

**MAYOR'S BLUE RIBBON COMMITTEE  
TREES AND PUBLIC GREENERY**

**MINUTES**

**7:30 AM – Wednesday, March 14, 2012  
Conference Room A, City Hall**

**Members Present:** Peter Loughlin, Chairman; Richard Adams, Vice Chairman; A. J. Dupere, Community Forester; Everett Kern, Public Works General Foreman; Steve Parkinson, Public Works Director; June Rogers; Leslie Stevens;

**Members Excused:** John Bohenko

The Chair called the meeting to order at 7:30 a.m.

1. **Acceptance of Minutes of February 8, 2012 Meeting.** The minutes were unanimously approved.
2. **Brief Presentation by City Engineer Peter Rice and Underwood Engineers concerning the Richards Avenue/Miller Avenue/Highland Street/Cass Street Sewer Separation Contract 3B**

Present were: Peter Rice, City Engineer; Phil McDonald, Project Manager, Underwood Engineers; Daniel Rochette, Project Engineer, Underwood Engineers; and Rick Dolce, Project Engineer, City of Portsmouth.

Peter Rice, City Engineer, was present to speak to two projects which are part of the Long Term Control Plan, or their sewer separation program. The projects are an ongoing effort for compliance with the Environmental Protection Agency and the Department of Environmental Services, called Project 3B which is the Lincoln area project, bounded by Richards Avenue, Middle Street and South Street. The other area is the Cass Street area, from Middle Street down to Islington Street. These projects entail the replacement of water, sewer and drain pipes, some of which are over 100 years old. They have served a useful life but they need a new drain line to get the stormwater out of the sewer line. At the same time they will be reworking the streetscapes, curbing and, depending on budget availability, the sidewalks. These types of projects have significant impacts on trees as they are digging very deep trenches and at times there is direct conflict with trees. If they anticipate the impacts ahead of time, they can better manage the treescapes and the project, reduce the overall impacts and improve the life of the trees. They have presented a list of trees that will be impacted. Street plans were displayed to assist the public and they were invited to study them.

3. **Tree Removal Requests**

Attorney Loughlin suggested going through their list of trees as itemized on the Agenda.

Steve Taylor, of Richards Avenue, asked if the trees marked near his house will be replaced. Mr. Rice confirmed that the intent was to replace them. The project has a budget of \$20,000 for replacement trees.

**51 Richards Avenue** – This is a cedar tree, on the inside of the sidewalk. It is not in the best of health. Mr. Dupere noted that the tree is hollow in two stems and has had cables installed, probably by a homeowner. Ms. Stevens made a motion to remove. Mr. Parkinson seconded the motion. The motion to remove the tree passed unanimously.

**69 Richards Avenue** – - This is an 18” maple tree. Mr. Adams thought this tree looked like one of the better trees so he asked what the rationale was for removal. Mr. Dupere stated there is the one with a grate around the bottom of it and they will be cutting on both sides of the tree. Mr. Rochette added that the ball of the tree has grown over the existing curb and Mr. Dolce felt that would be compounded with the sidewalk going through. Steve Taylor was the homeowner and he felt the tree looks to be in good shape but he understands the rationale for removing it. Jeff Ott, an arborist, was present as a citizen of Portsmouth. He asked when the sidewalk is being replaced on the other side of the tree, how deep is the cut they will make for the sidewalk. Mr. Rochette indicated they will be putting in a 4” concrete sidewalk, and will go 6” below for gravel. Mr. Rice stated it also depends on the grade of the driveways and sidewalk. Mr. Ott asked if the City ever investigated using a fabric to put over the soil and roots to build roads and sidewalks on top of it to decrease excavation. It’s not a filter fabric but more of a barrier. Mr. Dolce responded that the concept has been discussed but they would end up with large mounds over the roots. Also, as the tree continues to grow the roots will break up the surface. The real challenge is getting the panels out in the concrete. The gravel going in is limited and is more for strength and stability so they need something solid to put it on. Mr. Ott stated that he went out and looked at the tree on Richards Avenue and the problem with this tree is it is a fairly large tree in reasonable health and it has adapted to that site. He doubts they would find many roots in the street side because they can’t survive under the street surface. The roots are probably down around the sides of the house. If that tree comes out, there is very limited opportunity to plant anything else in there and that is the dilemma. Secondly, he specializes in saving trees in construction projects, and a large amount of roots can be cut from a tree before a tree will die from it.

