

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

**MINUTES**

**7:30 AM – Wednesday, May 9, 2012  
City Manager's Conference Room, 4<sup>th</sup> Floor, City Hall**

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

**Members Excused:** John Bohenko; A. J. Dupere, Community Forester; June Rogers;

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

1. **Acceptance of Minutes of April 11, 2012 Meeting.** The minutes were unanimously approved.

Non Agenda Item – A representative from Strawberry Banke advised the Committee that the Rotarians did a great job at the Point of Graves Cemetery. Ted Alex coordinated the work and Justin from the Piscataqua Landscaping Company and his crew did a great job. There were 40+ plants put in. They had to use a Bobcat to get in some loam so they seeded that area but no stones were touched. He understands that bark mulch will be put on top of the loam to help hold the moisture. Allen, the gentleman with him, added that this Committee was the impetus to get this going and he thanked the Committee.

2. **Tree Removal Requests:**

**213 Colonial Drive** (requested by owner) – Mr. Adams asked if the owner explained why it wanted the tree taken out. Mr. Kern responded it was due to pitch on his car and braking up his driveway. He had a meeting with the Manager on Friday and he wanted a bunch of trees removed across the street as well. Ms. Stevens stated it was a silver maple and it appeared to be fairly healthy. It is heaving the sidewalk, just like every tree on that street. There are no trees to the right of it. Mr. Kern advised her that the City removed that tree about five years ago. Attorney Loughlin indicated that this Committee has a long standing policy that if a tree is healthy that they recommend against removing it. Ms. Stevens noted it is far enough away from the house so that branches won't fall on the house. Ms. Stevens made a motion to keep the tree and not take it down. Mr. Adams seconded the motion. The motion passed unanimously.

**Langdon Park** – Across from 1895 Building on Junkins Avenue (requested by DPW) Ms. Stevens made a motion to remove. Ms. Adams seconded the motion. The motion passed unanimously.

**101 Spring Street** (requested by owner) Matt Williams, the owner, was present. He explained that the reason they are asking that the tree be removed is because the trunk is starting to split

and it has spongy bits where the crown splits off. They had work done on the foundation to the left side, which used to be a driveway which went down and underneath the house. They were putting in a little retaining wall and they found out that the original driveway that goes underneath the house was never removed so the tree cannot go down more than 2-3'. On either side of it are concrete retaining walls that come up to about 6" below the surface. They have started doing some landscaping work and would like to remove this tree and add a tree on the other side. Attorney Loughlin planted the tree in its location. Mr. Williams confirmed there was another tree on the other side. Mr. Kern stated there is a tree line along the whole street that lines up perfectly. Ms. Stevens asked if it was a tree that they like or don't like. Mr. Williams indicated that they don't particularly like it. They would like to put in a poplar or a dog wood, something that grows taller as they have a small front yard. He stated it's really because they want to take out the driveway underneath because the water goes down into the basement. Ms. Stevens explained that the Norway maple may look bad but it is probably very healthy. It is like a weed. Mr. Williams stated that one of the Norway maple trees has died and the two across the street are already completely out whereas theirs come out much later. Mr. Adams didn't think a talker tree would be a good idea due to the overhead wires. Mr. Williams meant something that doesn't have the same spread. Mr. Adams felt that a flowering tree would work but not a poplar. Mr. Williams confirmed they would agree to replace a new tree. Ms. Stevens felt it was a tough decision but she understands the issue of water going into their basement. Attorney Loughlin did not realize there was the situation with the walls which is unique. They are always reluctant to move a healthy tree. Mr. Adams' felt the request is reasonable and he noted that they said they would bear the cost of a replacement tree. Mr. Adams made a motion that the tree be removed. Ms. Stevens seconded the motion. The motion passed unanimously. Ms. Stevens asked who takes the tree down. Mr. Parkinson felt that, in this particular case, they would ask the owner to take it down. Mr. Adams asked if the current tree is on City property, perhaps they might want to move it back onto his property. Mr. Williams stated that they had the property surveyed and the right of way is 50' so there isn't much room. Mr. Adams asked if the owner would like to consult with the Committee on replacement trees. Mr. Williams felt that was a good idea.

**45 Coffins Court** (requested by neighbor) Debbie Kohlhasse, who lives across the street, was present and stated that the tree is rotten at the bottom. She distributed pictures to the Committee members. Ms. Stevens thought it was an unbelievable specimen to grow in such a tiny little space. Ms. Kohlhasse added that it tilts towards her house. Mr. Adams felt there was no question that it should be removed. Ms. Kohlhasse indicated that she spoke to the property owners and they did not care one way or the other. Mr. Adams made a motion to remove the tree. Ms. Stevens seconded the motion. The motion passed unanimously.

