

# Town of Lexington



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**EXCERPT OF THE TOWN OF LEXINGTON  
ANNUAL TOWN MEETING  
HELD MONDAY, MARCH 18, 2024, 7:30 P.M.  
CARY MEMORIAL BUILDING – BATTIN HALL  
WITH ADJOURNED SESSIONS HELD  
MARCH 20, 22, 27, and APRIL 1, 3, 8, 10, 24**

**ARTICLE 35 AMEND GENERAL BYLAWS – TREE BYLAW - REQUIRE MITIGATION  
PLANTING IN CERTAIN INSTANCES**

**MOTION:** Mr. Paul moves that the Town's Tree Bylaw, Chapter 120 section 8C of the Code of the Town of Lexington, be amended as follows where **bolded** text is to be added:

Amend § 120-8 C **Mitigation** by adding new sections (5) to (6) as follows

**(5)**

**Mitigation shall include a minimum number of trees to be replanted in the front setback and/or the Town right-of-way rather than payment into the Tree Fund. This required number of replanted trees shall be the lesser of**

- i. that needed to satisfy the mitigation requirements for protected trees removed, and**
- ii. that needed to achieve the desired minimum street-frontage tree spacing, as described below, subject to the availability of planting sites:**

**The desired minimum street-frontage tree spacing is achieved when there is no greater than a 35' gap in between trees located in the combined area of the Town right of way and the front setback of a property, as measured along the street frontage. An available planting site shall conform to Tree Planting Guidelines established by the Tree Committee and approved by the Select Board and be deemed appropriate by the Tree Warden. Planting may occur in the Town right-of-way with permission of the Tree Warden. Replanted trees shall be selected from the Large Shade Tree list, unless there are mitigating circumstances as delineated in the Tree Planting Guidelines.**

**(6)**

**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 12 months from the date of issuance of the Certificate of Occupancy. If a replacement tree dies within this 12 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 replacement tree at the time of planting; such tree shall be planted within nine (9) months of the death of the original replacement tree.**

Following remote electronic vote tallying, the Moderator declared that:

**Motion to Approve Article 35 Amend General Bylaws – Tree Bylaw- Mitigation Planning**

Adopted by a vote of:

<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>157</b>	<b>10</b>	<b>1</b>

**MOTION CARRIES**