Attorney Loughlin indicated that there is always a little tension at every meeting when they talk about taking trees down. The engineer’s primary focus is to put all new utilities in and they are very sensitive to saving the trees. Attorney Loughlin sees his primary focus as protecting the trees and his secondary interest is the construction. On this particular tree, he felt it looks very healthy, it’s very tight between the sidewalk and curbing. They went through this on Lincoln Avenue, and they ended up with spaces where there wasn’t much room for a new tree. If this tree comes down in their lifetime there will never be a tree that matches this one. He is not in support of removing this tree. Mr. Adams concurred.

Ms. Stevens asked if they don’t take the tree down, how will they get their equipment in that space. Mr. Rice stated they will adjust grade and cut panels of concrete to go around the tree and minimize the impact to the roots. The contracts they have now have penalties for damage to the trees but he would not hold the contractor responsible if this tree was damaged. They will score the side of the tree as they are pulling the curbs out. He is not averse to leaving it but it does impact the way they structure the contract. They strive to protect the trees but the additional level of monitoring does have an impact on staff time and on consultant time.

Attorney Loughlin asked if they ever considered using a bituminous panel rather than concrete. Mr. Rice indicated they no longer use bituminous material in the City. Mr. Adams made a motion to not remove the tree. Attorney Loughlin seconded the motion. Those voting in favor: Mr. Adams, Attorney Loughlin, Ms. Rogers, Mr. Dupere. Those opposed: Steve Parkinson and Leslie Stevens.

**OUT OF ORDER – 293 Rockland Street** – Gordan McCalphan was present and asked if they will be replacing the sidewalk in that section. Mr. Rice explained that the sidewalks were an add alternate to the project, meaning if there is budget available they will be replaced. When they damage a sidewalk as part of their construction, those panels will be replaced. Hopefully they will have all new sidewalks but there are sections where the sidewalks are in really good shape so they won't have to replace those. Mr. McCalphan indicated they also have a wall in that area that will have to be disturbed. Mr. Rice confirmed that anything that is on private property that gets disturbed will be replaced as is or better. Mr. McCalphan asked about the wood from the tree and whether he could have that. Mr. Kern stated they will leave the wood on the side of the roadway and the resident can have the wood. They usually cut it in 4' lengths, the City will take the branches away and leave the wood. They won't carry it onto private property.

Attorney Loughlin felt that these trees were awkward due to pruning and the wires.

Mr. McCalphan did not know if the root system goes into the lawn, but if the lawn sinks as a result of the tree removal, he asked if that would be repaired at the cost of the City. Attorney Loughlin indicated they will not touch the root system. They will cut it down and stump it.

Ms. Stevens made a motion to remove the two trees. Mr. Parkinson seconded the motion. The motion passed unanimously.

**OUT OF ORDER – 238, 222 and 212 Miller Avenue** - Allison Tucker, representing the Miller Avenue Condo Association, was present and she felt there was some confusion regarding which trees have been marked. She wanted to know the reasoning for the removal of each tree.

**238 Miller Avenue (closest to the corner of Lincoln Avenue).** It is an oak tree. Mr. Dupere's recommendation was for it to stay. Ms. Tucker did not see anything wrong with the tree. Mr. Rice explained that there was a sight distance issue with this tree. Attorney Loughlin felt it appears to be a very healthy oak tree in a critical location for a canopy on that section of the street but he did not look at the sight distance impact. Mr. Dupere felt that the lower limbs could be pruned to help out. Mr. Rice confirmed this tree was brought up at a Traffic Safety review as a Safe Routes to School study that was done. Mr. Parkinson made a motion to save the tree and do further study on it to make sure it was warranted because this tree is not a sewer line impact issue. The motion passed unanimously.

**238 Miller Avenue (to the right of the entrance sidewalk).** It is a maple tree. Ms. Tucker stated that someone cut off a lot of branches fairly recently. Mr. Rice explained that in advance of the project, they clear a distance above a certain height for the boom arm swing. Attorney Loughlin felt they did a good job trimming. Mr. Dupere stated that the tree has a lot of rot on the back side of the stem. Mr. Adams felt if it is already in marginal health, this excavation is not going to help it. Ms. Tucker felt it survived the gas replacement so it should be able to survive this as well. Ms. Stevens disagreed as it had already been compromised once and also felt that there was plenty of room to plant another tree that would grow into something healthier in the long run. Mr. Ott agreed that this is a badly

compromised tree and asked if they can plant a replacement on the other side of the sidewalk as opposed to between the sidewalk and the street. Attorney Loughlin did not believe they would do that as they do not spend funds for private property. Mr. Parkinson confirmed that they do that on a very rare occasion but it creates confusion on who owns the tree. Mr. Dupere added that there are two trees back on the private property. Ms. Stevens made a motion to remove the tree. Mr. Adams seconded the motion. The motion passed unanimously.

