

Board of Selectmen

February 25, 2020

Regular Session

Present

Selectmen: Mr. Joe Fisher, Ms. Mary Power
Mr. Tom Mayo, Town Administrator, and Ms. Michelle Monsegur, Assistant Town Administrator.
Chairman Karen Johnson was absent.

Call to Order: 7:04 pm

Ms. Mary Power

Pledge of Allegiance

Approval of Minutes

Mr. Fisher made a motion to approve the minutes of the February 11, 2020 meeting. Ms. Power seconded. All were favor, 2-0.

Mr. Fisher made a motion to approve the minutes of the February 18, 2020 meeting. Ms. Power seconded. All were favor, 2-0.

Public Comment

None

A.G.T. Inc. d/b/a Queen Anne Wine & Spirits

Regina Marchione, Manager, & Jeff Tocchio, Counsel for A.G.T. Inc.

Mr. Tocchio explained that Queen Anne Wine & Spirits is requesting a change of location for its liquor license. He said that the business is planning on changing its location from 1 Whiting Street to a new location at 32 Whiting Street. He explained that the business is downsizing from 2,600 square feet to 1,300 square feet and plan on specializing in higher quality and more hand-picked wines and spirits. He explained that the business has had no issues with the ABCC. He added that Queen Anne Wine and Spirits is a family-owned business and that Ms. Marchione has just recently renewed her tips certification.

Ms. Power asked Chief Olsson if everything was in order and he agreed that it was and he had no issues with the request.

Mr. Fisher asked if there had been any notification to or issues with abutters. Mr. Tocchio said that abutters had been notified and that he had spoken to one neighbor regarding a parking issue that has since been addressed. He added that all of the comments that the business received have been positive.

Ms. Power commented that the business has always been well-kept and she asked when the business anticipated it would be in the new location. Mr. Tocchio said that the anticipated start date for the new location is April 1st.

Vote: Mr. Fisher made a motion to approve the request of A.G.T. Inc. d/b/a Queen Anne Wine & Spirits for a change of location from 1 Whiting Street to 32 Whiting Street, subject to the approval of all town boards and departments and the approval of the Massachusetts Alcoholic Beverages Control Commission. Ms. Power seconded. All were in favor, 2-0.

Capital Outlay Committee Recommendations

Mr. Eric Valentine, Chairman of the Capital Outlay Committee presented. He introduced other members of the Committee including Kevin Flaherty, Libby Claypool, representing Adcom, and Davalene Cooper, also representing Adcom. He explained that for FY21 the Capital Outlay has met with all the Department Heads to receive all of their FY21 Capital requests. Next, the Capital Outlay Committee met together, categorized and ranked all the requests. He said that the Committee had approximately \$4.9 million in Capital requests but only had a budget of \$2.5 million in funds from the Town's tax levy. He said that their goal each year is to fund all the annual and priority one items. He said that this year they weren't able to fund all the priority one items but he said that they were able to fund the most critical of these items. He added that of the \$2.5 million in the budget, \$1.1 million represented items with annual appropriations for funding. The balance of \$1.4 million represented the priority one items that they are

funding this year. He explained, that although they haven't met yet with representatives of the Weir River Water System, they are including projected water-related items because the Weir River Water System will have capital needs.

He added that they had to defer the Fire Department's request for a new ambulance until next year. Mr. Mayo said that he has spoken with the Fire Chief and said that the Chief understands and accepts the decision to defer this project for another year. Ms. Power asked if the Fire Chief felt that their ambulance fleet was acceptable for the next year; she was assured that the fleet was acceptable.

Ms. Power asked Mr. Valentine which of the priority one items did they have to defer. He answered that there were several, including: a new ambulance, a police command vehicle and a partial renovation of the firearms and interview rooms at the police station. She asked him if there was anything that was particularly difficult to defer and he said that the ambulance was the most difficult. Ms. Power stated that ambulance services generate approximately \$1.3 Million in revenue for the Town each year with approximately 4,500 calls for service. There was a brief discussion about the number of ambulances and back up ambulances as well as future plans for the fleet. Mr. Fisher asked if deferring the purchase of the new ambulance would impact the revenue for the Town. It was determined that the Town's revenue would not be affected, nor would the safety of the community.

