

*"There is not a village in America, however badly planned at first, or ill-built afterwards, that may not be redeemed, in a great measure, by the aid of shade trees in the streets ... and it is never too late or too early to project improvements of this kind."*

Andrew Jackson Downing (1815-1852)

## ***AGENDA***

**CITY OF PORTSMOUTH  
TREES AND PUBLIC GREENERY COMMITTEE  
8:00 AM - Wednesday, October 14, 2020**

### **NOTE THIS WILL BE A ZOOM MEETING**

The Zoom information is as follows: Please register in advance for this meeting <https://zoom.us/meeting/register/tJMvcumhrD8oHdTMEzNSF7BV6KBtJAlIjgTz>

After registering, you will receive a confirmation email containing information about joining the meeting.

1. Acceptance of Minutes of the September Meeting
2. Tree Removal Requests:  
  
596 Kearsarge Way: 1 Linden, DPW request
3. Discussion regarding tree damage at 88 Lincoln. (See attached emails)
4. Update on Islington Street tree planting plans.
5. Old Business
6. New Business

Next Meeting: Wednesday November 18, 2020

Respectfully submitted, Peter Loughlin, Chair

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

**MINUTES**

**8:00 a.m. – Wednesday, September 9, 2020  
Remote Meeting via Zoom Conference Call**

**Members Present:** Richard Adams, Vice-Chairman; Peter Rice, Director of Public Works; City Arborist Chuck Baxter; A. J. Dupere, Patricia Bagley, Michael Griffin, and Dennis Souto

**Members Excused:** Peter J. Loughlin, Chairman; Dan Umbro

**Also Present:** David Desfosses and Ryan Flynn of the Public Works Department, City Environmental Planner Peter Britz, and Parks and Greenery Foreman Corin Hallowell.

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Chairman Peter Loughlin was absent, and Vice-Chairman Adams assumed the role of Acting-Chair and called the meeting to order at 8:00 a.m.

**1. Acceptance of Minutes of the August 12, 2020 Meeting**

*The August 12, 2020 minutes were accepted as amended.*

**2. Presentation Regarding Banfield Road Sidewalk Project by David Desfosses and Ryan Flynn of the Public Works Department**

Ryan Flynn presented the project to the Committee. He said it was a project dating back to 2016 that included the installation of a guard rail and widening of the roadway shoulders. He said several culverts were identified along Banfield Road that were a safety hazard due to issues of standing water and wetlands. He said they were determining how wide the road had to be to accommodate future sidewalks and multi-use paths. He said the guard rail would only be in areas that had adjacent wetlands. He said sidewalk and drainage easements and wetland permitting were acquired, and the current scope of the project was to widen shoulders and slopes to accommodate the sidewalk, which included removing trees and replacing six culverts. He said Banfield Road would be repaved at a later date. He said they received three easements for the project and would receive the other two easements in a few months. He said they wanted to install the roadway drainage before the sidewalk installation and that the entire project should be completed in the spring of 2021. He noted that the sidewalk installation will not take place until a later time, as it has not been budgeted.

Mr. Griffin asked if the elevation of the culverts would reduce or compromise the water volume levels in all the standing water conditions. Mr. Flynn said all the culverts would

remain the same but the capacity of the pipes would be increased to handle high flow and wet weather conditions better. He said it would not drain any wetlands. Acting-Chair Adams asked if it was necessary to remove all the requested trees since the sidewalk will not be installed at this time. Mr. Flynn said it was necessary because some of the trees were within the wetland buffer, and the shoulder had to be built for people to walk on. Mr. Griffin asked if the contract encompassed Heritage Road to Ocean Road and included Peverly Hill Road. Mr. Flynn said it was limited to Heritage Road to Ocean Road, but there was one culvert where the road would be widened.

Acting-Chair Adams said the proposal was analogous to a situation a few months prior where the project was already a done deal and whatever the Committee decided was inconsequential. He asked if there was any point to the Committee voting on the removal of the trees. Mr. Rice explained that the project took four years to pull together, so things that were typically done as a normal course of construction were not done because the wetland permits took a long time to acquire. He said the project was safety-driven and the trees have to be removed to widen the road and the future sidewalk. He wanted to ensure that the Committee was at least aware that the trees would be removed and was comfortable with the Committee not voting, noting that municipal work on municipal properties didn't always have to conform to requirements associated with land boards, especially with safety concern situations. The members of the Committee agreed that there was no need for a vote.

### **3. Tree Removal Requests**

- 875 Banfield Rd - 2 eastern red cedars;
- Between 886 and 901 Banfield Rd -1 red oak, 2 American elm, 15 red maples;
- In wetland area between 901 and 969 Banfield Rd - 6 red maples; and
- Between 1047 and 1051 Banfield Rd – 3 red oaks, 1 red maple, 1 American Elm.

