

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

**MINUTES**

**7:30 AM – Wednesday, November 12, 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; Peter Rice, Director of Public Works

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

1. **Minutes of the October 8<sup>th</sup>, 2014 Meeting** – Unanimously approved.
2. **Tree Removal Requests:**

**1 Pearson Street.** Chairman Loughlin opened up the public hearing, but there was no one present to speak. Ms. Stevens stated that it would be helpful to add that the tree was a Black Cherry located behind the brick schoolhouse because she hadn't been sure which tree was the one in question due to its lack of a tag. Mr. Dupere stated that the tree was leaning on the roof and had to either be removed or substantially pruned. If pruned, he felt that 30% of the tree should be taken out. Mr. Rice confirmed that it was on City property. Mr. Dupere added that there was also a dead tree that should be removed.

Mr. Dupere moved to remove the dead tree next to the Black Cherry and let the City decide whether to remove or prune the Black Cherry. Mr. Rice seconded the motion. The motion passed unanimously.

Ms. Stevens asked if the contact information and the tree location could be provided in the future. Chairman Loughlin said he would ask Mr. Croteau to do so.

**1048 South Street.** Chairman Loughlin opened up the public hearing. The property owner Ms. Marsha Gough stated that the City had removed a big branch of the Red Maple, but the tree was still alive. Mr. Souto felt that the tree was sick but could have some time left. Mr. Dupere stated that the tree was hollow and that whoever removed the branch would have seen more than the Committee would know. Chairman Loughlin said he was reluctant to remove trees that were reasonably healthy and suggested that the removal be postponed for a month so that the City could submit a report. Ms. Gough asked if the City could replace the old tree if removed. Mr. Croteau arrived at the meeting at that point, and he stated that several limbs had been trimmed off the tree and the rot was noticeable. He had been told that the tree was very unsafe and should be removed. Chairman Loughlin asked if there were wires, and Mr. Croteau said there were wires across the street. Mr. Croteau moved to remove the tree. Mr. Rice seconded the motion. The motion passed unanimously.

**140 Pinehurst Road.** Chairman Loughlin opened up the public hearing. The property owner Mr. Mike Magnant stated that the large maple had been dying for several years. The top of the tree was already dead and part of it was rotted and fell off, and there was a huge split in what was left of the tree. He said a tree expert told him that the tree should be removed. Mr. Souto asked if the tree was tagged, and Mr. Magnant replied that it was. Mr. Souto confirmed that the maple was still standing and was not the tree that the City had recently cut. Vice Chairman Adams moved to remove the tree, and Ms. Stevens seconded the motion. The motion passed unanimously.

**187 Woodbury Avenue (tree is on Thornton Street).** Chairman Loughlin opened up the public hearing, but there was no one present to speak. Vice Chairman Adams moved to remove the tree, and Mr. Souto seconded the motion. The motion passed unanimously.

**339 Lafayette Road (2 trees).** Chairman Loughlin opened up the public hearing, but there was no one present to speak. Ms. Stevens noted that the site was City property. Mr. Croteau added that it had a funky right-of-way. Vice Chairman Adams observed that that particular section of Lafayette Road seemed to be hard on trees. Ms. Stevens moved to remove the two trees, and Mr. Souto seconded the motion. The motion passed unanimously.

**100 Greenleaf Avenue.** Mr. Croteau noted that the tree was between two driveways. Mr. Dupere moved to remove the tree, and Mr. Souto seconded the motion. The motion passed unanimously.

**Barberry Lane (PSNH Request re: New 3-Phase Transmission Line).** Chairman Loughlin opened up the public hearing. Mr. Jeremy Bilodeau of Asplundh Tree Service stated that the five or more trees in front of the stone wall had to be removed. Chairman Loughlin noted that Mr. Bilodeau had been there two months before with Mr. Bob Bernier from PSNH and had discussed some other route for the line going into the substation. Mr. Bilodeau replied that it was almost impossible to find a different route. Chairman Loughlin said there had been discussions that were part of a larger program with PSNH, and PSNH had stated that the trees had to be removed in order for them to do their work. Mr. Croteau noted that a dozen or so trees had tags. Ms. Stevens asked Mr. Rice if he wanted to look into the situation, and he said he would. Mr. Dupere said that several of the trees were rotten down to the base. Three or four trees near the utility pole were in the right-of-way and their tops had been crowned by box trucks. Ms. Stevens asked about the stone wall, and Mr. Bilodeau said that the stone wall would not be damaged because the trees would be cut with a chainsaw. Mr. Rice said that the homeowners were supportive of removing the trees and had not requested that new trees be planted, and he would talk to Public Service. A motion was made to remove the trees subject to Mr. Rice's discussions with PSNH. Mr. Croteau seconded the motion, saying that he wanted PSNH to remove the stumps as well. The motion passed unanimously.

