

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

MINUTES

**7:30 AM – Wednesday, April 11, 2012
City Manager's Conference Room, 4th Floor, City Hall**

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

Members Excused: John Bohenko

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

1. **Acceptance of Minutes of March 14, 2012 Meeting.** The minutes were unanimously approved.

2. **Tree Removal Requests:**

129 Aldrich Road: Mr. Adams indicated that it looks like a telephone pole. Mr. Parkinson made a motion to remove. Ms. Stevens seconded the motion. The motion passed unanimously.

17 Thaxter Road (2 trees): Attorney Loughlin stated that Michael and Angelique Murray, the homeowners, were present. Mr. Murray stated that the trees were first put on the list because he called about getting them trimmed. He was looking to trim all six trees on his property and he found out that two are on public property. He is against taking them down for aesthetic reasons and for the shade. Attorney Loughlin understood that Mr. Murray had had a conversation with a tree company. Mr. Murray confirmed that he had received three estimates for tree trimming. He was told that the trees were worth saving but it would have to be done by the City. Ms. Stevens went out to look at the trees and she spoke to Kevin Semprini, who lives across the street, who is also against having the tree taken down. Mr. Dupere asked who took the limbs off. Mr. Kern indicated it was DPW. The tree to the right, which has grass growing out of it, was posted at Mark Tanner's request. That is usually a bad sign. The tree to the left has had a major limb removed already. Attorney Loughlin stated that, at one time, Thaxter Road was the most attractive street in the City because of its silver maples. He thought these two trees looked good. Mr. Dupere stated that silver maples have big limbs and hide large cavities in their limbs. He couldn't see from the ground but Mr. Tanner would have a better view from the bucket truck. The tree that is growing grass is rotting on the inside and rotting faster than it is growing. There are a lot of silver maples on the tree and some of the trees have bigger cavities than

this one. An arborist may tell you it will stand up fine but it only a best guess estimate. Without seeing them from up above, it's hard to make an assessment. Mr. Kern was not sure whether the limb on left tree was taken off by the City or whether it broke off. Mrs. Murray asked if trimming the trees would prolong the health of them. Mr. Dupere felt it could help the health of the tree and buy some more time for the life of the tree. They can reduce the sail effect of the canopy of the tree so that the wind goes through it, rather than pushing against it. Mr. Dupere also stated that pruning the trees incorrectly will also speed up their demise. It has to be done correctly. There are a few dead limbs on the trees. Ms. Stevens was not a fan of silver maple trees because they shed their branches when they get older but these trees give a huge amount of shade and you can't replace that kind of tree. She agrees with Attorney Loughlin that there area places they could be pruned but she doesn't see huge limbs that need to be removed. They are beautiful trees however they will start to shed branches which they will then have to deal with. Mr. Adams did not know enough about the tree to make an informed decision. It appears to have a few dead branches and they are both going to leaf out to normal but they should accept the fact that they aren't too long for this world. Mr. Adams made a motion to defer judgment until they get a better assessment of the interior of the tree. Attorney Loughlin added that they should include the provision that they wouldn't take it up again until they reposted it. So, they are not recommending removal at this time but have it monitored like the do with a lot of other trees. Mr. Parkinson suggested that they have Public Works trim out the dead wood, in conjunction with Mr. Dupere. Mr. Adams asked if they could get the resistograph again to determine how much solid wood there is in the trunk of the tree. Mr. Dupere indicated he would be able to borrow that again.

Attorney Loughlin clarified that the motion was to defer removal, to have them pruned and to have Mr. Dupere procure the resistograph to examine the trees and report back. No action will be taken until the trees are re-posted. Ms. Stevens seconded the motion. The motion passes unanimously.

358 Thornton Street (tree on Bartlett Street): This was requested by the homeowner. Mr. Parkinson stated the tree has obviously been trimmed in the past as well as recently. Attorney Loughlin felt it was a fairly important tree for that location. Mr. Dupere felt that this tree was mostly trimmed and not pruned and this was probably done by the utility company. Ms. Stevens made a motion to remove the tree. Mr. Dupere seconded the motion. Ms. Stevens noted that there is space to plant on the other side of it. Attorney Loughlin also noted that it is under the wires so they will need a different species. The motion passed unanimously.