**Note: These trees were part of the Banfield Road Sidewalk Project and were addressed then).**

### **4. Discussion of the Paul McEachern Park on the North Mill Pond**

Mr. Rice stated that Environmental Planner Peter Britz and Parks and Greenery Foreman Corin Hallowell were present. He said Mr. Hallowell was working with Jon Wyckoff, the representative of the North Mill Pond Advocacy Group. Mr. Rice stated that the green space was named for Paul McEachern and would have passive recreation with a few picnic tables. He said Mr. Wyckoff and his group had a larger vision for the area and wanted to install some amenities, but Mr. Rice said they would have to be done in a consistent manner with other shoreland parks. He reviewed a sketch that showed granite benches along the shore and a fish sculpture that kids could climb on. He said the Advocacy Group wanted to expand the proposed park to adjacent City property to place some benches along the water. He said there would be a new sign commemorating Mr. McEachern along the roadway. He said the plans wouldn't impact

any trees but the group also wanted to add high-bush blueberries along the property line, open up an entry to allow canoe and kayak loading along the shoreline, and plant and maintain other greenery. Mr. Hollowell noted that the five benches were all donated and were simple granite block bases with a slab on top. Mr. Rice said it was a collaborative effort in which the City would provide some labor and preparation of the spots where the sign, benches, and sculpture would go. Mr. Britz said some of the work proposed on City property and at the edge of the North Mill Pond was scheduled to go before the Conservation Committee later that day and that they could have some concerns that could change the plan, but in general the concept of the benches, getting people to the water passively, and a park was a good thing. He said there was a previous salt marsh restoration project where some material was removed with the help of the Public Works Department, and it could be of concern if the proposed kayak and canoe entry area interfered with that.

Mr. Griffin asked if parking was available in the park, and Mr. Rice said there would only be parking on the edge of the roadway. Ms. Bagley asked if the adjacent condominium owners were in support of the park. Mr. Rice said he hadn't heard from them but had heard from a resident who lived across the street who was concerned about people parking along the road. He said that was why it was important to give citizens an opportunity to speak about the project before it was done.

## **5. Old Business**

There was no old business to discuss.

## **6. New Business**

There was no new business to discuss.

**Next Meeting:** Wednesday, October 14, 2020

The meeting was adjourned at 9:40 a.m.

Respectfully submitted,

Joann Breault  
Committee Recording Secretary



Peter Loughlin &lt;peter.loughlin@pjllaw.com&gt;

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**Re: Tree Damage**

1 message

**Matthew Beebe** <matthewdbeebe@comcast.net>

Thu, Oct 8, 2020 at 12:04 PM

To: "Peter H. Rice" &lt;phrice@cityofportsmouth.com&gt;

Cc: Peter Loughlin &lt;peter.loughlin@pjllaw.com&gt;, Charles Baxter &lt;cbaxter@cityofportsmouth.com&gt;, Synthia Ravell &lt;sravell@cityofportsmouth.com&gt;

Hi Peter:

Sorry for the confusion.

All those things have already happened. The trees have been inspected by multiple people—including Chuck. He and I have already had a lengthy conversation about the state of the trees and what to expect going forward.

I've also been in touch with the Committee via Vice-Chair Richard Adams.

I don't want to reinvent the wheel here—or raise false alarms.

All I really want to know is—is there a plan in writing for handling the tree issue down the road.

If not, I've already been assured by Atty. Sullivan that the city is ready to take action if a civil complaint is initiated.

I've been carrying the ball from a "concerned citizen" standpoint and I'm ready to press the issue if necessary

Thanks,

Matt.

&gt; On Oct 8, 2020, at 11:48 AM, Peter H. Rice &lt;phrice@cityofportsmouth.com&gt; wrote:

&gt;

&gt; Matt:

&gt;

&gt; I will forward your concern to the Tree and Greenery Committee to discuss this issue and will follow-up with our legal department as to remedies available to the City. In addition, I have cc'ed the City's Arborist and will have him inspect the damage to the trees.

&gt;

&gt; Thank you for your email.

&gt;

&gt; Sincerely,

&gt;

&gt; Peter Rice

&gt; Director of Public Works

&gt;

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&gt; -----Original Message-----

&gt; From: Matthew Beebe [mailto:matthewdbeebe@comcast.net]

&gt; Sent: Thursday, October 8, 2020 11:25 AM

> To: Peter H. Rice <[phrice@cityofportsmouth.com](mailto:phrice@cityofportsmouth.com)>

> Subject: Tree Damage

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> HI Peter:

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> I've spoken with the contractor responsible for the renovation project @ 88 Lincoln Ave, where some substantial tree damage was done to two very old Silver Maples.

> In expressing my concern for the health of the trees and the poor outlook for their survival (based on conversations with both city-connected experts and outside tree experts), the contractor assured me that there is " a plan in place" with the city, and that I should "trust" the city and the remedy as set in place.

>

> I am reaching out to you to ask if you know of any written, documented plan for the resolution of the tree issue in the event the trees die ( as has been predicted by all I've spoken with)?

>

> I called the city legal department and was told that, to their knowledge, there was no "plan."

>

> These trees sit on public (city) property and are within striking distance (if they fall) of four houses (two are mine), including the house the contractor has renovated. They will become a safety issue for the abutters as the trees deteriorate.

> The actions of the contractor are in violation of Chapter 8 Article 3 of the municipal code. Has the city taken steps to hold them accountable?

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> Respectfully,

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> Matt

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