



**LEBANON TREE ADVISORY BOARD
OCTOBER 9, 2023 - 5:30 PM
MEETING ROOM 2, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

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- 1. Call to Order**
 - 2. Approval of Minutes**
 - A. September 25, 2023
 - B. September 11, 2023
 - C. July 25, 2023
 - 3. Old Business**
 - A. Review Tree Ordinance and Policy
 - B. School Street Cemetery Plantings Update
 - C. Tree Warden Update
 - 4. New Business**
 - A. Review Planning Submissions with Landscape Plans
 - 5. Future Agenda Items**
 - 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.

AGENDA
Tree Advisory Board
October 9, 2023

AGENDA ITEM 2
Approval of Minutes

A. September 25, 2023

City of Lebanon
Tree Advisory Board
Draft* Minutes, Monday, September 25, 2023 at 5:30pm
Meeting Room 2, City Hall and remote via virtual platform lebanonnh.gov/live
(Questions 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 ABSENT: Patrick McCarthy (DPW/TAB)

GUEST PRESENT: Shaun Mulholland (City Manager)

- I. CALL TO ORDER: The meeting was called to order at 5:32pm.
- II. APPROVAL OF MINUTES: We were not able to review minutes from our last two meetings on 7/25/23 and 9/11/23. We will do so at our next regular meeting.
- III. NEW BUSINESS: There is only one agenda item for this evening's meeting: A discussion with Shaun Mulholland about options associated with the city's obligations regarding our IRA/urban forestry grant to plant trees.
 - A. The city's (in-kind labor of city employees) and volunteers' contributions must account for \$244K as our match toward the total grant of \$488K. The city must figure out how to get \$107K now—to be divided over the next five years.
 - B. Here are some options toward securing that 107K:
 1. The Council appropriates the full amount of the matching funds through property taxation and places the funds in account. This would happen on December 13.
 2. The Council diverts the land use change tax that presently goes to the LOST Fund to this urban forestry fund until the match amount is collected.
 3. We obtain donations for the match amount.
 4. Some combination of the three options.

5. Mentioned by Shaun during this meeting: The city could appropriate the \$107K now so that it could be reported to the grant-giving group. This amount would come from the Unassigned Fund Balance, aka the “319-19A Fund” or UFB. This fund contains money left over from the city budget each year. There was actually no leftover money this year. There is currently about \$11 million.
 6. We decline the grant.
- C. The city council will discuss our recommendations on October 18th.
- D. Discussion of these options:
1. Shaun: This is a really hard problem. Tax increases and possible layoffs are always possible issues.
 2. Shaun doesn't think the city council would reject using the UFB, but the city has a bunch of projects for which it would like to commit some of this money.
 3. Sarah: The Lost Fund shouldn't be used. This fund's money comes from land use change taxes when land is taken out of current use. The City Council would have to okay this. The TAB would work against it. This could be the first bite from the Lost Fund. Roads need trees and not vice-versa. Our open spaces pay for themselves. They are part of our city infrastructure. It would be just as inappropriate to take money from the airport infrastructure. It would be more appropriate to look in other places.
 4. Kathleen: Is there any money for trees already in the budget? This is the first grant. The work required by the landslide at the School Street Cemetery was paid for from this year's budget—but not in future years' budgets.
 5. Fundraising ruminations:
 - a) The city can accept donations directly. It'd be important that any donations include a qualifier that this is for the trees project.
 - b) Paul Coats said we could do it through the Friends of Lebanon Rec, a 501-3C organization, a fund that can be used as needed. We wonder if Paul could be the financier.
 - c) Individual contributions toward a tree could be, say, \$500/tree. Donor's name could appear on a brass plate to be affixed to a tree.
 - d) The city could issue a receipt to donors that could be used for tax breaks.

