

## Chapter 33

### CITY OF SOMERSWORTH TREE ORDINANCE

#### Purpose.

The purpose of this ordinance is to enact guidelines to protect and enhance the administrative procedures in regard to the planting, maintenance, and removal of trees and other vegetation in the City of Somersworth, New Hampshire. It is the intent that the City will make every effort to engage in best management practices in regards to these guidelines.

#### Section 1. Definitions

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City's public Right of Way.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in City owned public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

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

#### Section 2. Creation and Establishment of a City Tree Board

There is hereby created and established a City Tree Board for the City of Somersworth which shall consist of the members of the Conservation Commission who convene meetings on an as needed basis, and to carry out the duties and responsibilities as described in Section 4 of this Ordinance.

#### Section 3. Term of Office

Board members terms shall follow their terms as approved in their appointment on the Conservation Commission. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

#### Section 4. Duties and Responsibilities

It shall be the responsibility of the Board to serve in an advisory capacity and to study, investigate, counsel and develop and/or update a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Any such plan will be presented to the City Council for their review and consideration. The Board, when requested by

the City Council, shall consider, investigate, report and recommend upon any special matter of question coming within the scope of its work.

#### Section 5. Rules and Procedures

The Chair, Vice Chair and Secretary of the Board shall be the officers that have been elected to the same seat on the Conservation Commission. The Conservation Commission shall annually vote on officers. The Board shall comply with all the requirements pertaining to public bodies under the so-called NH Right to Know Law (RSA 91-A).

#### Section 6. Permitted Native Street Tree and Shrubs

See Exhibit B-Notes on Native Trees and Shrubs; Recommended Native Trees  
See Exhibit C-Notes on Native Trees and Shrubs; Plants to be avoided.

#### Section 7. Spacing

The spacing of Street Trees will be in accordance with the species size listed in Section 7 of this ordinance. Every effort will be made to allow trees to be planted between each other as follows: : Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect, Urban Forester, or licensed arborist or approved by other authorized City Board, Committee or Official.

#### Section 8. Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the species of the tree as listed in Section 7 of this ordinance, and every effort will be made to have trees planted no closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

#### Section 9. Distance from Street Corners and Fire Hydrants

To order to ensure vehicle and pedestrian safety, it is recommended that no new Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No Street Tree shall be planted closer than 10 feet of any fire hydrant to ensure public safety access.

#### Section 10. Utilities

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance should be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

#### Section 11. Public Tree Care

As allowed by law, the City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the right of way (ROW) of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Department of Public Works or other City authorized agent, may remove, or cause to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is 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. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 7 through 11 of this Ordinance and provided written permission is granted by the Director of Public Works, City Manager or other authorized City Official.

***Special permission may be required from the State of NH Department of Environmental Services, Wetland Bureau if removing any tree in a designated wetlands and /or from the Somersworth Historic District Commission if removing a tree within the City of Somersworth Historic District Boundaries.***

The Department of Public Works and Utilities will generally be the City Department to oversee related tree and vegetation issues as authorized by the City Manager or by City Ordinance.

#### Section 12. Tree Pruning and Care

The Department of Public Works will make every attempt to contact the property owner and seek their assistance with pruning shrubs or tree limbs if causing a sight distance barrier in advance of any removal of vegetation due to the hazard or overhanging any street or right-of-way or cause any other potential hazard to the public.

It is not 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 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 best management practice.

#### Section 13. Removal of Stumps

Subject to funding and hazard conditions, stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

#### Section 14. Tree Replacement

Subject to funding, the Department of Public Works or other City authorized agent, shall replant City trees in City streets, Parks, Public Spaces, in accordance with the tree listing as identified in Section 7.

