

MINUTES of the
City of Portsmouth
Trees and Public Greenery Committee Meeting

May 12, 2021

Remote Meeting via Zoom Conference Call

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

Members Absent: Dan Umbro

Also Present: Eversource Representative Scott Richardson

Chairman Loughlin called the meeting to order at 8:00 a.m. He commented that the trees planted in the City by the Committee, Public Works, and the arborists looked great.

1. Acceptance of the Minutes of the April 14, 2021 Meeting

The minutes were approved as presented.

2. Tree Removal Requests

From Eversource:

- 2 Sagamore Grove - 5 white pines

Diane Szmyd, the owner of 2 Sagamore Grove, was present. She asked whether the whole tree or just its limbs would be removed. Scott Richardson of Eversource said their intent was to remove all five trees but do nothing with the stumps. Mr. Rice said his staff would grind the stumps. Mr. Baxter said one of the trees had significant basal decay, and the rest of them had issues with power line distances. Mr. Richardson said there were actually 2-3 trees that had basal decay and if they were removed, the other two trees would be at risk due to wind conditions. Mr. Dupere said there was an oak or maple in the mix of the white pines and asked if it would be removed, but Mr. Richardson said they had no intention to do so.

Chairman Loughlin asked for a motion. *Mr. Souto moved to recommend removal of the five pines, and Mr. Dupere seconded. The motion **passed** by unanimous vote, 7-0.*

- **Sagamore Ave across from Cliff Rd - 1 red oak, 1 white pine**

Chairman Loughlin asked for a motion. *Mr. Souto moved to recommend removal of the two trees, and Mr. Griffin seconded. The motion passed by unanimous vote, 7-0.*

- **Little Harbor Rd - 27 white pines, 1 white oak**

Eversource representative Scott Richardson said all the trees as a group were well matured and decaying rapidly. He said several of the trees were damaged by windstorms and others were too close to the power lines. Mr. Baxter said he was in the area and saw several trees that had significant basal decay or posed a serious risk to motorists and pedestrians because they were in close proximity to high voltage power lines. Mr. Richardson agreed and said it was difficult to remove healthy trees but that the power lines had to be maintained. Mr. Dupere said some of the trees were on State property and that he spoke to some State representatives who said they had no objection to removing the trees. Ms. Bagley asked Mr. Richardson about public safety in terms of arcing. Mr. Richardson said any tree within 2.6 feet of the street's edge was considered too close. He said on a wet day, the energy from the power lines would go into the tree or the bucket truck and someone could be killed because the power lines weren't insulated.

Chairman Loughlin asked for public comment.

Ted Gilchrist said he walked on Harbor Road daily that thought the trees had a wonderful canopy effect. He asked that careful consideration be given to each tree, as well as alternatives.

Stephen Pollak of Rye said he and his wife walked daily on Little Harbor Road and thought the road was a Portsmouth treasure. He noted that some trees that were close to the wires were not tagged and other trees that looked healthy and were away from the wires were tagged. He said if the canopy trees were removed, the forest would dry out. He said the forest and power lines had coexisted for a long time and asked if there was an alternative solution to removing the trees.

Nicole Benevinia said her husband ran the trails off Little Harbor Road daily. She said she was struck by the number of trees slated for removal and asked whether the power lines could be put underground. She asked how long the removal of the trees would take and how it would disrupt the community. Mr. Richardson said it was very expensive to put the wires underground, and a trench would have to be dug along the road, which would disturb the trees' root systems and cause additional trees to be removed. He said the trees would have to be removed one at a time due to their size, which would involve a crane and would cause a week's disturbance on the road.

Chuck (no last name given) said he lived on Little Harbor Road and walked it twice a day. He said removing the trees would impact the area's quaintness and beauty and thought that 27 trees were a lot of trees to remove on that road. He asked that as many trees as possible be saved and that the power wires be insulated.

Greg Hinson said the majority of the trees slated for removal were mature and healthy and were also beyond the chapel, so not many utility customers would be affected by a power outage. He

noted that the tagged trees seemed to be arbitrarily tagged and asked that the canopy trees be spared and that only the diseased trees be removed.

Andrew Bagley of 40 Chauncey Street said there was a lot of community interest and suggested that an article about the Committee and how its members reached its decisions be published in the Portsmouth Herald. Chairman Loughlin said the Committee was always reluctant to remove a healthy tree.

Sue (no last name given) said she lived on Little Harbor Road and walked it every morning. She said a tree hadn't caused a significant power outage in the area since the time she lived there, and she hoped the Committee would consider removing only the diseased trees.