**3. Hemlock Trees in Haven Park – Woolly Adefglids Infestation** Mr. Adams stated they have also moved into Langdon park. He asked what the cost would be to spray all of these trees. Mr. Kern stated it was around \$600 last time. With Langdon Park added into it, it will be very close to \$1200. Mr. Adams stated they normally spray twice a year. He added they won't go away in his experience. He doesn't advocate immediate action but he felt they should consider removing the hemlocks because in the long term it's going to be costly. Mr. Parkinson stated it will drastically alter the appearance of the parks. Ms. Stevens expressed in interest in hearing from A.J. on the tree life cycle and the damage to the tree. Mr. Adams used to have a huge hemlock hedge and it cost him a fortune to spray it twice a year. Even though they are completely killed, they somehow some back and, if left untreated, the hemlock will be dead in about three year. Ms. Stevens felt it was worth doing some research. Attorney Loughlin will put this on the Agenda for next month and will ask A.J. to weigh in.

**4. Unauthorized removal of Tree at 647 Middle Street** Dan Rawlings had asked them to put this on their agenda. It is the house at the corner of Park and Middle Street where the owner put in a new retaining wall and most felt it was going to be a parking lot and they are doing a nice job landscaping it, however, he turned it over to Mr. Rowlings to express his concerns. Mr. Rawlings stated the tree was actually on Park Street going back to November of 1999 when the Tree Foundation donated some trees to the City and this was one of them. There was a companion golden ranger tree across the street. Two months ago the owner cleared out a large group of forsythia and they also took down a golden ranger tree. Mr. Rawlings felt that was a City owned tree on the right of way that they are not allowed to remove without approvals. It would be a \$650 tree plus installation costs. It seemed to him that the owners should either have approval to remove the tree or be responsible for replacement. Attorney Loughlin asked if Mr. Rawlings has had any conversations with the people doing the work. Mr. Rawlings didn't feel it was appropriate for him to talk to him. Mr. Parkinson confirmed that this project went before the BOA for variances to create a landscaped area (not a parking lot) and received approvals late last fall. There is a retaining wall and a fence for a private area. They did not have permission to cut the tree although they may not have realized they were on City property. Part of the Middle Street sidewalk is actually on their property. Mr. Parkinson suggested that they refer this to the Legal Department for review and action. Attorney Loughlin asked how big the tree was. Mr. Rawlings stated it was a 3 ½ - 4" caliper. Mr. Parkinson confirmed that the BOA approved it and there was a question about the fence and a blocked view so he weighed in on that. Mr. Adams wondered if it was an oversight on their part not to consider the tree. Mr. Parkinson did not believe they addressed the tree and only reviewed the work that needed to take place on the property of the owner. Mr. Rawlings felt that the forsythia that they removed were a big mess and dwarfed the tree so they may have felt the tree was insignificant. Mr. Parkinson did not feel that this Committee can address this and felt it should be referred to the City Attorney's office. Mr. Adams thought if some punitive action was taken they should consider reviewing the provisions in the Tree Ordinance as that sort of thing is addressed there. Mr. Parkinson made a motion to refer this to the City Attorney for further action. Mr. Adams seconded the motion. The motion passed unanimously.

**5. Lincoln Avenue Sewer Separation Tree Removals.** They have had several discussions about planting in this area but as construction is still going on, DPW has asked that no planting be done until everything is buttoned up.

Mr. Rowlings wanted to talk about general policy of replacing trees when one is taken down. Mr. Parkinson responded that they are planting a significant amount of trees every year. Sometimes it takes 6 months to a year before another tree gets replanted. Sometimes people don't want trees replanted in front of their house and the City honors those requests on most occasions. They advertise in the various municipal publications if someone is interested in having a tree put in front of their house. He felt that the City is very active replanting trees. Mr. Kern confirmed they have between 47 – 50 trees on the list for the next two weeks, over and above Lincoln Avenue. Attorney Loughlin added that they wrote to all land owners on Lincoln, Spring, and Miller, advising them of the tree planting program. They have lost a lot of trees but if they are going to replace all utilities and comply with EPA requirements, you are going to lose some trees. This Committee has been very committed to making a big difference in replacing trees. Mr. Rawling was interested in discussing when a tree is approved to be removed, they should look at a replacement tree at that time in a location in the area. Mr. Adams stated it is not always that simple. When you cut down a large tree and have a big stump left there often isn't room to replant a tree. Ms. Stevens stated it also depends on the time of the year whether they can replant a tree and it's cheaper to do it all at once. Mr. Rawling has not seen trees

being replanted in various places. Ms. Stevens asked him to let them know exactly where this has happened.

