

1 City Hall Plaza, Ellsworth, ME 04605
ARBOR COMMISSION
Regular Meeting
Monday, January 22, 2024, 8:15-10:15 AM

MINUTES

Commissioners Present: J. Barnes, M. Blackstone, T. Davis, I. Drummond, J. Lambert, A. Reisman, S. Walczyk, T. White

Staff Present: M. Condon, M. Williams, T. Dyer

1. **Call to Order.** M. Blackstone, Co-Chair, called the meeting to order.
2. **Adoption of Minutes of December 15, 2023 (8:20AM)**
Moved: I. Drummond, A. Reisman; Unanimously approved.
3. **Staff Comments or Clarifications (8:40AM).** (T. Dyer, M. Condon)
 - a. **Previous/current Public Works tree-related budget** (T. White with input from A. Wilson)

T. Dyer reported that there was no specific line item relating to tree care in the Public Works budget. A. Wilson had provided ballpark figures for the past year: \$3000-\$5000 for tree removal; \$2000 for tree care.

M. Williams noted that an additional \$900 was invested in the Franklin Street Parklet potted trees

T. White reported that she had gotten enough information so that she could submit the 2023 Tree City Usa Application
 - b. **Street trees the City is responsible for maintaining**

T. Dyer reported that every street has different right of ways and there is no compiled document with this information—it will require one off queries to determine the information.

M. Williams noted that a compiled list of right of way data for each street is on Elizabeth Ouellette's list of things to do, but there are 90+ miles of city roads in Ellsworth, so that would be a large project.

M. Blackstone asked about the right of way along the Rail Trail—especially given the possibility of using a Project Canopy grant for planting along that trail. That is something that M. Williams will sort out with the DOT.
 - c. **City Council 2018 decision to contract exclusively organic lawn and landscaping care**

T. Dyer clarified that the decision to go with organic lawn care was a test case, and in the opinion of the former Public Works Director's, organic care was not as effective so they returned the contract to a non-organic company. There would need to be an ordinance providing

directives on this sort of thing in order to make organic care an ongoing practice.
Blue Hill's ordinance could be a model. This issue needs to be addressed in our Forest Management Plan.

4. Citizen Comments—None.

5. Report from City Council—None.

6. Review presentation/written submission to Comprehensive Plan Steering Committee—January 22, 2024, 5:30PM—

M. Blackstone, T. Davis, I. Drummond (zoom) and T. White (zoom) will represent the Commission at this meeting. There was a strong sense that we needed to emphasize the importance of the City acquiring and maintaining good data relating to the canopy, publicly owned green spaces, land in tree growth and open space. See the attached finalized submission which reflects further notes and changes (Attachment #1).

7. Committee Reports (and identification of further participants/convenor)

a. Tree Ordinance/Tree Warden Job Description

(I. Drummond, J. Lambert, T. White)

I. Drummond reported that the Committee met on January 3 to further revise the Tree Warden Job Description. He read out the current draft of the description (see attachment #2). The committee has based its work on a review of similar job descriptions in other towns and other documents.

There was general agreement that there needs to be more attention in the description to the position of the Tree Warden relative to the chain of roles, responsibilities, reporting and supervision that would encompass the Arbor Commission, a Parks and Recreation Department Director, existing departments, the City Manager and Council. Presumably all parties will be governed by an approved Forestry Management Plan which the Commission is developing with the plan providing more detail re the Warden's role than will be necessary in the ordinance.

As a contracted or salaried employee of the City, the Warden would not be a member but rather an advisor to the Commission and other departments or levels of government. T. Davis suggested that the best use of the Warden would be to advise—eg. not to run a chainsaw and haul away limbs but rather to advise on if and how a tree should be removed or pruned.

Some good questions to consider:

If a Parks and Recreation Department were developed with a full-time director then is it possible for that person to serve jointly as Tree Warden (assuming appropriate qualifications) at least initially?

If not, how much do we reasonably think a Tree Warden for Ellsworth should/could be paid in the context of Ellsworth's larger budget? Roughly what level of hourly professional rates would be reasonable and what number of hours/month would

we anticipate. Given that level of compensation what are the priority items that would be fair to expect a professional to do for that amount of money?
At least for the moment, what things could be left to the expertise of volunteers currently making up the Arbor Commission?
A general suggestion was to keep the Tree Warden job description more general and basic with possibly more elaboration in the Forestry Management Plan.
How can we avoid duplication, overlap in roles between the Arbor Commission, the Warden and a Parks and Recreation Director. What position will have the capacity to maximize their impact when undertaking each role?
A. Reisman asked if emergency response should not be a priority function of the Tree Warden.
In response to a query regarding liability coverage for this position, M. Williams noted that as a city employee a Tree Warden would have standard liability coverage extended to government workers.
The Warden would be hired by the City Manager, presumably in consultation with the Arbor Commission.
Noted that the reference to a "tree hearing" is not clear in meaning; this needs to be defined in the Forestry Management Plan.
T. Dyer will put out a request for other municipalities with Tree Wardens to send their job descriptions for this position.

