

**MINUTES of the
City of Portsmouth
Trees and Public Greenery Committee Meeting
December 8, 2021**

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

Members Excused: Michael Griffin

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

1. Acceptance of the Minutes of the November 10 Meeting

The minutes were approved as presented.

2. Tree Removal Requests

- **191 Crescent Way - one elm, resident request**

The resident Patricia Famolare stated that the tree's roots were invading her sewer line and also buckling the sidewalk, and that the tree's trunk also has quite a few woodpecker holes. Mr. Dupere explained that woodpecker holes might stress the tree a bit but not cause a lot of damage to it. He thought the tree probably wouldn't survive if the sewer lateral were to be replaced. Mr. Rice said root intrusion and sidewalk buckling happened all over the City but historically trees weren't removed because of it, and if it was a sewer repair, the DPW's position was that the homeowner should replace the lateral rather than expecting the City to remove the tree. He said if the tree was already in decline and being destroyed by the sewer service, it would usually be removed. The sewer line was further discussed. Ms. Famolare said two of her contractors told her that the tree had to be removed in order to replace the lateral. Mr. Rice noted that the tree was planted ten years ago and wasn't a legacy tree, so he was comfortable with its removal and planting another tree in its place.

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

There was further discussion. Chairman Loughlin said there were unusual circumstances in this case because there was good evidence that the tree was a problem. Mr. Baxter said the tree wasn't historic and that it would be easier to replace it with two trees. The issue of whether a precedent would be established was discussed. Chairman Loughlin said trees had typically not

been removed in the past when they impacted pipes. Vice-Chair Adams said there were extenuating circumstances because the tree wasn't that old, and the Committee couldn't mandate what the owner should do but should recommend that a tree or more would not be planted in that area without the lateral being replaced at the homeowner's expense. Mr. Rice said it was a reasonable suggestion.

The motion was **amended** as follows:

Mr. Rice moved to recommend removal of the elm tree but not replant until there was documentation that the sewer lateral had been replaced.

Mr. Rice said this was acceptable because of the tree's age, the indication of stress on the tree, and the impact on the sewer lateral as part of the repair option due to its location. He said the owner indicated an intent to replace the line.

*Mr. Dupere seconded. The motion **passed** by unanimous vote.*

- **196 Colonial Drive – one linden, DPW request**

Mr. Baxter said the tree was pruned and there was nothing left. He said it was planted under high voltage wires, making it difficult for the utility company to do their work. He noted that the tree next to it was also scheduled for future removal. Mr. Rice said there was a sidewalk program planned in that neighborhood and that a number of trees would likely be removed due to their proximity to the planned sidewalk. He suggested that a list of trees anticipated to be removed be brought to a future meeting and considered for the replanting program. Mr. Baxter said two trees would be planted in the spring to replace the other tree slated for removal, and it was further discussed. Mr. Rice said there was a bit of pressure to move the sidewalk installation forward and that it could happen in the next construction season. He said there was also an option to remove all the sidewalks, seeing that the area was a low-volume traffic one, so that people could reclaim some green space, but that a few mature trees would be impacted. Ms. Chag asked what the procedure was for choosing a tree for a homeowner. Mr. Baxter said he got as many different species as he could and that everything was grouped into large and small trees, with ornamentals usually planted under a wire. It was further discussed.

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

- **Woodlot between 144-174 Echo Avenue – sugar maple, resident request**

Mr. Baxter said the back side of the tree had a giant cavity and could knock the shed down if it fell. He said he was in favor of removing it because the canopy was on the other side of the lot. The committee discussed the fact that there was also a city lot next to the resident's lot. It was decided to prune the branches off the tree and leave the rest for wildlife habitat.

Chairman Loughlin asked for a motion. *Mr. Dupere moved to prune the tree thoroughly and leave the rest, seconded by Mr. Souto. The motion **passed** by unanimous vote.*

3. Report on City Open Space Plan

The presenter wasn't present due to illness. Chairman Loughlin said the issue would be postponed to the January meeting.