484 Union Street: Attorney Loughlin stated that the landowner called him and said that the contractor could not put the new 5' sidewalk in with it there. They bought their home before the new curbing went in and there were concrete/cinder blocks to protect the rootball and as a result the rootball is elevated quite a bit above the curbing. They would like a replacement tree but they are concerned about the sidewalk width. Mr. Parkinson felt that it seemed like this tree is growing on top of the ground. Mr. Adams made a motion to remove. Mr. Parkinson seconded the motion. The motion passed unanimously.

355 Lincoln Avenue: Mr. Kern reported that this was a request of the homeowner, who lives to the left of the tree. They would like to have it removed because of the way it is leading and the roots on the back side have all been cut and exposed. They were probably cut last year or the year before, as part of the sidewalk replacement. Attorney Loughlin felt that it appeared like a healthy tree. Ms. Stevens asked if it leans over enough into the road so that trucks hit it when they drive by. The

consensus was that it did not. Attorney Loughlin did not see a reason to remove it. Ms. Stevens asked what will happen in the road. Mr. Parkinson stated they are done with the pipes in that area. Mr. Dupere stated he did not have a chance to look at this tree. He made a motion to table this until next month. Mr. Parkinson seconded this motion. The motion passed unanimously.

(Mr. Dupere asked about a tree on Miller Avenue that originally appeared on the Agenda. Attorney Loughlin confirmed that tree did not get tagged.)

3. Follow Up DPW Report from March Meeting re: New Sewer Contract:

Attorney Loughlin reminded the Committee of last month's presentation by Peter Rice and there was a tree at 315 Richards Avenue, at the corner of Richards and Lincoln Avenue that needed to be looked at. Mr. Rice was going to go back and see if they could keep it. Mr. Parkinson stated he had not received anything back from Mr. Rice.

Ms. Stevens indicated there was also a tree at the corner of Richards and Rockland which they had voted to keep but after going back decided it was not a keeper. There is a massive root ball. Mr. Dupere added that they won't be able to remove the curbing without damaging the tree. It is a 6" Norway Maple. Last month's minutes identify it as 247 Richards. Ms. Stevens made a motion to remove. Mr. Adams seconded the motion. The motion passed unanimously.

4. Spring Tree Planting/Lincoln Ave Replanting: Mr. Kern stated that RFP's went out and are due back this Friday. Trees should be in the ground by the end of April or the beginning of May. Mr. Parkinson added that the area of Lincoln won't be ready until the fall. He doesn't want the trees to go in with equipment still running around.

Attorney Loughlin mentioned the tree in front of the Morrisseys. He also asked about Mitch Shuldman's house and whether they were done in that area. Mr. Parkinson confirmed they were putting sidewalk over the last week or so and he would have to check on that.

Attorney Loughlin referred to his email about getting a November Maple. Mr. Kern stated they could get one of those.

Attorney Loughlin asked if they will be holding off on Lincoln Avenue until the fall. Mr. Parkinson stated that was his suggestion as they will still have equipment running around close to the sidewalks. Ms. Stevens assumed that when they are talking about planting they mean anywhere else except Lincoln Avenue and she asked how many trees that would be. Mr. Kern confirmed that and stated they are talking somewhere around 30 trees.

Ms. Stevens felt it would be helpful to go back every year and check on the trees and see how they are doing and do some pruning. Mr. Adams stated that he has been doing that but it should be more of a formal procedure. Mr. Dupere stated it was not too late to still prune.

Mr. Kern stated that the majority of the trees that were lost last year were red oaks and he asked if anyone had any ideas about why that might have happened. Mr. Dupere indicated he would take a look at them. They shouldn't have lost them to any natural conditions. He asked if the contractor knows they are dead yet. Mr. Kern stated he has not formally notified Stratham Circle yet. Mr.

Parkinson thought that maybe because they all came from the same nursery there might have been something going on before they were planted.