**6. Spring Planting Schedule** . Mr. Kern indicated they will be starting this week and next week. They have all been staked out and dig safe. Ms. Stevens asked if letters go out to those homeowners. Mr. Kern stated they send letters to all of them and talk to most of them. If a homeowner doesn't want to water the tree then the City doesn't put the tree in as the tree will not survive. Sometimes the City will take on the responsibility of watering a tree if it is an important location. Ms. Stevens asked if they mulch when they plant the trees. Mr. Kern stated they do.

**7. Tree Damage Penalties** Attorney Loughlin stated this was just an informational item. Attorney Loughlin was not convinced it is enough to get the attention of a contractor. He felt it has to be a significant threat or they won't take notice. Mr. Adams agreed and added that at 344 Lincoln there is a tree with a significant gash and the tree will ultimately die. Attorney Loughlin stated they will keep working on that. Mr. Kern stated this is the first time they have included this provision and they will see how it goes.

**8. Tree Ordinance** Attorney Loughlin stated this has gone to the City Attorney for review.

**9. Tree Trespass Case** Attorney Loughlin provided a copy of that as that has come up and he never knew what the law was. There is no New Hampshire case. In a nutshell, the case arose where someone sued their neighbor because the roots of the tree went onto their property and did some damage. The Mass Supreme Court said that is what trees do and they had the right to cut the roots or branches off, but they cannot sue their neighborhood because the roots come in. This was just informational.

**10. Old Business** Mr. Kern had some questions about what trees they voted to remove.

The first tree was at 255 Cass Street, by the gingerbread house. Attorney Loughlin believed they voted to take it down.

The second tree was at 165 Richards. The pin oak is at 315 and they have done quite a bit of work in that area. Mr. Parkinson stated that the Committee asked them to try and get around it. They understand that that tree cannot come down. The tree at 165 is an 18" maple. As there was no consensus, Attorney Loughlin asked everyone take a look at the tree and send him an email by next Wednesday so that he can advise DPW.

The third tree was part of a group of five trees on Miller Avenue. The tree on the corner was saved, and three out of four were voted to be removed. He asked for clarification on which three were to be removed. After discussion, Mr. Parkinson stated he will look at his notes and get back to them.

**Non-Agenda Item:** Ms. Stevens indicated that Mr. Dupere asked her to distribute criteria for when to take a tree down and asked that it be placed on a future agenda. It discusses how to recognize trees that have issues.

**11. New Business**

Karen Rubin, of the Atlantic Heights Neighborhood, came to discuss Hislop Park (baseball park). Their Garden Club has been doing a lot of work to restore tree species in the neighborhood. Near the

area behind the little league field there are a lot of dog walkers on the trails. The diversity of species is declining because there is no undergrowth and what little survives is getting trampled. Because there is so little undergrowth, people don't know where to walk. They are proposing to rope off a few (3 or 4) areas to decrease the number of informal pathways and subsequently hope that the undergrowth rejuvenates. After speaking with Mr. Kern, instead of using rope, they were considering some type of pink flagging or maybe rope with pink flagging on it. They wanted to check with the Committee to see if this was okay. Attorney Loughlin thought that Parks and Recreation might be the proper group to authorize this. Mr. Kern was concerned about the rope being a hazard. Mr. Parkinson stated he will talk with internal staff to see what the appropriate government body would be to review this and he will get back to her. Karen is representing the Garden Club and can be reached at 436-3024.

Ms. Ruben asked about areas in the City where trees are not replanted, she asked if it was because owners sometimes won't agree to water them or whether they just don't want a tree. Mr. Parkinson stated that it varies. Ms. Ruben felt, if it was exclusively because of watering, if it was in an area that had an active gardening committee they could be responsible for the watering. Attorney Loughlin felt that if a committee would agree to water a tree, this committee would recommend that a tree be planted there. Mr. Parkinson added that with all of the construction that has been done in the Atlantic Heights, they have just about run out of space to plant trees on municipal property.

**12. Next Meeting-** Wednesday, June 13, 2012.

A motion to adjourn at 8:30 a.m. was made and seconded and passed unanimously.

Respectfully submitted,

Jane M. Shouse  
Administrative Assistant  
Planning Department