Ms. Power said she would get in touch with Mr. Valentine regarding the Weir River Water System and explained that all the Capital expenditures for the Weir River Water System would be paid out of its enterprise fund, which is funded through water rates, with no impact on the taxpayer.

Ms. Power asked Mr. Valentine if this job seemed to be getting harder every year. He responded that there seem to be more requests and higher dollar requests. He said that many of the anticipated upcoming projects are large projects that may require a warrant. He added that there is no immediate cause for concern but he expected more funding to be needed in the future.

Priya Howell, 26 Del Prete Drive, asked which of the School Committee's Capital Outlay requests were being deferred. He said that there were quite a few including HVAC maintenance, miscellaneous technology, roofing repairs and tree maintenance. Ms. Howell asked if any of the deferred requests were requests that the School Committee identified as most critical. Ms. Power clarified that the items identified as most critical were part of the School's operating budget which is separate from the Capital Outlay budget.

Ms. Power suggested that the Capital Outlay Committee work on a prioritization of their budget as other Boards and Committees are doing.

Libby Claypoole of the Advisory Committee stated that it was important to note that every five years is a "no buy" year for police cruisers and added that next year is a "no buy" year, thus freeing up some funds for the ambulance.

Mr. Valentine said that his group had not met with the Weir River Water System yet and Ms. Power said that they could have a telephone call with Mr. Mayo this week. Libby Claypoole added that the budget that we are looking at ends on June 30, 2020, so as long as the close of the acquisition of assets from Aquarion happens before that, they don't know what the capital requirements will be. Ms. Power stated that before the Town owns the assets of Aquarion, the Town will leave it to the discretion of the Capital Outlay Committee concerning amounts to be included in the capital budget. She added that since the Town doesn't own the Weir River Water System yet, the Board of Selectmen is not able to do a thorough capital study which it plans to undertake as soon as Aquarion's assets are owned by the Town.

Warrant Articles

Article AA: Citizens Petition - Tree Preservation By-law

ARTICLE AA: *To determine whether the Town will vote to amend the Town of Hingham General By-laws by adding the following new Article:*

TREE PRESERVATION BY-LAW

1. PURPOSE

The intent of the Tree Preservation By-law is to encourage the preservation and protection of trees by designating specific activities during which trees must be protected, and requiring mitigation for trees removed via replanting or collection of fees to support the Town's tree planting and maintenance efforts.

2. DEFINITIONS

For the purposes of this Tree Preservation By-law, the following definitions shall apply:

- 2.1 *Caliper*: Diameter of a nursery tree trunk (in inches) as measured twelve (12) inches above the existing grade at the base of the tree.
- 2.2 *Certified Arborist*: A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).
- 2.3 *Diameter at Breast Height (DBH)*: The diameter of a tree trunk 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.
- 2.4 *Invasive Species*: Any plant listed on the most recent version of the Massachusetts Prohibited Plant List as published by the Massachusetts Department of Agriculture.
- 2.5 *Non-Exempt Lot*: Any parcel of land within the Town not owned by the Town, the commonwealth, or any independent authority of the commonwealth, or by the federal government.
- 2.6 *Overstory Tree*: A tree which will generally reach a mature height of greater than 40 feet.
- 2.7 *Protected Tree*: Any existing tree with a DBH of six (6) inches or greater that has any portion of its trunk within a Non-Exempt Lot. Invasive Species (as defined herein) shall not be considered Protected Trees.
- 2.8 *Reviewing Agent*: Any agent(s) appointed in writing by the Select Board to review Tree Protection & Mitigation Plans. In the absence of any appointed agent, the Reviewing Agent shall refer to the Tree Warden. When appointing any Reviewing Agent, the Select Board shall be satisfied that the person has sufficient knowledge to perform the duties of the Reviewing Agent provided herein.
- 2.9 *Rules and Regulations*: The rules and regulations hereinafter promulgated by the Select Board as contemplated by Section 7 hereof.
- 2.10 *Select Board*: The governing body constituted by Article 5A of the Town of Hingham General By-laws.
- 2.11 *Setback Area*: The minimum front, side and rear yard setback area of a parcel in a residential zoning district as specified in Zoning By-law IV-A Schedule of Dimensional Requirements.
- 2.12 *Tree Fund*: An account established pursuant to (M.G.L. 44 § 53E½) for the deposit of contributions in lieu of tree replanting as required by this Tree Preservation By-law.
- 2.13 *Tree Protection & Mitigation Plan*: A plan submitted to the Reviewing Agent for approval prior to the commencement of demolition and/or construction on a property on which a Protected Tree is located, meeting the requirements set forth in Section 5.4.
- 2.14 *Tree Removal*: Mechanical demolition of a living tree, or any act (a) that has caused a tree to die within the previous 12 months or (b) is likely to cause significant decline or death as determined by the Reviewing Agent.
- 2.15 *Tree Save Area*: The area surrounding all Protected Trees sufficiently large to ensure the health of the Protected Tree(s), including their trunks, crowns, and root systems.
- 2.16 *Tree Warden*: The commissioner responsible for the care and maintenance of trees and parks for the Town's Department of Public Works.

