

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

**City Manager's Conference Room
City of Portsmouth, One Junkins Avenue**

MINUTES

Wednesday, September 11, 2013 – 7:30 a.m.

Members Present: Peter Loughlin, Chairman; Richard Adams, Vice Chairman; Peter Rice, Director, Public Works; Todd Croteau, Public Works General Foreman; *A. J. Dupere, Community Forester; Leslie Stevens

Members Excused: Dennis Souto

* In attendance through Agenda Item 4.

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

1. **Minutes of the August 14, 2013 meeting.**

Mr. Adams made a motion to approve the Minutes as presented, which was seconded by Ms. Stevens and approved by unanimous voice vote.

2. **Tree Removal Requests.**

City Hall Boiler House Vines

Mr. Rick Dolce from the Department of Public Works displayed a plan of the recent Boiler House renovation project. They were replacing boilers and renovating the exterior, which was hampered by aggressive vine growth. He described the damage already done to the new paint and noted that the vines had grown again after being cut back. The green area on the plan indicated the location of the vines while the areas in red were locations involved in the boiler replacement. He pointed out where the vines were growing right into louvered sections and exhaust ports. The boilers were a high efficiency boilers system which did not have a forced exhaust so that the vines would not be blown back. In response to a question from Ms. Stevens, he stated that what would be required was physical removal followed by an herbicide at the base. The Committee briefly discussed how other entities had handled the same issue, with Mr. Adams noting that Harvard University had removed all vines 15 years ago due to destruction of the masonry. Mr. Dupere explained that the areas around windows and soffits collected moisture which encouraged growth. He noted that UNH had vines coming into the windows of some of their buildings and they were removing the vines as they replaced their wood sashes.

Ms. Stevens made a motion to remove the vines, which was seconded and approved by unanimous voice vote.

30 Elwyn Road

Mr. Croteau stated that there were two trees in very bad shape due to decay at this location.

Mr. Adams made a motion to remove the trees, which was seconded by Mr. Rice and approved by unanimous voice vote.

179 Woodbury Avenue

Mr. Dupere stated that he had again looked at this big ash tree, which was a big, beautiful tree with a dead section and dead branches. Mr. Croteau stated that the owners were open to pruning or removal but leaning toward removal as branches had been falling. Mr. Dupere stated that there was currently a dead hanging limb that needed to be removed. The new arborist in charge of pruning could add this tree to his list as there was no basic damage to it and an ash was much stronger than many of the trees they dealt with.

Ms. Stevens made a motion to prune the tree, but not remove it at this time, which was seconded by Mr. Dupere and passed by unanimous voice vote.

Mr. Rice advised that if they came across something more serious during pruning, they would raise the item again.

A resident in attendance asked if there would be time during the meeting for an item that was not on the agenda and Chairman Loughlin stated that she would have an opportunity during the New Business discussion.

717 Woodbury Avenue

Mr. Adams stated that this was a silver maple which Mr. Croteau noted that they had treated several times in the past. Chairman Loughlin recalled that there was a hole in the tree and Mr. Dupere stated that this was a common problem this type of tree. The tree was at a critical point with rot and he recommended removal. Ms. Stevens noted that there was space at that location and no power lines so there was plenty of room for a new big tree.

Mr. Rice made a motion to remove the tree, which was seconded by Ms. Stevens and approved by unanimous voice vote.

827 Woodbury Avenue

The members agreed that this tree across the street from St. Catherine's was in bad shape.

Ms. Stevens made a motion to remove the tree, which was seconded by Mr. Rice and approved by unanimous voice vote.

864 Woodbury Avenue

Mr. Croteau stated that this tree, located in front of St. Catherine's was rotted on the street side, which could be seen in the picture Ms. Stevens displayed on her laptop.

Ms. Stevens made a motion to remove the tree, which was seconded by Mr. Dupere and approved by unanimous voice vote.

Rockland Street Above Leary Field

Mr. Croteau identified the locations of the three trees in question and Mr. Rice noted that replacements had already been planted along the top of the hill. Chairman Loughlin agreed that the tree on the right as you face the field from Rockland looked to be in bad shape but probably provided the only shade in that section. When Mr. Croteau stated that it was significantly rotted above, Chairman Loughlin suggested thinking about that area for additional trees. Mr. Rice stated they should also look at the trees at the snack shack for any damage from the construction.

Mr. Adams made a motion to remove the three trees, which was seconded by Ms. Stevens and approved by unanimous voice vote.

295 Thornton Street

This tree, which Mr. Adams described as a “telephone pole” had been brought to the Committee’s attention at the previous meeting.

