

MINUTES of the
City of Portsmouth
Trees and Public Greenery Committee Meeting
November 10, 2021

Members Present: Chairman Peter J. Loughlin, Vice-Chairman Richard Adams, Director of Public Works Peter Rice, Patricia Bagley, Deborah Chag, Michael Griffin; Arborist Foreman Chuck Baxter

Members Excused: Dennis Souto, A.J. Dupere

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

1. Acceptance of the Minutes of the October 13, 2021 Meeting

The minutes were approved as presented.

2. Tree Removal Requests

- **Commercial Alley, 1 honey locust, resident request**

Mr. Baxter said he didn't really want to remove the tree but that there were valid concerns, including that the tree had many hazards, like large pieces of deadwood. He said in the past, they scheduled a power outage in Commercial Alley to do work on the tree, but a business owner claimed that they didn't get any notice from Eversource, even though Eversource had sent out a notice but there was a long period before the work was done. He said the power would have to be shut down and some businesses might have refrigeration issues. He said if the lines were planted underground or if patio work was done, it could be detrimental to the tree. He said Eversource would take care of the tree, but he'd like to see the tree remain.

Mr. Rice said Eversource made it clear that the current wiring configuration didn't meet code and that the electricity went over other people's properties without having proper easements. He said Eversource made it clear that the lines had to get buried and a transformer had to be located in the area. He said a few locations were identified and that it made sense to do the transformer all in one sweep. He noted that a property owner adjacent to the tree planned to build a 3-season addition to his restaurant and to extend their winter dining season by putting up a wall. He said the foundation for it would impact the tree's base. He said the City would work with Eversource to prune the tree, which would be challenging because advance notice would have to be given to the public and Eversource would have to schedule it and give certified notice to the residents. He said the restaurants in the area would need sufficient notice to figure out how to power their refrigeration during the shutdown, which would be 6-8 hours. It was further discussed, and Mr.

Rice said the entire block of buildings in that area was problematic from an electric service standpoint but that the City would work with Eversource to figure it out. He said the tree was owned by the City and if its root system was on someone's property, the property owner had the right to expand their property even if it impacted the tree.

Public Comment

Jim Kilmartin of 5 Commercial Alley said he hoped the tree would remain and that he trusted the committee's judgement.

Brian Gibb of 348 Maplewood Avenue said the tree was unique in the alley. He commended and thanked the committee for their desire to preserve and protect the tree.

Tim Colson said the tree should stay and suggested that some businesses which were closed on Monday could meet on that day and work together to discuss when the tree could be trimmed.

No one else from the public spoke. Mr. Baxter said the City scheduled work on the tree a month in advance, but some of the property owners said they hadn't received a Certified Letter, so nothing was done. He hoped that it could be rescheduled sometime during the winter instead of next spring. It was further discussed.

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

- **Indoor pool – 2 crabapple trees at entrance – DPW request**

Mr. Baxter said people were slipping on the crabapples or squashing the apples so that they got trapped in the indoor pool. He said the crabapple trees were not pretty ones and always had to be pruned, and he suggested removing them and replanting non-fruit trees of a more appealing appearance.

Chairman Loughlin asked for a motion. *Mr. Griffin moved to recommend removal of the two trees and replant a different species, and Mr. Rice seconded. The motion **passed** by unanimous vote.*

3. Report on Proposed Spinnaker Point Tree Removal

Ms. Chag said she noticed that the trees all had blue checkered ribbons and asked if Eversource had tagged them. Mr. Baxter said Eversource always contacted him if the trees were owned by the City, so they were most likely private trees. After some discussion, it was ascertained that the trees were owned by the condominium association.

4. Discussion of Scope of Trees and Public Greenery Committee Review

The topic was discussed in Section 6, New Business. (**Note:** the committee addressed out of sequence Section 6, New Business and then Section 5, Old Business).

