

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

MINUTES

**7:30 AM – Wednesday, December 14, 2011
City Hall, 4th Floor, City Manager's Conference Room**

Members Present: Peter Loughlin, Chairman; Richard Adams, Vice Chairman; Everett Kern, Public Works General Foreman; Steve Parkinson, Public Works Director; June Rogers; Leslie Stevens

Members Excused: John Bohenko, City Manager; A. J. Dupere, Community Forester;

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

1. **Acceptance of Minutes of November 9, 2011 meeting** – Unanimously approved.
2. **Tree Removal Requests:**

539 Lincoln Avenue – This was a request from DPW. Mr. Kern indicated that the back side of the tree was gone and the roots were heaving towards the street. A motion was made and seconded to remove the tree. The motion passed unanimously.

629 Broad Street – This was a request from DPW. The tree is on the Jones Avenue side of Broad Street. The whole front side is gone. Mr. Kern made a motion to remove the tree. Ms. Stevens seconded the motion. The motion passed unanimously.

384 Dennett Street – This was a request from the homeowner, Susan Powers. She stated it is a silver maple, it is very old and the branches tend to break in storms. It has caught on fire several times and burned through the power line, resulting in power outages in the neighborhood. Attorney Loughlin acknowledged a letter he had received from Josephine Donovan asking why the tree should be removed as it appears to be healthy. Mr. Adams felt a silver maple was inappropriate for the site. If they pruned it, there wouldn't be much left. There were also significant holes near the top. Mr. Kern felt they have had significant issues with this tree in the past. Mr. Adams made a motion to remove the tree. Mr. Parkinson seconded the motion. The motion passed unanimously.

101 Wibird Street – This was a request from the homeowner, Bob Menk. He stated the tree has been a problem for quite a while and that big chunks fall on cars and the rose trellis. After they trimmed it because of the electric wires, the side is completely gone and there is nothing to balance it. He would like to get it replaced with something else. Mr. Adams agreed and stated there are two major splits in it. Mr. Parkinson made a motion to

remove the tree. Ms. Stevens seconded the motion. The motion passed unanimously. Mr. Menk stated he would like a replacement tree and mentioned a shade tree would be nice.

McClintock (Corner of Leavitt) – This was requested by Douglas Doolittle. The City owns this lot. Attorney Loughlin felt the tree appears to be fine. Mr. Doolittle was worried about it coming down and taking the wires down. Ms. Stevens noted it has lost a lot of branches. Mr. Kern stated there is also a neighbor who wants the tree to stay. Mr. Parkinson made a motion to trim the tree and not remove it. Ms. Stevens seconded the motion. The motion passed unanimously.

McClintock (Corner of Peverly) – This was requested by DPW. Mr. Parkinson made a motion to remove the tree. Ms. Stevens seconded the motion. The motion passed unanimously.

334 Parrott Avenue – This was requested by the homeowner, Rick Bean, who was present. He stated the tree leans towards the street and the wires. When there is heavy snow or ice, the limbs lean towards the power lines. The roots of the tree are coming out of the ground and there is a hole on the other side. The street is undergoing major renovation so the tree is being disrupted. The tree is mostly dead. Attorney Loughlin noted that this tree was considered at a previous meeting. Mr. Parkinson made a motion to remove the tree. Mr. Adam seconded the motion. Attorney Loughlin indicated that he took a second look at this tree and it has serious issues. Mr. Kern asked the homeowner if he was interested in a replacement tree. Mr. Bean did not have any strong feelings about that. Mr. Parkinson felt it would look pretty barren without a replacement. The motion to remove the tree passed unanimously.

344 Parrott Avenue – This was requested by the homeowner, Marie Trembley. She stated that the tree started to die and the roots became exposed the first time the sidewalks were replaced and now it's even worse. They were beautiful trees before the construction. They have been trimmed but they look even worse now. If these two trees are removed, she would like them replaced. Mr. Adams felt the roots have been badly compromised and they wouldn't last much longer. Mr. Adams made a motion to remove the tree. Mr. Parkinson seconded the motion. The motion passed unanimously.