- e) Some of us would like to fundraise from Lebanon citizens, as well as from the Women's Club and Rotary. Maybe Timken would be interested in helping.
 - f) Sarah would be more comfortable with the city just using the UFB moneys combined with our fundraising.
 - g) Charlie and Kathleen suggest asking that the NH Charitable Foundation put us on their list of possible recipients from donors.
- 6. Question to Shaun: How do other cities do this?
 - a) Appropriate money
 - b) But that'd affect the tax rate
- 7. Using the Lost Fund seems like the city has less of a commitment. It is important that the city be pro-tree. It is important that the tree code be pro-tree (rather than in a more vague infrastructure maintenance category). It's important that our tree warden is a strong advocate for trees.
- E. Shaun asked that one of us speak at the October 18th meeting of the City Council about all of this.
- IV. MOTION by Andrew: We will ask the City Council to take 107K from the UFB and do our best to fundraise and train volunteers. Motion seconded by Sarah. No further discussion. Unanimously approved.
- V. MEETING ADJOURNED AT 6:39PM
- VI. NEXT MEETING: Monday, October 9th at 5:30pm (in-person at City Hall and remote)

Respectfully submitted,
Mary Maxfield, Recording Secretary

AGENDA
Tree Advisory Board
October 9, 2023

AGENDA ITEM 2
Approval of Minutes

B. September 11, 2023

City of Lebanon
Tree Advisory Board

Draft* Minutes, Tuesday, September 11, 2023 at 5:30pm
Meeting Room ? , City Hall or remote via virtual platform lebanonnh.gov/live
(Questions in red.)

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

MEMBERS ABSENT: Susan Johnson

STAFF ABSENT: Patrick McCarthy (DPW/TAB)

GUEST PRESENT: Shaun Mulholland (City Manager), Phillip Mulligan (community member),

- I. CALL TO ORDER: The meeting was called to order at 5:48pm after Shaun Mullholland arrived and found us a meeting room in City Hall.
- II. APPROVAL OF MINUTES: We were not able to review minutes from our last meeting on 7/25/23. We will do so at our next regular meeting.
- III. NEW BUSINESS:
 - A. Wellspring Church's and other NH churches' exemptions from expectations of landscaping/trees/lighting/flooding prevention:
 1. Kathleen wrote a letter of concern about this to Laurel Stavis, one of Lebanon's state legislators, after learning from Tim Corwin of the Planning Department about these exemptions.
 2. Shaun suggested that perhaps both the TAB **and the City Council(?)** could address this by making a recommendation to the state legislature to propose a bill to reconsider this exemption.
 - B. Postponed: Discussion with Shaun about maintenance of existent landscaping to meet Planning Board requirements
 - C. Postponed: Budget discussion
- IV. OLD BUSINESS:

- A. School Street Cemetery update
 - 1. TAB members Andrew, Charlie, and Kelsey have identified sites for tree replacements but still need an okay from the DPW.
 - 2. Patrick said his office (he is the sexton) would check into it.
- B. Bus shelter update
 - 1. Using preliminary info organized by TAB members about the Advance Transit bus stops with the highest ridership, Kelsey developed a tree planting site analysis for some of the prime sites, including angle of the sun at specific times of the day on the summer solstice.
 - 2. These sites included AT bus stops at:
 - a) Lebanon City Hall
 - b) Kilton Library (add a bench next to the tree)
 - c) Lebanon Towers (Kelsey volunteered to talk with Ditha Alonso. He also suggested that the power lines near the bus stop might be an issue at this site.)
 - 3. It may be worth planting trees at these three shelters this fall. The cost would depend on the tree diameters at breast height (DBH).
 - a) A tree with a DBH of 3 inches would cost ~ \$1000
 - b) A tree with a DBH of 1-2 inches that we plant ourselves would cost \$200-250.
 - c) Phillip Mulligan volunteered to help plant if we do this.
 - 4. Some other sites mentioned but deemed less natural as a TAB project or less easily doable were
 - a) The High Meadow Builders bus stop (at the future site of the temporary seasonal shelter for the unhoused at the intersection of Slayton Hill and Mechanic Street) might present dig-safe issues.
 - b) Target (We wondered whether there should be trees there according to the original site plan and therefore the private property owner's responsibility.)
 - c) LISTEN has a busy bus stop. It is a private site.
 - 5. Dunkin Donuts was ruled out because the bus shelter there is already landscaped.
- C. Thoughts on other but related tree planting initiatives:
 - 1. Charlie planted 4-5 sycamore trees on Green Street this spring that are now thriving.
 - a) They cost only \$10 each.
 - b) All are by apartment houses with no overhead power lines.