A woman who arrived late to speak on 1048 South Street asked that a notice be posted in the City Hall lobby indicating where the Trees and Public Greenery meeting was held because she had not known where to go. Chairman Loughlin noted that the agenda had the location but that the Legal Notice did not. Mr. Rice said the location was on the website. Chairman Loughlin asked that, for future meetings, a placard be made indicating the meeting location and placed in the lobby.

**3. Update on Sagamore Creek Bridge Plantings.** Vice Chairman Adams noted that the Committee had planned to do a site walk and said that the only tree that seemed to be salt-intolerant was the White Pine. Chairman Loughlin assumed that they would all be close to the right-of-way. Mr. Rice was not sure if it included private property plantings and discussed a guide wire to build a retaining wall for vegetation. Chairman Loughlin suggested a site walk, but Mr. Rice said it would be a spring planting, so Chairman Loughlin suggested that the site walk be postponed and possibly scheduled at the same time the tree sites were looked at. Mr. Croteau said he would schedule it.

**4. City Policy on Planting Street Trees on Private Property Where No Public Planting Strip Exists.** Chairman Loughlin asked, in the case where there was no room in the public right-of-way due to wires and so on, whether the policy about planting trees on someone's property would have the effect of being street trees. Ms. Stevens asked what the difference would be. Mr. Rice stated that it would be in the right-of-way, and if it was planted on private property, it was no longer a City tree. They would have to offer it to all residents on-street and off-street as a public benefit. Mr. Adams disagreed and mentioned the Red Oak on the corner of Verdun Avenue that was a public tree and had not been replaced. Mr. Rice argued that they'd have taken a street tree with no green space to replace it. Chairman Loughlin said that the neighbors wouldn't know whether they wanted the tree or not. Ms. Stevens asked whether it was the property owner's tree if the City planted a tree on the property. Mr. Rice said it was and that it would have to be made clear. Vice Chairman Adams stated that it was still different. Mr. Rice thought it was a slippery slope because if the property owner let the City move the stone wall on their property and the City refused, they would have an easement to plant a tree. However, in the case where there was no easement, he asked what would stop another neighbor from wanting it. Chairman Loughlin replied that some places had no room for a public right-of-way but cried out for a street tree. He had looked at a site recently where no one had any trees, and he asked why the City should do it if the property owners didn't care what their neighborhood looked like. Vice Chairman Adams stated that they were talking about very narrow circumstances, i.e. replacing a specific tree for a specific reason, and it was different. Chairman Loughlin said they had previously planted trees when removing a street tree, and the liability would be on the property owner. It wasn't so much a legal question as it was esthetics, and the policy should be that they do it on an individual basis. If a land use board wanted to distinguish something, they could quote specific facts. He understood the slippery slope but felt that there were situations where it would make sense for the City and esthetics to have a tree in a certain spot. Vice Chairman Adams replied that if they did so, there would have to be a Letter of Agreement between the City and the property owner, and he asked whether Ms. Gough would have to assume liability for a City tree planted on her property. Chairman Loughlin said that hundreds of trees have been planted in people's lots and the City had never worried about liability because they were ceding the ownership to the resident.

Mr. Dupere stated that the liability issue was partially addressed in a section of the RSA 230 Series and said Concord had done a cost-share program where the owner and the City got together and did a 50/50 share. It made people aware that they had a vested interest in the tree. Mr. Rice liked the cost-share approach because it invested the owner's interest, and he felt that they should do the same thing with sidewalks.

Chairman Loughlin agreed with Vice Chairman Adams that there would be times when it would need to be done, but it should be on a case-by-case business. Vice Chairman Adams mentioned the removal of the Red Maple on 1048 South Street and thought that Ms. Gough would do a cost share because she

wanted a replacement tree. Mr. Rice stated that cost shares bumped up replacement of certain trees and augmented the City budget so that more could be done. Chairman Loughlin felt that it also would get more buy-in from the neighbors. He asked how 1048 South Street would be dealt with. Vice Chairman Adams said he would move to put it on the spring planting list. Mr. Souto said they could plant it on the other side of the stone wall. Chairman Loughlin asked if the City would ask for a 25% contribution from the owner. Mr. Rice advised the Committee to think about it first and said he would talk to the Legal Department and put it in a format. Chairman Loughlin noted that it would be cheaper for the property owner to plant a tree by sharing 50% of the cost with the City.

**5. Email Requests for Trees:**

- **73 Thaxter Road – Joanne Samuels**
- **60 Wibird Street – Jennifer Glegangak**
- **1048 South Street – Marsha Gough**

Chairman Loughlin advised skipping over the section because the requests were added to the Possible Planting Sites in Section 7.

