



**LEBANON TREE ADVISORY BOARD
MAY 1, 2023 - 5:30 PM
MEETING ROOM 1, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

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- 1. Call to Order**
 - 2. Approval of Minutes**
 - A. April 3, 2023 DRAFT Minutes
 - 3. Old Business**
 - A. DRAFT Tree Ordinance
 - B. Urban Heat Islands - Next steps
 - C. Tree Warden position
 - 4. New Business**
 - A. DPW Maintenance Manager, Patrick McCarthy: Replanting of trees
 - B. City Manager meeting review
 - C. IRA Grants
 - D. DEI / Conservation Commission / TAB plan for planting
 - 5. Other Business**
 - 6. Adjournment**

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

City of Lebanon
Tree Advisory Board

Draft* Minutes, Monday, April 3, 2023 at 5:30pm

Meeting Room 2, City Hall or remote via virtual platform lebanonnh.gov/live

(Questions are in red.)

MEMBERS PRESENT (7/7): Kathleen Corrigan, Charlie DePuy, Andrew Garthwaite, Kelsey Haigh, Susan Johnson, Mary Maxfield, Sarah Riley

MEMBERS ABSENT (0/7):

STAFF PRESENT: Paul Coats (Director, Lebanon Parks and Recreation)

1. CALL TO ORDER: The meeting was called to order at the usual time
2. APPROVAL OF MINUTES: Minutes of our last meeting on 3/6/23 were approved unanimously.
3. OLD BUSINESS:
 - a. **Tree Ordinance* discussion (Kelsey, Sarah, Susan)**
 - i. Process-related: (We should all read the ordinance and add comments to it, the appendices, and other supplemental info.)
 1. If any department is going to cut down trees, they should notify the TAB and public.
 - a. (Susan) Lawyers might have a role here.
 - b. Paul will ask the cemetery sexton what process they used.
 - c. We should clarify with AJ what are right of way trees and what are public
 2. We need to run our draft past AJ again, Parks and Rec, DPW
 3. We need to put in our comments on the google doc and even make changes It's okay to work on our google doc together in between meetings but not make decisions and then be willing to share at our next meeting
 4. Paul will check with the Planning Dept regarding whether we can change the appendices or document itself.

- ii. Content-related: (Again, we should all read the ordinance and add comments to it, the appendices, and other supplemental info.)
 - 1. Susan wants to take out some of the specific dimensions on the document.
 - 2. Setback criteria for minimum distances—on page 16 in agenda packet
 - a. Try to set standards low so that we can plant trees.
 - b. Kelsey: Use this as a checklist. There are differences in the ways the city and state maintain trees.
 - c. See definition of setback trees. This might be critical for any tree planting program. This might be critical to our work.
 - 3. Tree lists
 - a. The long one in the ordinance will replace the short one. (I don't understand this reference, though I'm trying to get these notes done quickly enough to skip looking it up. Is this related to the next item? Might someone suggest a revision to this point?)
 - b. The Planning Board already has such a list but we think it's old, and we'll make our own, hoping they'll adopt.
 - c. Page 19 = recommended species.
 - 4. Maintenance—see pg 5 of 21
 - a. We can't intervene on private property, but site plans have to be approved and enforced.
 - b. Sarah thinks we need to tweak some of this because of what happened at the cemetery.
 - 5. Topping—see pg 6 of 21
 - a. We're concerned about getting the ordinance out so we can't get too far into details
 - b. Did we just suspend that part of the discussion, then?
- iii. Susan and Paul will get the ordinance out to us for comments before our next meeting.
- iv. Sarah: Important to share with other departments, too, for transparency and respect.
- b. Urban Heat Island Project—a review and follow-up:**
 - i. Charlie and Mary intend to share the slide show/presentation with public and private
 - ii. Before then we need to check in with John Tietjen at LHS and Mark Goodwin of the Planning Dept about getting GIS maps for the slide

show. A pdf would be okay, but not quite as good as ArcGIS for the presentation and moving forward.

c. Meeting with the Cemetery Sexton and talk with DPW—a review:

