

**MAYOR'S BLUE RIBBON COMMITTEE
TREES AND PUBLIC GREENERY**

MINUTES

**7:30 AM – Wednesday, June 8, 2011
City Hall, 4th Floor, City Manager's Conference Room**

Members Present: Peter Loughlin, Chairman; John Bohenko, City Manager; Richard Adams, Vice Chairman; Steve Parkinson, Public Works Director; A. J. Dupre, Community Forester; June Rogers; and Everett Kern, Public Works General Foreman

Members Excused: n/a

The Chair called the meeting to order at approximately 7:30 a.m.

1. **Acceptance of Minutes of May 11, 2011 Meeting.** Mr. Adams made a motion to accept the minutes. Ms. Rogers seconded the motion. The motion to approve passed unanimously.

2. **Tree Removal Requests:**

361 Hanover Street. A letter was received from Jim Sommes, of JSA Trust. The tree is on City property however the abutting property owner maintains it. Mr. Sommes stated they are in the process of sprinkling their building and the best way is to come off of McDonough Street into the building. This tree is a black locus, located across from the egress, is split in half and is not in very good shape. He hoped to mitigate the removal of the tree by planting something nicer than the black locus. Mr. Adams noticed it looks like it has a lot of decay and feels it should be taken down. City Manager Bohenko made a motion that they may want to make a motion to take the tree down with the condition that they purchase a replacement tree, in a species to be determined, to be put in near the property. Mr. Parkinson seconded the motion. Mr. Adams asked about other marked trees in the same vicinity. Mr. Sommes did not know who marked them. Mr. Kern indicated that the City has had a discussion with PSNH on those. Attorney Loughlin indicated that the committee has a policy against removing healthy trees. Mr. Kern confirmed there is some deterioration and the tree probably would not survive the construction. Mr. Parkinson felt this was the only access point for the utilities. He also confirmed that, when the tree being removed is healthy, the owner would be responsible for the associated cost.

70 New Castle Avenue Tasha Kostantacos, property owner, was present. She indicated this tree is on a paper street and the tree is in a dangerous position. She would like some limbs removed to allow light onto her property. Her concern is that she doesn't want to become liable for damage caused by a limb falling on a house. They are doing plantings along the property line and, if the tree comes down, they could substitute something more appropriate. She felt it was a lovely tree but she is concerned about liability.

Bruce Boley, of 88 Newcastle Avenue, was present. He stated it was a lovely old shade tree that his family loves and he does not want to see it go, although he acknowledges it is somewhat diseased.

Graham Openshaw, of 86 Newcastle Avenue, was present. He stated that the tree frames his driveway and creates a wonderful arched entrance. He would like to see it saved and he would be willing to sign a waiver of liability. Mr. Foley stated he would also sign a waiver. Mr. Kern confirmed that the paper street is not maintained by the City however the City trims the tree. Attorney Loughlin wondered if the City would have a legal interest in the street. City Manager Bohenko felt that issue should go before the City Attorney.

Mr. Dupere, Community Forester, stated that he looked at the tree and felt there was significant rot down at the base. It was hard to tell when the tree will fail. There were a significant number of limbs hollowed out. He would not recommend that the City keep the tree. They could put a cable in it but that would create a risk and it is large enough to do significant damage in a wind storm. City Manager Bohenko felt the City Attorney would have to provide clarification on the liability of the City. Ms. Kostantacos asked if the City could trim the limbs to thin it out. Mr. Dupere felt they could do that so the wind would go through it, however, they would want someone to climb the tree and make that judgment call.

