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**Trees and Public Greenery Committee
City of Portsmouth**

MINUTES

**7:30 a.m. – Wednesday, December 12, 2018
Portsmouth City Hall, 4th Floor, City Manager's Conference Room**

Members Present: Peter J. Loughlin, Chairman; Richard Adams, Vice-Chairman; Peter Rice, Director of Public Works; Corin Hollowell, City Arborist; Joan Walker, Michael Griffin

Members Excused: A. J. Dupere, Dennis Souto, Dan Umbro

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

1. Acceptance of Minutes of the November 14, 2018 Meeting

*It was moved, seconded, and passed by unanimous vote to **approve** the November 14 minutes with one minor amendment.*

2. Tree Removal Requests:

1 Junkins Avenue (behind City Hall) – Box Elder (DPW request)

Mr. Rice stated that the driveway had to be widened in front of the building to provide access to construction vehicles and that removing the box elder would facilitate it.

*Chairman Loughlin asked for a motion. Mr. Rice moved to recommend removal of the tree, and Ms. Walker seconded. The motion **passed** by unanimous vote.*

267 Broad Street – Red Maple (Resident request)

The resident Sara Faulstich was present to speak to the request and said the tree needed to be removed because its roots were going through the house's foundation. Mr. Hollowell agreed, noting that the roots were compromising the structure.

*Chairman Loughlin asked for a motion. Mr. Hollowell moved to recommend removal of the tree, and Mr. Griffin seconded. The motion **passed** by unanimous vote.*

Lois Street (Paper Street) - DPW request: 5 Norway Maples, 1 sugar maple, 2 white ash, 3 white pine, 1 black cherry, 1 elm

Mr. Rice explained that a sewer line berm ran down to another berm that went over to a disputed easement with a property owner, and that it was necessary to clear any trees above the sewer

line. He further explained that Lois Street was a paper street with utilities that went toward the Comcast area, which had been an area of dispute.

Jonathan Sobel of 49 Sheafe Street was present to speak to the request. He said he represented the Alden Watson Properties who owned Lot 232, Subdivision Lot 2 and wished to clarify some issues. He said they had not been notified of potential cutting of trees by the City or access to the property, in spite of a cease-and-desist order that was previously accepted by the City that did not grant any easement or access to the property. He said the City and Legal Department were notified and that a no-trespassing sign was posted on the property. He said they had offered the City an easement for sewer access and truck turnaround and had even offered to sell the property, but that the City turned it down. He emphasized that the City did previously approve the subdivision, which did not include any paper streets, right-of-way, or easement to access the sewer, and that the Legal Department turned down a formal easement and sale offer. He said the Alden Watson Properties wanted an amicable resolution.

*Mr. Rice moved to **approve** the removal of trees contingent on the Legal Department resolving the outstanding issues. (He noted that he respectfully disagreed with the interpretation of the issues as presented by Mr. Sobel).*

Chairman Loughlin suggested tabling the request instead so that the issues could be resolved before the next meeting. Vice-Chair Adams said the trees were not the central issue. Mr. Sobel agreed and said that Alden Watson would comply with the City's plan to remove the trees. He said the main issue was that the City had no legal right to access the property. Chairman Loughlin said there might be a statute stating that when a paper street is discontinued, rights to utilities may be maintained by the public governmental body. He said that he preferred to table the request for a month.

Mr. Griffin seconded the motion.

Vice-Chair Adams said it seemed like the Committee members were getting ahead of themselves and felt that the issue was beyond the Committee's approval. He said he could not support the motion. Chairman Loughlin agreed.

*The motion **failed** by a vote of 3-2, with Chairman Loughlin, Vice-Chair Adams, and Ms. Walker voting in opposition.*

*Mr. Walker moved to **continue** the request to the January meeting, and Mr. Rice seconded. The motion **passed** by unanimous vote.*

Action: Mr. Rice said he would discuss the issue with City Attorney Sullivan.

3. Old Business

Mr. Hallowell stated that he would mail the letters regarding the chosen sites for the new tree plantings and that the recipients would have a month to respond.

Mr. Hallowell said the City was researching new species for the Doble Center project and would email the information to the project architect.

Regarding the Pleasant Street site project, Mr. Hallowell said things were on hold until it was known what the project planned. Mr. Rice noted work wouldn't begin until spring.

4. New Business

Mr. Hallowell stated that there would be tree removal requests related to the Rock Street Park rehabilitation through the Community Development Block Grant. He noted that the park was dark and dense, particularly due to several crab apples and a few Norway maples, and needed thinning. He recommended that the Committee members walk through the park and evaluate it. He said he would know in January the list of trees that the project wanted to remove.

5. Next Meeting: Wednesday, January 9, 2019.

*It was moved, seconded, and passed by unanimous vote to **adjourn** the meeting at 8:00 a.m.*

Respectfully submitted,

Joann Breault
Recording Secretary