

**TREES AND PUBLIC GREENERY COMMITTEE**  
**City of Portsmouth**

**MINUTES**

**7:30 AM – Wednesday, October 8, 2014**  
**Portsmouth City Hall**

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

**Members Excused:** Peter Rice, Director of Public Works

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

1. **Minutes of the September 10<sup>th</sup>, 2014 Meeting** – Unanimously approved.
2. **Tree Removal Requests:**

**49 Mariette Drive.** Chairman Loughlin opened up the public hearing, but there was no one present to speak. Mr. Souto made the motion to remove the tree. Mr. Adams seconded the motion. The motion passed unanimously.

**162 Thornton Street.** Chairman Loughlin opened up the public hearing. Mr. Tom Smith stated that he and his sister were co-owners of the property, and Ms. Bernard was their tenant. He wanted to understand the procedure and reason for cutting down the tree and also what the remedy plan would be. Ms. Kim Faragi of 172 Thornton Street stated that she was Mr. Smith's neighbor and thought the tree was beautiful but messy because it was leaking sap that got over everything. Ms. Bernard stated that the past summer had been the messiest one in terms of parking and that the upstairs tenant could not park his car under the tree. She agreed with Ms. Faragi about the sapping and added that it attracted a lot of yellow jackets. She asked that the City grant her request to replace the tree, preferably with a sugar maple. Mr. Dupere stated that their policy was not to remove healthy trees, but that particular linden tree had been recently impacted and had a split that was starting to open all the way down to the tree's base. He felt that a heavy windstorm could take it down and that the tree should be removed. Mr. Smith asked what the plan would be to replace the tree. Chairman Loughlin replied that he would recommend the tree's removal and then they would do the best they could to replace the tree. He suggested that Mr. Smith send a written note to the Committee to ensure that the tree got replaced in the spring. Mr. Adams agreed that it could be done in the spring and felt that it was an ideal place for a replacement tree. Mr. Smith asked if the stump would be removed and was told that it would eventually. Mr. Adams emphasized that the replacement tree would not be a sugar maple, as Ms. Bernard had requested, due to salt issues.

Mr. Souto made a motion to remove the tree. Mr. Adams seconded the motion. The motion passed unanimously.

**312 Cabot Street** (2 trees on the McDonough Street side of house). There was no one from the public to speak to the issue. Ms. Stevens stated that it was an area that could use help and that the Committee could consider planting in the spring and removing some of the trees.

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

**3. Update on Boyd Road Tree Removal Request (PSNH has found a way to preserve the tree at 8 Boyd Road); Update on Barberrry Lane (PSNH is meeting with Public Works Director at the end of October).**

Chairman Loughlin stated that Mr. Bob Bernier from PSNH had told him that they had found a way not to have to remove the tree on Boyd Road. Therefore the red oak would not be removed. Relating to Barberrry Lane, Chairman Loughlin stated that Mr. Peter Rice had told him that they were examining the situation with engineers and deciding whether or not they could limit the number of trees that would be removed. The topic would be discussed again at a future meeting.

Chairman Loughlin brought up Wibird Street and stated that PSNH had requested that the silver maple in front of the first house on the left be looked at. Mr. Dupere stated that he had looked at it and had a series of photographs. He talked about the new sidewalk that would be installed and things having to be cut down at least a foot or more for curbing. Ms. Stevens noted that the Committee had previously talked about not putting a sidewalk due to the root issue, but because it was heavily traveled, she felt that it would be detrimental not to have a sidewalk in that location. Chairman Loughlin said the tree looked worse than it had back then. Mr. John Bohenko, Portsmouth City Manager, stated that he had looked at it the day before and the tree was almost at the intersection and hung over a few homes. They had done substantial work on that street, and he hated to have all that work undone around the tree and then have to remove the tree in a year. Mr. Croteau compared it to a recent situation and said it was a combination of things but mainly the size of the tree, and he felt it had to come down. Ms. Stevens noted that when the Committee went to the site a year before, they felt it was worth preserving the tree at that time, but its health had changed dramatically. Mr. Bohenko stated that the tree could be removed under an emergency situation, and he would ask Mr. Rick Dolce to notify all the residents and go door-to-door to ensure that they knew the tree's life was limited.