Mr. Parkinson made a motion to table to refer the matter to the City Attorney regarding ownership of the tree and liability. Mr. Openshaw would like to know the results of that determination as that may mean that the neighbors would be liable. Mr. Dupere indicated he would have someone go out and look at the tree and report back next month. City Manager Bohenko felt the issues would not be resolved in a week or two. Maybe they should talk about trimming the tree first and what that cost would be. He felt a tabling motion would take care of it. Mr. Parkinson agreed to amend his motion to table the matter. Mr. Adams seconded the motion. Ms. Kostantacos added that she had already met with the City Attorney and determined the tree was on City property. Mr. Adams felt that the ownership issue was one thing but liability is another, although it seems that a primary function would be to determine the safety of the tree. A competent professional should recommend whether the tree should stay. Mr. Dupere confirmed that he will make a determination. Attorney Loughlin also requested a determination on whether there is a way to reasonably thin the limbs and also assess the risk to the City. The motion to postpone to the July 13th meeting passed unanimously.

3. **Update on point of Graves Tree Planting** Mr. Parkinson had nothing to report. He was still trying to get back to Ted Alex.
4. **Update on Tree Requests Related to 8 Congress Street (Popovers)** No report.
5. **Update on Resistograph Analysis from A.J. Dupere** Mr. Dupere reported that he has an appointment on Tuesday, June 14th at 9:00 a.m to calibrate the equipment which will calculate how much disease and deadwood is in a tree. Mr. Adams asked how much the machine costs. Mr. Dupere stated the cost was around \$10,000, although prices have probably come down. Mr. Parkinson suggested they might be able to look at the old beechtree at the old library.
6. **Update on Tree Ordinance** No report.

7. **Spring Tree Planting Report** Mr. Kern stated he anticipates planting will start tomorrow and will be done by next Tuesday. There are a few changes to locations and he has a few extra trees but he has some ideas for those at other sites. Attorney Loughlin asked if they could use them on Miller Avenue where they are finishing up the sewer separation. Mr. Parkinson advised staying out of that area for a year to see how things go. Mr. Adams made a suggestion that next year they make their planting selections in the fall so that they get things moving earlier in the year.

8. **Old Business**

180 Newcastle Avenue/Ball Street – Nancy Ratliff and Anne Whitney were present. This matter was on last month's agenda and there was confusion over whether it was voted to remove one tree or both trees, as the trees are right on top of each other. DPW came to remove one tree but said they were only allowed to remove the one tree with the notice posted on it. They ended up not removing either tree and she wasn't sure what was next. Attorney Loughlin confirmed that there were two trees and they would both come down and he assumed the landowner would be responsible for removing them. Mr. Parkinson did not know why DPW showed up but it was just a miscommunication. It was understood that the owner would have the trees taken down.

Concord Way – Mr. Dupere indicated that Tom Richter needs some trees looked at on Concord Way which were not part of the original contract. They recommend two more trees be removed as part of construction. Mr. Parkinson added the company hired by the construction company recommended that some additional trees be removed due to their health and they were advised they would have to come back through this committee for approval.

9. **New Business**

Tree Replacement Insurance – Mr. Adams assumed the City pays a premium for tree insurance if a tree dies within the first two year. He was wondering how many trees actually die within that time frame and if it might not be worth looking into the benefit of that insurance. City Manager Bohenko suggested they could request bids both ways and review the savings. He recommended looking at what the City is paying for the insurance and the Committee could decide how to handle it.

State Street – Mr. Dupere advised the Committee that he was asked to prune the new red maple trees with the grates on State Street as they were too big for the location. He pruned them but they will need more pruning in the fall. Mr. Parkinson indicated that some of the specimens were substantial trees. City Manager Bohenko wanted to make sure they keep them pruned.

Membership – Attorney Loughlin confirmed that Carla Marvin is no longer residing in Portsmouth and therefore is no longer on the Committee. He asked Jane Shouse to advise the City Clerk of this so that she could post the vacancy.

11 Oak Street – Mr. Kern asked if he should post the tree at 11 Oak Street and invite the applicant to the next meeting. Attorney Loughlin confirmed that it will go on next month's agenda.

10. **Next Meeting on Wednesday, July13, 2011.**

A motion to adjourn at 8:15 a.m. was made and seconded and passed unanimously.

Respectfully submitted,

Jane M. Shouse
Administrative Assistant
Planning Department