Attorney Loughlin mentioned to the Committee that there was an article in the Portsmouth Herald on Sunday by Dennis Robinson. Dennis was aware of City Tree programs in the 19th Century and wondered if the City still has a Tree planting program. Attorney Loughlin discussed with Denis that the City presently has a very good tree program and that the City has aggressively planted and maintained street trees over the past 20 to 30 years.

5. Discussion – Tree Removal Criteria:

Attorney Loughlin stated that Ms. Stevens forwarded something from the Ontario Extension Rules which was very interesting and she suggested coming up with a checklist on making a decision when trees were removed. It would be helpful when they vote to remove a tree and residents get upset, it would show the criteria they used for their decision. Mr. Adams agreed it would be helpful to illustrate information about the tree on its health and history for people who don't understand the process or have strong feelings. Mr. Dupere stated that the Forest Service has a point system that they could use. Ms. Stevens indicated it would be easier to have something in writing to show that it is not subjective.

Ms. Stevens mentioned that the article also spoke to why it was important to keep the older trees. There is value in keeping some trees even though they are not perfectly healthy. It also gives you time to plant one nearby, giving it time to grow before you take the older tree down. Attorney Loughlin noted that it talks about the gap that is created when you remove a large tree and the years it takes to replace it. Ms Stevens stated that trees have a harder time growing than they did 100 years ago.

Mr. Kern asked if the point system takes into consideration their location and proximity to things. Mr. Dupere confirmed that it does and there is some flexibility. Ms. Stevens asked to bring this back to their next meeting.

6. Tree Ordinance Discussion:

Mary Ann Blanchard was present, from the Conservation Commission. Attorney Loughlin stated that the last thing that had happened was that Mr. Adams had made some suggestions at the February meeting which were incorporate into the Ordinance document. Mr. Parkinson asked if they ran Mr. Adams comments by the City Attorney. He suggested at this point that they refer it back to the City Attorney to forward on to the City Council. Mr. Adams remembered that they were asked by the Conservation Commission to give it more thought and he asked Ms. Blanchard if she had anything more specific to offer.

Ms. Blanchard stated that the Conservation Commission did not bring it up again because they understood the Trees and Public Greenery Committee was working on it. Their concerns were about the Board that is created and whether they actually have an arborist as that input is very important. The Tree Warden is not described as someone with those qualifications. The Conservation Commission just wanted to take a look at it after the Trees and Public Greenery Committee finished their work. There is a radical change in treescape for the sewer projects and the damage to trees creates a major change in the treescape downtown. She felt that a thing good to do would be to have the City contracts include a provision for a certified arborist for review. Attorney Loughlin responded

that they discussed some possible provisions in the contracts for a penalty for damage to the trees. His reservation would be if it appeared that the contractor would be responsible for providing an arborist who would make a recommendation and then the City would be bound to follow that recommendation.

Attorney Loughlin indicated that they haven't completely addressed stating that the Tree Warden has to have an interest in trees and it will be someone from the DPW, and traditionally it has been the Public Works Director. If it has to be an arborist it would limit public works and he is leery of whether, as a lay board, they would have to follow the arborists' recommendations.

Ms. Blanchard was not sure the tree warden needs to be a tree arborist but they have not identified anyone as having Mr. Dupere's qualifications. However, if they think they have that expertise in-house then that is what they should go with. Attorney Loughlin confirmed that they are lucky to have Mr. Dupere as a member of the committee but his concern is that if they didn't have someone with those qualifications, and they said to have a trained arborist, would that nullify what the Committee decided. Mr. Adams felt that they offer a broader perspective than an arborist might. Ms. Blanchard felt that the Committee is very independent and that they make their own opinions but she wants to be sure they have enough talent at DPW. Ms. Blanchard felt that another interesting point was that a lot of it is about conversations they have with the community, the residents, the engineers, etc, and it is not always just about the tree. Ms. Blanchard asked if it would be helpful to have a member from the construction community for a broader focus. Attorney Loughlin felt that this Committee is very balanced and has worked out pretty well.

Ms. Blanchard felt it would be helpful to have some statutory structure. She had an interesting conversation with Nancy Carmer about being a Tree Community and that there are requirements to remain qualified. One thing that they have to have is a tree inventory. Mr. Dupere stated they have not done an entire tree inventory as part of the Tree USA Program but they have done sections.

