil due to the passage or parking of vehicles or equipment within the critical root zone.
- (b) A tree survey may be self-submitted and certified by the building permit applicant at the time of the building permit application in the case of any project that will not require or result in any public tree(s) or public shade tree(s) being removed, damaged or disturbed and that does not require a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances.
- (c) A tree survey shall include the location, tree type and description of impact for all significant tree(s) that will be removed, damaged, or disturbed by any project requiring any building permit and that will not require or result in any public tree(s) or public shade tree(s) being removed, damaged or disturbed and that does not require a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances.
- (d) In the case of any project that requires or may result in any public tree(s) or public shade tree(s) being removed, damaged or disturbed or any project requiring a special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances, a tree survey shall include the location, genus, species, height, DBH and critical root zone of all significant tree(s), public tree(s) and public shade tree(s) that will be removed, damaged, or disturbed, including those removed from a lot up to five (5) years prior to the submission of a tree survey unless otherwise certified in writing by the Tree Warden.
- (e) In the case of any project that requires or may result in any public tree(s) or public shade tree(s) being removed, damaged or disturbed or any project requiring any building permit or special permit per Appendix A, Section 3 of these Revised Ordinances or a site plan review per Appendix A, Section 19 of these Revised Ordinances, a tree survey shall be signed and certified by a certified arborist and submitted to the Tree Warden not less than 21 days prior to the submission of the application for a building permit, special permit or site plan review.

**Tree Permits**

- (a) If applicable, a tree permit application shall be submitted concurrently with a tree survey in accordance with this division and, if applicable, a mitigation plan and a tree protection plan.
- (b) The Tree Warden shall review applications for tree permits in accordance with the provisions of M.G.L. c. 87, of Chapter 17, Article V, Division 3 of the Revised Ordinances of the City of Everett and with any rules or regulations promulgated hereunder.
- (c) The Tree Warden shall date-stamp or otherwise record the date of filing of each application for a tree permit.
- (d) The Tree Warden shall complete the review of each tree permit application no later than 10 business days after the submission of a completed application to the Tree Warden.
- (e) Upon the issuance of a tree permit, the Tree Warden may prescribe in writing such protective measures for existing tree(s), as they deem necessary. The Tree Warden shall make a determination that the prescribed protective measures have been adequately provided before any disturbance of the site related to the permitted activity may begin.
- (f) Any tree permit issued by the Tree Warden shall be valid for 90 days from issuance. The Tree Warden, following an email or written request by the applicant, may extend the length of the permit for any length of time, as they deem necessary and appropriate,

**Mitigation Plan**

- (a) A mitigation plan shall include the type, location and total DBH of tree(s) to be removed and:
  - (1) A description of proposed replacement tree(s), including proposed planting location, genus, species, height, and caliper,
  - (2) A schedule for planting the proposed replacement tree(s),
  - (3) A mitigation payment for any removed tree not mitigated by replacement tree(s),
- (b) The total caliper of replacement tree(s) or mitigation payment(s) shall be equal to the total DBH in inches of any applicable tree(s) removed.
- (c) The per DBH value of the mitigation payment shall be assessed annually and made available by the Tree Warden, in consideration of the City of Everetts most recent tree planting and maintenance costs, inclusive of purchase, planting, watering and maintenance for a period of not less than five (5) years.
- (d) Replacement tree plantings shall be performed or overseen by a certified arborist.
- (e) Replacement tree(s) will continue to be identified as replacement tree(s) for a period of 10 years after they are planted.
- (f) No replacement tree shall be removed without a tree permit issued by the Tree Warden. In all cases, the Tree Warden shall keep a record of the type and size of any replacement

tree removed, the reason for the removal, the date of removal, any involved contractor, and the name and address of the property owner.

- (g) A mitigation payment will be required for all replacement tree(s) removed.
- (h) No reduction of the amount of mitigation payment otherwise available under this policy shall be allowed in connection with the removal of replacement tree(s).