Mr. Adams made a motion to remove the tree subject to notification of the neighbors. Mr. Souto seconded the motion. The motion passed unanimously.

**4. Update on Sagamore Road Improvements by Faye, Spoffard & Thorndike**

Mr. Dave McNamara showed the Committee a plan and stated that the original contract had no plantings, but in working with the abutters, the desire to add landscaping had come up. There was a new retaining wall that flared away from the edge of the road, so they wanted screening trees along the top and also wanted to do something to the bottom of the yard. There was room to add trees or a combination of shrubs and trees in all four quadrants. The main issue was what types of plantings to use. Ms. Stevens asked if there was a planting timetable. Mr. McNamara replied that it would be in the spring because they were focused on opening the bridge, which was due to happen in December. Mr. Souto asked if the planting would be along the lower end of the bridge and if there was a specification for that part of Sagamore Road. Mr. McNamara said they would be on either approach to the bridge. Mr. Souto asked about the upper part of Sagamore Road that was closer to South Street. Mr. Tom Richter told him that it was a different project and the trees would also be planted in the spring. Mr. Souto asked what they would use for soil. Mr. Richter replied that there was a landscaping specification but they would most likely use virgin soil and replace 6" of topsoil along the whole strip. Mr. McNamara said that was true of the bridge as well.

Mr. Adams asked whether there would be a barrier between the roadway and the plantings. Mr. McNamara replied that the plantings would be behind the guardrail. Mr. Adams noted that the guardrail did not prevent salt and asked whether salt tolerance had been considered. Mr. McNamara told him that it had, and that they were open to species suggestions. Chairman Loughlin asked if the Committee had suggestions on species, and Mr. Adams stated that he wanted to do some research regarding the salt aspect. Chairman Loughlin felt that the Committee had time to do research. Mr. Souto suggested having a deadline so that they could get back to Mr. McNamara. Mr. McNamara said that nothing would happen until spring as far as planting, but they would have to negotiate with the contractor at the end of the year, so he requested the Committee's input by the January meeting. Chairman Loughlin stated that the Committee would look at the specifications and get back to Mr. McNamara with suggestions before the end of the year and would also put him on the January agenda. Mr. Richter said he would make sure that the Committee received copies of the plans.

Mr. Thomas Smart of 133 Lincoln Drive told the Committee about a honey locust tree that he wanted pruned because a branch encroached on the roof of his front porch. He was concerned that a bad windstorm would damage his property. Mr. Croteau stated that he would try to get his crew to look at it the following week. Mr. Smart requested that another tree be planted on the Elwyn Avenue side of his property and thought there was enough space for it. Chairman Loughlin stated that the Committee would consider it.

Ms. Monica Sylla of 323 Union Street referenced the beautiful new sidewalk and granite curb in her area and said that, unfortunately, two trees were removed because of it. She wanted to know what the plan was for replacing the trees. Mr. Croteau stated that the streetscape would be completed in the spring and the trees would be replaced then. The Committee would go back to the neighborhood in 2-3 years to see whether the trees were adversely affected by all the sewer construction. Chairman Loughlin pointed out that the trees themselves would not be replaced in 2-3 years and they would put it on their list. He asked which section Ms. Sylla was talking about, and Ms. Sylla said it was the section between Lincoln and Middle Streets with the continuous concrete sidewalk. Mr. Dupere thought it would be an ideal situation for the trees and would try to get all the equipment out. He felt that the best situation was to plant the trees in early spring or the end of summer and stay out of the June/July timeframe. Mr. Croteau stated that he would contact Mr. Dolce about the trees. Chairman Loughlin thanked Ms. Sylla for coming in and stated that they would put together a list. Ms. Sylla asked what the policy was for maintenance of shrubbery that property owners permitted to encroach on the sidewalks. Mr. Croteau stated that they asked residents to maintain their shrubbery so that people were able to pass in front of the houses, but if they were not maintained, his crew would go out and prune the shrubs.