**NON-AGENDA ITEM (Red Pine Discussion):**

Chairman Loughlin stated that the Red Pine discussion should have been put on the agenda. The City Manager had called him two weeks before, and Mr. Dupere had discussed the Red Pine disease problems. Chairman Loughlin asked Mr. Dupere for an update, and Mr. Dupere stated that the Red Pines had been planted all over the place back in the 1940s and 1950s. They had been easy to plant because they reproduced and did not overgrow or spread out. However, they were not easy to reproduce in New Hampshire. There were a few natural plantings, but there were rare. Special conditions were needed to seed and re-grow the trees. Therefore, Red Pines were not high in population, but there were stands of them here and there. Mr. Dupere showed the Committee samples of Red Pine needles, saying that invasive insects were detrimental to the tree and there were no chemicals to control them. They could not treat acres of forest land but they would try to treat some of the trees by his building. He showed a map that highlighted Red Pines near their building and said they would be removed, as well as some on Route 1. Mr. Dupere said that the danger in spreading was trying to minimize potential fire risks. The trees died by the acre, and he estimated that there would be six acres of dead trees in less than five years. He talked about Bear Brook State Park, where there were several acres of dead trees and areas had to be closed off from the public.

Mr. Dupere stated that they had looked at other spots in Portsmouth, like Grafton Road at Pease, the Waterworks property, Peirce Island, and a half-dozen other sites around Portsmouth. There was no requirement for harvest by people who owned the tree, but the insects were present. They had thought that cold winters would control the pests but discovered that there was no control. Chairman Loughlin asked if the trees were already infected, and Mr. Dupere replied that they were infested. The City had taken samples of a few trees around their property and every tree was positive. It would spread to 5,000 trees twice a year. It was important to get the trees out due to hazards and liability. They put bids out and asked for responses by April 15. The intent was to have everything chipped on site at their building, which would make an open impact on their front yard. Mr. Souto asked what the City should be worried about. Mr. Dupere said it would become apparent that the insects kill the trees in waves. Mr. Souto asked if all the Red Pines in the area were infested, and Mr. Dupere said that he didn't know yet because all the samples had not been tested. Mr. Souto said they had done a study

showing locations of the identified Red Pines that he would forward to everyone. The biggest stand of trees was at Peirce Island near the pool and it was a concern because it abutted residents.

Mr. Jared Sheehan from Pease Development Authority was present, and he asked how big the stand of trees was. Mr. Croteau said it was a third of an acre. Chairman Loughlin asked if it was possible that some trees would not be affected, and Mr. Dupere said it was. The insects moved by wind or birds, so their movement could be reduced because Red Pine was not a popular landscape or firewood tree. Chairman Loughlin asked if they should take a chance that they would get two cold winters in a row, and Mr. Dupere said it was possible. Mr. Rice stated that it would be too dramatic a change on Peirce Island to do a clear cut, so they could monitor the trees and cut them as they died. Mr. Dupere said there was a good sample of 12-15 positive Red Pines that were mostly dead near the Portsmouth traffic circle. The section belonged to DOT, and it was their choice to do what was necessary, but there was no State mandate for removal or control. Mr. Dupere said he would let the City know when they had a scheduled harvest date, and they would have walking tours and meetings. Mr. Sheehan asked if there were other areas at Pease that Mr. Dupere wanted to look at. Mr. Dupere replied that there were areas in the wildlife refuge or on the base that they would check out.

Chairman Loughlin asked if he could refer residents who called to Mr. Dupere, and Mr. Dupere said he could, adding that the harvest would be done in March and loggers would do the cutting, and he would put the City on notice and host property walks.

#### **6. Notes from 10/20/14 Site Visits to Parks by Committee Members Dennis Souto, Leslie Stevens and Vice Chairman Adams.**

Chairman Loughlin asked the Committee if they wanted to go through the list. Vice Chairman Adams said it was a lot of work and would overwhelm the DPW if it were done all at once. Ms. Stevens suggested starting with the higher priority items. Mr. Croteau stated that there were two high priority items, one of which was a sidewalk at Goodwin Park. A tree blocked the view of the monument on the Islington side entrance and they had considered removing it, but it could meet with resistance because it was a healthy tree. Chairman Loughlin thought it was a balancing test because it was an important monument. Ms. Stevens said the tree was dead center of the view of the monument from the road and asked Mr. Croteau if he would let the Committee know when he wanted them to do a site walk. Mr. Croteau said he would schedule it. Ms. Stevens also mentioned the magnolia trees in the park that all had splits in their trunks and asked if it was typical. Mr. Dupere replied that it wasn't and thought the trees had been damaged during planting or by harsh sunlight. Ms. Stevens stated that a few needed pruning. Mr. Rice thought it was a challenge of resources for green parks and for the budget cycle, but they would designate a level of service for the different green parks and he would put it on the list. He felt some of it could be done during the winter.