**Tree Protection Plans**

- (g) If applicable, a tree protection plan shall be submitted concurrently with an application for a tree permit.
- (h) The tree protection plan shall be designed and certified by a certified arborist.
- (i) The tree protection plan shall be subject to approval by the Tree Warden,
- (j) All applicable significant tree(s), public tree(s) and public shade tree(s) and their critical root zone near the excavation or construction of any building, structure, or street, or in the vicinity of utility work shall be sufficiently guarded and protected by those responsible for such work so as to prevent injury to said tree(s).
- (k) A tree protection plan shall include:
  - (1) An indication of which applicable significant tree(s), public tree(s), and public shade tree(s) and their critical root zone may be affected, damaged or otherwise disturbed including by the compaction of soil in and around a tree's root system by vehicle traffic, parking, or other means;
  - (2) Descriptions and drawings of tree protection measures that will be used to prevent damage or disturbance to tree(s) and their root systems; and
  - (3) A schedule for installation and removal of tree protection measures.





C0088-25

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**To:** Mayor and City Council

**From:** Councilor Stephanie Martins

**Date:** March 10, 2025

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**Agenda Item:**

That Chief Strong and/or the administration share the steps that are being taken to address roof leak issues at the Police Station.

**Background and Explanation:**

**Attachments:**





Stephanie Martins



C0089-25

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**To:** Mayor and City Council

**From:** Councilor Michael K. Marchese, Councilor Stephanie Martins

**Date:** March 10, 2025

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**Agenda Item:**

An Order to amend the City of Everett Charter Sections

**Background and Explanation:**

**Attachments:**



**CITY COUNCIL .....No.C089-25**  
**IN THE YEAR TWO THOUSAND AND TWENTY-FIVE**

**An Order to amend the City of Everett Charter Sections**

**/s/Councilors Michael Marchese and Stephanie Martins**

**Be it ordered: By the City Council of the City of Everett, Massachusetts, as follows:**

WHEREAS, many municipalities in the Commonwealth allow for term limits of their elected officials, and

WHEREAS, each municipality is authorized by the Home Rule Amendment to the Massachusetts Constitution and G.L. c.43B, the Home Rule Procedures Act, to select a form and structure of government most appropriate for its unique circumstances; and

WHEREAS, term limits will be established in Everett with the express understanding that such limits will only affect a person's service in that particular elected position, and

WHEREAS, there is a need to simplify the process required to determine eligibility for office and make such process uniform across elected offices; and

WHEREAS, such proposed special legislation does not cut short or otherwise terminate the term of any incumbent elected officials, and provides for the implementation of term limits over the next two terms.

NOW THEREFORE, it is hereby ordered that, consistent with the City of Everett's authority under Section 8 of the Home Rule Amendment of the Massachusetts Constitution, that the following special legislation amending the City of Everett Charter be filed with the City's State Representative and State Senator, and further, that the City Council President and Mayor be authorized to take such action as may be necessary to accomplish the purposes of this Order.

**An Act Relative to Terms of Elected Officials in the City of Everett**

SECTION 1. The city of Everett home rule charter as on file with the archivist of the commonwealth, as required by section 12 of chapter 43B of the general laws, is hereby amended

by inserting, at the end of subsection 1(b) of section 2 the following:- Councilors, whether district and/or at-large, shall serve no longer than six consecutive full terms of service. A councilor who has served 6 consecutive full terms shall again be eligible for election as a councilor when 1 year has passed following the expiration of their 6th term of service; provided, however, that such councilor shall nevertheless be eligible for election to any other office.

SECTION 2. Subsection 1(b) of section 3 of said charter shall hereby be amended by deleting the first sentence and inserting in place thereof the following: - The term of office for the mayor shall be 4 years. A mayor who has served 2 consecutive full terms shall again be eligible for election as a mayor when 1 year has passed following the expiration of their 3rd term of service; provided, however, that such mayor shall nevertheless be eligible for election to any other office.

SECTION 3. Said charter of the city of Everett shall hereby be further amended by inserting, at the end of subsection 1(b) of section 4, the following: - School committee members, whether district and/or at-large, shall serve no longer than six consecutive full terms of service. A school committee member who has served 6 consecutive full terms shall again be eligible for election as a school committee member when 1 year has passed following the expiration of their 6th term of service; provided, however, that such school committee member shall nevertheless be eligible for election to any other office.

SECTION 4. All incumbent elected officials holding office on the effective date of this act shall be deemed to have served 1 term for the purposes of this act.

SECTION 5. This act shall take effect upon its passage.

A true copy attest



A handwritten signature in black ink, reading "Sergio Cornelio".

Sergio Cornelio, City Clerk