

Department of Public Works & Parks Parks, Recreation & Cemetery Division Forestry Operations

50 Officer Manny Familia Way, Worcester, MA 01605

P | 508-799-1190 F | 508-799-1293

Worcestertrees@worcesterma.gov

URBAN FORESTRY TREE COMMISSION MEETING

Wednesday November 20, 2024 - 6:00 P.M.

Parks, Recreation & Cemetery Administrative Office

Meeting Room A

50 Officer Manny Familia Way Worcester, MA 01605

Or

If you choose to use the Microsoft Teams platform:

- 1) Go to www.teams.com
- 2) Enter Meeting ID# 236 402 897 188
 - 3) Enter password: 92ccAj

If you choose to attend via phone:

- 1) Call 1-469-998-7682
- 2) Enter Meeting ID#: 488 272 307#

If technological problems interrupt the virtual meeting component, the meeting will continue in-person.

AGENDA

- 1. Call to Order
- 2. Attendance (Roll Call)
- 3. Acceptance of Minutes for the (Roll Call) October 9, 2024
- 4. To request a reasonable accommodation or interpretation or submit written comments or questions in advance of the meeting, please contact the Parks, Recreation & Cemetery Division by email at Worcestertrees@worcesterma.gov. Please note that interpretation requests must be received no later than 48 hours in advance of the meeting. Para solicitar una interpretacion razonable, o enviar comentarios o preguntas por escrito por favor comuniquese con la oficina de la Division de Parques, Recreo & Cementerio por correo electronico a Worcestertrees@worcesterma.gov. Por favor note que las solicitudes de interpretacion deberan ser enviadas 48 horas antes de la reunion.
- 5. Public Participation Pursuant to Chapter 20 of the Acts of 2021 and in order to ensure active, public engagement, the City of Worcester currently allows for both in person and remote participation at the Urban Forestry Tree Commission meetings. To partake in the "Public Participation" section of this meeting, you may join us directly within the 50 Officer Manny Familia Way Meeting Room A, follow the information above to join via the Teams application or dial the direct line as indicated. If you would like to raise your hand when in the meeting as a call-in user, you may dial *5.

6. Assistant Commissioners Report (See Report Topics Below)

7. Old Business

- Request of Commissioner Winbourne for the Commission to set goals for the Commission
- Request of Commissioner Winbourne to discuss the proposed Worcester Urban Forestry Research Summit
- Update on filling vacancies on the Urban Forestry Tree Commission
- Review City Ordinances on Trees Fall 2024
 Trees in the City Right Tree, Right Place | City of Worcester, MA (worcesterma.gov)

8. New Business

Agenda items must be submitted (3) three business days before each Commission Meeting with subject line "Agenda Item" to worcestertrees@worcesterma.gov.

NA

9. Tabled Items

Tabled agenda items cannot be discussed at a meeting until it has been moved to old business. The item must be requested and approved during the previous meeting to be included on the next agenda.

- NA
- 10. Tentative Dates of the Next Meetings:
 - December 4, 2024
 - January 15, 2025 (Tentative)
 - February 5, 2025(Tentative)
 - March 12, 2025(Tentative)
 - April 2, 2025(Tentative)
 - May 7, 2025(Tentative)
 - June 4, 2025(Tentative)
- 11. Meeting Adjourned (Roll Call)



Department of Public Works & Parks Parks, Recreation & Cemetery Division 50 Officer Manny Familia Way, Worcester, MA 01605 P | 508-799-1190 F | 508-799-1293 parks@worcesterma.gov

URBAN FORESTRY TREE COMMISSION MINUTES

Wednesday October 9, 2024 - 6:00 P.M.

Parks, Recreation & Cemetery Administrative Office

Meeting Room A

50 Officer Manny Familia Way Worcester, MA 01605

Or

If you choose to use the Microsoft Teams platform:

- 1) Go to www.teams.com
- 2) Enter Meeting ID# 268 404 262 422
 - 3) Enter password: 7SHpSQ

If you choose to attend via phone:

- 1) Call 1-469-998-7682
- 2) Enter Meeting ID#: 942 571 325#

If technological problems interrupt the virtual meeting component, the meeting will continue in-person.