2. TOWN OF HINGHAM TREE FUND

There is hereby established a Town of Hingham Tree Fund pursuant to M.G.L. 44 § 53E½. Any contributions collected per Section 5.2(b) of this Tree Preservation By-law shall be deposited in the Tree Fund. The Tree Fund shall be used solely for the purposes of buying, planting and maintaining trees within residential neighborhoods in the Town or on Town-owned property, and enforcing the provisions of the Tree Preservation By-law, including to the extent reasonably necessary, hiring personnel to administer and enforce the Tree Preservation By-law.

3. SCOPE AND APPLICABILITY

- 4.1 *Non-Exempt Lots Applicability*: It is prohibited to remove a Protected Tree during construction or within 18 months prior to application for a demolition or building permit for: (a) Demolition of an existing structure of 250 gross square feet or greater; (b) Construction of any building or structure on a vacant lot; or (c) Construction of one or more structures or additions to structures on a lot that increases the total footprint of all structures by 20% or greater, without compliance with this bylaw.
- 4.2 *Exemptions*: The requirements of this Tree Preservation By-law shall not apply to: (a) Those areas of property under the jurisdiction of the Wetlands Protection Act (Chapter 131 and 310 CMR); (b) Public Shade Trees pursuant to M.G.L. Chapter 87; (c) Emergency projects necessary for public safety, health and welfare, as determined by the Reviewing Agent or the Town Tree Warden; (d) Trees severely damaged as the direct result of a natural disaster, Trees that are hazardous, or Trees currently infected by a disease or insect infestation of a permanent nature, in each case, as determined and confirmed in writing by a Certified Arborist.
- 4.3 *Notice for tree removal*: No person shall remove a tree on a Non-Exempt Lot without first providing notice of removal to the Tree Warden. Notices shall be made in writing on forms specified by the Tree Warden and shall not require the

payment of any fee. The notice shall set forth the DBH and species of each tree to be removed. If the tree removed would be exempt from the provisions of the Tree Preservation Bylaw pursuant to Section 4.2(c) or Section 4.2(d), the notice may be signed by a Certified Arborist confirming the condition of the tree to be removed. Obtaining certification by a Certified Arborist shall be at the sole discretion and expense of the owner of the Non-Exempt Lot; provided, however, if the notice is not so certified, the Tree Warden shall be entitled to presume that the tree qualified as a Protected Tree. The Tree Warden shall maintain the information contained in all such notices for a minimum period of eighteen (18) months from the date of such receipt, and shall share such information with the Reviewing Agent in the event a Tree Protection & Mitigation Plan is submitted by the owner of the property within eighteen (18) months of the date the notice of tree removal was provided.