Ms. Stevens made a motion to remove the tree which was approved by unanimous voice vote.

Prescott Park Concession Stand

Mr. Tom Richter from the Department of Public Works distributed a map, stating that the City and the Prescott Park Festival Committee wanted to build a new expanded concession stand where there currently was a 30” in diameter Norway Maple, one of the original trees. There was also an even larger tree in the corner of the lot. Its roots would be negatively impacted by proximity to the new foundation. They would like to replace these two trees. He noted that Mr. Michael Warhurst from Prescott Park had indicated that he would like red oaks to be planted in the park. As part of this project, on the other side of the building there was a tree which was set to be tree-spaded to another location in the park. Those were the three trees that would be impacted by this project. Mr. Rice indicated on the plan the location of the tree to be spaded and Mr. Richter added that they planned to go to bid the following week and the tree relocation would be covered in the agreement with the contractor. If they could not move it for some reason, they were going to ask for a new tree in kind to be planted in a location to be designated by Mr. Warhurst. Mr. Dupere noted that while its acorns could impact the hard surfaces in the park, an oak was a solid tree that could handle having a large number of people moving around it.

Mr. Rice made a motion to remove the two trees discussed and relocate the third if possible. He added a stipulation that, if they were unable to salvage or relocate the third tree, it would not be necessary to come back to the Committee but the contractor would need to contact Todd or AJ for a determination on the alternative action to take. Mr. Adams seconded the motion.

Chairman Loughlin noted that, while not a concern of this Committee, the Planning Board might want to amend the approved site plan to consider the removal of the second tree.

Ms. Stevens asked if trees would be planted to replace the two that would be taken down and Mr. Richter indicated they would be replaced if they couldn't be moved.

The motion was passed by unanimous voice vote.

1374 Islington Street

Mr. Ralph and Ms. Linda DiBernardo were in attendance and thanked Mr. Adams for coming out and climbing a 12' ladder to look at the problem which couldn't be seen from the ground. Mr. DiBernardo stated that there were falling limbs and a large leader in the middle that appeared to be dead. There was extensive rot in the crotch and the tree was infested with ants. They were worried about half of the tree coming down on their home. It was a marvelous long-standing tree and they wondered if it was a candidate to be cabled. If it were determined that the tree had to be removed for safety reasons, they would hope to have a replacement.

Mr. Dupere stated that he had looked at the tree the previous evening and it might be a good prospect for further evaluation. The limb over the house and the bottom limb could come off and they could probe inside the tree for the extent of the rot. The problem was that the rot was right in the center. He believed that a limb had been removed improperly causing the rot. It was the one in the photographs Mr. Adams had provided which was trying to re-grow what was called callus tissue.

When Mr. DiBernardo indicated they had been there since 1965 and no contractor had touched the tree, Mr. Dupere stated that storm damage could cause this with the tree ultimately peeling like banana. Chairman Loughlin suggested adding this item to next month's agenda to allow time for the new arborist at Public Works and Mr. Dupere to look at it again. Mr. DiBernardo asked about the timeframe and Mr. Dupere indicated they would visit before the next meeting, advising him in advance.

Ms. Stevens made a motion to continue consideration of the tree removal to the next meeting which was seconded and approved by unanimous voice vote.

3. Replanting of Areas Impacted by Sewer Separation Contract 3B

Chairman Loughlin stated that Rick Dolce had to leave for an appointment but wanted them to look at the replacement of trees for Contract 3B, the Miller/Cass/Merrimac area. Chairman Loughlin had put together a list of potential locations for the Committee to use as a checklist but he didn't know how much money was available in the contract. Mr. Rice indicated that he didn't know what had been spent to-date but the regular budget had not been hard hit. Mr. Croteau indicated there were also some remaining sewer funds. Mr. Rice confirmed Chairman Loughlin's impression that they had a \$15,000 budget for the replacement but he wasn't sure how much of that had been used.

Ms. Angela Pont from 133 Miller Avenue was in attendance and mentioned two fruit trees that had come down due to the sewer project as well as some going down the street. They had provided a good amount of shade and privacy and she questioned if they would be replaced. A brief discussion followed during it was noted that any replacement couldn't be too large due to wires in the area. There was possibly room for two trees. Ms. Stevens suggested that the

Committee take the provided list and walk the areas to see the best spots to plant. Chairman Loughlin noted that the provided list hadn't been cross-checked against the listing of trees that had been approved for removal, for example, the Ash tree on the next block mentioned at the previous meeting.