AGENDA

- 1. Called to Order 6:08 PM
- 2. Attendance (Roll Call) Commissioners present were:
 - a) Alexander J. Elton
 - b) Robin Karoway-Waterhouse
 - c) Joy Winbourne (Virtual)
 - d) Kristin Wobbe
 - i. Administration present were:
 - 1. Robert C. Antonelli, Jr., Assistant Commissioner
 - 2. Brian Breveleri, Supervisor of Forestry
 - 3. Denis Tucker, Foreman (Virtual)
 - 4. Milagros Pacheco, Staff Assistant 3
- 3. Acceptance of Minutes for the (Roll Call) September 11, 2024
 - a) Commissioner Elton made a motion to approve the minutes for September 11, 2024. Second by Commissioner Karoway-Waterhouse. All were in favor. Motion was approved 4-0.

- 4. To request a reasonable accommodation or interpretation or submit written comments or questions in advance of the meeting, please contact the Parks, Recreation & Cemetery Division by email at Worcestertrees@worcesterma.gov. Please note that interpretation requests must be received no later than 48 hours in advance of the meeting. Para solicitar una interpretacion razonable, o enviar comentarios o preguntas por escrito por favor comuniquese con la oficina de la Division de Parques, Recreo & Cementerio por correo electronico a Worcestertrees@worcesterma.gov. Por favor note que las solicitudes de interpretacion deberan ser enviadas 48 horas antes de la reunion.
- 5. Public Participation Pursuant to Chapter 20 of the Acts of 2021 and in order to ensure active, public engagement, the City of Worcester currently allows for both in person and remote participation at the Urban Forestry Tree Commission meetings. To partake in the "Public Participation" section of this meeting, you may join us directly within the 50 Officer Manny Familia Way Meeting Room A, follow the information above to join via the Teams application or dial the direct line as indicated. If you would like to raise your hand when in the meeting as a call-in user, you may dial *5.
- 6. Assistant Commissioners Report (See Report Topics Below)
- 7. Old Business
 - Request of Commissioner Winbourne for the Commission to set goals for the Commission
 - Commissioner Winbourne made a motion to keep it in Old Business. Second by Commissioner Elton. All were in favor. Motion was approved 4 – 0.
 - Request of Commissioner Winbourne to discuss the proposed Worcester Urban Forestry Research Summit
 - Commissioner Winbourne recalled that at a previous meeting the Botanical Garden at Tower Hill offered to combine forces, they have a standard annual urban forestry symposium they hold every winter and she's been in discussions with the person who's organizing the symposium, for this coming February 7, 2025. She said they are starting to plan speakers with a focus on bringing in local expertise, on how to leverage existing data sets, knowledge and skills to start making goals for canopy planning for the future. She said she hopes to have more to do updates for the next meeting.
 - Commissioner Winbourne made a motion to keep this in Old business. Second by Commissioner Elton. All were in favor. Motion was approved 4 0.
 - Green Worcester Summit
 - Commissioner Winbourne made a motion to file this item.
 Second by Commissioner Wobbe. All were in favor. Motion was approved 4 0.
 - Review City Ordinances on Trees Fall 2024
 - Commissioner Elton made a motion to keep in Old Business for them to review current ordinances and for future discussion. Second by Commissioner Karoway-Waterhouse. All were in favor. Motion was approved 4 – 0.

<u>Trees in the City - Right Tree, Right Place | City of Worcester, MA</u> (worcesterma.gov)

8. New Business

Agenda items must be submitted (3) three business days before each Commission Meeting with subject line "Agenda Item" to worcestertrees@worcesterma.gov.

