

**MAYOR'S BLUE RIBBON COMMITTEE
TREES AND PUBLIC GREENERY
7:30 AM – Wednesday, December 9, 2009
City Hall, City Manager's Conference Room**

Call to Order:

Members Present: Peter Loughlin, Chairman Richard Adams, Vice-Chair
Steve Parkinson, Public Works Director June Rogers, Member
Everett Kern, General Forman

Excused Absences: John Bohenko and AJ Dupere.
Also present was Robert Sullivan, City Attorney

The Chair called the meeting to order at approximately 7:35 a.m.

1. **Acceptance of the Minutes** – Minutes of the November 18, 2009 meeting were accepted as presented.
2. **Tree Removal Requests/Proposals**
 - a. **Langdon Park – South side of Lincoln Ave. (1 Norway; 1 Box Elder)** – Dick Adams feels that by taking down the Norway, the Sugar Maple right next to the Norway would thrive.
MOTION made by Steve Parkinson to remove. Seconded by June Rogers. Motion passed.
 - b. **131 Stark Street - MOTION** made by Steve Parkinson to remove. Seconded by Richard Adams. Motion passed.
3. Tree Ordinance Provisions from other Communities (New York Times article from Dick Adams attached) – The current Tree Ordinance deals with the public right of way, and there may be a desire to move out. Bob Sullivan stated that the City only has powers that is given by the State and was not able to find any enabling legislation for Trees & Greenery Committee. There is for tree wardens. Asked if this committee in effect will be the tree warden?
Steve Parkinson responded that the existing Ordinance refers to the City Arborist and does not fit with today and the fact we have this Tree Committee established by the Mayor and basically assumed the duties of the City Arborist. We are trying to change the Ordinance to reflect this.
Attorney Sullivan stated that this Committee would assume the Arborist's direct responsibilities concerning City trees and her advisory responsibilities for other people's tree at site review.
Steve Parkinson stated that projects substantial in nature at Technical Advisory Committee (TAC) are referred to us for review.
The Chair stated that one of the functions of this Committee is tree removal to take pressure off Public Works (PW) when someone calls PW wanting a tree removed and feels it deserves a public forum for this process and take pressure off PW.
Attorney Sullivan stated in effect the Committee will be the Tree Warden, which is designated by the State. Set up the Committee as suggested by the Chair with seven members including the City Manager and to add designee language and get rid of language not gender neutral. Get the Tree Committee in this Ordinance suggesting mentioning the functions performed by the Tree Warden.
Regarding prohibiting a person from "significantly altering appearance of a tree within City limits", that in order for enforcement need pretty objective criteria. "Within the City limits that have been formally identified by the Trees & Greenery Committee as having remarkable historical or horticultural significance, these trees can be cut with the permission of the Public Works Director. The proposal would be "within the right-of-way" and we'll call the Right-of-way, City property. Basically, no one can cut a tree without permission from the Public Works Director, and will insert "or his designee", this covering all trees outside of City right-of-way that you have specifically identified as being on private property.

Attorney Sullivan suggested having something put into the site Review Regulations. Notify the Planning Board and the property owner, so the trees are on the radar screen as property changes hands.

The Chair stated it is more of an educational thing. The Chair suggested a list of champion sized and unique trees in the City and circulated so the Planning Board, Conservation Commission Board, this Committee be aware. Suggested a 30 day period requirement that you can't cut down trees for 30 days for a chance of input.

Attorney Sullivan recommending an insertion into the Statute that the Tree Warden allows municipality to protect trees and allow for penalty.

Attorney Sullivan feels we should leave it that Trees & Public Greenery Committee creates the list of significant historical or otherwise significant trees in the City and notify the owner of the tree and the City's land use regulatory board, so if it comes up on site review the Planning Dept. will know we have to do something to protect this tree and no harm in giving you authority to try to acquire the rights to protect the tree and get a tree protection easement to be recorded. It is within your authority to create a list and notify people all within the scope of municipality and would need City Council approval.

The Chair stated we are an advisory committee with no legal authority.

Attorney Sullivan stated if the Ordinance gives you the authority to acquire the rights to protect City trees including those in rights-of-way, and in the Ordinance to protect significant trees.

The Chair stated the Committee shall be authorized to identify significant trees on private property, to create a list of those trees and to work for their identification and preservation because of its size, age and uniqueness.

Attorney Sullivan proposed he would take the old Clotilde Ordinance and replace with the new Ordinance and this morning's comments of trying as much as possible to protect the private trees and bring back a draft Ordinance next month for discussion and then send off to City Council.

The Chair thanked Bob Sullivan.

4. **Coakley Road Tree Wells** – The Chair presented the Committee with pictures of the tree wells discussed at last meeting .

Steve Parkinson stated they are part of the Hodgson Brook watershed, they received a grant and worked with UNH and we supplied the equipment and manpower to put it together, it was a joint venture.

5. **Old Business:**

Dick Adams stated he was instructed to find the location of the Rockingham County Champion Green Ash. It is located on Foch but has not looked at it.

6. **Next Meeting** – Wednesday, January 13, 2010 at 7:30 a.m. In the Chair's absent, Dick Adams will chair the meeting.

7. **Adjourned.**