- i. 19 trees were taken down. It takes about \$2000 to take down one tree = ~\$40,000. We can't turn back history but we can look to the future with a planting plan.
- ii. Paul asked about what criteria were used for taking the trees down.
 1. Every tree that came down was diseased, had root rot, or was on cables.
 2. These trees were identified years ago, so it wasn't so terribly abrupt. An arborist was involved.
- iii. Is there a proactive program we could use? Some of us wish we had a plan to, say, remove 2 and replace 2 each year. If an ordinance had been in place, we could have spoken up, and the whole neighborhood could have known...Years ago, an oak was removed, and a PSA was sent out. Conversely, this year, a linden was removed by Lucky's, and no PSA was sent out. The point is that we need best practices upon which everyone can rely.
- iv. Sarah suggested that perhaps we could collaborate with the cemetery board regarding planting new trees there.
 1. Paul: We have some maples.
 2. Kathleen: Maybe the cemetery has models for how and where.
- v. The next cemetery commission meeting is Tues 4/11 at 5pm, including the sexton. We should ask to get on their agenda at least 3 days in advance of the meeting.
 1. Andrew volunteered to do this.

4. NEW BUSINESS

a. Tree Master Plan (see pg 13 of 21)

- i. First we have to finish the tree ordinance.
- ii. But then a tree master plan is important. This would provide us with a strategic set of goals on a [five year, ten year?] timeline.
- iii. Charlie: Having a master plan in place will help with grants.
- iv. Susan: It might be good to add the setback trees concept to the master plan.
- v. A tree master plan could be a collaborative product of TAB, the Conservation Commission, Sustainable Lebanon, etc.

b. Site Plan Review

- i. A bunch of us had trouble reading the documents [A](#) and [B](#) that Paul had sent to us. Susan suggested that what worked for her was to put them into Acrobat to make them readable.
- ii. The site being reviewed here is by Target and Chili's.
- iii. Developers asked for waiver of 30% and no proposal for mitigation.

5. OTHER BUSINESS

a. Arbor Day

- i. Sarah wondered whether we could work Arbor Day into a public education event.
- ii. I don't know where we went with this!

6. ADJOURNMENT: Meeting adjourned at 7:15pm.

7. NEXT MEETING: May 1 at 5:30pm

Respectfully submitted,
Mary Maxfield, Recording Secretary

City of Lebanon Tree Ordinance - DRAFT

1. Purpose

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

2. Policy Statement

Urban and Street Trees are an important aspect of Lebanon's infrastructure, not mere decorations. Trees and greenspace contribute significantly to the walkability of the City and the character of its neighborhoods. Trees are a critical tool in combating urban heat islands, as they cool their surroundings through transpiration and provide shade; they will contribute to the health of our residents as extreme heat events become more common.

Trees provide environmental and economic benefits. They:

- reduce pollutants in the air and water
- provide wind breaks
- provide shelter and food for wildlife and pollinators
- enhance property values
- and attract visitors for recreational activities

3. Goals

The following policies and guidelines focus on maintaining and enhancing Lebanon's valuable public and private trees so they remain a prominent part of the community's identity, culture, and history, while also providing shade, habitat, ecosystem services, and beauty. This ordinance will improve care and management of single trees and tree populations in Lebanon. The ultimate goal of this ordinance is to increase tree density in "urban" Lebanon to 40% coverage, similar to that of New York City. The ordinance lays out the benefits of a comprehensive tree-planting plan in identified heat islands, supporting tree planting in areas that directly involve pedestrians, especially vulnerable populations: sidewalks, streets with no sidewalks, bus stops, and parking lots. Saving and creating parks and green spaces in urban Lebanon, even while population increases, will preserve the health of our community.

Increased tree inventories ultimately increase the health of residents and visitors, mitigate heat islands and improve the function and health of our environment. Private property owners can find information to encourage planting and maintaining their trees.

4. Definitions

Arborist

An arborist is a licensed and ISA Certified tree expert.

ANSI Standards

Tree industry best practices are kept current in the *ANSI Standard A300* most current edition

DBH, or Diameter at Breast Height

Method of taking a standard measurement of a tree, in inches, 4.5 ft above the ground.

Drip line

A vertical line running through the outermost portion of the outer branch tips of a tree and extending to the ground.

Heritage Tree

A tree with historical significance.

Nuisance Tree or Shrub

A nuisance tree or shrub is one that is considered invasive to the area, such as burning bush. Also, any healthy tree or shrub that causes significant displeasure to a human due to leaves, fruit, or other droppings; inappropriate shading; causing significant physical damage to a private or public structures and/or infrastructure, personal taste, or other personal reasons.

Protected Tree

A Protected Tree has been designated as valuable due to certain characteristics, such as historical significance, age or size, or native trees.