- Request of WPI Green Team to discuss Tree Planting Proposal for Urban Forestry Tree Commission
 - Scarlet Strom and Jocelyn Hinchcliffe gave a presentation on a WPI Green Team
 Tree Planting Proposal.
 - There were discussions with regards to the type of trees already there (Norway Maples), their location, want type of trees they want to plant, suggestions on trees to plant or not plant, diversity of species is important, the Asian Longhorned Beetle, the Emerald Ash Borer, the size of the existing trees and proposed planting locations.
 - The Assistant Commissioner suggested to go forward with this a pilot program, and it can be accessed later to see if it worked or if it needs to have modifications made to it.
 - Commissioner Wobbe made a motion to support the Green Team with final coordination with Administration. Second by Commissioner Elton. All were in favor. Motion was approved 4 – 0.
- Discuss the Worcester Academy Parking Lot
 - Ms. Katherine Perkins spoke about this parking lot, she said the side is facing the Senior Center, she added that they put in a very attractive row of future trees and shrubs, she said it nicely done. She added that on the top there's some old established trees, and that she had hoped that there was a collaboration between new construction of this type in the City of Worcester to find some solutions for how many trees should be planted there or shrubs because it's lots of tarmac.
 - Commissioner Karoway-Waterhouse said that this could be something they can discuss when they review tree ordinances one of the possibilities is discussing how to developments do or do not plant trees.
 - Commissioner Elton said it may be a case of amending zoning policies, maybe
 City Council can adopt the plan and part of the plan is to include new
 development let Foresty be part of the plan and have requirements.
 - Assistant Commissioner Antonelli recommended that this subject be brought to Planning & Regulatory Services, he said that the Parks/Foresty Division doesn't have any authorization on private property. Planning & Regulatory Services would permit those items on what's required. He added that the existing ordinances are outdated, and that Planning & Regulatory Services had said that they were working on updating those ordinances to bring them up to current environmental standards.
 - Commissioner Winbourne made a motion File this item. Second by Commissioner Karoway-Waterhouse. All were in favor. Motion was approved 4 – 0.
- Update on filling vacancies on the Urban Forestry Tree Commission
 - Assistant Commissioner Antonelli said he reached out to the City Manager's
 Office but there was no update. He added that he would try to have an answer
 for the next meeting.
 - There was a discussion about Commissioner Wobbe staying on for a while longer after her term expires. Commissioner Wobbe she would be willing to stay until Summer.
 - Commissioner Winbourne asked if positions could be posted prior to their term expiring to be pro-active since it takes time to get other members on board.

- Assistant Commissioner Antonelli said he was working on communicating with Human Resources to find out if that was a possibility or but that the understanding would be that because the Commission is new, and everyone is on their first term that there would be an opportunity to be reappointed anyone that was interested in it.
- Commissioner made a motion to move this item to Old Business. Second by Commissioner Elton. All were in favor. Motion was approved 4 0.

9. Tabled Items

Tabled agenda items cannot be discussed at a meeting until it has been moved to old business. The item must be requested and approved during the previous meeting to be included on the next agenda.

- Request of Commissioner Winbourne to discuss Green School Yard Program
- Green Worcester Cool Pocket
- Miyawaki Forest
 - Commissioner Winbourne made a motion to file all the above Tabled Items. Seccond by Commissioner Karoway-Waterhouse. All were in favor. Motion was approved 4 – 0.

10. Date of Next Meeting:

- November 6, 2024
- December 4, 2024
- January 15, 2025 (Tentative)
- February 5, 2025(Tentative)
- March 12, 2025(Tentative)
- April 2, 2025(Tentative)
- May 7, 2025(Tentative)
- June 4, 2025(Tentative)
- 11. Meeting Adjourned (Roll Call) 7:29 PM

ASSISTANT COMMISSIONER'S REPORT:

1. General

- Urban Forest Master Plan Review
 - Update Commission Approved Draft available at <u>Trees in the City Right Tree</u>, <u>Right Place | City of Worcester</u>, <u>MA (worcesterma.gov)</u>
 - Assistant Commissioner Antonelli gave an update on the approved Urban Forest Master Plan, he said it had been updated on the City of Worcester's website and the following step would be to move forward with it to City Council for the November 12, 2024, City Council meeting.
 - o Commissioner Elton asked about the process from when the City Council gets the master plan.
 - Assistant Commissioner Antonelli explained that the City Council will receive it on a Friday, and they review it on Tuesday, and most likely it would go to a Sub-Committee. The Sub-Committee will have a deeper look into it and then it will come out of Sub-Committee back to City Council for final approval.
- Quarterly Review of Forestry Work
 - Assistant Commissioner provided a quarterly workflow from July 1 through the end of September. He said it was a brief sort of synopsis on what has been done and the amount of time spent, he informed that they are currently down 4 employees. There are 10 positions in Forestry but only 6 are filled. He added that the main component in the Summer was to water but that it would go down in the October report.