4. TREE PROTECTION & MITIGATION

5.1 *Protection:* Each Protected Tree located within the Setback Area to be retained on property planned for demolition and/or construction activity shall be protected by the establishment of a fenced off Tree Save Area. The Tree Save Area shall be delineated within the submitted Tree Protection & Mitigation Plan, shall be installed prior to any demolition or site work, and shall remain in place until work is completed on the property, excluding final landscaping. The applicant shall submit written documentation, prepared, dated and signed by a Certified Arborist, to the Reviewing Agent confirming that the required Tree Save Area has been installed as identified in the Tree Protection & Mitigation Plan before work on the property commences.

5.2 *Mitigation:* The removal of a Protected Tree(s) from a property in connection with one or more of the circumstances set forth in Section 4.1 shall require mitigation based upon aggregate DBH of Protected Tree(s) removed. Mitigation shall be achieved by satisfying one or a combination of the following provisions:

5.2.1 *Mitigation by Replanting of Trees:* For each inch of DBH of the Protected Tree(s) removed, no less than one-half inch of caliper of new tree(s) shall be replanted in accordance with the following:

- (a) Each new tree must: (i) have a minimum caliper of three (3) inches, (ii) be a nursery quality tree, (iii) have a minimum of Zone 6 hardiness, (iv) be native to the region, and not be an Invasive Species, and (v) be an Overstory Tree species if the Protected Tree(s) being removed are an Overstory Tree species.
- (b) Such replanting, either on the applicant's land or on land abutting the applicant's land with the express written approval of the owner of such abutting land, shall occur at such spacing as is reasonably acceptable to the Tree Warden, and shall occur prior to the issuance of a Final Certificate of Occupancy, or be otherwise assured at such time to the satisfaction of the Reviewing Agent in a manner consistent with the Rules and Regulations.

5.2.2 *Contribution to the Town of Hingham Tree Preservation Fund in lieu of Mitigation:*

- (a) For each inch of DBH of the Protected Tree(s) removed, and not mitigated in accordance with Section 5.2.1, the owner of the Property shall make a contribution to the Tree Fund in an amount calculated in accordance with Schedule A-1 based on the aggregate DBH of all Protected Tree(s) to be removed and not mitigated by replanting.
- (b) Upon application to the Select Board by the owner of a Non-Exempt Lot situated in a zoning district, other than a residential district, as specified in the Town's Zoning By-law, the Select Board may, after public hearing, apply the reduced contribution schedule set forth in Schedule A-2, where the Select Board determines that the construction and Tree Removal serves the interest of the community and the reasons therefore are memorialized by the Select Board.
- (c) Tree Fund contributions shall be received by the Town prior to the issuance of all applicable permits.
- (d) The Select Board may, from time to time, increase the contribution schedule set forth in Schedules A-1 and A-2 after public hearing. Decreases or other amendments to Schedules A-1 or A-2 shall be approved at an Annual or Special Town Meeting.

5.2.3 Mitigation measures, whether by replanting or through contributions to the Tree Preservation Fund, shall be identified in the submitted Tree Protection and Mitigation Plan. The removal or proposed removal of a Protected Tree(s) that has been mitigated for, in conjunction with a previous applicable permit, shall not require additional mitigation under subsequent permits, unless such mitigation has not been completed or otherwise assured.

5.3 *Unauthorized Removals:* The removal of any Protected Tree not identified on the Tree Protection & Mitigation Plan shall require mitigation at the rate specified in Section 5.2. In addition, any person removing any Protected Tree not identified on the Tree Protection & Mitigation Plan in violation of this By-law shall be subject to a non-criminal disposition fine under M.G.L. Chapter 40, §21D as set forth in Section 6 below. Any such fines shall be paid to the Tree Preservation Fund.