The Committee decided to review the list of trees that had been removed and meet Mr. Dolce in the parking lot at 7:30 a.m. on Wednesday, September 18 to view potential replacement sites, including the area mentioned by Ms. Pont.

4. Update on Tree Ordinance

Chairman Loughlin stated that Mr. Adams had made recommendations which had been passed onto the City Attorney and approved. There would be a public hearing before the Council on October 7 and he had been asked to speak. Mr. Adams made them aware that there was a little discussion at the last Council meeting regarding how the Tree Warden was appointed and what powers he had. Chairman Loughlin believed they were reassured when they learned that Mr. Rice was going to take on that responsibility. Mr. Rice thought it was more to clarify who would be taking on the role as it had been noted at the meeting that the powers were pretty clearly outlined.

5. Update on Willard Avenue Plantings.

Mr. Croteau stated that they could get some plantings in this Fall and they would go back out in the Spring. He asked if they wanted to expand the variety of trees. Ms. Stevens responded that they were trying to stay with what they had requested but wondered if they were required to do so. Mr. Croteau stated they did for trees planted in the Fall but not in the Spring. Ms. Stevens felt they had to plant in the Fall, as they had advised the neighborhood. She pointed out that, if someone wanted a specific tree, they would have already asked for one. Mr. Croteau agreed and would proceed with a Fall planting schedule. He was also waiting for two trees from their Spring 2013 list. There was a stump which had been an issue at 106 Leavitt Street was reground last week so that tree would go in and there were two others he needed to coordinate.

6. Discussion of Tree Locations for Spring 2014 Plantings

Chairman Loughlin suggested that they make a start on viewing locations as a part of their site visits the following Wednesday. Ms. Stevens noted that it would probably take a few trips as they also needed to do Woodbury Avenue where a lot had been taken down. Mr. Croteau added that it had been particularly in the Woodbury and Aldrich section.

Chairman Loughlin asked if tree plantings were involved in the contract for the work on Route One near Crossroads House. Mr. Rice thought there were flowers in the median, but not trees and deferred to Rick Taintor, Planning Director, who was in attendance. Mr. Taintor stated that there were trees on the last plans he saw. Chairman Loughlin remembered that there was some extensive green area that hadn't existed before and suggested putting the item on the next agenda and obtaining a set of plans in the meantime, which Mr. Rice volunteered to do.

7. Update from Public Works Director on 213 Aldrich St. & 214 Concord Way.

Chairman Loughlin stated that Mr. Rice was going to find out how far up the sewer separation was going to go so that he could include that information in the planned letter to Mrs. Hart. Mr. Croteau responded that he talked to Mr. DesFosses at Public Works and the sewer was going to go to the top of that hill. Chairman Loughlin stated that he could then put what they had previously discussed, including the plastic pipe, in the proposed letter. Mr. Rice added that the bid had been awarded to Lyman & Sons and construction would start in a couple of weeks.

Chairman Loughlin stated that 214 Concord Way, where a tree had been removed and replaced with an evergreen, had also been carried over for investigation. It was believed that Mr. Suoto had visited the site and Mr. Rice had the impression that it had been determined that what had been planted was acceptable. As the tree was not going to come down, he would now send a letter to the property owner informing him that he should follow proper protocol and consult them if he planned to do any tree work on City property. He would draft the letter and pass by the Chairman before sending.

8. Agenda Deadline – Legal Ads.

The Chairman raised the question of what should be included in the Legal Ad for these meetings so that it would be more useful to the public. Previously, the ad just said they were meeting to discuss the removal of trees without listing the locations, although the list had been included for this month. He had also checked for deadlines and couldn't find a mandate as to when to publish and felt it would suffice to post it in the paper the Saturday before the meeting. Mr. Rice was concerned that posting a list would close the window for consideration of any other tree removal until the next meeting and that someone might question an addition if it had not been advertised. Chairman Loughlin stated that generally there would be a deadline for the listing unless there were special circumstances. It was decided that everyone would get their list of trees to him ten days before the meeting.

9. Vertical Tree Grates/Guards.

Chairman Loughlin referred to the previous meeting when it had been mentioned that a tree on Broad Street had been nicked when young contributing to its current problems. While Public Works had done a good job the past few winters in terms of putting protection around downtown trees, he felt that, with all of the investment downtown and the intensity of snow removal operations or just activity in general, the chances of a tree getting a potentially fatal nick could be minimized with vertical tree grates. He would like to consider using part of Peter's tree budget to start putting in these vertical protections. He thought they cost around \$600 which Mr. Croteau confirmed. They had taken steps to minimize the impact of snow removal operations on the sidewalks with raised granite curbing.

