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

MINUTES

**7:30 a.m. – Wednesday, February 20, 2019
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 Hallowell, City Arborist; Dan Umbro, A. J. Dupere, Joan Walker, Michael Griffin

Members Excused: Dennis Souto

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

1. Acceptance of Minutes of the January 9, 2019 Meeting

*It was moved, seconded, and passed by unanimous vote to **approve** the January 9, 2019 minutes as presented.*

2. Tree Removal Requests

A. Rock Street Park renovation project: 7 Norway maples; 1 red maple; 1 black cherry; 8 crabapples; 1 sugar maple; 1 box elder; and 4 Callery pears. DPW request.

Note: this request was addressed out of sequence. It also relates to Item #3, Rock Street Park Rehabilitation Project.

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

B. One row of Arborvitae located behind the Shaw building at Prescott Park on Water Street - DPW request

Mr. Hallowell said the trees were impacting the building’s renovation and were so close to the building that they could not be trimmed. He recommended removing the trees to preserve the building and allow light and air to flow in. Vice-Chair Adams said he thought the trees looked okay but that he understood the reasoning for removal. It was further discussed.

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

C. One spruce located in the far corner of the lower parking lot at City Hall by the wooden fence -- Resident request

Mr. Hallowell said the resident requested the tree's removal because the tree was leaning more and more. Mr. Hallowell said he wasn't as convinced but noted that there was evidence that backfill had occurred there and that the tree had a heavy lead that could cause damage if it fell. It was further discussed. Mr. Hallowell recommended that the tree be removed.

Chairman Loughlin asked for a motion: *Mr. Dupere moved to recommend the tree's removal, and Mr. Rice seconded. The motion passed by unanimous vote.*

3. Rock Street Park Rehabilitation Project –Terrence Parker Plans

Note: this item was addressed out of sequence.

DPW employee David Desfosses was present to speak to the project and stated that they put the project out to bid. He said the goal was to open up the park to let daylight in. He introduced the landscape architect Terrence Parker. Mr. Parker reviewed the design and said they wanted to maintain six large trees and remove 19 others, including the shrubs. He stated that 37 new trees would be planted, including hedge and perimeter enforcement materials, gateway trees, and some canopy trees. He said that most of the ground plants would be ferns for easy maintenance. He said the existing wooden stage would be removed but that Peter Happny's steel sculpture would be prominently mounted. Mr. Desfosses noted that the path would be lit at night and that the existing monument would be reset near the Brewster entrance.

Chairman Loughlin asked for a motion. *Mr. Rice moved to recommend removal of the trees as presented, and Mr. Umbro seconded. The motion passed by unanimous vote.*

4. Update on North Church tree removal request

Paul Kelly and John Lindberg were present on behalf of the North Church. Mr. Kelly said they were concerned about safety issues and damage to the property. He distributed photos to the Committee that showed that the tree's root system was 8-10 inches higher than the sidewalk. He also pointed out that a previous contractor had noted that the roots were coming through the granite blocks. He said that the tree had been planted very close to the church. He distributed a photo that showed a crack in the pavement.

Mr. Rice said the tree was healthy, so he was torn. He said DPW's charge was to cultivate and maintain trees but said he was also sensitive to the safety and potential liability aspects. He said he wasn't convinced that the roots were causing the damage to the handicap ramp. As far as the uneven sidewalk, he said that DPW could look at removing the brickwork and installing a rubberized surface but that the sidewalk would still be uneven around the tree and there would still be concern about the tree's proximity to the church. He said that, as DPW Director, he would have to side with the folks who had safety concerns, but he noted that there could be steps taken to avert the immediate safety impact and extend the tree's life. Vice-Chair Adams concurred with Mr. Rice

and said that planting the tree back in the 1970s was an improper choice in that no consideration was given to its size in the future, and that he would agree with great reluctance to remove the tree.

Chairman Loughlin asked whether a smaller tree could be planted. Mr. Hallowell explained the function of the root system of a tree and said he wasn't sure if replacing the tree with a smaller one would address the bigger environmental issue because the new tree still wouldn't have what it needed to grow. The Committee discussed whether or not to install root expansions and make it a required process. Mr. Rice said he was more concerned with the tree's proximity to the church's roofline and the falls that people had experienced.