3. **Discussion of Landscaping Plans for Portwalk 3 Project, 195 Hanover Street** – (Attorney Loughlin recused himself from this presentation). Patrick Crimmins, of Appledore Engineering, and Tim Levine, from the development team, were present. Mr. Crimmins indicated this was the third phase of Portwalk and the lot is currently a parking area. The Technical Advisory Committee referred them to the Trees & Greenery Committee for their review as there were concerns about some of the species being used. Along Hanover Street they are proposing 5 scarlet oaks, in flush tree planters, to match those in front of the existing residential building. Along Deer Street there are 3 honey locust to match the same raised planters in front of the hotel. The previous 2008 plan was a little different as it had a parking garage below the site which precluded planting any trees above. They have worked with Fairbanks and there are services along Hanover Street making it difficult to plant trees along Maplewood Avenue. Trees have been planted along

Portwalk Place for Lot 1 and Lot 2 and 6 armstrong red maples will go on Lot 3 along Portwalk Place. TAC had wanted a variety of species so they have mixed it up a little more. There are no trees in the sidewalk along Maplewood Avenue. They will have a 3' planting bed with oriental hornbeam trees which will grow straight up.

Mr. Parkinson was concerned about varying species street by street. His thought was to inter-mix them so they don't have all of the same species along one street. Mr. Stevens agreed. Mr. Crimmins stated they can mix them. Mr. Parkinson felt they would be better protected against disease.

Mr. Parkinson asked how many trees were along Maplewood Avenue on the 2008 plan. Mr. Crimmins confirmed there were 5. Mr. Parkinson was concerned about the Maplewood corridor. Tim Levine noted that in addition to the trees they have added a trellis system with vines growing along a wooden trellis to create a cover. It goes along the length of Maplewood Avenue. The trees on Maplewood Avenue are narrow and tall and won't branch out. The phone company did not want trees on Maplewood. He noted that they have a higher tree count than they had in 2008.

Mr. Adams felt that the building was far too large for the site and he didn't think trees are going to make much difference. He would like to see the building with a larger setback so that they can plant adequate trees. He felt the 3' beds aren't going to do much for the long term aspect of the trees.

Ms. Stevens asked if it was possible to put in more hornbeams. Mr. Crimmins responded that they are spread out and have benches incorporated into the design. They grow to 15' and will get maxed out by their root size.

Mr. Parkinson made a motion to approve with the intermixing of tree species on Hanover, Deer and Portwalk Place so that there is not just one kind of tree on each street. Ms. Stevens seconded the motion. The motion passed unanimously.

4. **Report from City Officials on Ocean State Job Lot Matter** – City Attorney Bob Sullivan and Planning Director Rick Taintor were present. Attorney Loughlin indicated there were several questions in his November 18th letter.

Mr. Taintor addressed where the \$6,000 figure came from for reimbursement to the City from Ocean State Job Lots. He indicated that he called Nancy Carmer per Attorney Loughlin's advice and did some research on his own and came up with the amount. Attorney Sullivan added that the case is settled and the check is in the mail.

Mr. Taintor explained that this is an odd situation. When the site plan was approved the trees were on private property but the City subsequently received the land with the six trees for future road widening purposes. Normally they would have demanded the replacement of the trees but that didn't make sense in this situation as they City will be widening the road in that location. Mr. Parkinson confirmed that the turning lane will probably be constructed in 2013.

Regarding the Committee's inquiries about Site Plan issues, Mr. Taintor indicated that many communities record their site plans. Mr. Taintor and Attorney Sullivan have had that discussion many times and Attorney Sullivan has concerns with it due to the large volume of site plans and amendments that come through. The departments would be constantly recording site plans.

Attorney Sullivan stated that State law gives the City the authority to require a plan approved by the Planning Board showing site items. Once the Planning Board has approved the plan, the developer signs a Site Review Agreement which says they will build the project as approved. A bond is posted to guarantee that work and the money is not returned until the project is completed. The Site Review Agreement allows them 18 months and they are always able to get the developer to complete the project as approved. The issues come up afterwards. As time goes by, properties get sold and there is no new Site Review Agreement. Future buyers may not know about the Site Review Agreement and trees may get cut down. It has not been a huge problem and Attorney Sullivan could only think of three incidents in his past memory: White Cedar Plaza, the mattress store on Woodbury Avenue and Ocean State Job Lots.

