

**TREES AND PUBLIC GREENERY COMMITTEE
City of Portsmouth**

MINUTES

**7:30 AM – Wednesday, January 11, 2017
Portsmouth City Hall**

Members Present: Peter Loughlin, Chairman; Richard Adams, Vice-Chairman; Peter Rice, Department of Public Works; Leslie Stevens; A. J. Dupere; Dennis Souto; Joan Walker; and Dan Umbro. City Arborist Corin Hallowell was also present.

Members Excused:

Chairman Loughlin called the meeting to order at 7:30 a.m.

1. Acceptance of Minutes of the December 14, 2016 meeting.

The December 14, 2016 meeting minutes were approved by unanimous vote.

2. Tree Removal Requests:

260 McKinley Road – Red Maple behind house (requested by homeowner)

Mr. Hallowell stated that the tree had a lot of decay in its base.

Chairman Loughlin asked for a motion. Mr. Souto moved that the tree be removed. Ms. Walker seconded. The motion was approved by unanimous vote.

3. Discussion of Spring 2017 Plantings.

- (a) Species
- (b) Locations
- (c) Bidding
- (d) Notifications to Landowners
- (e) Time of Planting
- (f) Impact of Drought

The Committee commented on Items A through F as a group.

Mr. Hallowell said he had looked at three sites and said the owners of the Marston Avenue site wanted a tree in their yard. He then discussed the issue of planting City trees on private property, saying that he couldn't find examples of it in New Hampshire but knew that Massachusetts had a law stating that a City tree could be planted 20 feet from the property and the owner could take ownership. Mr. Hallowell said that the owner of the Hillside Drive property wanted a tree but that it would have to be planted in the yard since the City only owned a small strip.

Chairman Loughlin noted that the Committee had discussed the same issue in regards to the property on South Street opposite the top of Marston Avenue and said it made sense in that situation because there was no reasonable site on City land. He said he thought it was reasonable for the City to plant a street tree as opposed to a tree back further on a lawn because it framed the road and added to the streetscape. Mr. Hollowell asked whether the City would own the tree and maintain it or if the homeowner would own and maintain it after the tree was established. Mr. Rice said that the City would have to have an easement, and it was further discussed. Mr. Croteau said that using public funds for private property was a big hurdle. Chairman Loughlin said he would classify it as a public/private partnership and thought it was a good investment if the tree added to the streetscape.

Mr. Rice said there had to be a mechanism to define it because it could be looked at by other citizens as favoritism. He said it would be public money spent on private property and asked how it would be prioritized. Chairman Loughlin suggested that the Committee draft a policy as a guideline. Mr. Rice said they would need a Memorandum of Agreement stating that the owner understood that the City would not be liable for the tree once it was planted. He also noted that a two-year period would create another level of operational expense in order to keep track of the trees and then follow up on them. He said he didn't think it was appropriate for the Committee to make that decision.

Chairman Loughlin suggested telling the homeowner to plant the tree and commit to maintaining it. Mr. Hollowell said that wouldn't happen because people wouldn't water the trees. He said that if the City watered the tree for two years and then left it to the owner to maintain it, then the City would get a benefit, and he felt that the investment was minimal compared to planting and maintaining the tree for 30 years or so. Mr. Rice said that the costs needed to be acknowledged and tracked, and that he was supportive of the two-year concept but felt that there were consequences when public money was spent on private property. He also said it could set a precedent.

Vice-Chair Adams said the memorandum should include a statement saying that it was an exceptional case and that it was the judgment of the Committee that there would be sufficient public benefit. A neighbor could then be shown the memorandum and would know that it didn't apply in his case.

Mr. Dupere noted that the City of Concord had a program whereby they had a nursery with different tree species that residents could avail themselves of if they took a small class in tree maintenance. He said that Mary Tebo had been involved and that he would contact her to find out more information.