5.4 *Plan Review and Permit Issuance:* Prior to the issuance of a permit in connection with one or more of the circumstances set forth in Section 4.1 on property on which a Protected Tree is located or was located within eighteen (18) months prior to application, the owner of the property shall submit a Tree Protection & Mitigation Plan to the Reviewing Agent along with the applicable application and fee as set forth in the Rules and Regulations. The Tree Protection & Mitigation Plan shall be a to-scale survey or site plan, along with any accompanying documentation and required certifications, that indicates the following:

5.4.1 The shape and dimensions of the parcel of real property to be developed, together with the existing and proposed locations of structures and improvements, if any;

5.4.2 A tree plan showing the location, type and size of each protected tree indicating which protected tree(s) are to be removed, and the location, type and size of replacement trees;

5.4.3 The proposed relocation of any existing protected tree with a statement prepared by a Certified Arborist explaining how each such protected tree is to be relocated and maintained;

- 5.4.4 The location of existing and proposed underground or overhead utility services, existing and proposed roadways, bikeways, walkways and parking areas;
 - 5.4.5 Any proposed grade changes which might adversely affect or endanger any protected tree with a statement prepared by a Certified Arborist explaining how each such protected tree shall be protected and maintained;
 - 5.4.6 The proposed method of protecting the remaining protected trees during the course of the construction;
 - 5.4.7 The amount to be contributed to the Tree Fund to mitigate the removal of a Protected Tree(s), if applicable;
 - 5.4.8 An affidavit executed by the owner(s) of the property under penalty of law of any Protected Trees removed from the Non-Exempt Lot during the previous 18 months. If the owner(s) did not own the Non-Exempt Lot for the entire 18-month period, such affidavit may be made to the knowledge of the owner; and
 - 5.4.9 Such other information as may be required by the Rules and Regulations.
- 5.5 *Re-Submission:* If demolition or construction has not commenced within twelve (12) months of the date that a Tree Protection & Mitigation Plan was submitted for a property, or if removal of a previously unidentified Protected Tree is necessary during the course of construction, an amended Tree Protection & Mitigation Plan shall be submitted identifying any changes from the previous plan and associated mitigation measures.
- 5.6 *Reviewing Agent Action:* If the Tree Protection & Mitigation Plan is consistent with the protection and mitigation requirements contained herein and any established Rules and Regulations, and applicable Tree Fund contributions have been submitted, the Reviewing Agent shall notify the appropriate Town Department. If the proposal does not meet or satisfy these requirements, the Reviewing Agent shall notify the applicant and the appropriate Town Department that all applicable permits shall not be issued until the requirements are met. If the Reviewing Agent fails to act on an application within sixty (60) days after the application has been made, it shall be deemed to be approved.

5.7 *Maintenance of Protected and Replanted Trees:*

- 5.7.1 *Protected Trees:* Each Protected Tree retained shall be maintained in good health for a period of no less than twenty-four (24) months from the date of Final Inspection, or issuance of a Certificate of Occupancy if applicable. Should such tree die or significantly decline in the opinion of the Tree Warden within this twenty-four (24) month period, the owner of the property shall be required to provide mitigation consistent with the requirements for the removal of a Protected Tree as contained herein within nine (9) months from said determination.
- 5.7.2 *Replanted Trees:* All new trees planted to mitigate the removal of Protected Tree(s) shall be maintained in good health for a period of no less than twenty-four (24) months from the date of planting. Should such tree die within this twenty-four (24) month period, the owner of the property shall be responsible for replacing the tree with a tree equal to or greater than the size of the original Replanted Tree at installation; such replacement tree shall be planted within nine (9) months of the death or serious decline of the original Replanted Tree.

5. ADMINISTRATION AND ENFORCEMENT

- 6.1 *Enforcement:* The administration and enforcement of this Tree Preservation By-law is the responsibility of the Tree Warden.
- 6.2 *Non-Criminal Disposition:* A person, individually or by his servant or agent, who violates any provision of this By-law may be penalized by a non-criminal disposition pursuant to M.G.L. Chapter 40, Section 21D and the Town of Hingham non-criminal disposition By-law.
- 6.3 *Fines:* The following penalties shall apply:

First violation:	\$100 fine
Second violation:	\$200 fine
Third and subsequent violations:	\$300 fine

Such fines shall be in addition to any required mitigation or contribution to the Tree Fund. Each day a violation continues constitutes a separate violation. A violator shall not be penalized for more than one violation per day.

- 6.4 *Appeals:* Any person who has been aggrieved by refusal, order, or decision of the Reviewing Agent, or Tree Warden, may appeal to the Zoning Board of Appeals within 20 days from the date of such refusal, order, or decision.