2. Maybe we could use this approach for other tree planting sites, including the School Street Cemetery.
3. Location and snow plowing must be a consideration.
4. Soil compaction should be a consideration:
 - a) City Hall's site has compacted soil.
 - b) Kilton's site has compacted soil.
 - c) Lebanon Towers does not have compacted soil.
5. West Lebanon has a street redevelopment project in the works that must be considered before we finalize plans.

D. Proposed actions:

1. City Hall and Kilton: Look up existing plans and streetscape drawings on DPW website. Check with Patrick. (Andrew and Kelsey)
 - a) Try LISTEN after we have good waivers/easement documents. Call the executive director, Rob Roy MacGregor. (Andrew)
 - b) Email/call Ditha Alonso. (Andrew)

E. Environmental Justice Task Force (Equity) update

1. Sarah and Mary are involved with this newly formed group of 5 (along with Richard Ford Burley, Jon Chaffee, and Devin Wilkie)
2. The early focus is on defining environmental justice and identifying our eventual mission

F. Planned: a review with Shaun of the current revisions to Tree Code/Ordinance, policy, documents, etc. (Shaun wasn't able to stay for more than the first 30 minutes or so of our meeting, but members present began the discussion at this meeting. These notes from our discussion include some recommendations for these various documents:

1. DRAFT OF [WAIVER OF MONETARY DAMAGES ASSOCIATED WITH ACQUISITION OF TREE RIGHTS](#)
 - a) It is not clear what damages might be involved.
 - b) We are concerned about the somewhat hostile or unfriendly tone of this document.
 - c) Needed: a simple lay person's explanation
 - d) A cover letter should be attached to any letters sent to property owners.
 - e) RSAs are referred to without explanatory background.
 - (1) We should have a hyperlink to the relevant section of each RSA mentioned. There are three in this document.

(2) Any documents mailed as a hard copy should have an asterisk footnoting the text of the relevant RSA section.

f) It would be nice if a free notary service were available from the city.

2. DRAFT OF [EASEMENT DEED](#)

a) We have concerns about the phrase (italics added): "...the size of the easement may be extended at the City's option an additional 10 feet *in any direction* to accommodate equipment and personnel..."

(1) We recommend that this notion of extending the easement be reworked in order to provide more protection to the property owner.

b) We also have concerns that this document refers solely to repairing surface damage to property. It does not consider other impacts that might be wrought if heavy equipment, for example, were used by the city—which would be needed if trees of 3" DBH were planted.

(1) We recommend that safeguards to soil health be included to reduce soil compaction.

(2) We recommend that this document states a commitment to minimizing any impacts.

c) We are concerned about the somewhat hostile or scary tone of this document, too.

d) Also needed: a simple lay person's explanation.

e) Also needed: an attached cover letter.

f) Any references to RSAs should be backed up with hyperlinks or, in hard copy mailed versions, asterisks footnoting the text of the relevant RSA section.