## **5. Spring 2015 Tree Planting**

Ms. Stevens stated that there was a request from Ms. Leslie Brenner on Hawthorne Street about replacing giant pine trees that were being removed. Mr. Adams requested authorization to be the 'commandant' on that issue. He stated that there were two months before the snow came and he proposed that the recommendation be looked into. Mr. Souto asked when the potential planting sites for spring would be forwarded to Chairman Loughlin. Mr. Adams stated that he hoped they would be forwarded by the next meeting. Mr. Souto agreed. Mr. Dupere recommended that Mr. Souto follow up with Karina to go out into the field, and Mr. Souto agreed.

Mr. Adams asked if a list of replacement trees that didn't make it was being maintained, and Mr. Croteau replied that he had that list. He discussed the potential for planting five trees on the Worth Lot. The types of trees were discussed and it was recommended that no trees with acorns or fruit be planted, otherwise there would be droppings on the lot. Chairman Loughlin recommended a London Plane. Ms. Stevens asked how the plowing was done. Mr. Croteau said he didn't know, but there was a planting strip down the middle that contained the drainage, and there was also a raised curb. Mr. Souto asked how wide it would be, and Mr. Croteau replied that it would be 8-10' wide. Chairman Loughlin asked if most of it had to get removed, and Mr. Croteau agreed that it would be removed when they did the snow removal. Ms. Souto asked if they would get together a recommendation to have it done. Mr. Dupere thought that the Committee members should state their recommendations and then combine and forward them. Mr. Souto asked that the members give their recommendations to either him or Mr. Adams and they would pass them on.

#### **6. Maintenance of Site Review Approved Vegetation**

Chairman Loughlin spoke about correspondence he had regarding the maintenance of trees that were part of a site review project. Site review regulations stated that the property owner would be responsible for maintenance and repair of all required screening and landscape materials. He had gone back and forth with Mr. Rick Taintor and Attorney Sullivan about it. It was difficult to get the easing enforcement once the bond was gone, and he wasn't sure how much power the Planning Department had to enforce it, but one of the things that he felt was a huge hole and needed correcting was the issue that Attorney Sullivan had brought up, namely that they could do it as long as the property was under the original developer. The original developer could flip it to a sister corporation and then say they didn't know anything about it. It was a thorough and fair process, but the second owner wasn't bound by it because there was no record. Attorney Sullivan had said that they could record a notice of it. Chairman Loughlin wanted to urge the Planning Department to at least record a notice of site review, if not the actual plan. Mr. Taintor had talked about an issue of re-striping a lot and the owner not knowing what the site review called for. Chairman Loughlin didn't know why it hadn't already been done because although it was additional work, they already had the plan. He pleaded that the Committee recommend to the Planning Department that the site plans be recorded so that subsequent owners were on notice. Mr. Adams thought that just recording the site plan did not complete the process. Chairman Loughlin understood but thought it would not be a bad thing to put on the notice, probably in the site review agreement. Mr. Dupere thought it could be placed back against the deed but might be a different step. Chairman Loughlin said it would only apply to commercial properties. He asked for a motion that the Committee notify the Planning Department and urge them to amend the subdivision site plan review regulations to require recording of site plans approval and the notice indicate that subsequent owners were bound by it.

Mr. Adams made the motion that the Committee notify the Planning Department and urge them to amend the subdivision site plan review regulations to require recording of site plans approval and that the notice indicate that subsequent owners were bound by it. Ms. Stevens seconded the motion. The motion passed unanimously.

#### **7. Maintenance Initiatives for Goodwin, Langdon and Haven Parks**

Mr. Adams stated that all three parks could use some work. Langdon Park had a huge pile of unruly shrubs encroaching on hardwood trees. He and Mr. Souto had noted that there were plants that just didn't belong. Goodwin Park could be more controversial because the view from State and Islington

Streets was obstructed by vegetation. Aesthetics called for a clear view of the monument. Mr. Dupere stated that he had worked on it and mentioned that, before the Committee was assembled, there was a big interest on putting a lot of vegetation in that park, which they had done. The Garden Club had paid for most of it. He thought it could be a bigger issue to remove it. Mr. Croteau stated that they had cleaned it up three years before. Mr. Adams stated that he was more concerned with the external aspect and proposed that the Committee go to the parks and mark with yellow tape the trees that should be looked at. Chairman Loughlin asked if a site walk should be scheduled. Mr. Adams stated that he would coordinate it with the Committee members. Chairman Loughlin asked him to ask Mr. Peter Rice regarding the shrubs at the Bridge Street parking lot.