5. Old Business

Vice-Chair Adams said that some time ago he saw workmen using a chainsaw to cut two huge roots close to a silver maple on Lincoln Avenue. He thought they were digging a trench for a new gas line. He said there were two silver maples, and one of them was already showing signs of dieback. He said the incident raised issues with the committee and whether something could be done other than accepting people's apologies and claims that they didn't know any better. Mr. Baxter said there needed to be a fine issued at the time of the damage. He noted that most signs of tree damage didn't show up for 3-5 years, so unless there was a documentation process to hold someone accountable, there needed to be an immediate consequence. It was further discussed. Mr. Baxter said the City had the manpower to do so because they had tree protection zones that they enforced and that normally he would be contacted by a contractor or the Planning Department. He said this particular event slipped through the cracks and that they just received the call that the roots were being excavated.

Mr. Rice said that even if there were a means of financial compensation for the damage, it wouldn't correct the problem. He said the subcontractor just did what he thought needed to be done on that particular tree, but that it didn't happen often, and that the City should think about how to minimize the potential of it happening again. Mr. Baxter said he had come up with a structure of what could solve the problem that he could bring to the next meeting.

Chairman Loughlin said he appreciated the work Mr. Baxter was doing in improving silver maples and other trees all around the City. He noted that he spoke to someone from a different town who remarked that towns in general were terrible at maintaining properties like cemeteries and parks. Chairman Loughlin said Portsmouth was lucky to have a Public Works department that maintained all the ballfields, parks, and parking lots, and he commended them. Mr. Rice said it wouldn't happen without the support of the committee and the City Council, nor without the resources provided and paid for in taxes by the residents. Ms. Chag suggested that the committee discuss composting at the next meeting. She noted that Mr. Baxter was at a National Association for Conservation Districts Conference meeting, and it was further discussed.

6. New Business

Ms. Chag said that, with all the climate change and sustainability issues, she thought it was a good time for the committee to find out what projects were going on in the City, especially the Open Space Plan. She said she talked to Peter Stith from the Planning Department who managed the plan and thought it was a good idea if the committee could make recommendations or be supportive of the plan and in general see if the committee had a role in collaborating or advocating. She suggested inviting Mr. Stith to give a presentation to the committee on the Open Space Plan and/or invite others to educate the committee so that the committee members could make decisions about what they wanted to support and whether it could be funded. Chairman Loughlin said it could be added to the agenda for the following meeting.

The plan for Prescott Park was discussed. Ms. Bagley said a lot of citizens didn't understand what the committee was about and that it seemed like an educational component was missing. She said the City Website had a lot of information that was difficult to sift through and that some people weren't aware of the Tree Fund. She said the website could be used as an educational tool. Mr. Rice said he was involved on a daily basis with Prescott Park and that the trees were healthy, with a future beyond 5-10 years. He said the Master Plan was not cast in stone but was an attempt to move forward and learn, and the fact that the trees were in good condition indicated that that particular stage of the Master Plan may be adjusted or maybe not done at all. He discussed a few examples and noted that there was a Blue Ribbon Committee that posted meetings on the City Website that people could attend. He said when anything deviated significantly from the Master Plan, it had to be approved by the City Council. He said there was no current stage approved but Phase One of the project was being worked on and wouldn't start until the following year, so there was ample time for folks to weigh in. It was further discussed.

Mr. Baxter said he met with the Peirce Island Committee and that they would move forward as soon as possible on removing some trees. He said a few options were discussed and that there were concerns about what trees would be replanted, but that it was up to the Trees and Public Greenery Committee. He mentioned a project called Mryawaki in Cambridge that created a forest ecosystem that had worked well and was something that Portsmouth could do. Mr. Rice said it was a good opportunity for collaboration between the two committees and to educate the public and showcase the professionalism that the committee had. He noted that the Conservation Committee had also expressed an interest. He said he and Mr. Baxter would think about it and return with a recommendation, and that they would reach out to the Peirce Island Committee to let them know that it was an ongoing project that they could add their input to. Chairman Loughlin asked why the trees on Peirce Island were being removed. Mr. Baxter said they were infested with the red pine insect and that he would be following a study on it.

Next meeting: Wednesday, December 8, 2021.

The meeting was adjourned at 8:55 a.m.

Respectfully submitted,

Joann Breault

Trees and Public Greenery Committee Recording Secretary