EXHIBIT B-NOTES ON NATIVE TREES AND SHRUBS AND THEIR USE IN

**LANDSCAPING**  
**RECOMMENDED NATIVE TREES**  
 KEY: SMALL<sup>1</sup> MEDIUM<sup>2</sup> LARGE<sup>3</sup>

Common Name	Latin Name	Low Maint	Salt Tolerance	Screen	Interest	Notes
Arborvitae <sup>2</sup>	<i>Thuja occidentalis</i>		Intermediate	Yes		
Ash, Black <sup>2</sup>	<i>Fraxinus nigra</i>					Wet Areas
Ash, White <sup>3</sup>	<i>Fraxinus americana</i>		Intermed./Tolerant		Fall Color	
Basswood, Am. Or Linden <sup>3</sup>	<i>Tilia americana</i>		Sensitive			
Beech, American <sup>2</sup>	<i>Fagus grandifolia</i>		Sensitive			Large/Long lived
Birch, Paper <sup>2</sup>	<i>Betula papyrifera</i>		Intermed./Tolerant		Fall Color/White Bark	
Black Gum <sup>2</sup>	<i>Nyssa sylvatica</i>	Yes			Fall Color/Winter Shape	DRED suggests to try more
Cedar, Eastern Red <sup>2</sup>	<i>Juniperis virginianus</i>		Intermediate	Yes		Disturbed areas
Cottonwood, Eastern <sup>3</sup>	<i>Populus deltoides</i>		Tolerant			Disturbed, wet sites
Dogwood, Pagoda <sup>1</sup>	<i>Cornus alterniflora</i>				Flowers/nice shape/Fruits	Wet areas/Mod. Sun
Fir, Balsam <sup>2</sup>	<i>Abies balsmifera</i>		Sensitive	Yes		
Hawthorne, Fleshy <sup>1</sup>	<i>Crataegus succulenta</i>		Intermediate		Fruits/Fall Color	One of the best Hawthornes
Hophornbeam, American <sup>2</sup>	<i>Ostrya virginiana</i>		Sensitive		Winter Interest	Winter Tolerant, DRED suggests to try more
Hornbeam, American <sup>1</sup>	<i>Carpinus caroliniana</i>	Yes	Sensitive		Fall Color	Wet areas, DRED suggests to try more
Juniper, common <sup>1</sup>	<i>Juniperis communis</i>					Ground cover
Larch, American <sup>2</sup>	<i>Larix laricina</i>		Tolerant			Good in masses
Maple, Red <sup>2</sup>	<i>Acer rubrum</i>	Yes	Sensitive		Fall Color	
Maple, Sugar <sup>3</sup>	<i>Acer saccharum</i>		Sensitive			Needs large areas
Oak, Scarlet <sup>2</sup>	<i>Quercus coccinea</i>				Fall Color	
Oak, Red <sup>2</sup>	<i>Quercus rubra</i>		Tolerant			High Maintenance tree
Oak, Swamp White <sup>3</sup>	<i>Quercus bicolor</i>		Sensitive			Wet areas
Pine, Jack <sup>2</sup>	<i>Pinus banksiana</i>					Sandy, disturbed areas
Pine, Pitch <sup>2</sup>	<i>Pinus resinosa</i>		Sensitive			Harsh, sandy soils
Pine, White <sup>3</sup>	<i>Pinus strobus</i>		Sensitive	Yes		Handsome native
Plum, Canadian <sup>2</sup>	<i>Prunus nigra</i>				Flowers/Fruit	
Shadbush <sup>1</sup>	<i>Amelanchier arborea</i>		Sensitive		Flowers/Fruit	Wet areas
Shadbush <sup>1</sup>	<i>Amelanchier canadensis</i>		Sensitive		Flowers/Fruit	Natural settings
Spruce, White <sup>3</sup>	<i>Picea glauca</i>		Intermed./Tolerant	Yes		Winter Tolerant

**RECOMMENDED NATIVE SHRUBS**

Common Name	Latin Name	Low Maint	Salt Tolerance	Screen	Interest	Notes
Arrowwood	<i>Viburnum dentatum</i>		Tolerant		Flowers/Fruit/Fall Color	Withstands adverse city conditions.

Bayberry	<i>Myrica cerifera</i>	Yes	Tolerant		Semi-Evergreen	No serious insect or disease problems
Blueberry, Highbush	<i>Vaccinium corymbosum</i>		Tolerant		Flowers/Fruit/Fall Color, colorful winter twigs	Withstands adverse city conditions/attractive to birds.
Cranberry, Highbush or American Cranberrybush	<i>Viburnum trilobum</i>	Yes	Unknown		Showy white flowers, glossy red berries	generally free of insect and disease problems; attractive to birds.
Dogwood, Panicked	<i>Cornus racemosa</i>		Sensitive		Flowers/Fruit/Colored Stalks/fall color	Will tolerate adverse city conditions.
Dogwood, Red Osier	<i>Cornus sericea</i>		Sensitive		Red stems, white berries	Tolerant of most adverse city conditions
Elderberry	<i>Sambucus canadensis</i>		Unknown		White flowers, purple berries	Tolerates adverse city conditions; attractive to birds.
Spicebush	<i>Lindera benzoin</i>	Yes			Yellow flowers/red fruits	no serious insect or disease problems
Mountain Laurel	<i>Kalmia latifolia</i>		No	Yes	Evergreen/Flowers	
Rhododendron, Rosebay	<i>Rhododendron maximum</i>			Yes	Flowers/Evergreen	some pollution tolerance
Viburnum, Sweet	<i>Viburnum lentago</i>		Sensitive		Flowers/Fruit/Fall Color	tolerates adverse city conditions
Viburnum, Mapleleaf	<i>Viburnum acerifolium</i>		Sensitive		Fall Color	withstands adverse city conditions
Winterberry, Black Alder	<i>Ilex verticillata</i>	Yes	Intermediate		Gorgeous red berries in fall	cool, moist, acid soils; shade OK; relatively free of insect and disease; need male and female plants.
Witch Hazel	<i>Hamamelis virginiana</i>	Yes				