Chairman Loughlin wondered if the issue could be addressed in an organized manner and he would like the Committee to start thinking about it. Ms. Stevens said she saw Public Works employees putting on the strapping in the Fall and asked if was for protection from the plows. Mr. Croteau confirmed it was and Chairman Loughlin noted that procedure required redoing every year. She asked if some areas were more prone to potential damage. Mr. Rice stated that some areas were tighter where there were picture windows and storefronts to avoid. Their approach, where they had these areas where they knew they had problems, was to create protection with raised curbing and they had been adding vertical grates as they moved forward for additional

safety in some areas. He noted that some of the tree filters for storm water had deep wells around them and they were concerned about ankle twisting. The Committee might want to consider putting together some sort of formal guidance for developers putting in trees to require vertical grates if they didn't have granite curbing protection.

Ms. Stevens asked if the restaurants with outside seating were required to provide grates and Mr. Croteau indicated they were. Chairman Loughlin stated that it had been part of the requirements for Rira's and Popovers. He thought the Planning Director should also be aware of this for the future. He asked that the Committee think about it and develop ideas for a process to protect existing downtown trees, as well as those proposed in the future, as trees represented a big investment. Ms. Stevens stated that she would raise the issue of protecting the trees along the walkway at the Middle School Meeting that evening. Mr. Rice stated that tree filters in that section were dangerous for children. Ms. Stevens asked if he was joining the walk of the area with Gilbane, the contractor, and Mr. Dan Hartrey, the City Project Manager for the school.

Ms. Stevens explained that they were going to walk the parking lot area. Chairman Loughlin asked if this was the tree removal they had previously discussed. Ms. Stevens responded that part of it was the tree boxes down at the library parking lot with viburnum that was almost dead. If it were an 8' shrub it would be doing what it should be doing, but it was a little stalk that had the top mowed off it for the past two years. There were holes and Mr. Rice was concerned about the kids sticking in their arms.

10. Impact of Trees on Sign Visibility.

Ms. Dawn McCandless, the owner of the Agave Restaurant, had contacted Mr. Croteau regarding her request to trim some trees on State Street that she feels are blocking view of her sign. Ms. McCandless was present and outlined what she described as five years of turbulence due to construction including a street closing. She submitted photographs demonstrating how her sign couldn't be seen from various points due to foliage, noting that she had made a major investment in her operation. Chairman Loughlin noted that a number of photographs had been sent to the Committee in advance.

A discussion followed among the Members, Ms. McCandless and Mr. Taintor, Planning Director. Ms. Stevens and Chairman Loughlin raised a concern about setting a precedent for similar requests. Mr. Taintor noted that this was a bigger issue than downtown and he listed situations where there had been conflicts between developers and those who wanted to protect the trees. He cited particular addresses where the impact of tree containment could be seen and cautioned against a policy that would allow the trees in the immediate area on State Street to be trimmed back. He felt where Ms. McCandless wanted the trimming was right in the bushy part of the tree while she maintained it was just in the sections that would allow passersby to see the sign. She was also concerned about any liability from icicles falling off the trees in the winter. Ms. Stevens stated they would have to take out every tree to avoid that issue and Mr. Rice stated that a tree on a City sidewalk would be covered under City insurance.

Ms. Stevens made a motion that, while the overall implications of handling requests of this type were considered, the Committee look at this particular tree on their site visit. Mr. Adams seconded the motion.

Chairman Loughlin agreed, advising Ms. McCandless that they wanted to work with her, to the extent that it could be done without setting a precedent that would be detrimental to the downtown tree presence. Mr. Adams was not concerned with setting a precedent as each situation was different and consideration should be on an ad hoc basis. Chairman Loughlin felt they could agree to an ad hoc basis but, if someone was done for one property owner or business, there would be others who would want the same thing. Mr. Rice stated that he would prefer that the Committee provide guidelines or a reason to take action as having staff make the decision would be problematic. Mr. Allen agreed that one of the reasons for the Committee's existence was to provide that buffer. Ms. McCandless reiterated her concerns about her sign being seen and Chairman Loughlin stated that just the increase in passersby from the beautification of State Street would increase awareness of her restaurant.

The motion to postpone further consideration until the Committee had a chance to visit the site was passed by unanimous voice vote.

11. Old Business.

None was presented.

12. New Business.

None was presented.

13. Next Meeting – Wednesday, October 9, 2013

The meeting was adjourned at 8:37 a.m.

Respectfully submitted,

Mary E. Koepenick
Administrative Clerk
Planning Department