Agreed that Commission members will try to read the working drafts of documents to be discussed prior to Commission meetings. To facilitate that, when a google.doc is finalized for discussion at an Arbor Commission meeting the relevant Committee lead will make sure that the whole Commission is aware that the document is ready for review with sufficient lead time to allow members to read the document.

b. Forest Management Plan (M. Blackstone, T. Davis, S. Walczyk, J. Barnes, T. White) (10:55AM)

For this group there will need to be a notice of a workshop meeting circulated a week before meetings.
The Committee met twice since the previous Commission meeting. It has developed a working outline and assigned various people to complete sections of the plan.
The next meeting is scheduled for February 7:00 at 3:00PM with all submissions available to read by February 3.

c. Project Canopy Application (M. Blackstone, C. Hanson, T. White) (11:05AM)

This application is due on February 15 and will need to be submitted to the City Planner for review by @ Feb 8. M. Williams has suggested we focus on plantings along the Rail Trail to address the need for more canopy there and challenges with respect to drainage. Using some trees from the nursery it might be possible to consider up to 3/4 of a mile of the trail with this grant. The nature of the soil could require substantial soil amendments.

8. Establish Work Schedule, Timelines, Deadlines.

This timeline was briefly discussed with dates and information added as noted. M.

Blackstone asked each committee to consider its timelines for completion of their task (s) so this list could be translated into a Commission timeline.

A. Budget Proposal for 2024-2025

Meeting with Recreation Commission, at least the Chair.

Commissioners requested information regarding the deadline for budget submissions from commissions.

B. Revised Tree Ordinance

Tree Warden Job Description

C. Submission of Arbor Day Proclamation to Mayor—needs to be addressed soon.

D. Submission of Tree City USA 2024 application—done

E. Finalize Project Canopy Grant Application (deadline Feb 15, 2024)

F. Community Tree Nursery Input on Ordering & Planting for 2024

G. Finalize City of Ellsworth Forestry Management Plan—tentatively October 2024

H. Plan Public Education Programming for 2024

I. Other

9. Member Comments/Other Business (11:15AM)

The Tree Warden Job Description Committee will meet on January 31 at 5:00PM to continue their work.

10. Next Meeting: February 5, 2024 8:15-10:15AM

M. Blackstone, A. Reisman and T. White will need to zoom for that meeting.

11. Adjournment.

Motion: S. Walczyk/ I. Drummond. Unanimous.

Attachment #1

City of Ellsworth Arbor Commission
Submission to the Comprehensive Plan Steering Committee
January 22, 2024

Who are we?

The Arbor Commission was set up by the City's Tree Ordinance (Chapter 43) when it was approved in 1991. In response to a Green Plan recommendation the Commission was finally constituted, apparently for the first time, in August of 2023. The Commission consists of 9 members including professional and accredited arborists and foresters, a land trust representative, Green Ellsworth and Ellsworth Garden Club members and Master Gardener Volunteers with experience in public landscaping (including development of the Community Tree Nursery) and individuals involved in local businesses. We have come together as volunteers with a strong commitment to improve Ellsworth's green canopy.

What do we do?

Currently, the City's Tree Ordinance assigns the Arbor Commission with responsibility for undertaking "projects supporting the planting, maintenance, removal and pruning of trees on the streets and or other public sites in the city." Upon appointing the Commission, City Council also asked us to revise the current ordinance, something that is now underway.

We are also involved in several other initiatives which should both inform the Comprehensive Planning process and benefit from the data and recommendations included in the new Comprehensive Plan. Some of our current initiatives include:

- in conjunction with the revision of Chapter 43, development of a new job description for the City's tree warden (a position which will be separated from the City Manager position in 2024)
- development of a Forestry Management Plan for Ellsworth as mandated in the 2004 Comprehensive Plan and Chapter 43
- ongoing applications for the City's continued designation as a Tree City USA
- 2024 application to the Project Canopy program for grant funds to support an Arbor Commission initiative to plant trees along the Rail Trail to provide more shade and better retention of water from the upland side of the trail
- proposal of the City's annual Arbor Day Proclamation
- proposal for Arbor Commission and City tree-related budget for 2024-2025

Where do we stand as a Tree City USA now?

