MINUTES of the
City of Portsmouth
Trees and Public Greenery Committee Meeting
October 12, 2022

Members Present: Chairman Peter Loughlin; Vice-Chair Richard Adams; Peter Rice, Director of Public Works; Members Michael Griffin, Dennis Souto, A. J. Dupere, Patricia Bagley, Deborah Chag; Assistant Mayor Joanna Kelley; and Chief Arborist Maxwell Wiater

Members Excused: None.

Also Present: City Project Manager David Desfosses, Eversource Representative Scott Richardson

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Chairman Loughlin called the meeting to order at 8:00 a.m.

1. Acceptance of the Minutes of the September 11, 2022 meeting.

The minutes were unanimously **approved** as presented.

2. Introduction of new City Chief Arborist Maxwell Wiater.

Chairman Loughlin introduced the new City Chief Arborist Maxwell Wiater to the committee.

3. Tree Removal Requests

NOTE*: It was moved, seconded, and passed unanimously to review Item 6, Panaway Manor Tree Removals related to the sidewalk project first.* (See Item 6 below).

1. 23 Whipple Ct: Homeowner request, nuisance to homeowner, healthy tree, linden

Mr. Wiater said the tree was healthy but heaving the sidewalk. He said the sidewalk would eventually be removed and the tree would be pruned.

Chairman Loughlin asked for a motion. *Ms. Chag moved to **not recommend** that the tree be removed, seconded by Assistant Mayor Kelly. The motion passed by unanimous vote.*

2. 1137 South St: Homeowner request, visibility issue/nuisance to homeowner, healthy tree, oak

Mr. Wiater said the two driveways were being crowded by two trees, the oak in question and a maple tree. He said the oak could be pruned instead of being removed. Ms. Bagley said the traffic on South Street was also an issue to someone backing out of the driveway. Mr. Wiater said the tree was set back far enough that he didn't think it should be removed.

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Chairman Loughlin asked for a motion. *Mr. Rice moved to **not recommend** removing the tree but instead pruning and monitoring it, seconded by Ms. Bagley. The motion passed unanimously.*

Note: The resident Natalie Safley called in via Zoom several moments after the motion was made and said there was a safety concern because anyone pulling out of her driveway couldn't see motorists or pedestrians.

It was moved, seconded, and passed to re-open the discussion.

Mr. Rice said he was sympathetic because South Street was a difficult street to back into due to the number of pedestrians including schoolchildren who walked on that street. He said he was comfortable with removing the tree and that he could have a traffic engineer do traffic measurements and install a camera to monitor the street.

The **amended** motion was as follows:

*Mr. Rice moved to **delay recommending** that the tree be removed until he returned with a recommendation by his traffic engineer. Mr. Souto seconded. The motion passed unanimously.*

3. **337 Thornton St: Homeowner request, nuisance to homeowner, healthy tree, oak**

The resident was present and said branches were falling off the tree. Mr. Wiater said the tree was healthy despite falling branches and that it could be pruned. It was further discussed.

Chairman Loughlin asked for a motion. *Mr. Griffin recommended to **not remove** the tree, seconded by Mr. Souto.*

Mr. Rice asked that the motion be amended so that his staff could look at the sidewalk's condition first to see if more repairs to it were needed and monitor the tree in the meantime.

The **amended** motion was:

Mr. Griffin moved to recommend that the tree not be removed so that DPW could monitor the tree while deciding whether the sidewalk needed more repairs. Mr. Souto seconded. The motion passed unanimously.

4. **618 Colonial Dr: Homeowner request originating 2 years ago, fair condition, linden**

Mr. Wiater said the tree was posted two years ago for removal and it was very one-sided, but it was a vigorous tree overall.

Chairman Loughlin asked for a motion. *Ms. Bagley moved to **recommend removal** of the tree, seconded by Assistant Mayor Kelley. The motion passed unanimously.*

Note: the committee skipped to Item 8, 409 Richards Avenue at this point.

5. 367 Colonial Drive: City request, failing linden

Mr. Wiater said the tree had dieback issues.

Chairman Loughlin asked for a motion. *Ms. Chag recommended removal of the tree, seconded by Mr. Souto. The motion passed unanimously.*

6. Panaway Manor removals for sidewalk project:

1. 22 Colonial Dr
2. 4 Schurman Ave
3. 9 Schurman Ave (2)
4. 86 Colonial Dr
5. 130 Colonial Dr (2)
6. 234 Colonial Dr
7. 14 Worthen Rd
8. 9 Worthen Rd (2)
9. 316 Colonial Dr
10. 337 Colonial Dr
11. 355 Colonial Dr (2)
12. 403 Colonial Dr
13. 423 Colonial Dr
14. 447 Colonial Dr
15. 471 Colonial Dr
16. 493 Colonial Dr
17. 533 Colonial Dr
18. 627 Colonial Dr
19. 8 Hall Ct
20. 691 Colonial Dr
21. 711 Colonial Dr

City Project Manager David Desfosses was present and said the project was funded via the City's Capital Improvement Plan and had a majority of the public's support. He said the project would be done in the spring and that the plan was to remove 29 trees. He said he would like the committee's support for removing those trees. He said DPW would work around any trees that didn't have to be removed but that almost all the trees marked for removal were due to root issues. He said the trees would be removed during the winter and the sidewalk would be constructed next year.