**EXHIBIT C-PLANTS TO BE AVOIDED**

**INVASIVE NON-NATIVE TREES AND SHRUBS TO BE COMPLETELY AVOIDED**

<b>Common Name</b>	<b>Latin Name</b>	<b>Reason</b>
Autumn Olive	<i>Eleagnus umbellata</i>	Crowds out native vegetation.
Bayberry, Common	<i>Berberis vulgaris</i>	Forms thorny thickets preventing native herbaceous and shrub growth.
Bayberry, Japanese	<i>Berberis thunbergii</i>	Forms thorny thickets preventing native herbaceous and shrub growth.
Buckthorn, Common	<i>Rhamnus cathartica</i>	Buckthorn invading drier areas.
Buckthorn, Glossy	<i>Rhamnus frangula</i>	Tolerant of dense shade and invades wet areas.
Euonymus, Winged**	<i>Euonymus alatus</i>	Dense shade and dense root system crowd out everything but own seedlings.
Honeysuckle	<i>Lonicera morrowii and tatarica</i>	Form impenetrable thickets and displace vegetation in young forests and floodplains.
Honeysuckle, Japanese	<i>Lonicera japonica</i>	Vine that chokes supporting trees and shrubs.
Locust, Black	<i>Robinia pseudoacacia</i>	Crowds out native vegetation.
Maple, Norway**	<i>Acer platanoides</i>	Crowds out native vegetation.
Rose, Multiflora	<i>Rosa multiflora</i>	Crowds out native vegetation.

**NATIVE TREES NOT RECOMMENDED BY DRED OR EXT LITERATURE**

<b>Common Name</b>	<b>Latin Name</b>	<b>Reason</b>
Box Elder	<i>Acer negundo</i>	Brittle wood, subject to snow and wind breakage.
Dogwood, Flowering	<i>Cornus florida</i>	Disease problem.
Elm, American	<i>Ulmus americanus</i>	Disease problem.
Hemlock, Eastern	<i>Tsuga canadensis</i>	Woolly adelgid heading north; recommend not to plant as there is no solution to the adelgid problem at this time.
Maple, Silver	<i>Acer saccharinum</i>	Disease problem, structurally weak wood.
Mulberry	<i>Morus sp.</i>	Abundant fruit is a litter problem.
Sycamore	<i>Plantanus occidentalis</i>	Disease problems make it very unattractive.
Willow, Weeping	<i>Salix sp.</i>	Root problems, tree litter, attracts beetles.
Aicantus	<i>Salix sp. altissima</i>	Crowds out native vegetation, toxin in bark, leaves and bark in soil endanger other plants.

**NON-NATIVE TREES NOT RECOMMENDED BY DRED OR COOPERATIVE EXTENSION LITERATURE**

<b>Common Name</b>	<b>Latin Name</b>	<b>Reason</b>
Birch, European White	<i>Betula pendula</i>	Disease problems make it very unattractive, spring, summer and fall.
Elm, Siberian	<i>Ulmus pumila</i>	Weak wooded, susceptible to wind breakage. Invasive in some locations.
Pear, Bradford Callery**	<i>Pyrus calleryana 'Bradford'</i>	Serious structural splitting at branch junctions.
Plane Tree, London	<i>Plantanus X acerfolia</i>	Disease problems.
Poplar, Lombardy	<i>Populus nigra</i>	Insect and disease problems make it short lived.

**\*\* These plants occur regularly on plans and should be replaced with alternative plants.**