Mr. Parkinson just noticed on Mirona Road, at the strip mall, that all of the trees are gone.

Attorney Sullivan stated that if a new owner does not change anything on the site, they do not need a new Site Review Agreement. Mr. Taintor also added that there was a little twist with this property as there were trees on the lot that were not on their site plan so they were able to cut those down.

Mr. Taintor explained that when a building permit is applied for, it is reviewed by the Planning Department to determine whether site review is necessary.

Attorney Loughlin did not see a down side to having the Site Review Agreements recorded. Attorney Sullivan was concerned with the time that would be involved in preparing the document and recording it at the Registry of Deeds and the added burden to staff. Mr. Taintor indicated that the Planning Board letter of decision includes the conditions in it. Attorney Sullivan felt it was a "slippery slope" as it's more than the conditions in that letter that apply. It is everything on the approved Site Plan. Mr. Taintor felt it would overburden the small property owner also. Attorney Loughlin asked about having a general form referencing the documents that would bind the owner to the site plan approval and future amendments would not have to be recorded

Mr. Taintor pointed out that sometimes one site plan completely replaces a previous site plan. Attorney Loughlin felt the goal is for the buyer to have to come into the Planning Department and see what was approved. A title search usually doesn't include City Hall.

Attorney Sullivan indicated that some sort of simple notice could probably be recorded. Attorney Loughlin asked about imposing a fine for a tree that gets cut down. Attorney

Sullivan did not think they had the authority to do that. Injunctions are the way the Legal Department deals with Site Review violations.

Mr. Adams felt it was unfortunate that Mr. Dupere was not present so that he could explain the quantitative value of a tree. Attorney Sullivan admitted that they made a mistake in coming up with the value of these trees and next time they will handle it differently and will come to this Committee and ask how to handle it and how much to charge for the trees.

Attorney Sullivan believed it was the responsibility of the Trees & Greenery Committee to deal with City trees. Mr. Taintor did not know that they could give advice on tree species.

Attorney Sullivan was not agreeable to change Site Review at this time but he is thinking about it. The idea of recording some sort of notice might not add too much administrative burden however the wording of that notice would take some thought.

Mr. Adam asked about the status of the Tree Ordinance. He thought that Peter Britz was going to bring it to the Conservation Commission for their review. Mr. Taintor stated he would follow up on that.

5. **Request of Lions Club Re: Tree Planting** - Attorney Loughlin heard from Stephanie Hurd and she indicated that the tree planting project has been postponed to the fall of 2012. The Lions Club is doing a nationwide tree planting program. Attorney Loughlin felt that a park or similar project might be appropriate. Mr. Parkinson indicated they should contact the Committee in June.
6. **Report on Installation of Winter Protections for Downtown Trees** – Mr. Kern stated they are currently putting them on. Attorney Loughlin stated that the improvements on State Street by The Rockingham and the bank are done and look very nice. There was one resident who sent a letter about the raised beds being inappropriate but Mr. Adams spoke to him and believes it is fine now.
7. **Correspondence from Marjorie Fernald of 23 Sheffield Road** – Ms. Fernald was concerned about a tree branches falling on her house. Mr. Adams believes she is mistaken. He does not believe any branches have broken off and fallen on her house. There is no evidence that any branch of any size has fallen off the tree. Mr. Kern added that she calls the City quite regularly. Mr. Adams believed it is a healthy tree. Mr. Kern stated that the City has removed some limbs but nothing of any great size.
8. **Old Business**- none.
9. **New Business** – none.
10. **Next Meeting – Wednesday, January 11, 2012** – Mr. Parkinson stated he will not be attending next month.

A motion to adjourn at 8:40 a.m. was made and seconded and passed unanimously.

Respectfully submitted,

Jane M. Shouse
Administrative Assistant
Planning Department