**222 Miller Avenue (the southerly tree)** It is a Norway Maple– Attorney Loughlin stated that this tree has been severely pruned. He felt they should give it a couple of years to see how it comes out of the pruning. It is a tight area and it will be difficult to replace a tree in that area. Mr. Dupere stated it has rot down through the center of the tree, poor architecture and there were dead limbs on it. Mr. Adams felt if there is rot, its prospects are probably marginal. He pointed out that 3-4 years ago they did a similar project on Miller where they did not take many trees down but most of them didn't make it and ended up coming down in the end. Ms. Tucker asked if the residents could have input into what was selected for a replacement tree. Mr. Adams confirmed that they could. Ms. Stevens advised Ms. Tucker that letters will be sent to the homeowners when it is time for replanting and they can respond to that letter. Ms. Stevens made a motion to remove the tree. Mr. Adams seconded the motion. The motion passed unanimously.

**212 Miller Avenue (to the right of the entrance sidewalk to 212 Miller).** Ash tree. (Mr. Parkinson confirmed that there are two trees that were not tagged and are not being addressed. Some of the trees that were originally tagged were switched which might have caused some confusion.) Ms. Tucker's concern is that it is a fully grown tree, giving shade, and there are no trees around the corner on Highland. It would leave the house very open and bare. Mr. Dupere stated the tree has a cavity on the rear and has some impact on the side of the tree. Attorney Loughlin felt it was an awkward shaped tree but he thought the tree had healed in the front where the limb had come down. Attorney Loughlin suggested leaving it for now and seeing how it goes. He made a motion not to remove the tree. Mr. Adams felt that they did that last year on Lincoln Avenue and paid the price by ultimately having to remove them after the fact. Attorney Loughlin thought they would be paying the price by having big holes in the area. There was no second to his motion. Mr. Adams made a motion to remove the tree. Ms. Stevens seconded the motion. The motion passed with Attorney Loughlin voting in the negative.

**OUT OF ORDER – 285 Richards Avenue** – Norway Maple in the middle, between two oak trees. Mary Pat, homeowner, was present and has lived there for 20 years. There are 3 trees between the sidewalk and Richards Avenue. This tree is in the direct line to the sewer and the water line exiting their property. These trees have caused extensive sewer back up into their house. They replaced their sewer line 8 years ago and just 2 weeks ago they had sewer back up in their cellar and it was from roots. Because they have the benefit of 3 beautiful trees, she is in favor of taking the middle tree out. It is also crowding the oaks. Attorney Loughlin stated that problems with sewer lines have come up before and their policy has been fairly strict that they won't remove a tree due to a sewer conflict but as there are two very healthy oak trees which are starting to crowd the Norway maple he changed his view on this tree. Ms. Pat added that the City has replaced their sidewalk twice in the last 10 years and she believed it is from the roots of this tree. Mr. Adams made a motion to remove the tree. Ms. Stevens seconded the motion. The motion passed unanimously.

Ms. Tucker asked what the schedule was for the tree removals. Mr. Rice indicated they will be removed within the next couple of weeks.

**OUT OF ORDER – 160 Cass Street.** The resident of 149 Cass Street was present and indicated that the tree leans towards his house and faces his son's bedroom. It has been hit many times by trucks and he can't imagine it won't be hit by excavation. The sidewalk is all broken up by the roots also. Mr. Dupere stated it has a large cavity in the trunk, leans heavily into the street and it will not make the height requirements for the road width. Jeff Ott stated that he has watched this tree for 30 years and he questioned the cavity/rot in the tree and asked what criteria Mr. Dupere is using to judge the extent of decay. Mr. Dupere stated he is just doing street surveys and making notes of problems. His notes reflected that it physically could not meet the height requirements. Mr. Ott felt that any tree of that age and height has decay and their decision should be based on the extent of the decay in the cavity. He felt for the size of the tree, the cavity is rather small. He stated that the criteria for a 20" radius would only need 7" (1/3) of good wood on the outside to say the tree is reasonably safe. He doesn't think this tree should be considered hazardous and it is the same height it has been over the past 30 years. Attorney Loughlin stated it is the only tree between Chevrolet Avenue and Albany Street on that side. He would feel better if there were other trees in the area. If it was gone it would be a major change in the feel of the street. Mr. Dolce stated his experience with large trees is that the root structures are significantly larger so not only will it get hit by construction vehicles but the roots will be impacted as well. Mr. Stevens was not a fan of silver maples and they constantly shed branches. She felt it looks like it is starting to fall apart and is near the end of its life. Ms. Stevens made a motion to remove. Mr. Adams seconded the motion. The motion passed with Attorney Loughlin voting in the negative.