Ellsworth exists because of the trees that grew here and recent efforts to re-tree the City and secure Tree City USA status reflect public interest in honoring that point of origin and cultural heritage.

Although Ellsworth is home to comparatively large tracts of land in tree growth and other forested areas, Ellsworth's extended period of substantial development appears to have taken and continues to take a serious toll on its canopy. High Street with 96% impervious surface flanking Card Brook, an urban impaired stream, is an extreme example of the loss of canopy coverage and the impact it is having on the community, but the loss of canopy is also evident as urban sprawl extends along all major arteries leading into the city and clear cutting for development extends further and further into previously forested area. As is apparent from the City's increasingly compromised storm water system, trees are not just a contributor to the City's air quality and heat island impact— or even its aesthetics and quality of life—but also a major green infrastructure mechanism for addressing drainage issues arising from increasingly extreme weather events and compromised man-made infrastructure.

In this context the Commission's top priority has been acquiring data that can provide a comparative context for understanding the current state of the City's canopy in comparison with its previous state (10-30 years ago) and projecting forward to plan for canopy recovery and the value of that recovery to the community. Much of the data we need is currently unavailable, and so—

1. Our first recommendation for the Comprehensive Plan is to provide for the systematic acquisition and regular updating of data that can answer the following questions.

--What street trees currently exist in Ellsworth (what species and age, to what extent are they threatened by disease or pests, etc) ?

--What trees and how many trees is the City of Ellsworth responsible for managing (determined in part by the right of way on specific City streets which is not consistent or even existent in some cases)?

--What forested or open space properties does the City of Ellsworth own and/or maintain (how many acres in what parts of the city)?

--What forested area in the City is in tree growth, open space, formally protected conservation easements?

--What is the City's budget for tree-related maintenance and planting (a figure that is needed annually to apply for Tree City USA status)?

--What is the current state of the tree canopy in Ellsworth relative to its canopy 10, 20 or 30 years ago, etc.?

—How can the City regularly maintain and manage data critical to improving its canopy. (Eg. acquiring software beyond GIS or contracting a company to maintain data relating to canopy coverage, street trees, street right of ways, inventories of heirloom trees, data re trees in public green space etc)

Where we want to be in 10 years

Our vision of Ellsworth in 10 years time is of a community with more vigorous and healthy tree canopy in both its urban and more rural neighborhoods as well as improved care and preservation practices stemming from greater awareness of the value and importance of trees to our City.

Comprehensive Plan recommendations in support of maintaining and strengthening Ellsworth's tree canopy can be informed by those included in the Ellsworth Green Plan (see the "tree sections" in the Green Plan Land Chapter at <https://docs.google.com/document/d/1WII14CTbg84hpHpG4FDwQaKYezR3NjysQhknYpgFBJE/edit>—also appended here) as many of those recommendations have not been fully addressed. With the formation of the Commission and initial work towards a Forestry Management Plan for the City, however, we are now in a better position to understand more clearly what specific actions and strategies will be most important for realizing our vision over the next ten years.

2. In particular, it will be important for the Comprehensive Plan to underscore the importance of the Commission developing and the City approving a Forestry Management Plan.

This will also require communications between the Commission and the Comprehensive Plan Steering Committee as the two plans will be evolving simultaneously. At this point we envision both plans needing to address the following issues:

3. The creation of a Parks and Recreation Department headed by a staff person with expertise in tree and landscape management and a contracted, fully qualified arborist as tree warden;

4. A clearly designated and appropriate budget for tree-related maintenance, planting, planning and programming (something that is needed in order to annually qualify as a Tree City USA—a designation we need to maintain);

5. A professional assessment of City-owned forested and open space properties for management needs and potential (from which specific management plans and schedules can flow);

6. Introduction of ordinances governing the public use of City-owned conserved and other less formally designated green spaces (hours, allowable activities, drugs, overnight camping, fires, etc);

7. Budgeting for and creating signage relating to the above for all City owned properties;

8. Review and revision of Chapter 56 (the UDO) with an eye to protecting existing trees and forested areas and increasing expected standards for the planting of green infrastructure and approved trees (adopting approved tree and plant lists provided by the Commission) as well as setting aside forested and other green spaces for public use;

9. Updating of Planning Department, Planning Board and Code Enforcement process and procedures to engage the expertise of the Arbor Commission and/or Tree Warden

in the review of development proposals or plans, site assessments and/or the inspection of work in progress;

