

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

**June 9, 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

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Chairman Loughlin called the meeting to order at 8:00 a.m.

**1. Acceptance of the Minutes of the May 12, 2021 Meeting**

The May 12 minutes were approved as amended.

**2. Tree Removal Requests**

- **Eversource request** for removal of trees on Little Harbor Road - continued from May 12 meeting and May 19 site walk.

Eversource representative Scott Richardson was present. Chairman Loughlin said there were 21 tree requests for removal. He noted that citizen Diana McNabb sent a letter to the committee with several questions, some of which were out of the committee's jurisdiction. He asked if there were any trees on the list that didn't have issues related to arcing, decay, or closeness to the wires. Mr. Baxter said the majority of the trees had decay and a few others were too close to the wires. Chairman Loughlin asked that the request for removal be treated as a single request because there were problems indicated on each of the 21 trees. Relating to the Committee's jurisdiction on trees, he said the trees in question appeared to meet the Committee's normal recommendations for removal.

Mr. Baxter said there were additional requests from the site walk that were not within the City's jurisdiction, so the original number of trees went down from 30 to 21. Mr. Souto asked if Eversource representative Scott Richardson could address Ms. McNabb's questions, including incidents of failure in the past and how Eversource managed the information and made it available to people. Mr. Dupere said Mr. Richardson was only the contractor for Eversource and that Eversource could better address the question. Mr. Souto asked if it would be relevant if there were ten outages vs. zero in the last ten years on Little Harbor Road in making decisions about removing trees. Mr. Richardson said Eversource tracked the success of the circuit itself and not

the individual road. Mr. Rice said the City considered the safety related to the tree and the risk assessment. He said Eversource's exercise identified a number of trees at risk of failure and now that the City was aware of the liability, it was obligated to address it and that they relied on Mr. Baxter and Mr. Dupere to make their recommendations.

Vice-Chair Adams said it still wasn't clear whether the committee had jurisdiction over those trees. Chairman Loughlin referred to the State Statute and said the receipt of a license to erect and maintain utility equipment includes consent to cut, prune, or remove shade or ornamental trees growing on land located within the right-of-way that pose a danger to the reliability of equipment installed at or upon licensed utility facilities. He said the committee acted almost like an advisory board but ultimately the utility company had the statutory right to remove a tree if they believed it caused a danger to their wires. Vice-Chair Adams said that Eversource should then respond to Ms. McNabb's questions.

Chairman Loughlin asked for a motion. *Vice-Chair Adams moved to **postpone** any action on this request from Eversource until Eversource responds to the request of Ms. McNabb for detailed information. Mr. Souto seconded the motion.*

Mr. Dupere asked if it was just the trees that the City was claiming to be under its auspices, or the trees that were impacted on State and private property as well. Mr. Rice said it would only apply to City trees. Ms. Bagley said trees were identified as having basal decay and asked how that would factor in if the committee knew the trees that had decay and were waiting for Eversource to weigh in. Mr. Rice said the City would request removing a tree due to the tree's condition and then it would become a separate discussion.

### **Public Comment**

Ted Gilchrist said there was a distinction between the trees on Little Harbor Road with basal decay and the ones deemed to be too close to the power lines. He said it made sense for the City to recommend action on the decayed trees, but he thought the ones too close to the power lines should be in a different category and have special dispensation than any typical street because Little Harbor Road was like a nature area that people went to.

Stephen Pollak said most of the poles around the city had arms on them, whereas only a few along Little Harbor Road had arms, and if arms could be put on more of those poles it would change the proximity of the trees that were healthy but deemed too close and the trees wouldn't have to be removed. He said the overall number of trees on Little Harbor Road slated for removal was 30, and he asked how 30 or more trees of that size could be taken down in five days and what destruction would be done to the road. He asked if an extension could be placed on the poles to extend the line over the road and create adequate distance for some of those trees.

Diana McNabb said she'd like the Committee to reconsider the entire removal project and would like Eversource to provide performance data to justify ruining a community jewel and state how the reliability problem on the street compared to the average. She said the Committee should then think about a risk-reward comparison of destroying the ambiance of the road vs. the reward

of an unspecified increase in the reliability of power to customers or an unspecified reduction of risk that the City might have. She said utility customers said they would rather risk a power outage than lose the trees. She suggested narrowing the list of trees to be removed to the top five, both on State and private land, and then monitoring the rest.

Andrew Bagley said he understood the reluctance for cutting down the trees but thought the City had to look out for the health and safety of its citizens. He said he would support whatever decision the committee came up with.