- Commissioner Elton said it was great and asked if for future reports it could be broken down to show number of tree removal and prunes.
- Commissioner Karoway-Waterhouse asked if it could be done by District.
- Assistant Commissioner said he could provide the number of tree removal and prunes, and he
 would see if it could be done by district, as it might be a different set up. He added that if he
 couldn't provide it for the next quarter than most likely for the Spring quarter.
- There was a discussion on the low number of Forestry employees, the reasons why people are not applying, places to post the positions, and the process of applying for a civil service position.
- Tree Commission attending neighborhood meetings
 - Assistant Commissioner Antonelli provided several different flyers with tree information for the Commissioners to use at the neighborhood meeting.
 - Commissioner Elton suggested getting the flyers translated to other languages.
 - Assistant Commissioner suggested waiting to see what the needs will be and that maybe it could be uploaded on to the website to let the system do the translation as needed.
- Tree replacement policy NA
- Neighborhood Based Urban Heat Risk Assessment NA
- Worcester Now | Next online survey ∈ NA
- Green Worcester Advisory Committee -NA
- Planting
 - Spring 2024 Planting NA
- Customer Service Update
 - Customer Service Contact Information 508-929-1300 &/or 311
- Street Resurfacing Opportunities & Challenges NA
- Zoning Ordinance Discussion NA
- Worcester Ordinance Relative to the Protection of Public Trees NA
- Partnerships
 - New England Botanical Garden @ Tower Hill NA
- Grant Applications
 - o DCR Grant Program NA
- Economic Development Initiatives
 - o NA
- Forestry Vandalism & Graffiti
 - o NA
- Donations
 - o NA
- Pests
 - o ALB (Asian Longhorned Beetle) NA
 - o EAB (Emerald Ash Borer) NA
 - o Spotted Lanternfly NA
 - o Elm Zigzag Sawfly NA
- Forestry Operations
 - o Tree City USA NA
 - Awarded the Tree City USA designation for the 38th consecutive year
 - Awarded the Tree City USA Growth Award designation for the 25th consecutive year
 - o Arbor Day Update
 - April 25, 2025
 - April 26, 2025 Festival (Tentative)
- Budget Operational & Capital NA
 - o Parks, Recreation & Cemetery Division NA
 - o Capital Improvement Program NA
 - City Five Point Financial Plan NA
- Misc.

- Mr. Paul Popinchalk spoke about the Ash Trees in Newton Hill, and the efforts they are taking to try to save the trees with the expertise of Bartlett Tree. He asked for advice and guidance from the Urban Forestry Tree Commission.
- Commissioner Elton recommended a reevaluation of the tree after one treatment, he said that it's not a preventive treatment, he said the trees already have the Emeral Ash Borer but inspect to see how much of the insect is in there.
- Mr. Popinchalk asked if the city has any funding to continue the treatments.
- Assistant Commissioner Antonelli said there was no funding available and if these trees were treated it would have to be done across the city, and it would be a large amount of funding.
- Commissioner Elton said he would be willing to speak to the City Council regarding getting funding to treat those trees.
- Commissioner Karoway-Waterhouse said she had a different opinion. She said she works for an agency that has lots of historic gardens across the state including the homestead design and they are also struggling. She added that she had just gone to a property where every ash tree on the property was dead, she included that if Bartlett said that there are 3 already too far gone, and this not being a preventative treatment. She said that in her opinion is that they are gone, she added that it's heartbreaking for a neighborhood to lose their trees, but to take pleasure in knowing that if you plant new trees, you might not be the ones to enjoy them but know the next generation will enjoy them.
- Mr. Popinchalk asked about when can the Foresty Division start planning on planting new trees at Newton Hill.
- Assistant Commissioner Antonelli said the process had already begun and there are plans to plant trees in the area maybe as soon as next Spring.
- Commissioner Elton made a motion to adjourn. Second by Commissioner Karoway-Waterhouse. All were in favor. Motion was approved 4 0. Adjourned at 7:29 PM.

URBAN FORESTRY TREE COMMISSION MEETING

Wednesday November 20, 2024 – 6:00 P.M.

