**MINUTES of the**
**City of Portsmouth**
# Trees and Public Greenery Committee Meeting
**May 11, 2022**

**Members Present**: Chairman Peter Loughlin; Vice-Chair Richard Adams; Peter Rice, Director of Public Works; Members Michael Griffin, Deborah Chag (via Zoom), and Patricia Bagley; Arborist Foreman Chuck Baxter

**Members Excused:** Dennis Souto, A. J. Dupere

**Also Present:** Eversource Rep Scott Richardson, City Project Managers Dave Desfosses and Marc Batchelder

---

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

## 1. Acceptance of the Minutes of the April 13, 2022 Meeting

The minutes were **approved** as presented.

## 2. Tree Removal Requests – Pannaway Manor and Maple Haven Sidewalk Proposals

City Project Managers Dave Desfosses and Marc Batchelder were present to address the trees that would be removed to make way for the sidewalks. Mr. Desfosses said they analyzed the impacts to the trees in that area and determined that there would be less damage to the outside loop than the inner one. He said they came up with a list of all the trees that would be impacted and the ones that could be saved, and that the list before the committee had the trees that would be removed. He said the response from the Pannaway Manor neighborhood was very positive and that people wanted a sidewalk. He emphasized that only the trees with roots that were too egregious that an ADA-compliant sidewalk couldn't be built would be removed.

Ms. Bagley concluded that the sidewalk had to be wider than what was there now. Mr. Desfosses agreed and said the current width was substandard, but a lot of the trees were too close to the driveways. Ms. Bagley asked if the need to cut down the trees was driven by the neighbors or the city. Mr. Desfosses said the sidewalks proposals were based on a request from the neighborhoods that went back 10 years.

In response to Chairman Loughlin's question, Mr. Desfosses said there was ample room for trees on properties as long as the proper species was selected, but the issue was that the existing sidewalks were only six inches from the property line, so there was no room to move the sidewalk back away from the trees. Mr. Griffin asked if it was the contractor's responsibility to remove the trees, and Mr. Desfosses agreed.

Ms. Chag said she was in the neighborhood and saw that the neighbors seemed content to walk on the road, so she wondered about the push-pull of the sidewalk issue. She asked if the sidewalks would be concrete, noting that there were new sidewalk materials available. Mr. Rice said the city's policy was that the accepted materials for sidewalks were brick in the downtown and historic district and concrete everywhere else and that a multi-use path might be asphalt.

Chairman Loughlin asked for public comment.

Craig Simmons of 9 Worthen Road said he was down to one tree in front of his house (from three just a few years ago) and would lose it along with the shade it provided. He said he assumed that the sidewalk would be right up to the street and wondered if the people who wanted the sidewalks were ones who wouldn't lose their trees. He said the map that identified the trees to be removed made it seem like every tree going down Colonial Drive toward Worthen Road would be removed. Mr. Desfosses said the tagged trees would be removed and had to be removed in order to build the sidewalk. He said the trees with ribbons were ones that Eversource wanted to remove. Chairman Loughlin asked Mr. Simmons if he was willing to have a tree planted on his property. Mr. Simmons said he wouldn't be around long enough to wait for the tree to grow enough to provide shade, and it was further discussed. Mr. Desfosses said the city protected trees in general but they had a directive to build sidewalks that met code. Mr. Simmons asked if there were plans for curbing, and Mr. Desfosses said not yet but that there was extra money to regrade the road if necessary.

Janice Kelly of Colonial Drive asked when the residents agreed to or asked for sidewalks. She said she couldn't believe that all the beautiful trees were going to come down and that Colonial Drive would be all sidewalks and telephone poles. She said people wouldn't even use the sidewalk if it was only on one side. She said she didn't see any indication beforehand that all those trees would be removed for sidewalks so soon, and she thought the city should have met with the neighbors. Mr. Rice said the requests were made for sidewalks and the monies were programmed into the capital improvement plan. He said the trees were identified and discussed in public meetings and that the city also had a meeting with the neighborhood. Ms. Kelly said she attended that meeting and didn't think that people really understood the issue until they saw that 39 trees would be removed on just Colonial Drive alone during Phase One. She said the whole plan was already developed and that the neighborhood was only told. Mr. Desfosses said that, after the public meeting, he walked around and made a final list of every tree that could be saved. He said the trees for removal were the result of him fine-picking and verifying that they needed to be removed. He said they would save 20 of the trees on that side of the street and that 29 (not 39) trees would be removed.

Mary Loane of 478 Colonial Drive said she echoed her neighbors' comments. She suggested that the city delay the plan until the neighbors knew what would happen with the air cargo unit at Pease AFB because she was concerned about taking away some of the natural noise and air pollution mitigation methods that trees provided. She said she'd like to know more about where the sidewalk requests came from and the challenges that caused the requests, like roadway safety. She thought there was an alternative solution other than removing 29 trees. She noted that

Maple Haven had more meetings than Pannaway did, including a traffic calming study that would result in speed tables, and she asked why they had a different process.

