

TOWN OF SULLIVAN'S ISLAND TREE COMMISSION

REGULAR MEETING MINUTES Monday, February 25, 2019

A regular meeting of the Town of Sullivan's Island Tree Commission was held on February 25, 2019 at 5:00 p.m. at Town Hall, 2056 Middle Street. All requirements of the Freedom of Information Act were satisfied. Present, were Commissioners Members Mary English, Milton Langley, Thresa Luke, Nat Rob and Adele Tobin.

Members of the public present: Steve Sadler

Staff members present: Joe Henderson, Director of Planning/Zoning Administrator and Jessica Gress, License and Permit Technician.

- I. **CALL TO ORDER:** Mr. Robb called the meeting to order and stated that the press and public were duly notified pursuant to State Law and a quorum of Board Members were present. There were no known members of media present.

- II. **APPROVAL OF MINUTES:** Ms. Tobin made a motion to approve the **January 28, 2019 Meeting Minutes except for one change in the motion made for 1405 Middle Street which referred to continuing the application until the next Tree Commission meeting instead of a denial of the request. Mr. Robb seconded this motion. All were in favor. None opposed. Motion passed unanimously.**

III. TREE REMOVAL REQUESTS:

1405 Middle Street: Rachel Burton, applicant, requested an approval to remove one Category 1 live oak at 16" dbh (diameter at breast height) and to remove one codominant live oak tree of 15" and 19" dbh. The request was made in accordance with Zoning Ordinance Section 21-162. B. (Application for relocation, or removal and replacement) (TMS# 523-07-00-118)

Mr. Henderson stated that during the January 28, 2019 meeting, the Commission denied the request to remove the 16" live oak due to the applicant's lack of information regarding the 16" and 19" live oak along the western property line. The Board recommended that the applicant's certified arborist determine if pruning could be accomplished without severely damaging the tree. The Board also recommended that Town staff contact a third-party arborist to do an assessment of the two trees and the viability of pruning.

Mr. Henderson stated that the Town contracted a certified arborist by the name of Jessica Pares (ISA Arborist) to do examinations on potential tree removal of the 19" live oak being presented to the Tree Commission. Ms. Pares conducted the examination and submitted the letter enclosed in the staff report offering her assessment of each tree. In this letter, she identified that if tree pruning

were to be done, 60-70% of the leaf bearing canopy would be removed which would violate the ANSI 300A Standards. She also stated that the 16" is in healthy condition and could use some pruning of several leaders that show signs of crossing. Mr. Henderson stated that with that information, Ms. Pares and Mr. Benoit do agree that the 16" tree should be removed based on the location of the existing building footprint. Ms. Pares also identified the codominant tree as two separate trees, however, they are joined together at the base. The codominant tree is healthy but with time and increased growth, the tree might need to be closely monitored for potential root failure. Mr. Henderson stated that Mr. Benoit's and Ms. Pares's submitted letters are included in the staff report for 1405 Middle Street as exhibits 1 and 2.

Mr. Sadler, the property owner of 1405 Middle Street, stated that he also owns 1407 Middle Street. Mr. Sadler informed the Board that he purchased this property to build in the open area of this property so that there was not interference with the canopy. Mr. Sadler explained that his expectation is to build a multi-generational home for his family on an ongoing basis.

Mr. Benoit stated that he was hired by the homeowners of this property to do an evaluation of the 19" live oak and the 16" live oak located on this property. Mr. Benoit stated that if someone knew this was going to be a buildable lot, these trees would have been removed years ago. The crown of this tree is in the center of the lot. At this point this tree cannot be subordinated back far enough to have a feasible building footprint. If you try to make a cut, the remainder would just be a trunk. Based on Mr. Benoit's examination the tree is a hazardous and it should be removed.

Mr. Robb stated that he believes the 16" live oak is very close to the structure and asked if Mr. Benoit could give his opinion on the roots versus the location of this tree. Mr. Benoit stated that there would be an encroachment on a critical root zone, which is defined by arborists as 1 foot for every 1-inch dbh as a hypothetical circle. Mr. Benoit believes that when a foundation is to be laid or footings are to be installed, the roots will need to be inspected. With this specific tree, no more than three to four two-inch diameter roots should be removed. It looks as though the structure will encroach with the critical root zone which would not affect the survival of this tree.