10. Creation of an ordinance to require organic approaches to tree and green space care by the City except in extreme cases or emergency circumstances where it is demonstrated that other measures are required;

11. Development of plans, initiatives, programming, regulations, enforcement, etc to protect and facilitate the role of urban forests and larger forested areas (both publicly and privately owned) in managing water quality/storm water runoff;

12. Engagement of the expertise of the Arbor Commission and Tree Warden across City departments on tree-related matters which include contracting of landscaping work, tree removal or major pruning, major road reconstruction, snow removal practices, etc;

13. Development of programming to promote and support the planting and care of trees among private property owners;

14. Development of a program for educating and/or engaging volunteers in the planting and maintenance of the City's street trees, urban canopy and tree nursery; and

15. Develop a plan to reduce the threat of forest fires and mitigate the impact of any forest fires that might occur.

As suggested by the range of topics addressed above, the discussion of trees and their importance should not be relegated to one or two sections of the Comprehensive Plan. Trees are more than a natural resource. They provide essential environmental services as green infrastructure that needs to be understood and integrated across multiple sections of the Comprehensive Plan and areas of concern that are addressed by a range of City departments.

[Land Chapter, pp. 101-103

<https://docs.google.com/document/d/1WII14CTbg84hpHpG4FDwQaKYEzR3NjysQhknYpgFBJE/edit>]

D. Trees

The City of Ellsworth owes its location to the forested land on either side of the Union River—the remaining tracts of which are vital resources for our community. In recognition of that importance, the 2004 Comprehensive Plan recommended a rural forestry plan (p. II.35). Although that plan remains to be created, in 2010 the city partnered with Frenchman Bay Conservancy to establish Branch Lake Public Forest. That property currently makes important contributions to water-quality protection and recreational access. It could also provide a site for modeling low-impact forestry management in the context of a rural forestry plan.

Recommendation L-21: Develop a rural forestry plan that includes the promotion of low-impact forestry, the introduction of model low-impact forestry management at Branch Lake Public Forest, annual monitoring of timber harvests, and a review of current zoning and ordinances to ensure adequate protection of working woodlands as well as unmanaged forested natural areas and the habitats associated with them.

Our urban canopy has also had an important role in Ellsworth's past. From the early nineteenth century into the 1960s, the towering elms that lined our streets marked the character and public face of the community along access routes such as Bridge Hill, Upper Main Street, and High Street. In 1991 the city's Tree Ordinance was established in the wake of the prolonged decimation of these trees by Dutch elm disease. The ordinance called for the appointment of a nine-person Arbor Commission to support planting, maintaining, removing, and pruning city owned trees. The commission developed a planting plan, sought grant funding, and recruited citizen contributions toward the installation of 76 new trees.^[1] However, there was no apparent plan for the trees' long-term care, and many did not survive. Furthermore, it appears that among the plantings were several Norway maples. People did not understand then that this species is extremely invasive, and the trees have now fostered a destructive infestation on Bridge Hill and elsewhere in the downtown core, as well as in natural areas farther away from the city streets.

It is unclear when the Arbor Commission ceased to be appointed, but the 2004 Comprehensive Plan called for "tree planting measures on High Street and urban forestry programs in other parts of the growth area" (p. II.35). Shortly after the plan was completed, a major upgrade of High Street—including the planting of street trees and landscaping—was undertaken. While on paper the intentions of this project were excellent—and something that today's citizens would strongly favor—the execution of the project and the lack of a strong maintenance plan resulted in failure. The choice of tree species, the poor quality of stock that was planted, the lack of adequate growing and maintenance space, and the absence of long-term tree care contributed to disappointing results and poor return on the investment of time and money. This and, more recently, a narrowly averted disaster with trees at Knowlton Park are good

examples of why one of our earlier overarching recommendations (Recommendation L-4) addresses the need for the city to employ at least one staff member who has professional credentials and experience with respect to trees and landscaping.

Green planning participants expressed a strong desire for Ellsworth to have a serious urban forestry program that would provide for qualified care and attention for the existing canopy along streets and in public parks, as well as a program for further tree plantings along our streets and in public green spaces. They also noted that the loss of older, mature trees—whose impact on both water and air quality is exponentially greater than that of young, newly planted trees—seemed to count for nothing in the context of Planning Board review and contractor approaches to development. As noted in Section IV.D, we were fortunate to have university students, professional arborists, forestry experts, and tree enthusiasts come forward to contribute to this plan and to offer their volunteer services to help Ellsworth retrieve something of its treed past. Their support in creating surveys, recommended species lists, GIS-based plans, and lists of promising funding sources means that there is real potential to seriously address community concerns about the lack of street trees and the need for better care of the ones we do have.[2] Becoming a Tree City—as are several other towns and cities in our area—should be an objective for our community.[3]

Recommendation L-22: Revive the city’s nine-person Arbor Commission under the terms of the current Tree Ordinance (Chapter 43), and include certified arborists and licensed foresters qualified to develop and oversee substantial urban and rural forestry programs across the city.