3. DRAFT OF [Tree Ordinance aka Tree Code aka Chapter 55](#)—This document was shared with us by Sarah as a Google Doc after our September 11 meeting so that we could read and collaboratively edit with each other before our next meeting

4. DRAFT OF [Tree Management Policies](#)—also shared as a Google Doc for reading and collaborative sharing

V. MEETING ADJOURNED AT 6:56 pm

VI. NEXT MEETING: _____ at 5:30pm at City Hall and online

Respectfully submitted,
Mary Maxfield, Recording Secretary

AGENDA
Tree Advisory Board
October 9, 2023

AGENDA ITEM 2
Approval of Minutes

C. July 25, 2023

City of Lebanon
Tree Advisory Board

Draft* Minutes, Tuesday, July 25, 2023 at 5:30pm

Meeting Room ____, City Hall or remote via virtual platform lebanonnh.gov/live
(Questions in red.)

MEMBERS PRESENT (7/7): Charlie DePuy, Andrew
Garthwaite, Susan Johnson, Mary Maxfield

MEMBERS ABSENT: Kathleen Corrigan, Kelsey Haigh, Sarah Riley

STAFF PRESENT: Patrick McCarthy (DPW/TAB)

GUEST PRESENT: Shaun Mulholland (City Manager)

I. CALL TO ORDER: The meeting was called to order at the usual time

II. APPROVAL OF MINUTES: Minutes of our meeting on 7/11/23 were approved
after deleting a statement about the tree inventory.

III. NEW BUSINESS

A. Draft Tree Code (See pages 9-12 in attached [agenda packet](#))

1. Shaun Mulholland and attorney Matt Decker drafted a **Tree Code**
(essentially a collection of laws formerly referred to as our Tree
Ordinance). Next steps:
 - a) TAB reviews the draft Tree Code or “Chapter 55”.
 - b) Once TAB has finished reviewing the tree code and
revisions have been suggested, it will go to the City Council
for approval (September or October)
 - c) Policies will go to the city manager for approval.
2. TAB members expressed concerns and asked questions about the
draft tree code:
 - a) No mention was made of our stated goal of 30% tree cover
in Lebanon.
 - (1) Shaun said he didn’t include that because he wasn’t
sure what it was based on.

- (2) Charlie said he had used [i-Tree Landscape](#) to get the 27% coverage figure, but that is ~ten years old.
 - (3) Susan said we can apply i-Tree's methods to more current aerial photos.
 - b) A lot of the definitions we had included in our original tree ordinance were dropped because they were terms not used in state statutes:
 - (1) Street trees—Shaun said our city already knows which trees are street trees. Charlie thinks we still need to define on the tree code because **stresses (streets?)** are involved. Shaun said he will go ahead and use this term and see what the attorney says.
 - (2) Urban Lebanon—Shaun wonders if this should be a term we use in the Tree Code. Mark Goodwin talks about an Urban Core. Shaun thinks we should use the term Urban Compact. **(Something about the State of NH owning the road, but we plow it.)**
 - c) Mary expressed concerns about the first section of the draft tree code (Authorities and Responsibilities) that the role of the TAB is not foregrounded enough. The TAB is not mentioned until significantly later. To be continued...
 - d) In the TAB section of the draft tree code the verbs “may” and “shall” were of concern. To be continued...
- B. **Policies** (see pages 13-19 on attached agenda packet) can be changed with time. For example a list of trees can be an addendum to the Policies section.
- 1. On the other hand, the Tree Code changes must be okayed by the City Council.
 - 2. Assignment: Review the draft policies before our next meeting.
- C. Funding news:
- 1. The Lebanon Rotary has decided against making a financial contribution to our tree initiative (as requested as a matching contribution).
 - 2. Shaun shared the good news with us that city employees are given time in their work day to do community service work such as planting trees.
- D. Assignments:
- 1. Read draft tree code and policies on attached agenda packet (all)
 - 2. Identify the top 5 sites for bus stop tree plantings. (Susan, Kelsey, Mary)

- a) Patrick wants us to mark the spots, and he'll check them out from the DPW perspective.

IV. MEETING ADJOURNED AT 6:56 pm

V. NEXT MEETING: Monday, September 11 at 5:30pm at City Hall and online

Respectfully submitted,
Mary Maxfield, Recording Secretary