Ms. Blanchard thought it would be nice to have a plan for 25-30 years down the road. In Dennis Robinson's article it stated that downtown trees are very short lived. Mr. Parkinson stated that urban trees are an interesting breed. The trees they took down in Market Square were 20 years old and the things they have been doing to make a healthier environment for their downtown trees prolongs the life of the trees.

Ms. Blanchard understood that they don't want to get into a complicated notice to the abutter but when they are working on public land with more than a single tree then they should have to give some notice. Mr. Parkinson explained that, using the sewer project as an example, all of those projects go through multiple public meetings whereby people were notified prior to. For this Committee they post the individual trees and publish a legal notice but they do not do an individual abutter notice, which is typically covered on the larger projects through their other process of notification and talking to the people about the projects in total. Attorney Loughlin believed that Ms. Blanchard's concern is going into a public lot and doing work. Atlantic Heights and the ball parks all have a very detailed notification procedure.

Mr. Blanchard thanked them for their discussion.

Mr. Parkinson's motion was to refer the existing ordinance to the City Attorney for his final review and then on to the City Council. Mr. Dupere added that at the State level, the rules for appointing a tree warden are currently under review. That will change and should be added into this document. Communities will select and nominate their own person rather than having the State appoint someone.

That may change this ordinance slightly. Mr. Parkinson stated they can say the Tree Warden will be in accordance with State Law. The motion passed unanimously.

7. Old Business:

Ms. Stevens brought up the issue of pruning. They said they would do it last year and they never got to it. She wants to make sure it gets done this year. They talked about getting volunteers but she wanted to just set a date and get it organized. Mr. Kern asked whose direction would this be under as he felt Mr. Dupere would be the appropriate person. Mr. Dupere stated that if they get volunteers, he would go out with the group. Over the last 5-6 years, there have been a couple hundred trees. If they get the City's data base they can schedule a date.

It was agreed to meet on Monday, April 30th at 8:00 am at the park across the street. Mr. Dupere will get a truck for branches.

Mr. Adams stated he was called to see if the Crab Apple tree on the left of the Point of Graves cemetery could be pruned. It might be too high for volunteer

Attorney Loughlin asked Mr. Parkinson if he had paid for the new trees on State Street, across from TD Bank, and the new wells. Mr. Parkinson indicated that they have not paid a bill yet. Mr. Adams stated that they had selected the trees. Mr. Parkinson will follow up.

8. New Business:

Ms. Stevens asked about the Portwalk project where a court decision had recently come down from the Supreme Court. Mr. Parkinson explained that the ruling was about the BOA decision to convert space to a new use and the the parking implications. It does not affect Lot 3. Ms. Stevens asked what will happen to the trees on the Maplewood side of the parking lot that they are getting rid of. Mr. Parkinson stated that a lot of times the landscaper will take them. There is no guarantee on them and the City would have to expend a lot of labor digging them up and replanting them so it's not worth it.

Mr. Kern had a new request from the homeowner at 313 Colonial Drive for the removal of the tree to the left of the driveway and another request from Sara Williams, of 101 Spring Street for the removal of the tree to left of walkway facing 101.

Ms. Stevens has noticed in places where trees have been pruned and half of the branch is taken off. One would be at the Courthouse driveway and another is on Thaxter Road. She wasn't sure who was doing it but thought it might be worth looking at. Mr. Adams indicated that there are other places in Portsmouth, such as along the along south fence at the Lafayette School. Mr. Dupere confirmed that this would harbor insects and disease and that wound will never heal properly until the entire branch is done. The rules for powerline utility work will be changing soon but right now they are allowed to prune around trees without asking for permission.

Mr. Dupere mentioned that 151 and 81 Aldrich Road both have large cavities in them and probably have some issues. They have lost a lot of Silver Maples in that area.

Attorney Loughlin confirmed that the Unitarian Church tree has been taken down.

Next Meeting – Wednesday, May 9, 2012.

A motion to adjourn at 9:50 a.m. was made and seconded and passed unanimously.

Respectfully submitted,

Jane M. Shouse
Administrative Assistant
Planning Department