Bob Najar said he designed the route for the Little Harbor Trail on the west side, so he was familiar with the area. He said there had been no significant power outages over the past 32 years. He said some trees were flagged and some were not and asked that the focus be on the diseased trees only. Mr. Richardson said most of the flagged trees had diseases or other serious issues. Mr. Dupere said some trees were flagged and some were posted. He said the dead trees didn't need to be posted, and that the trees behind the wall on State property were flagged as part of the Eversource project. Mr. Rice said nothing had been decided at that point and that everyone's input was important.

Stephen Pollak said people would become aware of the project and would be angry, and he suggested that the City get an independent assessment of the trees to protect itself. He asked if arcing was the biggest concern. Mr. Baxter said the Eversource project was not intended to manage an urban forest but that there was a structure for utilities to exist and there were standards that required a certain distance from power lines. He said managing a forest alone was far different than managing a roadway for utilities. He said the reason that not all the trees were posted was because Mr. Richardson knew all those trees would not be removed and that the ones that were decayed or had dead limbs would be. He said the arcing was a concern, but the overall issue was Eversource's standard to provide power. Mr. Richardson said the same standard would apply to any road and that Eversource considered the health of the trees near the wires and the potential for an arcing situation. He said their main concern was the infrastructure along the road.

Mr. Baxter said he'd like to not remove any trees unless they were diseased. Mr. Rice said the move to improve the reliability of the electric system began with the big ice storm several years before, and Eversource was since directed to clear trees from power lines to prevent power outages, which was also a benefit for the residents. He said the Committee's charge was to provide a balance, and he emphasized that no decision had been made. He encouraged the public to be patient and see how it played out.

*Mr. Rice moved to **table** the discussion until the Committee was able to do a tree-by-tree site walk on Little Harbor Road and clarify which trees would be removed and why so that people could understand the rationale. He said it was a combination of a safety issue and a reliability issue. Vice-Chair Adams seconded.*

The public comment session was closed.

There was further discussion. Vice-Chair Adams said the Committee had never had a request of this scope. He said he didn't think the Committee had really analyzed or discussed the scope of its authority, and he asked if the Committee had ultimate approval or was mainly an advisory body. Mr. Rice said he believed the Committee had the authority. Chairman Loughlin said he always liked to see the motion phrased that the Committee make the recommendation to make a decision on whether Public Works will employ their powers to remove trees, but under the Statutes, that type of removal had to be reviewed by the City. He said there was a lot of litigation between a utility and the City, but the Statute gave Utilities certain powers and responsibilities concerning street trees within the City's right-of-way. Mr. Dupere said the Committee would have to look at its original charter concerning their responsibility. Regarding pruning requirements and regulations, he said Eversource normally contacted the adjacent landowner, who had a 45-day timeframe to approve or reject the tree's removal, but that in this case, most of the trees were within the City's right-of-way and belonged to Portsmouth residents. Chairman Loughlin said he agreed with Mr. Rice's motion to table the request until a site visit was done.

It was decided that a site visit would be done on Wednesday, May 19, at 3:00 p.m. and that any resident could attend. Mr. Rice said people could park at the Coolidge Mansion. He said he would post it on the City's website and other multiple ways.

*The motion **passed** by unanimous vote, 7-0.*

- **215 Jones Ave - 1 willow**

Chairman Loughlin asked for a motion. *Mr. Souto moved to recommend removal of the willow tree, and Ms. Bagley seconded. The motion **passed** by unanimous vote, 7-0.*

Mr. Griffin then asked that the tree removal be postponed until the nesting birds in the tree's cavity left.

*The motion was **amended** to read as follows:*

*Mr. Souto moved to recommend removal of the willow tree after September 15, when the nesting birds had left. Ms. Bagley seconded. The motion **passed** by unanimous vote, 7-0.*

- **323 Jones Ave - 1 white pine**

Mr. Baxter said the removal was part of Eversource's request. Mr. Richardson said there were actually two trees on the property slated for removal, and he suggested that the other tree be posted for another meeting.

Chairman Loughlin asked for a motion. *Mr. Souto moved to recommend removal of the white pine that was posted, and Ms. Bagley seconded. The motion **passed** by unanimous vote, 7-0.*

- **Across from Jones Ave landfill gate - 3 red oaks**

Resident Andrew Bagley said someone he knew thought the oaks looked unhealthy and was concerned about nesting birds. Mr. Richardson said the trees were not as decayed as the white pines but had issues at the base. He said there was a 3-phase line that ran through there that carried a bit more weight for the customers it served. He said the trees were diseased to some extent and in a dangerous spot. He said it was less of a problem than the white pines but that every tree had a potential risk of failure. Mr. Rice said three separate strands of wire vs. a Hendrix configuration was different because a Hendrix would get an extra four feet of clearance. Mr. Richardson agreed and said the main concern was that it was a 3-phase primary open wire. Mr. Baxter said it was a proximity issue. Mr. Rice said the trees seemed healthy and that he didn't think they should be removed. Mr. Baxter suggested that the trees be pruned instead.