**97 Richards Avenue** – Attorney Loughlin confirmed they received a letter from Leeman family stating they would like the tree to stay but they also understand the problems with the installation of the water/sewer service so they would not oppose the removal. It is a tree with three different trunks and has some damage from trucks. Attorney Loughlin had mixed feelings about this tree. It was not an overly attractive tree but it was providing good shade. Mr. Adams felt that everyone has seen the list of trees and it might be easier if they just addressed any specific objections. Mr. Parkinson made a motion to remove. Ms. Stevens seconded the motion. The motion passed unanimously.

**148 Richards Avenue** – Attorney Loughlin did not see a reason to take this tree down and felt that it plays a significant role in this location. It is a big tree and sits back from the curbing quite a bit. Mr. Adams noted that it is a damaged linden tree. Mr. Dupere noted that it was in poor condition with two branches broken off. Attorney Loughlin thought he might be looking at the next tree. Ms. Stevens suggested leaving the tree for now. Mr. Dolce thought the sidewalk was the only item that will be a factor. Ms. Stevens made a motion to not remove the tree. Mr. Parkinson seconded the motion. The motion passed unanimously.

**165 Richards Avenue** – This an unbalanced tree. Mr. Dupere stated that the tree has a couple of critters living in it and has horizontal cracks. Quite a few limbs would have to be removed.

**182 Richards Avenue** – No issues.

**197 Richards Avenue** – Mr. Dupere has two different trees listed. It was clarified that this is the maple tree.

**247 Richards Avenue** – Corner of Richards and Rockland (Loughlin picture #8, DPW picture #13) Norway maple. Attorney Loughlin was in favor of keeping this tree. It is not an ideal tree but it seems to be relatively health. Ms. Stevens made a motion to not remove the tree. Attorney Loughlin seconded the motion. The motion passed unanimously.

**Richards @ 204-206 Rockland** – no issues.

**284 Richards Avenue (not 296)** – no issues.

**285 Richards Avenue** (request by homeowner) – no issues.

**315 Richards Avenue** – (Loughlin photo #14) (large oak) Mr. Rice indicated that what is not shown is that there is a new drain line that goes right through that tree. It was part of Contract 3A. Attorney Loughlin asked if there was a way to go around it. Mr. Rice did not believe so due to the configuration of that intersection and there is very little real estate to adjust where the structures will be. Attorney Loughlin felt that the tree was probably the most critical tree on Richards Avenue. Mr. Rice suggested that they come back with a more detailed figure showing the pipes to see if there is a way they can adjust them. Mr. Adams made a motion to table this to the next meeting. Attorney Loughlin seconded the motion. The motion passed unanimously.

**315 Richards Avenue** – Scrawny maple –no issues.

**67 Miller Avenue** - no issues.

**Highland Street** – no issues.

**52-54 Highland Street** – no issues.

**S. End of Cass Street at the top of Cass Street.** There are two trees and the second one is not is great shape. The first tree appears to play a pretty good role at that corner. Mr. Dupere felt that one was going to be removed because the top of the tree was dead. Attorney Loughlin confirmed that was the second one. He made a motion that the tree closest to the corner (the big one) be saved but remove the next one. Ms. Stevens seconded the motion. The motion passed unanimously. Ms. Dupere asked if Mark Tanner can trim that tree as it would improve the aesthetics. Mr. Rice confirmed that Urban Tree Removal will be doing the work.

**255 Cass Street** – Attorney Loughlin stated this was an awkward street in front of the gingerbread house and he had mixed feelings about it.

Mr. Parkinson made a motion that all remaining trees that they did not made a motion to NOT remove shall be designated for removal. Ms. Stevens seconded the motion. The motion passed unanimously.

**Prescott Park (requested by Prescott Park)** –Attorney Loughlin made a motion to remove. Mr. Parkinson seconded the motion. The motion passed unanimously.

4. **Replanting of Lincoln Avenue Area**

Postponed to April meeting.

5. **General Spring 2012 Planting Schedule**

Postponed to April meeting.

6. **Discussion of Tree Ordinance (Changes suggested by Dick Adams and Draft of Tree Ordinance)**

Postponed to April meeting.

7. **February 26, 2012 Letter from Trustees of the South Church**

Attorney Loughlin indicated this has come up before and they have told them it is not the Committee's jurisdiction. They have done a lot of planting on their property which is making a big difference. He hates to see that tree come down but on the other hand they have done a nice job with the site. Mr. Parkinson noted that Attorney Loughlin's letter to them in 2009 gave the tree three more years.

8. **Old Business**

None.

9. **New Business**

None.

10. **Next Meeting – Wednesday, April 11, 2012**

A motion to adjourn at 9:10 a.m. was made and seconded and passed unanimously.

Respectfully submitted,

Jane M. Shouse  
Administrative Assistant  
Planning Department