Parks, Recreation & Cemetery Administrative Office

Meeting Room A

50 Officer Manny Familia Way Worcester, MA 01605

Or

Virtual with Teams

ASSISTANT COMMISSIONER'S REPORT

GENERAL



Department of Public Works & Parks
Parks, Recreation & Cemetery Division
Forestry Operations

50 Officer Manny Familia Way, Worcester, MA 01605

P | 508-799-1190 F | 508-799-1293

Worcestertrees@worcesterma.gov

ASSISTANT COMMISSIONER'S REPORT:

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- Quarterly Review of Forestry Work NA
- Tree Commission attending neighborhood meetings Update
- Tree replacement policy NA
- Neighborhood Based Urban Heat Risk Assessment NA
- Worcester Now | Next online survey NA
- Green Worcester Advisory Committee -NA
- Planting
 - Spring 2024 Planting NA
- Customer Service Update
 - Customer Service Contact Information 508-929-1300 &/or 311
- Street Resurfacing Opportunities & Challenges NA
- Zoning & Planning Ordinance Discussion NA
- Worcester Ordinance Relative to the Protection of Public Trees Update
- Partnerships
 - New England Botanical Garden @ Tower Hill NA
- Grant Applications
 - o DCR Grant Program NA
- Economic Development Initiatives
 - o NA
- Forestry Vandalism & Graffiti
 - o NA
- Donations
 - o NA
- Pests
 - ALB (Asian Longhorned Beetle) NA
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- Forestry Operations
 - Tree City USA NA
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 - Arbor Day Update
 - April 25, 2025
- Budget Operational & Capital NA
 - Parks, Recreation & Cemetery Division NA
 - Capital Improvement Program NA
 - City Five Point Financial Plan NA
- Misc.

Eric D. BatistaCity Manager



City of Worcester

November 12, 2024

Attachment for Item # 9.7 D

TO THE WORCESTER CITY COUNCIL COUNCILORS:

The attached communication relative to the City of Worcester's Urban Forest Master Plan as received from Robert L. Moylan, Jr., P.E., Interim Commissioner, Department of Public Works & Parks, is forwarded for the information of your Honorable Body.

The City of Worcester has finalized the development of its first Urban Forest Master Plan. The Master Plan will serve as a roadmap to proactively manage and grow the City's tree canopy and provides a shared vision for the future of the urban forest to help inspire us to care, plant and protect our trees.

The community was consulted in drafting the Master Plan by way of public hearings prior to the Urban Forestry Tree Commission's approval of the final plan. The Master Plan will assist the municipality in defining the future of the Urban Forest by developing it to its full potential. It has been designed to meet the needs and wants of the municipality and its residents.

Urban forests are critical to the city's air and water quality, stormwater management, energy conservation, biodiversity and the overall health and wellbeing of our residents, especially those in marginalized communities.

The final draft of the Urban Forest Master Plan can be found on the municipal website at https://www.worcesterma.gov/parks/trees.

On behalf of the municipality, I wish to thank the dedicated staff at the Department of Public Works and Parks; Parks, Recreation & Cemetery Division and the Urban Forestry Tree Commission for their efforts in ensuring the Urban Forest Master Plan was given the utmost consideration.

Respectfully submitted,

Eric D. Batista City Manager



Department of Public Works & Parks
Robert L. Moylan, P.E., Commissioner
20 East Worcester Street, Worcester, MA 01604
P| 508-799-1430 F| 508-799-1448
311@worcesterma.gov

To:

Eric D. Batista, City Manager

From:

Robert L. Moylan, P.E., Interim Commissioner

Date:

November 12, 2024

Re:

Urban Forest Master Plan Update (Final)

The attached communication relative to the City of Worcester's Urban Forest Master Plan that has been approved by the Urban Forestry Tree Commission is sent for your review and consideration to forward to the City Council for their review and approval.

The Master Plan process consisted of public hearings as well as a final hearing that were held at the regularly scheduled Urban Forestry Tree Commission meetings. The final plan will assist the municipality in defining the future of the city's Urban Forest. The plan is designed to meet the needs and wants of the neighbors, citizens, and organizations of the City of Worcester and will become a community endorsed "guidebook" that will help with phased improvements to our Urban Forest as funding becomes available.

The final Master Plan can be found at <u>Trees in the City - Right Tree</u>, <u>Right Place | City of Worcester</u>. <u>MA</u> under Urban Forest Master Plan, with the title View the Master Plan.