Mr. Croteau mentioned that one shrub on Bridge and Islington Streets had to be removed due to a significant sign being placed there. Ms. Stevens asked if there was a plan to put anything on the bottom of it, and Mr. Croteau said he wasn't aware of one. Chairman Loughlin said there was a dim view of removing trees to put in signs. Mr. Dupere asked if the shrub was overgrown and was told that it was. Mr. Croteau suggested that they propose some plantings near and around as replacement to the shrub's removal, and Chairman Loughlin agreed.

Mr. Souto made a motion to remove the shrub and put some plantings below it. Ms. Stevens seconded the motion. The motion passed unanimously. (Mr. Croteau mentioned that PSNH would do the planting).

## **8. Old Business**

The cedar tree in front of the Nelson property was discussed. Mr. Adams emphasized that the Committee had agreed that the tree would be removed and replanted.

Mr. Souto stated that the ash tree on Lincoln Avenue that had a utility pole next to it concerned him and he requested that it be on the list for the next meeting. Mr. Dupere stated that he had called Verizon about the pole and had suggested that a brace be put on the bottom of it.

Mr. Souto asked about the oak tree on Banfield Road. Mr. Croteau said that it was scheduled to come down on November 17<sup>th</sup>. Mr. Souto felt that if the oak tree was left standing and something awful happened, it would place the City in a precarious situation. Mr. Croteau replied that it was a matter of scheduling. Mr. Adams said there was no downside to informing the property owner of the date. Mr. Croteau replied that the owner had not been informed, and Mr. Souto stated that he would do so.

## **9. New Business**

Mr. Souto brought up the tree at Mariette Drive, saying that he had looked at it and ridden around the neighborhood, noting that there were two other trees on private property that he thought were hazardous. He asked the Committee whether there was a protocol for telling the owners to take care of the tree. Mr. Dupere asked if the tree impended on the right-of-way, and Mr. Souto replied that it did not, so Mr. Dupere felt that Mr. Croteau could not legally do it. Chairman Loughlin felt that the risk was that the Committee would have no obligation because it was on private property but assumed that if the Committee thought the tree was hazardous and felt that the owner should take it down, he would be worried that someone would ask why the Committee didn't tell someone else who got injured by a different tree to take that down. He thought that it would be a good thing to inform the owner, but as a Committee member, he was reluctant to make that policy.

Mr. Dupere brought up the house on 200 Thornton Street and stated that the owner wanted the treetops of two Norways pruned. His crew had taken enough off the top of the trees to appease the situation, but one of them needed to be placed on the removal list because it was in bad shape.

Chairman Loughlin stated that he had attended the City Council meeting and the Wibold Street widening had come up. Some of the Council members had thought the City's plan for widening the street didn't make sense. What bothered Chairman Loughlin was that the Mayor had said they would look into it. There were great improvements on Aldrich Road, Park Street and State Street, and some of the landscaping was striking. He asked the Committee to consider whether they thought what the City was doing was a good idea and if it should be continued. Ms. Stevens said she lived on Park Street and knew she would be unable to get her truck out in the winter because the street was so narrow. She also mentioned that people didn't park where they were supposed to on Aldrich Road. The roads had been narrowed but the parking had not been determined. Chairman Loughlin thought they could discuss it at a later meeting, but the way it had come up at the City Council meeting, he thought there may be enforcement issues regarding a 32' wide street as opposed to a 28' wide one. The Committee further discussed the issues of width, concrete curbing, and parking. Ms. Stevens felt that there must be a way they could manage traffic and parking.

**10. Next Meeting – Wednesday, November 12, 2014**

A motion to adjourn at 8:35 was made and seconded and passed unanimously.

Respectfully submitted,

Joann Breault  
Recording Secretary