Chairman Loughlin said that he would draft a policy and memorandum and distribute it to the Committee members. He said he thought that a two-year commitment made sense. Mr. Rice asked whether a certain portion of trees could be allocated to the public during a year that the City had plenty of trees on City property, or whether they would do it case by case. Mr. Hollowell said it was done in Massachusetts and suggested that the Committee use their idea whereby there would be an agreement that the homeowner would own the tree but that the City would get a benefit out of it. It was further discussed.

Mr. Rice said that the City had evolved into a more professional approach using guidelines and standard operating procedures that helped his staff give reasons why they could or could not plant a tree on private property. He said it was just a matter of ensuring that it was clear.

Chairman Loughlin said he would draft a document for discussion for the February meeting.

Mr. Souto said that if the City had enough trees to utilize resources and plant them on public ground, he felt that should be the priority, but if there was a year that the City had extra resources left over for available public land spaces, he felt that the City could consider private locations.

Mr. Hallowell noted that there was currently an extreme drought and that it wouldn't make sense to plant trees in the spring if the drought continued, due to the water restriction. He suggested that if the drought continued into March, the City could postpone the planting either to the autumn or altogether. Mr. Dupere asked whether the water could come from a spring. Mr. Hallowell said it wouldn't look good to citizens who couldn't water their grass. Mr. Rice agreed, saying that some people spent thousands of dollars on their properties yet couldn't water them. He said the City needed to forewarn landscapers of the drought so that they could advise their clients that the City wouldn't permit watering. Ms. Stevens said the message needed to be sent out immediately due to the current drought, and Mr. Rice said that the water restrictions had not been lifted.

Chairman Loughlin brought up the issue of bidding and asked whether the City should include a statement in the bid that indicated it was subject to determination, given the drought. Mr. Croteau said a statement was already included that said the City reserved the right to exercise the bid or not. Mr. Rice said it might help to include reasons. Chairman Loughlin said they could emphasize the drought.

Chairman Loughlin asked about the status on the timing of the bidding. Mr. Croteau said he had the list but had to submit it to the Purchasing department. Mr. Rice said the bidding would be out in February and open in March. Chairman Loughlin asked whose responsibility it was, and Mr. Croteau said it was his responsibility. Mr. Rice said the bidding would be out within two weeks. Chairman Loughlin asked when it would say that the trees would be planted, and Mr. Croteau said it would state that trees would be planted no later than June 1.

Chairman Loughlin said he would draft the letter regarding homeowners whose properties would receive a City tree and that Mr. Rice would send it out.

Chairman Loughlin asked what species would be available for 2017. Mr. Dupere replied that most of the species would be available, but noted that some of the trees would look rough because they were left over from the previous year and drought-stricken.

Chairman Loughlin summarized the following: 1) he would draft a Memorandum of Understanding for the landowner, 2) a policy concerning planting would be written; 3) the bids would be out with in the next month, and 4) the Committee would keep the drought issue in mind.

Mr. Souto asked whether monetary resources would be lost if the City took a year off from planting. Mr. Rice said they would lose their operating resources but that the capital portion of it would be encumbered. He said that Mr. Hallowell would still use the operating resources, however. The Committee further discussed the drought conditions and possible consequences.

Mr. Rice stated that he would proceed with the bid and update the Committee in February and that he and the Planning Department would also work on a statement regarding forewarning landscapers.

Ms. Walker asked what had happened to the City's Rain Barrel Program. Mr. Rice said it was funded through the Stimulus Program in 2009 and that they were considering revitalizing it.

4. Old Business

There was no old business.

5. New Business

Mr. Hallowell asked the Committee members to think about locations and contacts for memorial trees. He noted that there was a homeowner on Peirce Island whose elm tree was dead and said the tree would be placed on the replacement list. He added that it would be good public relations to get in touch with the groups to let them know that the City was addressing the issue. Mr. Rice said he would look into it so that it could be documented at a later date.

6. Next meeting: Wednesday, February 8, 2017.

The meeting was adjourned at 8:10 a.m.

Respectfully submitted,

Joann Breault
Recording Secretary