Public Places

Includes all streets, highways, parks, pocket parks, cemeteries, easements, or other grounds owned by the City.

Public Tree

Any tree or woody vegetation being rooted on land owned by the City of Lebanon, including trees in rights-of-way, public parks, cemeteries, and other public grounds.

Rights-of-Way

Scenic Road

The state of New Hampshire's regulations for roads designated as Scenic can be found in [NH Rev Stat § 231:158 \(2015\)](#)

Shade Tree

A tree which can provide shade at maturity. Leb Site Plan Regulations specify "a tree that can attain a height of more than 30 feet."

Street Tree

Any tree or woody vegetation planted within a City right-of-way, whose purpose is to provide greenery and shade along a public street.

Tree Advisory Board

The City has previously established a Tree Advisory Board to facilitate the goals of this ordinance (<https://lebanonnh.gov/1531/Tree-Advisory-Board>).

Tree Warden

The City will strive to appoint a Tree Warden to facilitate the goals of this ordinance. This position may be volunteer or funded by a stipend for a part-time position. **The Tree Advisory Board shall be responsible for writing the job description for the Tree Warden.**

Urban Forest - Lebanon

All City land that is NOT designated “rural or “conservation” on the Master Plan’s future land use map. (Charlie 11/1)

Urban Forestry

Care and management of single trees and tree populations in urban settings for the purpose of improving the urban environment

5. Planting

5a Tree Species to be Planted

All species planted by the city on public property, as Street Trees or in parks or other green spaces, shall be from the approved list for the City of Lebanon ([Appendix A](#)), a copy of which shall be maintained in the Planning Services Department. The planting of nonconforming species can be appealed to the Tree Warden.

5b Planting Technique

The base of the City of Lebanon Tree Planting Requirements is the *ANSI A300 Part 6 Standard Practices for Planting and Transplanting*. The Department of Recreation, Arts, and Parks has written information covering best practices for planting and mulching.

All agents of the city shall be informed of the correct planting technique for trees and shrubs. Anyone planting on behalf of the City of Lebanon should first learn the difference between the root flare and the graft union. Trees shall be planted with the root flare left visible above the ground level.

5c Mulching

If the City or its agents apply mulch around public trees in order to prevent damage from lawn equipment and/or to preserve moisture, they shall follow best practices: applying no more than 3” of mulch to the ground surface under the tree dripline, and taking care to prevent any mulch from touching the tree itself.

5d Watering

New trees and shrubs should be checked and watered every other day for the first two weeks, taking rain into account, and once a week for the next month. Water bags can be used as an alternative.

5e Staking

Tree stakes are not required in new plantings, but may be used as extra protection from high winds or when the tree is planted in areas with heavy foot traffic. Any tree support used shall be removed after one growing season. Proper stake and tie placement: straps should not be tight around the trunk. The opposition of two to four straps should be tight enough to hold a tree upright, but loose enough so that it can move slightly in the breeze. The straps should reach the tree no more than two thirds up the trunk.

6. Street Tree Placement

6a Distance from Curb and Sidewalk.

Currently covered in [Appendix A](#).

6b Distance from Street Corners and Fire Hydrants.

Currently covered in [Appendix A](#).

6c Sight Distance

Add reference to any Site Plan Regulations requirement. A clear sight triangle can be confused with a clear [sight distance](#).

6d Utilities

Currently covered in [Appendix A](#).

6e Tree Pit Size

Currently covered in [Appendix A](#).

Connected tree pits, strips, or trenches, are preferred for promoting tree health, and are subject to spacing guidelines in Appendix A.

6f Other Considerations

Abutting property context i.e., don't plant immediately in front of the most important features of a building, like its main entrance and/or in a high traffic area that would result in a bottleneck or reduced accessibility (e.g., not at the narrowest section of streetscape/sidewalk).

6g Tree Replacement

Healthy street trees $\geq 6"$ DBH that are approved for removal shall be replanted with two trees. When street improvements are made to partially or fully unimproved streets, healthy trees $\geq 12"$ DBH which are removed shall be replanted with two trees. If space is inadequate at the site, the additional trees shall be planted in other public locations agreed upon by the planning board or the tree board.

7. Maintenance

7a-1 Public Tree Care

The City shall have the right to plant, prune, and maintain (but not remove) trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the beauty of such public grounds.