Chairman Loughlin noted that Ms. Bagley said the trees with basal decay deserved a separate treatment and thought the committee could postpone the request to give Eversource time to address Ms. McNabb's questions but not put off removing the decayed trees any longer than that. Mr. Rice suggested that a slide show of the trees identified for removal be shown at the next meeting, at which Eversource would also respond to Ms. McNabb's questions.

*Mr. Rice moved to **amend** the motion to **postpone** any action on the request from Eversource until Eversource responds to the request of Ms. McNabb for detailed information and that there's a separate track on the trees with basal decay. Mr. Souto seconded.*

Mr. Dupere abstained from the vote.

*The motion **passed** by a vote of 6-0.*

#### **Eversource Requests:**

- On roadside next to 323 Jones Avenue - 1 white pine

Mr. Baxter said the tree's top was blown out and the tree was growing directly in the wires and had no future.

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

- Across from Jones Avenue landfill gate - 1 red oak that was posted last month

Chairman Loughlin noted that there were actually three red oaks. Mr. Baxter agreed but said the third red oak had a lot of decay. He recommended removing it and leaving the other two oaks.

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

- 330A Jones Avenue (City right-of-way that shares driveway) - 1 white pine

Mr. Baxter said the tree was in the driveway, which was in the right-of-way. Mr. Rice said the street was a paper street but was used as a driveway and went to the back of the high school. Mr.

Richardson said it was a large pine at the end of its cycle and very close to the pole and wire at the edge of the driveway.

Chairman Loughlin asked for a motion to recommend removal: *Mr. Rice moved to remove the tree, and Mr. Griffin seconded. The motion **passed** by unanimous vote, 7-0.*

- Towards the end of Jones Avenue headed to the Elks Lodge - 2 white pines, 2 red oaks

Mr. Richardson said all the trees had base rot issues and would eventually fall over. Mr. Baxter agreed and said it was part of Eversource's line clearance.

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

- Wentworth Road (Between Bean Group and 74 Wentworth Road) - 6 red oaks, 3 red maples

Mr. Baxter said some trees had defects and others had a proximity issue. He said the span of lines going down the road was very thick and the trees didn't have a future due to their proximity to the wires. Mr. Richardson agreed.

Chairman Loughlin asked for a motion to recommend removal: *Mr. Dupere moved to remove all the trees, and Ms. Bagley seconded. The motion **passed** by unanimous vote, 7-0.*

#### **DPW Requests:**

- Goodwin Park - 1 sugar maple

Mr. Baxter said the tree's trunk on the side of the condominium complex's parking lot had severe canopy loss and a high risk for failure.

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

Mr. Griffin said the copper beech tree near State Street should be removed, and Mr. Baxter said he would look at it.

#### **Resident Requests:**

- Corner of Colonial Drive and Schurman Avenue - 1 linden (large crack in main branch)

Mr. Baxter said the tree had a large crack and heavy canopy and had a high probability of failure. He noted that the tree had been pruned around the wires for so long that there were no lateral branches left to prune, and he recommended its removal.

Chairman Loughlin asked for a motion to recommend removal: *Mr. Rice moved to remove the tree, and Ms. Bagley The motion **passed** by unanimous vote, 7-0.*

- 260 Broad Street - 1 linden (half of tree has been removed)

Mr. Baxter said he would do a soil test after the tree was removed to find out why it died suddenly and that he would keep the committee informed.

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

### **3. Old Business**

Mr. Griffin asked Mr. Baxter about his preliminary assessment of the bare root planting program. Mr. Baxter said there were eight Zelcovas that never broke bud because they didn't have a large fiber root system, but that it was a nursery stock issue. He said otherwise all the trees were doing well, except for a few swamp white oaks that were struggling. He said they planted more trees than they ever had and the efficiency was a total of 3-4 weeks of planting before mid-May. He said the overall canopy that was added was much larger. Mr. Richardson said Eversource would consider paying for tree removals within ten feet of wires and suggested that, in such cases, the City might want to ask Eversource to handle such removals in the interest of saving money.

Ms. Bagley thanked Mr. Baxter for leaving the ID tags on the new trees, noting that it was a great education for the public. Mr. Baxter said a tree identification project would be done for established 2020 tree plantings as well as a walking tree tour.

### **4. New Business**

Mr. Rice said a lot of people were congregating at Haven Park and using it as a dog run, causing grass compaction. He said it was becoming a dirt area more than a green space and that Public Works would monitor the area and take action if the damage was continued. He said they might have to rope the area off for re-establishment in the fall or next spring.

**Next Meeting:** Wednesday July 14, 2021

The meeting was adjourned at 9:00 a.m.

Respectfully submitted,

Joann Breault

Trees and Public Greenery Committee Minutes Taker