Major concerns of the Urban Forestry Tree Commission during discussions of the plan included climate change, heat islands, and tree planting within the right of way based on the Arbor Day Foundation "Right Tree — Right Place" guidance. Under current policy property owners can request a tree not be planted in front of their property if they so choose. The Commission has requested that this policy be changed due to the environmental challenges occurring throughout the world. At its Jan 17, 2024 meeting, the Commission recommended a new policy as that states "the City of Worcester will plant

trees within the right of way that meets the Arbor Day Foundations "Right Tree, Right Place" protocols, Commonwealth of Massachusetts Urban & Community Forestry planting guidelines, ISA Planting standards, and ANSI A300 Part 6 tree planting and transplanting standards in all available locations without a request or agreement of the adjacent property owner."

If you have any questions about these matters, please do not hesitate to contact me.

Sincerely,

Robert L. Moylan, P.E.

Lobert L. Maylan J.

Commissioner, Department of Public Works & Parks





City of Worcester

November 19, 2024

Attachment for Item #9.15 A

TO THE WORCESTER CITY COUNCIL

COUNCILORS:

I respectfully submit a report relative to the unauthorized removal of trees from private property as received from Michael E. Traynor, City Solicitor, and forwarded for the information of your Honorable Body.

The municipality takes the health of its tree canopy seriously, however in cases where trees are removed on private property, it is up to the homeowner to seek recourse as it is a private cause of action. The action of removing a tree on private property is against state law and Massachusetts General Law does provide provisions for misdemeanor charges related to the removal of trees as well as monetary compensation.

Respectfully submitted,

Eric D. Batista City Manager



Law Department
Michael E. Traynor, City Solicitor
455 Main Street, Room 301, Worcester, MA 01608
P| 508-799-1161 F|508-799-1163
law@worcesterma.gov

To: Eric D. Batista, City Manager

From: Michael E. Traynor, City Solicitor

Date: November 19, 2024

Re: Request City Manager request City Solicitor provide City Council with a report

detailing any legal action the city can take to ensure solar companies do not take down trees on private properties that are not their own customers properties [properties].

This memorandum responds to the above request from the City Council.

The City could not take any legal action by way of a lawsuit against an entity that removes or cuts trees on private property without the property owner's permission, because that is a private cause of action.

However, the conduct complained of is otherwise forbidden by the Massachusetts General Laws. There are three provisions in state law that provide remedies to a landowner for the unauthorized cutting or removal of their trees by another. Two of the statutes create a misdemeanor charge, which is criminal in nature, and the third creates a remedy in tort for strictly monetary damages. These statues are as follows.

M.G.L. c. 87, the Public Shade Tree statute nevertheless provides a remedy of general applicability in § 11: Whoever willfully, maliciously or wantonly cuts, destroys or injures a tree, shrub or growth which is not his own, standing for any useful purpose, shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

M.G.L. c. 266, titled Crimes Against Property makes it a crime to cut or destroy timber or wood on land of another in § 113: Whoever willfully cuts down or destroys timber or wood standing or growing on the land of another, or carries away any kind of timber or wood cut down or lying on such land, or digs up or carries away stone, ore, gravel, clay, sand, turf or mould from such land, or roots, nuts, berries, grapes or fruit of any kind or any plant there being, or cuts down or carries away sedge, grass, hay or any kind of corn, standing, growing or being on such land, or cuts or takes therefrom any ferns, flowers or shrubs, or carries away from a wharf or landing place any goods in which he has no interest or property, without the license of the owner thereof, shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars; and if the offence is committed on Sunday, or in disguise, or secretly in the night time, the imprisonment shall not be for less than five days nor the fine less than five dollars.

M.G.L. c. 242, addressing Waste and Trespass to real property, creates a tort remedy of up to triple damages for the trespass and removal of trees in section 7: A person who without license willfully cuts down, carries away, girdles or otherwise destroys trees, timber, wood or underwood on the land of another shall be liable to the owner in tort for three times the amount of the

damages assessed therefor; but if it is found that the defendant had good reason to believe that the land on which the trespass was committed was his own or that he was otherwise lawfully authorized to do the acts complained of, he shall be liable for single damages only.

These statutes all provide recompense to the landowner for the loss of one's trees or limbs.

Sincerely,

Michael E. Traynor City Solicitor

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