7a-2 The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or **which is proven injurious** to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. A tree already placed in the vicinity of underground utilities shall not be removed in order to prevent possible damage to those utilities. **Roots will only grow into sewer and water lines that are broken.**

7a-3 Any plan to remove any tree on city property, or any tree or trees in a highly public location, shall be announced to the Tree Board and to the public two weeks ahead of time, with the reasoning behind the plan. Any objections to that removal can be brought by any City resident to the Tree Warden or the Tree Board, at which time the removal shall be delayed until further investigation has been done. An exception to this regulation is any tree which shows imminent danger of collapse after a storm or other partial breakage.

7a-4 The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign, or impedes pedestrian traffic on sidewalks, or interferes with winter sidewalk clearing by plow. All trimming shall be done in accordance with accepted tree surgery practices.

7b Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance **at the determination of the City Tree Board.**

7c Cutting/trimming of limbs

No person, aside from **DPW, RAP, Tree Warden, Tree Board, or persons deputized** by these groups, may cut or trim any publicly owned trees without permission **from the Tree Warden or Tree Board.**

7d Removal of Privately Owned Trees

Any tree that falls into the City right of way from private property shall have those parts on public land removed by DPW. The remainder of the tree is the responsibility of the owner.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease that constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

7e Inventory Maintenance

An ongoing tree inventory of species, size (DBH), location and condition, shall be created and kept up to date within City software or a similar database, so that maintenance schedules can be created, and trees vulnerable to new disease threats can be monitored quickly. Tree inventories will aid in identifying heat islands - areas with significantly fewer trees. The tree inventory database shall remain accessible to the Tree Board and/or the Recreation, Arts & Parks Department, for editing, additions, and removals.

7f Training

All volunteers/personnel with a role in the design, installation and maintenance of street trees shall be provided with training which at minimum comprises the planting instructions contained in this ordinance, to be provided by AJ Dupere and associates (or a local tree professional if that is not possible) on a yearly basis, or more often if required by staff hiring. This shall include the City engineers who inspect development projects approved by the Planning Board, to ensure the Site Plan Regulations for landscaping have been properly followed.

8. Nuisance Tree Removal

Any invasive species on the list, see Appendix A (which is to be maintained by the tree warden and/or the tree advisory board), that is found on city property shall be considered for removal. Proper disposal procedures shall be followed for plants whose cuttings can still propagate. For example, freshly cut burning bush or knotweed may not be put in the yard waste stream of the City landfill.

Any healthy tree or shrub can be brought before the Tree Warden or Tree Board if a resident considers it a nuisance and wants to request its removal. The default result shall be to retain the tree unless the complainant can persuade the Warden and/or Board of the extent of the nuisance.

9. General Provisions

9a Public Accountability

It shall be a violation of the provisions of this ordinance for any person to abuse, mutilate, or destroy any tree on public property or to attach any wire, rope (except for supporting a broken

tree or young sapling), sign, poster, or allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with their roots, trunks, or leaves.

9b Construction in Vicinity of City Trees

Based on https://www.cityofportsmouth.com/sites/default/files/2020-09/TreeProtectionPlan_0.pdf

Any construction within 10 lateral feet of Public Trees requires consultation with the City Tree Warden who may provide specific written recommendations for additional protection of trees, based on American National Standards Institute – A300 or the current version available at the Planning Department.

9c Arborist and Bond

Before securing a contract with the City for arboricultural services, a contractor must have possession of liability insurance in the minimum amounts of \$1,000,000 aggregate, general liability per occurrence indemnifying the City or any person injured or damage resulting from the pursuit of such endeavors as herein described. All tree work performed on Public Trees must conform to the most recent ANSI A300 Standards.

Any licensed arborist paid for consultation with the Department of Public Works has authority equal to the city Tree Warden as described in this ordinance, in the event that the Tree Warden position is unoccupied. Any licensed arborist who volunteers their services to the City via the DPW or the Department of Recreation, Arts and Parks can be given the authority to make similar decisions as described. Trail rangers and forest wardens engaged by the city to maintain forested areas of Lebanon are not required to consult with the Tree Warden, but are welcome to.

9d Penalties

Any person violating any provision of this ordinance shall be subject to a fine of \$50.00 for each offense, with each affected tree considered a separate offense; and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

9e Severability

If any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force.

10. APPENDIX A

The tree lists and the setback measurements are being gathered in a separate document. Find the updated content for these lists at [Where to plant next](#) . Tabs at the bottom of that spreadsheet will take you to “Planting Criteria,” Tree List,” and “Prohibited Species.”