Chairman Loughlin asked for a motion. *Mr. Rice moved to recommend pruning the trees instead of removing them, and Mr. Souto seconded. The motion **passed** by unanimous vote, 7-0.*

Mr. Griffin said there were other trees that were marked with a blue-and-white tag and asked if they would be removed. Mr. Richardson said they were candidates for removal. Mr. Baxter said he hadn't posted them because he wasn't sure who owned what, and but that he would figure out which trees should be pruned or removed and would post it for the June meeting.

- **40 Merrimac St - 1 white ash**

Mr. Baxter said the tree had merged into a supporting pole.

Chairman Loughlin asked for a motion. *Mr. Griffin moved to recommend removal of the white ash, and Mr. Souto seconded. The motion **passed** by unanimous vote, 7-0.*

DPW Request:

- **Emery @ Maplewood Ave - 7 white pines that have previously been topped, and have a poor future. Scott Richardson from Eversource (Northern Tree) has offered to do these removals for us, as they are in proximity to wires.**

Mr. Baxter said a few of the pines were dead and the rest were mutilated and that Eversource or Northern Tree would remove the trees. Mr. Rice agreed that they should be removed.

Chairman Loughlin asked for a motion. *Mr. Rice moved to recommend removal of the seven pines, and Mr. Souto seconded. The motion **passed** by unanimous vote, 7-0.*

At this point, Mr. Rice noted that there were additional statements from residents concerned about the Little Harbor Road project, and he read them into the record. Chairman Loughlin noted that the Committee had experts like Messrs. Dupere, Baxter, Hallowell, and Richardson who knew the difference between a tree that was well protected in a forest vs. a tree that was isolated and affected by a heavy wind, and he suggested that it be addressed at a future meeting.

3. Old Business

- Community Garden

Mr. Rice said he would meet with Tricia Donahue as well as the Legal Department to discuss the garden further. He said they had identified the location but needed to come up with bylaws, responsibilities, and roles. He said he would report his findings to the Committee at the June meeting. Mr. Dupere said he would send his bylaws to Mr. Rice as well.

- 49 Fells Road

Chairman Loughlin said there was a request to remove a red maple to the north of the driveway and to remove a Norway maple to the right. Mr. Baxter said the owner's original request was to widen the driveway, which would affect the tree to the left, and the owner had said the tree in front of the house was causing the walkway into the house to be damaged. Mr. Baxter said he didn't believe that the tree was damaging the walkway because the concrete pads had not risen. Mr. Rice said he wasn't clear about whether or not water was coming off the street and that he didn't see a justification for removing the trees. Chairman Loughlin noted that a resident requested a few years ago to remove a linden that he thought was too close to the driveway and that the Committee denied it because the tree was healthy. He said the red maple was 14 feet from the pavement's edge and the Norway was 10 feet away and that there was no justification for removing either tree.

Chairman Loughlin asked for a motion. *Mr. Rice moved to **reject** removal of the red maple and the Norway maple, and Mr. Souto seconded.*

There was further discussion. Vice-Chair Adams said he thought the owner's rationale to remove the trees had shifted to a water issue and thought the owner just wanted the trees removed for whatever reason. Ms. Bagley agreed and asked why the owner would want to add impervious surface by widening the driveway if they were concerned about a drainage issue.

*The motion **passed** by unanimous vote, 7-0.*

4. New Business

The historic photos of the Middle Road neighborhood that Chairman Loughlin had shared with the Committee relating to the community garden were discussed. Chairman Loughlin said the City produced topographic maps back in the 1990s that showed the contours of every property in the city and that he didn't have the one showing the elevation of the home and the street. Mr. Rice said he would send Chairman Loughlin a copy of the latest maps that Public Works had.

Mr. Souto asked whether Eversource had a budget for tree planting, noting that they had removed a lot of trees lately and he wondered if they reimbursed communities. Mr. Richardson said he didn't know. Mr. Baxter said it was a great idea and that the Committee should think about how it could be done. Mr. Dupere said Eversource did help with arboretum events around the State but that it wasn't a practice to replant or reforest.

Next meeting: Wednesday, June 9, 2021.

The meeting was adjourned at 9:36 a.m.

Respectfully submitted,

Joann Breault

Trees and Public Greenery Committee Minutes Taker