6. RULES AND REGULATIONS

The Select Board may promulgate or amend Rules and Regulations which pertain to the administration of this Tree Preservation By-law, and shall file a copy of said rules in the office of the Town Clerk. Such Rules and Regulations may prescribe the size, form, additional contents, style, and number of copies of plans and specifications, the procedure for the submission and approval of such plans, and the procedure for determining final compliance with these regulations. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

7. SEVERABILITY CLAUSE

If any provision of this By-law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the validity of the remaining provisions of this By-law shall not be affected thereby.

Nothing in this By-law shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing Town of Hingham By-laws, including Town of Hingham Rules and Regulations Governing the Subdivision of Land, or laws of the Commonwealth of Massachusetts.

**Schedule A-1
 Default Contribution Rate Schedule**

Aggregate of DBH of Protected Tree(s) Removed and not mitigated is:	Contribution Rate Per Inch	Calculation Example
No more than 25"	\$150 per inch	Aggregate of DBH of Protected Tree(s) Removed and not mitigated is 10": $10 \times \$150 = \$1,500$ contribution
Greater than 25" but no more than 50"	\$150 per inch 1"-25" \$250 per inch 26"-50"	Aggregate of DBH of Protected Tree(s) Removed and not mitigated is 30": $(25 \times \$150) + (5 \times \$250) = \$5,000$ contribution
Greater than 50" but no more than 75"	\$150 per inch 1"-25" \$250 per inch 26"-50" \$350 per inch 51"-75"	Aggregate of DBH of Protected Tree(s) Removed and not mitigated is 55": $(25 \times \$150) + (25 \times \$250) + (5 \times \$350) = \$11,750$ contribution
Greater than 75"	\$150 per inch 1"-25" \$250 per inch 26"-50" \$350 per inch 51"-75" \$400 per inch thereafter	Aggregate of DBH of Protected Tree(s) Removed and not mitigated is = 100": $(25 \times \$150) + (25 \times \$250) + (25 \times \$350) + (25 \times \$400) = \$28,750$ contribution

**Schedule A-2
 Non-Residential with Finding of Community Benefit
 Contribution Rate Schedule**

Aggregate of DBH of Protected Tree(s) Removed and not mitigated is:	Contribution Rate Per Inch	Calculation Example
No more than 25"	\$150 per inch	Aggregate of DBH of Protected Tree(s) Removed and not mitigated is 10": $10 \times \$150 = \$1,500$ contribution
Greater than 25" but no more than 50"	\$150 per inch 1"-25" \$250 per inch 26"-50"	Aggregate of DBH of Protected Tree(s) Removed and not mitigated is 30": $(25 \times \$150) + (5 \times \$250) = \$5,000$ contribution
Greater than 50"	\$150 per inch 1"-25" \$250 per inch 26"-50" \$300 per inch thereafter	Aggregate of DBH of Protected Tree(s) Removed and not mitigated is 100": $(25 \times \$150) + (25 \times \$250) + (50 \times \$300) = \$25,000$ contribution

Ms. Priya Howell, 26 Del Prete, introduced herself as the lead proponent of the Citizens Petition for the Tree Preservation By-law. Ms. Howell started her presentation with a description of the current rules in Hingham regarding tree removal including:

- The Public Shade Tree Act
- The Town of Hingham Conservation Commission's Tree Removal and Replacement Policy
- The Planning Board's requirements for open space and set-backs in projects where Site Plan Review is required
- Rules and regulations regarding subdivisions

She went on to explain what she feels are gaps in the current regulations. She added that there are three main areas to the proposed by-law change

- Protection – by employing tree save areas to protect trees from damage
- Mitigation – by replanting removed trees on a 1:1 ratio
- Contribution – in lieu of replacement (for various reasons including lot size, etc.) a contribution can be made to the Tree Preservation Fund

She went on to explain what she felt would be some benefits to her proposed By-law, including reducing our carbon footprint and a source of funding from associated fees.