Outline (retroactive)

Purpose

Policy Statement

Goals

Definitions

Planting

- Tree Species to be Planted

- Planting Technique

- Mulching

- Watering

- Staking

Street Tree Placement

- Distance from Curb and Sidewalk.

- Distance from Street Corners and Fire Hydrants.

- Sight Distance

- Utilities

- Tree Pit Size

- Other Considerations

- Tree Replacement

Maintenance

- Public Tree Care

- Tree Topping

- Cutting/trimming of limbs

- Removal of Privately Owned Trees

- Inventory Maintenance

- Training

Nuisance Tree Removal

General Provisions

- Public Accountability

- Construction in Vicinity of City Trees

- Arborist and Bond

- Penalties

- Severability

APPENDIX A

Short list of Tree Ordinance References

Best, most thorough:

- https://www.isa-arbor.com/education/resources/educ_TreeOrdinanceGuidelines.pdf

An awesome guide, even if it's from out of state:

- <https://www.mass.gov/doc/tree-bylaw-and-ordinance-guide/download>

A how-to from the Arbor Day Organization:

- <https://www.arborday.org/trees/bulletins/coordinators/resources/pdfs/009.pdf>

Out-of-state or generic examples:

- <https://www.portland.gov/code/11>
- <https://www.arborday.org/programs/treecityusa/graphics/sample-tree-ordinance.pdf>
- San Francisco Guidelines for Planting Street Trees (Reiskin, Edward D. "Regulating The Planting, Maintenance, Or Removal Of Trees And Landscape Material On Public Sidewalk Areas And Superceding." Department of Public Works, City & County of San Francisco, CA: 2010.) <https://nacto.org/references/san-francisco-department-of-public-works-2/>

Some examples from NH/New England:

- https://www.somersworth.com/sites/g/files/vyhlif1226/f/uploads/chapter_33-tree_ordinance.pdf
- [Lawrence, MA Green Streets Program](#)
- Portsmouth NH:
 - https://www.cityofportsmouth.com/sites/default/files/2020-09/TreeProtectionPlan_0.pdf

- <https://www.cityofportsmouth.com/sites/default/files/2019-03/City%20of%20Portsmouth%20Tree%20Planting%20Requirements%202017.pdf>
- https://www.cityofportsmouth.com/sites/default/files/2020-01/Tree%20Planting%20Detail_0.pdf

From Rebecca Owens: check out the nutrition label and cross-section "benefits" images

<https://www.pewtrusts.org/-/media/assets/external-sites/health-impact-project/gwl-green-streets-hia-report-final-with-appendices.pdf>

Other Notes:

<https://lebanonnh.gov/DocumentCenter/View/2084/2017-02-07-Complete-Streets-Policy-PDF>-
measure of success: number of street trees planted

checking Zoning Ordinance, Subdivision Regulations, and Site Plan Review Regulations

Perhaps register for <https://livingarchitectureacademy.com/p/street-trees-and-community-wellbeing>

City of Lebanon Policy Statement on Design and Construction Standards for Streetscapes
(June 27, 2012)

<https://www.arboday.org/trees/bulletins/coordinators/resources/pdfs/009.pdf> :

“there should be an appended *standards and specifications document*. This presents detailed guidelines for arboricultural practices such as planting and pruning, tree care, removal, landscaping, contracting, and similar activities that are important in any community forestry program. It is recommended that the standards and specifications section be a separate but companion part of a municipal ordinance. This is because including such a large amount of detail directly in the ordinance itself is cumbersome and difficult to change.”

https://cdn.ymaws.com/www.asca-consultants.org/resource/resmgr/tree_ordinances/urban_tree_conservation_a_wh.pdf

Reasonable ordinance provisions can be struck down by courts if they are not clear enough. Terms such as —minimal disturbance to the natural topography,|| —protection of the maximum number of mature trees,|| and —minimized to the greatest degree possible under the particular circumstances|| have been struck down for being too subjective.¹⁶ This concern, however, should not lead to an ordinance draft with too much technical detail. Such specifics can change quickly and should be included in a management strategy or plan that is more easily modified without having to go through the legislative process.

Setback Trees on private property <https://www.mass.gov/doc/tree-bylaw-and-ordinance-guide/download>

<https://www.portland.gov/sites/default/files/2020/street-tree-planting-standards-2-26-20.pdf>