4. Discussion on Eversource Pruning Plans on Aldrich and Thaxter Roads

Mr. Baxter explained how the city's arborists worked in the field. He said all the silver maples on Aldrich Road were targeted for pruning. He said silver maples had massive limbs that are often damaged by storm events, but they were unique to that street and provided shade. He said he was worried that a few would be lost because of sidewalk construction, so about a year ago the City started doing retrenchment that reduced canopies that resulted in 10-ft to 12-ft reductions. He said it was a textbook example of what retrenchment could do and was a mix of managing risk and keeping the trees around. Mr. Baxter said he explained the process to the Aldrich Road residents and didn't get any pushback. Ms. Chag asked if the retrenchment issue could be included in the Trees and Public Greenery section on the City's website to educate people. Mr. Rice agreed and said a monthly or quarterly mini-newsletter could be created and posted on the website that would also explain the value of tax dollars that were spent. It was further discussed.

Chairman Loughlin noted that Eversource's letter indicated that someone could contact them if they had questions, but his neighbor had contacted Eversource and hadn't heard back. Mr. Baxter said Eversource was only pruning for maintenance of their power and looked at it from a power standpoint, whereas the City looked at it from a tree health standpoint. Chairman Loughlin asked what could be done if Eversource destroyed a tree by pruning it too much, and it was further discussed. Mr. Baxter said the goal was to plant the right tree in the right location. Mr. Dupere said Colonial Drive was a good example of an area with bad trees that the City had been dealing with for years, and it was further discussed.

5. Update on Commercial Alley and Peirce Island

Mr. Baxter said he was scheduling the power shutdown on Commercial Alley for the following Monday or Tuesday but that it was in Eversource's hands. Regarding Peirce Island, he said it was still too warm and wet to do any work there, but that they would start as soon as there was a hard frost. It was further discussed.

6. Old Business

There was no old business.

7. New Business

A tree ordinance and fines were discussed. Mr. Baxter explained how the cost of a 3-inch nursery tree was extrapolated. He said it was an effective method if the City developed an ordinance or fine system because it would be based on the market value of a tree. The way to calculate the value of a tree was discussed. Mr. Baxter used as an example a 20-inch pin oak with a cross-section area of 314 multiplied by \$55 per inch of cross-section, which resulted in a value of \$17,270 for the tree. He said other factors would also have to be considered. He said the methodology was also used in other cities and that he would research it further. Mr. Rice said if the committee was interested in pursuing the issue, their section of the ordinance would be adjusted to include it. He said the committee would have to consider the unintended consequences and whether or not the committee would be the arbiter or if it would be more of a tree warden consultation. He thought putting it into the ordinance and advertising it well was probably the next step. Vice-Chair Adams said he felt there were two issues: one of which was if someone cut down a tree and it was beyond repair, like the White Birch Plaza case 20 years ago. In the instance like that of the silver maple on Lincoln Avenue, he said it would probably be impossible to allocate blame because it took so many years to kill a tree after root damage, and it would be very tough to go after someone. Chairman Loughlin said the White Birch Plaza case was an easy one, but a homeowner or contractor who knowingly or inadvertently damaged a tree could cost the City a few thousand dollars. He asked if they would look the other way for a city contractor but not for a private contractor. Mr. Rice said if a resident damaged a tree by doing what he thought was fine and then got billed for \$17,000, the City Council would hear about it and it might become an episode instead of a program. Ms. Chag suggested having residential criteria and commercial criteria. Mr. Baxter said other communities did it in such a way that situations like those were prevented, like root damage. He said there were many communities that implemented tree fines but also balanced residential situations. Mr. Dupere said penalties were based on timber and socioeconomic issues. Mr. Baxter said a residential issue would be separate because he saw it as part of a site plan review or building permit process, and he didn't think it was the type of thing that a resident would be penalized \$18,000 for. He said it was meant more for commercial damage during a project. Mr. Rice asked Mr. Baxter to get further examples and thought it would be a good goal for 2022 to prepare a document and review the ordinance to see if any adjustments would be appropriate.

Chairman Loughlin said he hoped the trees survived the Islington Street sidewalk project. He also said he was impressed by the grates around each tree, noting that it was esthetic and also protected them from plows, bikes, and so on.

Next meeting: Wednesday, January 12, 2022

The meeting was adjourned at 9:05 a.m.

Respectfully submitted,

Joann Breault

Trees and Public Greenery Committee Recording Secretary