She added that the Weymouth Compressor Station is due to be online by next January and we do not know how that will impact the air quality. She said that if the Town adopts this proposed By-law now, the Town can start raising money to help combat air quality change. She added that similar by-laws have been proven worthwhile by other towns, including Cambridge, Concord, Lexington, Newton and Wellesley, though with some different provisions to her proposal. Ms. Howell said she has had some conversations with HMLP and they had made some suggestions to changes in some of the language included in the proposed By-law.

Ms. Power asked her what compelled her to create the proposed By-law. Ms. Howell explained that she had many reasons including hearing that Concord adopted something similar as well as her concern for air quality especially due to the proposed Weymouth Compressor Station.

Mr. Fisher said that he previously served on the Conservation Commission as well as the Zoning Board for many years and he asked what led her to determine that a DBH of six (6) inches was the appropriate threshold for saving trees. She said that since most of the other towns have put 6" into their By-laws then she felt that would be a good way to start. Mr. Fisher added that the threshold in Newton is at 8" and Wellesley is at 10". He added that other towns had made an assessment as to what standards were best for their community and asked if Ms. Howell had conducted an assessment for Hingham. She said that she had not done an assessment and added that if they felt like 6" was too small they could change that in the next year to make it bigger. There was some discussion about exemptions to the by-law resulting from the Board of Health septic-related requirements.

There was additional discussion about contribution scales, residential and commercial. Ms. Power said that she looked at the Concord By-law and asked if Ms. Howell had any conversations with anyone from Concord to see how it has been going for them. She commented that she had not had discussions with Concord officials but in general she thought that it was going well. Ms. Power said she felt that the administrative effort needed to execute this project would be considerable. She also asked to what extent Ms. Howell had reviewed or socialized the proposed by-law with other Town boards. Ms. Howell said that she had not had enough time to get on the agenda of any boards yet. Ms. Power also asked whether the boards and committees that would be affected by the proposed By-law had been afforded a chance to review it, ask questions or offer feedback. Ms. Howell said that they had not. There was additional discussion about whether this was a general by-law or a zoning by-law in the other towns.

Mr. Fisher asked if Ms. Howell had a sense what the cost to the homeowner would be. She said that it would be dependent on the number of trees involved and whether the lot is heavily wooded. She added that there were too many variables included to have the ability to give an estimate. She added that the intent is to be somewhat expensive so as to cause homeowners to think about alternatives to cutting down more trees.

Melissa Smith, 223 South Street, stated that she fully-supported the proposed by-law.

Peter Howell, 26 Del Prete Drive, commented that he feels the Town is at a critical point with the Weymouth Compressor Station going in soon and he felt that the main focus of the proposed by-law should be conservation.

Sherry Sikes, 225 Summer Street, commented that she supported the proposed by-law and felt that it could be an important tool to offset the community's carbon footprint.

Katie McBrine, 157 Central Street, asked the Board asked what are the next steps that residents who support this plan can take to make this go forward. Ms. Power suggested that he question would be answered in their ensuing comments.

Mr. Fisher said that deforestation is a global problem and he feels that each community should be aware of and address it. He added that the comments and questions that have been raised, especially in terms of interaction with the other boards, make him uncomfortable. He added that it makes a difference whether this recommendation is proposed as a general or a zoning by-law because different departments would work on the administrative efforts. He stressed that he wants to make sure that this article goes through the correct process and is seen by all the correct boards and committees.

Ms. Power recognized Ms. Howell's hard work on her project and thanked her for her investment in the community. She added that, in order for her to vote favorable action on this article today, that would mean that she has fully vetted and endorsed the article. She did not feel that she was able to do that today. She added that she didn't think this article was ready for Town Meeting and was not inclined to support it tonight. She encouraged Ms. Howell to work with Mr. Mayo and his staff to facilitate this process. She added that the concern is that if this would go to Town Meeting right now, there are enough unanswered questions that it may get voted down. She also raised some concern that there is not enough awareness in the public about this and because it could affect so many people, she didn't think it was ready for Town Meeting. It was for these reasons that she would be inclined not to vote for this at this time. She suggested that, if she would like to continue to pursue this article, she should connect with and seek input from any of the boards and committees that would be affected by this article.