Recommendation L-23: In order to inform an urban forestry program with canopy coverage goals and areas of focus, undertake a canopy coverage assessment and expand the street tree inventory to include all side streets and areas outside the downtown core.

Recommendation L-24: Develop and implement an urban forestry program that includes a regular schedule for improved maintenance of trees in all of Ellsworth’s existing green spaces; a street tree planting program, beginning with the failed plantings along High and Myrick Streets; and a plan to protect mature trees, regularly introduce new tree plantings in Ellsworth’s growth areas, and remove invasive species.

Recommendation L-25: In order to strengthen the urban tree planting program and reduce its cost, initiate a city tree farm on the Jordan Homestead property owned by Frenchman Bay Conservancy.

[1]Our thanks to the family of Helen Dudman, who chaired the commission, and to Ruth Foster for searching out relevant documents and details.

[2]For the survey data, mapping, and projected visuals prepared as part of the College of the Atlantic study, see <https://drive.google.com/file/d/18-k2Sxyypa31AfWAYARmSUA9We5HpeXe/view>, pp. 130–153.

[3]The purpose of the Tree City USA program is “to celebrate the importance of an urban tree canopy and improve care of these vital city trees”; www.arborday.org/programs/treecityusa/. Examples of Tree Cities recognized by this program in our area include Bangor, Camden, Castine, and Orono, as well as 16 other Maine cities. There is a similar Tree Cities of the World program: <https://treecitiesoftheworld.org/about.cfm>.

Attachment #2

Working Draft for Tree Warden position

Ellsworth Tree Warden Responsibilities

The Tree Warden shall be responsible for overseeing the planting, pruning, removal, care and maintenance of all Ellsworth public trees as defined in the tree ordinance and in accordance with the Ellsworth Forestry Management Plan set forth by the Ellsworth Arbor Commission.

No person shall prune, plant, cut down, remove, or alter a public shade tree or a public tree unless that person has first obtained the consent of the Tree Warden for those actions. The Tree Warden is expected to work with and educate Ellsworth residents, business and property owners, city staff and elected officials, developers, and hired contractors about tree ownership, sound arboriculture, and city tree policy. The position of tree warden requires qualified training in arboriculture, the science of tree care.

The ideal candidate should be a certified arborist with (3) years supervisory experience in commercial or municipal tree care. The tree warden shall be a member of the Arbor Commission and contribute to the formulation of a long term Forestry Management plan.

Duties may include but are not limited to:

City Planning

Work with the Arbor Commission to advise town officials on tree related matters:

Providing expertise to town officials as related to resident requests for tree inspection, evaluation and management

Assisting the Arbor Commission in planning and implementing a community shade tree preservation program for the purpose of shading and beautifying Ellsworth public ways and places.

Identifying appropriate tree planting sites

Creating, updating, or utilizing a tree inventory

Reviewing building site plans for tree protection and tree planting opportunities inclusion of tree plantings

Tree planting and maintenance

Tree planting location approval, oversight, inspections and guidance with in house staff, volunteers, or contracted tree companies and organizing volunteers to plant new trees
Work with the Arbor Commission to expend funds appropriate for the setting out, care and maintenance of trees and shrubs.

Pruning approval, oversight, inspections, and guidance of in-house staff, volunteers, or contracted tree companies

Planning, implementing, and overseeing tree protection related to construction activities

Oversight of Ellsworth municipal tree maintenance work

Inspecting contracted tree work

Coordination with the Ellsworth Arbor Commission and Representation at Ellsworth City Council

Work with the Arbor Commission to prepare budget presentations for City Council meetings

Work with the Arbor Commission to create bid proposals for contract tree work
Conducting public meetings and

Assisting the Arbor Commission in maintaining Ellsworth's Tree City designation with the Arbor Day Foundation and submitting any necessary paperwork and information.
Assisting the Arbor Commission in preparing and submitting grant applications for horticulture, landscape preservation / enhancement, or other forestry-related initiatives and implementing and overseeing compliance with any awarded grants.

The Tree Warden position will be supported by a Part-time Stipend from the City of Ellsworth. The term of the position is for one year with possibility of reappointment contingent upon performance by the city manager.