In response to the committee members' questions, Mr. Desfosses said they would attempt to replant any many trees as possible, noting that there would be a lot of new trees for the City's 400th anniversary. Mr. Richardson said they planned to do a substantial upgrade to the poles and wires in the neighborhood and the number of trees removed would depend on where the new poles were placed. He said it might be possible to reroute some of the wires. In response to whether the new sidewalks would be wider, Mr. Desfosses said they would still be six feet wide, taking into consideration the current grass strip, and wide enough to plant trees. Mr. Wiater said a lot of the trees were planted at the same time and would be nearing the end of their lives, and

they would be replaced with bare root trees. Chairman Loughlin asked how Public Works determined which side of the street the sidewalk would be placed. Mr. Desfosses said they did a survey to decide which side would be less impactful to the trees and to pedestrians.

Chairman Loughlin opened the public hearing.

Manuel Garganta of 471 Colonial Drive said he was in favor of the project because the trees next to his house were safety hazards due to root issues.

Mr. Ruben Yzaguirre said there were no issues with accidents caused by speeding and that most of the neighbors didn't walk or ride bicycles. He asked whether trees could be removed on a case-by-case basis instead. He said his electric bill would rise due to the increasing in cooling costs, and he thought the funding for the project could be used for other things.

Craig Simmons of 9 Worthen Road said he would be negatively affected because his home would be in direct sunlight and his lawn would be ruined. He said the new sidewalk wasn't necessary because the traffic was slow and nearby neighborhoods didn't have sidewalks.

Everett Kern of 93 Colonial Drive said he was in support of the project because there were several elderly people and kids in the neighborhood. He said he also had a petition with 132 names of Panaway Manor residents in favor.

John Cooper of 50 Colonial Drive asked if it was possible that other trees not on the list would be moved because they might be too close to the construction work. Mr. Desfosses said he had a total count of the trees that would need to be removed. Chairman Loughlin said a tree could be planted on a resident's lawn. Mr. Rice agreed and noted that 200 of the 400th Anniversary trees would be given to residents with instructions on how to take care of them.

Aaron Garganta said the current sidewalk had been unsafe for decades and that the current trees were damaging the neighborhood's sewer system. He asked if the neighbors could select the new trees and whether additional trees could be given to properties that didn't have any.

Chairman Loughlin closed the public hearing.

Vice-Chair Adams said the project had already been approved and asked whether the committee could veto it or not. He asked what agency approved it. Mr. Rice said it was a capital improvement request made ten years ago and that the City Council approved the funding. He said no board weighed in on it but that it was part of DPW's normal operations if funds were provided. He noted that there was overwhelming support from the neighborhood.

Mr. Rice moved that the committee accept DPW's recommendations to ***move forward*** *with the project by removing the trees and planting replacements, with input from the committee as well as residents about tree species and location. The motion was seconded.*

Chairman Loughlin said the committee didn't have the authority to require tree removals, only to recommend removal. He said it was a difficult position for the committee to be in but knew that the project was appropriate. Vice-Chair Adams remarked that the committee discussed the project's feasibility and wisdom a few months ago. Mr. Rice said the committee had the ability

to advocate for the trees and ensure that they were not being arbitrarily removed. He said the committee previously reaffirmed the importance of the trees and the additional sidewalk and the process had been more of an advisory one. After further discussion, several committee members agreed that the project should move forward because it was fully funded, appropriate, and worthy based on safety and the citizens' ability to get restitution for the loss of their trees.

*The motion **passed** by a vote of 7-3, with Vice-Chair Adams, Ms. Chag, and Ms. Bagley voting in opposition.*

Note: At this point in the meeting, Mr. Rice left after explaining the reasoning for Item 9, Hanover Garage.

7. **Community Campus playground: City request, 2 declining hemlocks inside playground; city request, 2 oak, 2 beech, 1 hemlock for playground maintenance road installation**

Mr. Wiater explained that the trees would be removed to make room for the access road. Ms. Bagley asked if the beeches had to be removed, noting that there was also an existing path. Mr. Wiater said removing the beeches would facilitate the road project.

Mr. Griffin and Ms. Chag abstained from the vote.

Chairman Loughlin asked for a motion. *Mr. Souto **recommended removing** the trees, seconded by Ms. Bagley. The motion passed unanimously.*

8. **409 Richards Ave: City request, failing ash**

The resident was present and asked what the process was, which Mr. Wiater explained.

Chairman Loughlin asked for a motion. *Mr. Griffin **recommended removing** the tree, seconded by Ms. Chag. The motion passed unanimously.*

9. **Hanover Garage: City request, 2 cherries for a maintenance project to occur next spring**

Mr. Rice explained that removing the two trees would make the garage project easier. He noted that the trees had not thrived for a long time and that it wasn't a great location for them.

Chairman Loughlin asked for a motion. *Mr. Griffin moved to **recommend removal** of the trees, seconded by Assistant Mayor Kelley. The motion passed unanimously.*

4. Update from City Arborist Maxwell Wiater

There was no update.

5. Tree Planting for the City's 400th Anniversary

Mr. Dupere said he didn't have the species selection yet.

6. Old Business

There was no old business.

7. New Business

There was no new business.

Next meeting: Wednesday, November 9, 2022

The meeting was **adjourned** at 9:35 a.m.

Respectfully submitted,

Joann Breault
Trees and Public Greenery Committee Recording Secretary