Mr. Dupere requested that the problems in Langdon Park remain unresolved until his training session with the Strike Team was complete, which was a service program for trained staff members to help communities get central funding after storms. It would be hosted at his building on November 19 and 20 and would use Langdon Park as a training site. Chairman Loughlin noted that it wasn't on the agenda, so the public had not shown up for it. Mr. Rice suggested putting it on the agenda in the future, but people would have a chance to look at it because it was included in the Council packet.

## 7. Possible Planting Sites

Chairman Loughlin told the Committee that he combined the three lists that Ms. Stevens, Mr. Souto, and Vice Chairman Adams did and added that Vice Chairman Adams consolidated the original three lists into one. Chairman Loughlin said he did a checklist with addresses that was easy to fill in. Mr. Souto asked why there were two lists. Chairman Loughlin replied that he did a list of places he had looked at, and that Colonial Drive had a lot. He thought that they could send the list to the head of the association and ask for input before they spent too much time on Colonial. Ms. Stevens felt that the Committee should prioritize the list before sending it on so they would have an idea of the greatest need. Vice Chairman Adams said there were 40 trees on their lists before Chairman Loughlin added his list. Chairman Loughlin felt that they should use their list and do a site visit to see whether the sites looked good or not. Mr. Souto agreed that areas that lacked trees for good reasons should be their highest priority. Chairman Loughlin did not want to focus on just the inner city areas and felt that the original three lists were critical. Mr. Dupere noted that a woman had asked that trees be placed near the bike path on Rockingham Street, and Chairman Loughlin stated that all requests should be taken care of first. Ms. Stevens asked if the three requests from the public should be added to the list, and Chairman Loughlin said they were on Vice Chairman Adams' consolidated list. Ms. Stevens asked if the Committee would go through Chairman Loughlin's list and add priorities. Mr. Croteau felt that the two lists should be consolidated. Chairman Loughlin added that 2 Monroe Street needed a tree badly. Ms. Stevens asked if Chairman Loughlin could take his top six items and add them to Vice Chairman Adams' consolidated list so that the Committee could work on it. Chairman Loughlin agreed and said he would add ten items. It was decided that the Committee meet on December 2 at 9:00 a.m. in the Municipal Center parking lot and prioritize the planting sites around the City.

## 8. Old Business

Vice Chairman Adams reminded Chairman Loughlin that he said he would talk to the Planning Board about site plans and subsequent owners. Chairman Loughlin said he had talked to the Legal Department and they said there was no problem in recording a Notice of Restrictions. Mr. Taintor from the Planning Department also thought they could do it. Ms. Stevens asked if there was a specific instance where planting had died. Chairman Loughlin said there was a tree at the new Right Aid on Maplewood Avenue. He had written the owners, who said they'd do something about it. He felt that it could be a burdensome obligation for Planning because it was assumed the City would be responsible for every tree ever planted on site review, but he thought it was critical that they had the ability to do it. Mr. Rice noted that it would also allow for parking lot designs, storm water concerns, and so on. Chairman Loughlin agreed that it should come up with every title search and said he would stay on it.

Vice Chairman Adams asked Mr. Croteau to move the Red Cedar from Rockland Street to Haven Park. Mr. Croteau agreed that it would be done very soon.

## 9. New Business

Mr. Souto stated that they had looked at the trees at the Worth Lot. The one closest to Maplewood Avenue was a Black Gum, the middle tree was a Sycamore, and the Chinese Elm closest to the Vaughan Mall didn't look like it would make it. Chairman Loughlin thought that the small planting areas were fantastic because they protected the parking lot in a benign way. He suggested to Mr.

Croteau that, when he did his annual strapping around the downtown trees, he put three 2/2 stakes around the inside planting wells so that the plows would see it. Mr. Croteau agreed and said they would be placing grates over the tops in the spring. Mr. Souto mentioned a Witch Hazel tree near Alumni Field that had a grating that wasn't big enough for all the stems, and it was agreed that it would be discussed later. Mr. Dupere said recent findings indicated that the Emerald Ash Borer ate other species in addition to the Ash, the White Fringe being an example. They had a few at their property but he felt that the host-specific insects were easy to deal with. He said more research was being done. Mr. Rice said that some private properties planted trees that needed to be removed and asked that those locations be scouted.

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

A motion to adjourn at 9:00 a.m. was made and seconded and passed unanimously.

Respectfully submitted,

Joann Breault  
Recording Secretary