



**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824-2898  
603/868-8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

**Town Planner's Project Review**  
**Wednesday, March 13, 2019**

- IX. **Public Hearing – Tree Cutting on Packers Falls Road.** Request from Eversource Energy to trim and remove trees along Packers Falls Road, which is designated a scenic road. Review in accordance with RSA 231:158. Ian Farley, Arborist with Eversource. William Burleigh, Asplundh, contractor.
- I recommend approval based upon the information available at this point, subject to satisfactorily addressing any issues that may arise at the public hearing.

Please note the following:

- 1) **Earlier application.** A different application from Eversource (Bob Berner was the arborist representing Eversource) was approved by the Planning Board on July 25, 2018 for the removal of 12 trees on Packers Falls and Bennett Roads.
- 2) **Application.** This application is to remove 17 trees on Packers Falls Road and to trim numerous other trees. Trees with a diameter of 4-3/4 inches (15 inch circumference) are subject to the statute (both for removal and for trimming). See the enclosed matrix listing the trees to be removed with locations, species, and other information. The regular cut is every four years or so. The impetus for this cut is a letter that Eversource received recently from the NH Public Utilities Commission about resident complaints about a number of outages along Packers Falls Road in recent years. See the email from Ian Farley, Eversource Arborist. Mr. Farley will attend the public hearing and answer any questions.
- 3) **Drive around.** I drove Packers Falls to look at the trees proposed for removal with Ian Farley and William (Dave) Burleigh of Asplundh, the contractor, recently. The trees are all marked with red ribbons. Note that trees on adjacent private lots planned to be removed (not within our jurisdiction for scenic roads) are marked with the same red ribbons. Mike Lynch was not able to join us but he will drive the road now and send me a note early next week with his comments. A map of the route is enclosed (The map includes Worthen Road which is not a scenic road).
- 4) **Tree Cutting Policy.** See the enclosed General Policy for Utility Maintenance Tree Trimming and Tree Removal on Scenic Roads in Durham, NH. This was written by staff in coordination with Bob Berner of Eversource and John Parry, a local arborist. It was adopted by the Planning Board in October, 2018. Trimming of branches is subject to Planning Board approval along with tree removal. Since there are so many branches that are proposed to be trimmed Eversource cannot mark those branches. The exact trimming is determined in the field during the operation. I have shared the Town policy with Ian Farley. *We can discuss at the meeting what sort of conditions would be appropriate for the tree trimming.*

(over)

Here is the pertinent statute:

**Scenic Roads. Section 231:158**

I. As used in this subdivision, "tree" means any woody plant which has a circumference of 15 inches or more at a point 4 feet from the ground.

II. Upon a road being designated as a scenic road as provided in RSA 231:157, any repair, maintenance, reconstruction, or paving work done with respect thereto by the state or municipality, or any action taken by any utility ... shall not involve the cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board...after a public hearing...

IV. Designation of a road as a scenic road shall not affect the rights of any landowner with respect to work on his own property, except to the extent that trees have been acquired by the municipality as shade or ornamental trees pursuant to RSA 231:139-156, and except that RSA 472:6 limits the removal or alteration of boundary markers including stone walls.

V. A town may, as part of a scenic road designation under RSA 231:157 or as an amendment to such designation adopted in the same manner, impose provisions with respect to such road which are different from or in addition to those set forth in this section. Such provisions may include, but are not limited to, decisional criteria for the granting of consent by the planning board or other designated municipal body under paragraph II, or protections for trees smaller than those described in paragraph I, designated for the purpose of establishing regenerative growth along the scenic road...