Chairman Loughlin asked for a motion. *Mr. Rice moved to recommend removal of the tree, and Vice-Chair Adams seconded. Owing to a misunderstanding, it appeared that the motion carried.*

The North Church representatives left the meeting at this point.

*A second vote on the motion was taken. This time the motion **failed**, with 2 members voting in favor and 5 members voting in opposition. (Mr. Hallowell abstained from the vote).*

There was further discussion about the motion, including deferring the vote and monitoring the porous pavement for a year, using a rubberized system, monitoring the tree, checking to see if there was root movement in the foundation, further investigating the roofline and the safety ramp, and making the project part of the downtown renovation budget.

Vice-Chair Adams pointed out that the North Church representatives had left the meeting thinking that the Committee had voted for removal of the tree.

It was decided that the motion would remain as voted the second time. Vice-Chair Adams suggested that Chairman Loughlin write a letter to Mr. Kelly to explain how the final motion was reached.

5. Update on Lois Street easement matter.

Note: this item was addressed out of sequence.

Mr. Rice said the city was negotiating buying the land on Lois Street because it was determined that one of the owners on the paper street did not have rights to the entire street. Mr. Rice said the city would discuss the issue with the other property owners.

6. Discussion of the City Inspection Program to ensure trees shown on site plans are actually planted and maintained.

Note: this was addressed out of sequence.

Planning Department Compliance Agent Vince Hayes was present. He said he monitored all land use projects in the city and explained the process. Chairman Loughlin asked Mr. Hayes what would happen if a tree did not meet city requirements. Mr. Hayes said the bond release would be withheld.

Mr. Rice suggested that contractors become better educated about the process and that protection requirements be ingrained into the contractor drawings and mindsets. Mr. Hayes agreed, noting that landscaping details were not what they should be and didn't seem to have longevity. Chairman Loughlin recommended that a note be added to all landscaping plans that the Planning Department or DPW would be notified if planting was done. Mr. Desfosses said he thought it would be a site review requirement, and it was further discussed. It was suggested that contractors and landscapers could attend yearly educational seminars to review requirements. Mr. Hayes suggested doing spot checks when trees were planted and also recommended that contractors have a standardized process that had a city enforcement plan incorporated into it. Mr. Rice concurred with Mr. Hayes.

7. Construction Damage to Red Maple Due to Residential Building Project at Corner of Thornton Street just before Monteith Street

Ms. Walker said she felt that people could do what they wanted as far as raising the ground level several feet. Mr. Hollowell explained that the construction team damaged the red maple by raising the grade about four feet over the root zone and that the tree would eventually die as a result. He said the tree was on city property. Mr. Rice said the city had the right to deny the contractor from changing the grade. Mr. Hollowell noted that there wasn't a way to let people know that they should call the city if they thought a tree would be damaged by construction. Chairman Loughlin suggested including a notice on building permits.

The discussion was continued below in Item 8.

8. Tree Protection Zones – Working Document to be used with Building Permits, Construction Projects & Land Use Permitting

Mr. Hollowell said the city had a Tree Protection Zone document. He said they were asked to pare it down but thought that simplifying it would not get the same effect as a larger document that was based on all best management practices and that covered all sorts of situations. Chairman Loughlin suggested that the notice include a statement that no work should be undertaken for trees within the city's right-of-way without contacting the City Arborist. Mr. Rice said it could be part of the building permit and state that no work could be done within, for example, 30 feet of the tree. He said the first step would be to meet with the Inspection and Planning Departments to discuss how it would work and whether there was legal authority to do so. He noted that most Building Inspection projects didn't go through DPW except for large projects that needed a bond. Mr. Hollowell also suggested that a fine be imposed on residents who didn't follow the city's standards.

Vice-Chair Adams suggested adding the item to the March 13 meeting agenda, and Mr. Rice agreed. Chairman Loughlin said he would write and send a letter to Mr. Hayes regarding it.

9. Old Business

There was no old business.

10. New Business

Mr. Griffin distributed an article to the Committee about saving the American chestnut tree, and it was discussed.

Mr. Griffin said a resident was concerned about the condition of an oak tree across from 15 Denise Street, and Mr. Hallowell said he would look at it.

11. Next Meeting: Wednesday, March 13, 2019.

*It was moved, seconded, and passed by unanimous vote to **adjourn** the meeting at 8:45 a.m.*

Respectfully submitted,

Joann Breault
Recording Secretary