Mr. Fisher added that he would want to make sure that the Town is not merely copying another town's by-law, but rather making sure that what is presented is the correct by-law for Hingham.

Ms. Howell said that she feels that people in this town want to develop their properties in a responsible way. She added that her concern with waiting until next Town Meeting is that if people know that a tree by-law is in the works, they may go ahead and cut down trees while they can.

Vote: Mr. Fisher made a motion for no action on Article AA. Ms. Power seconded. All were in favor, 2-0.

Article P: Modify Size of Citizens Advisory Board:

ARTICLE P: *Will the Town vote to alter the composition of the Citizens Advisory Board as previously established under Article 11 of the 2019 Annual Town Meeting by increasing the total number of members from five to six and by increasing the number of members nominated by the Town of Hull Board of Selectmen from one to two members, or act on anything relating thereto?*

Mr. Mayo stated that this article would change the representation of the Citizens Advisory Board adding that, since Hull has many more Water Company customers than Cohasset, it would make sense for them to have an additional member on the CAB. He stated that the final make-up of the CAB will be three people from Hingham, two people from Hull and one person from Cohasset. Ms. Power added that this was a request from the Town of Hull.

Vote: Mr. Fisher made a motion to recommend favorable action of Article AA. Ms. Power seconded. All were in favor, 2-0.

Article Q: Funding for Water Capital Improvements:

ARTICLE Q: *Will the Town of Hingham vote to raise and appropriate, borrow or transfer from available funds, an amount not in excess of \$2,700,000 to pay costs of designing, engineering, constructing, reconstructing, repairing, and improving the Weir River Water System, including the payment of all costs incidental and related thereto, or act on anything relating thereto?*

Ms. Power explained that, as part of the purchase agreement of the Water System, the Town agreed to incur an annual capital investment of \$2.7million dollars for large capital projects such as the rehabilitation of a storage tank or a new roof on the water treatment plant, etc. She said that the Town intends to borrow to be funded by the Enterprise fund. She added that this Warrant Article seeks \$2.7 million for the first year, not to take effect until the purchase of the water company is complete, but it would make the funds available at the beginning of the fiscal year so the Town could get started on capital projects right away. She added that there would be no taxpayer impact.

Vote: Mr. Fisher made a motion to recommend favorable action of Article Q. Ms. Power seconded. seconded. All were in favor, 2-0.

Article R: Local Acceptance of M.G.L. c. 40, § 42A through 42I:

ARTICLE R: *Will the Town accept Chapter 40, Section 42A through 42I of the Massachusetts General Laws so as to permit the addition of unpaid water charges to the real estate tax where the charges will be subject to the same interest rates and collection procedures as the taxes to which they are added, or act on anything relating thereto?*

Mr. Mayo explained that acceptance of this statute will allow the Collector to establish a valid lien upon a parcel for which unpaid water charges have been assessed. The Water Department or the Collector must certify the unpaid charges to the assessors. Unpaid charges are added to, and become a part of, the real estate tax. The unpaid water charges are then subject to the same interest rates and collection procedures as the taxes to which they are added. When an unpaid water charge is added to the real estate tax, the lien will be valid as long as the lien for the real estate tax is valid as specified in Ch. 60 sec 37. If the unpaid water charge is not added to the real estate tax, it will expire on October 1st of the third year after the charges became due.

Vote: Mr. Fisher made a motion to recommend favorable action of Article R. Ms. Power seconded. All were in favor, 2-0.

Selectmen/Town Administrator Reports

Mr. Mayo – nothing to report

Mr. Fisher – nothing to report

Ms. Monsegur had left the meeting early to attend another committee's meeting.

Ms. Power stated that the Board of Selectmen will convene at 6:30PM on Thursday, February 27, 2020 for another meeting. She added that the Hingham calendar has dates of hearings and said that the public is welcome to attend those and added that it is a great way to be informed in the leadUp to Town Meeting.

Mr. Fisher made a motion to adjourn. Ms. Power seconded. All were in favor, 2-0.

Meeting adjourned at 8:48PM.

Documents: A complete meeting packet of supporting documentation is on file and available for public review in the Board of Selectmen's office.