Mr. Rice said the Pannaway residents had been asking for a speed table for quite a while and that the additional meetings were in response to other concerns brought forward by the residents. Ms. Loane asked what challenge the residents cited for needing new sidewalks. Mr. Rice said the requests came in a number of years ago. He said it was up to the Planning Board and the City Council and that the Public Works Department was just the implementer. Ms. Loane said the plans presented at the neighborhood meeting had already been drawn up and that the meeting wasn't to ask how the residents felt about it. It was further discussed. Mr. Rice emphasized that the selection process for capital improvement projects and their related values were part of the Planning Board's review and only implemented by Public Works. Ms. Loane asked if Mr. Baxter had any concerns. Mr. Baxter said a few trees would have been removed anyway. He said everyone agreed that removing the trees was an environmental loss but that they had to be removed to put the sidewalks in. He said they could replant the trees but it would be some years before the trees could provide shade. He said it wasn't a matter of his opinion as much as it was a matter of the sidewalks being approved and going in.

Roland Bechard said he just wanted to know what would be done. Eversource representative Scott Richardson said the trees they identified for potential removal were brought to the Tree Committee. He said the circuit in Pannaway Manor would be trimmed and the trees slated for removal were next to the primary wires. He said Eversource agreed to help the city remove those trees. He said they came up with 15 trees that they would remove at their cost.

Sarah Jarvis of 26 Winchester Street said she lived in Pannaway Manor and that some residents had concerns about the trees on Suzanne Drive being removed and had been told that it was a CRP request. Mr. Rice said the request was from ten years ago and that the money would not have been allocated without it. Ms. Jarvis asked if studies were done to show that the sidewalks were the best option. She said a lot of the Pannaway residents felt blindsided and were trying to understand why someone wrote the CRP and why it was the only solution. She said it would be prudent of the city to put the brakes on some of the projects to consider other alternatives.

Chairman Loughlin asked the committee for discussion. Vice-Chair Adams said the Tree Committee had been asked to approve or disapprove the removal of the trees and the only reasons the sidewalk project was being discussed was because if the trees were not removed, the project couldn't go forward. He said the committee didn't have that kind of power but that he wished it did because he was personally skeptical, at least in the case of Pannaway Manor. He said the dominant attitude toward sidewalks had been represented but that was the nature of democracy, and if people didn't come out in adequate numbers to express their views, then those who opposed them would prevail. He said he didn't see the point in voting on the trees unless the committee understood that what it was doing was voting on the sidewalks themselves. Ms. Bagley agreed and said the decision to cut the trees down had already been made by Public Works. Mr. Rice said the vote had not been made, and if the committee decided not to approve the removal of the trees, then Public Works didn't have the authority to take them down and would have to negotiate easements with all the property owners to reduce their front lawn to

accommodate the sidewalks. He said it was a very challenging time to be doing public projects and that people were often very busy and didn't have the opportunity to be involved in the decisions that impacted their neighborhoods, but the decisions and the maintenance associated with city infrastructure could only be deferred for so long. He said the existing sidewalks were not code-compliant and were unsafe, and the residents of Pannaway Manor and Maple Haven had requested new sidewalks. He said he was willing to do an alternative approach and that it was the City Council's prerogative to put the brakes on the project. He noted that bids might not even be received given the time of year and that other issues in those neighborhood had to be considered, like speed and parking. He said the Tree Committee had the ability to decide if the trees should come down or not, but it would push the project back.

Ms. Bagley said the issue was the process because it began ten years ago and the neighborhoods might have changed since then. Mr. Baxter said the new plantings would go in next year. Mr. Rice said 400 trees were already being planned for next year, which was 300 more than typical. Mr. Baxter said if the project was completed this year, then the planting would begin next spring. Mr. Griffin asked what the estimated costs were. Mr. Batchelder said it was around 1.3 million for the sidewalks. Ms. Bagley said the City Council made their decisions based on what was presented to them and wouldn't approve something unless it was presented in a way that made it sound necessary, but they weren't in the neighborhood looking at all of it. Ms. Chag said there was a mix of people in those neighborhoods who had lived there for 30-40 years and newcomers, and she thought the committee should perhaps hold off and think more about what was presented to them. She said when a tree was posted to be cut down, it seemed to be a trigger point for great focus, and she suggested that there be more dialogue with the neighborhood to make sure all the residents were heard. Mr. Rice said it was possible but the challenge for Public Works was the construction schedule and the need to bid. He said he could talk to his staff and perhaps break off the State Street section and let the process continue but have further discussion. Mr. Desfosses said his staff was acting on data that was submitted and if that data had changed, he wanted to do the right thing for everyone. Mr. Rice said he had to present it to the City Manager first but thought it was a reasonable request. He said the other planning types of exercises were the Planning Department's responsibility and not DPW's, even though they would be involved. He said the issue of sidewalk alternatives would require further discussion because he didn't know what types of things people were thinking of, but he thought it was a good idea to have those discussions so people didn't feel it was being jammed down their throats. He said Public Works was there to provide support and do the things that people wanted them to do. He said he would bring it to the City Manager and structure the bid in such a way that would give them the flexibility to not award it and provide the potential of having additional time.

