

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

**MINUTES**

**7:30 AM – Wednesday, February 8, 2017**

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

**Members Excused:** Dennis Souto; A. J. Dupere

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

**1. Acceptance of Minutes of the January 11, 2017 Meeting.**

*The January 11, 2017 minutes were **approved** by unanimous vote.*

**2. Tree Removal Requests**

There were no tree removal requests.

**3. Update on Spring 2017 Plantings.**

Mr. Hallowell stated that letters were sent out Monday and that all the species had been chosen. He said that ANSI 300-6 was used as a base standard and that he also added City of Portsmouth planting specifications. He distributed a few handouts, which included the list of chosen species for the plantings, the Cooperative Extension Report Summary for the soil tests, and an article on preferred soil pH ranges. Mr. Hallowell said that they would do a pre-bid and let the contractors know what was expected of them.

Chairman Loughlin asked about the issue of holes being hand-dug. Mr. Hallowell replied that, unlike hand-dug holes, machines tend to dig too deeply, causing the tree to settle too far below the proper depth.

Chairman Loughlin asked whether there were exceptions made for burlap and cages. Mr. Hallowell said there were not, and it was further discussed.

Chairman Loughlin asked if amending the soil with more than 20% compost would have a beneficial effect on newly-planted trees, and if doing so would have a desirable result similar to using silva cells. Mr. Hallowell explained that the reason no more than 20% compost was added was because it was common practice. He further explained how tree roots would have trouble growing in soil that wasn't native and said that a silva cell was a creation of an area under the street for the tree to grow.

Chairman Loughlin asked whether the roots would penetrate out of a hole in the sidewalk that was gravel with no native soil. Mr. Hallowell said they would not but noted that most of the City's trees

were planted in a green strip that already had soil. Vice-Chair Adams asked whether each site would have a soil evaluation. Mr. Hallowell agreed and said that the City would learn more about silva cells and hopefully work with them more in the future.

#### **4. Draft Policy on Planting Trees on Private Property.**

Chairman Loughlin reminded the Committee that they had discussed the policy at the previous meeting and agreed that there would be cases where the City would plant trees on private property.

Vice-Chair Adams asked whether the City would be absolved of liability once the tree became the property of the landowner. Ms. Stevens asked whether the tree would be considered a gift from the City to the landowner or whether the City would continue to own the tree. Chairman Loughlin said the City would maintain the tree for two years but have no further responsibility for it.

Mr. Hallowell said that an advantage of the City owning the tree and doing the maintenance would be promoting the planting of large shade trees. Due to more utility regulations and limiting factors, he felt that in 40 or so years, there would be 20-ft trees mostly growing in the City and no large shade trees lining streets anymore. He asked what was different between putting a tree in a green strip or in a nice yard and maintaining it for the owner. He said it would benefit the City and the community. He also noted that the City could get an easement for maintenance on the private property.

Chairman Loughlin said he thought the statute referred to a homeowner giving approval and felt that it might intimidate citizens if they were told that the City was absolved of liability. He said he wondered how many landowners would want to encumber their property with an easement and thought that there could be a middle ground where the City could get the effect without recording it in the Registry.

Mr. Rice said he understood the desire to expand the areas so that large trees could be planted, but he felt that it blurred the line between public responsibility and private responsibility because someone else could ask why the City wasn't maintaining their trees. He said he didn't think that the liability issue had to be flagged but that it could be said that the tree was the homeowner's after a period of time. He said the City would not take on unlimited liability for maintaining the trees on private properties because it would open a can of worms and would create a formal process that would encumber people's properties. He suggested that it be reviewed with the Legal Department.

Chairman Loughlin asked whether Mr. Rice was concerned with the long-term commitment. Mr. Rice said he was less concerned with a two-year commitment but felt that a long-term one would have legal issues and would commit the City to future expenses. He referred to the bike paths at Pease International that the City installed and said the City was now committed to plowing and maintaining them as well as taking care of invasive species along the road.

Chairman Loughlin said that the policy could be narrowed and state that the City would plant a tree on private property and maintain it for the first two years, after which the homeowner would be responsible for it. He said he thought it would be difficult to get most citizens to agree that the City could access their property to deal with the tree, and he wondered whether the City wanted that responsibility. He said it was a balancing act. Mr. Rice said he felt it blurred the lines between the City's obligations to homeowners and taxpayers and didn't know if it was an appropriate municipal function. It was further discussed. Mr. Rice said he would prefer to identify a budget that included the cost of trees, planting and maintenance so that the City Council could understand the issue.

Chairman Loughlin said he would send the draft policy to City Attorney Sullivan.

Mr. Rice asked Mr. Hollowell to draft a memo on the subject, using a proposed five trees per year for budget planning purposes.

**5. Draft Letter to Landowners Regarding Planting of Trees on Private Property.**

Chairman Loughlin suggested sending the draft letter to City Attorney Sullivan.

Ms. Stevens referenced Mr. Hollowell's comment about the size of trees that the City was planting, noting that a lot of them were medium sized. She said Mr. Hollowell's point about planting medium-sized trees due to utility regulations was well taken and felt that a bigger tree should be planted if there was an opportunity to do so. Chairman Loughlin noted that a 20-ft tree played a critical role and would be seen instead of just open space. Ms. Stevens agreed but thought the benefit of planting a bigger tree with a bigger canopy would be huge.

**6. Old Business.**

There was no old business.

**7. New Business.**

There was no new business.

**8. Next Meeting: Wednesday, March 8, 2017.**

The meeting was adjourned at 8:12 a.m.

Respectfully submitted,

Joann Breault  
Recording Secretary