Chairman Loughlin suggested a motion to defer or make recommendation that Maple Haven and Pannaway Manor be studied further to assess the best way to go forward. He said he thought from the beginning that the process was done because it had been funded and it felt like it was what the people and the city wanted, but now the committee was hearing concerns about the trees. He said the committee wasn't in the position to hear concerns about the need for sidewalks, and if there was a way to open up the process and get the larger picture and if the issue was

sidewalks versus trees, the committee was always on the side of trees. He said he was no longer convinced that there was a need for sidewalks and that it had not been fully resolved.

Chairman Loughlin asked for a motion to continue and request additional information and study. *Mr. Rice **moved** to allow further discussion. He said the trees had been posted and if more trees that the city thought needed to be removed could be added, it would make a more complete package. Ms. Bagley **seconded** the motion.*

Mr. Rice noted that Ms. Loane had an alternative approach of changing the configuration of the roadway, and he thought that was a larger discussion that would bring in the Parking, Traffic and Safety Committee and that anyone interested in changing the road configuration should bring their concerns to that committee. Mr. Baxter said there were a few trees that had been posted by Eversource in the past year on the outside of Colonial Drive that were unrelated to the issue and would come down regardless, due to power hazards. Mr. Richardson said the trees were at 208 and 533 Colonial Drive.

*The motion **passed** unanimously.*

Ms. Chag said the draft of the Tree Committee provided a way to make the committee's process more transparent and was a mechanism for people to come to the meetings and discuss their issues. Vice-Chair Adams asked which committee would be responsible for hosting a public meeting so that the maximum number of people would have the opportunity to weigh in on the topic. He said he had been out to Pannaway Manor several times and had never seen anyone walking on the sidewalks, so he questioned what public sentiment there was to do anything. Mr. Rice said it came down to what the function of government was and how to make decisions for large infrastructure projects. He said the process needed to be revisited because the challenge was that people who had personal preferences weighed in, despite years of planning by the city, and were upset that it was being done at all or not to their liking. He said there was a time and flow to construction projects and that the city had to do a better job of speaking to that process, including the appropriate times for the public to weigh in and not derail Public Works infrastructure projects by saying they were not heard during the process. He said he thought the appropriate committee for doing that was the City Council, where people could say they didn't like the process and would like more clarity in terms of a timeline. It was further discussed.

### 3. Update from City Arborist Chuck Baxter

Mr. Baxter said a total of 107 trees were planted this spring and that he would have a presentation at the next meeting of the tree species that were chosen and their locations. He said the watering process would begin the next day. He noted that a new intern would start work the following week. He said a Liberty Mutual Day was scheduled at the community campus where hundreds of volunteers would clean up the trail and dismantle some hazardous trees to remove them from the walkway. Mr. Rice said it was a great trail and that the boardwalk would be rebuilt soon.

**4. Tree Planting for the City's 400th Anniversary**

Chairman Loughlin said the issue would be continued to the June meeting. Ms. Chag suggested that someone from the Tree Committee be represented at the 400th Anniversary. Mr. Baxter said there were a lot of different folks making decisions but at some point they had to all come together and form a plan. Ms. Chag said she was interested in participating in the 400th Anniversary Committee, and Mr. Rice said he would suggest it to the City Manager.

**5. Draft of the Tree Committee Report to the City Council**

Chairman Loughlin said he gave a draft of the report to the Tree Committee members and that he would submit it to the City Council.

**6. Old Business**

Ms. Chag asked what happened to the tree request for Eversource to remove a tree on Fleet and State Streets. Mr. Baxter said it was a private tree. Mr. Rice explained that if the site plan that was approved had stipulations that required Eversource to replant a tree if one was removed, then Eversource would be told to do so. He said the Planning Department hadn't gotten back to him yet to advise if such stipulations had been made, but that he would inquire.

**7. New Business**

There was no new business.

**Next meeting:** Wednesday, June 8, 2022

The meeting was adjourned at 9:30 a.m.

Respectfully submitted,

Joann Breault
Trees and Public Greenery Committee Recording Secretary