Mr. Robb asked if the applicant would specify as to why they are requesting to remove the 16" live oak. Mr. Sadler stated that if the Commission Members look at the architectural plans, this tree is located right in the middle of the proposed new construction. The homeowners would like to remove this tree because the canopy covers the sidewalk and the porch of the property. Mr. Sadler informed the Commission members that he is prepared to mitigate for the number of inches to be removed or donate to the Tree Fund.

Ms. Burton informed the Commission Members that this property is a very slim lot which made it very difficult to architecturally design a new build without having to ask for side setback relief and then request for a tree removal. Ms. Tobin asked that the applicant try to redesign the structure so that the healthy tree can stay. Mr. Sadler stated that they looked at a dozen of ways to build this house but with the setback requirements on Poe Avenue and Middle Street along with the side setback requirements and the requirements of keeping the structure as one versus separating it out, there is no other design that will be able to meet the square footage needs that they would need for their family and preserve the tree. Mr. Sadler explained that they have spent 30 to 45 thousand

dollars in architectural expense trying to find a design that will satisfy them as the homeowner and to save that tree and it does not work.

Ms. English asked for the proposed mitigation to be presented to the Commission Members. Mr. Henderson stated that there is mitigation plan proposed for only the 16' tree because the other tree is deemed a hazard which relieves them of mitigation. Mr. Henderson informed the Commission Members that the applicant has proposed to replant three 5½ inch live oaks on the Middle Street side of the property.

Ms. Luke and Mr. Robb stated that they are not comfortable with leaving the 16" Live Oak because once the structure is built there is no way to say that the tree will survive. Mr. Robb stated he would like to approve the removal of the trees knowing that the applicant will mitigate with 3 live oaks that will survive.

Mr. Langley made a motion to approve the removal of the hazardous tree being presented. Ms. Luke seconded this motion. Ms. Tobin opposed this motion. Motion passed 4 to 1.

Ms. Luke made a motion to approve the removal of the healthy 16" live oak with the condition that the applicant mitigate with the three Live Oaks presented in this application. Mr. Langley seconded this motion. Ms. Tobin opposed this motion. Motion passed 4 to 1.

Mr. Langley recused himself from the application being presented for 2877 Brownell Avenue.

2877 Brownell Avenue: Phillip Smith GC LLC, applicant requested the approval to remove one Category 1 eastern red cedar of 21" dbh (diameter at breast height) in accordance with Zoning Ordinance Section 21-162. B (Application for relocation, or removal and replacement) (TMS#529-11-00-095)

Mr. Henderson stated that the applicants are in the permitting stages of constructing a new home on the property. One Category 1 eastern red cedar tree of 21" dbh was requested for removal for being located within 5' from the proposed foundation of the southern facing porch of the home. No recommendation was submitted by a certified arborist because the subject tree is in good health, which was confirmed by staff. The mitigation plan was presented to the Commissioners.

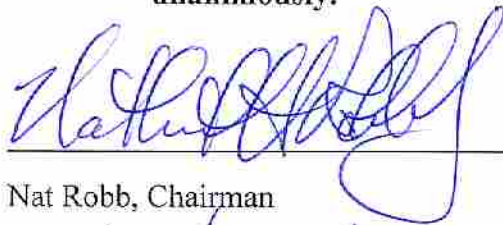
Ms. Luke asked Mr. Smith what his primary motivation is in removing this tree. Mr. Smith stated that the proximity of the tree to the footing of the proposed structure is a concern. Ms. English stated that most red cedars on the Island do very well being located close to the homes. Mr. Henderson stated that with the footing of the proposed structure, the applicant would be removing more than 20% of the canopy from this tree as well as a substantial portion of the critical root zone to accommodate footers.

Ms. Tobin and Ms. English agreed that this is a very healthy tree and would like to see the applicant proceed with the new construction in hopes that the tree can be saved. Mr. Robb and Ms. Luke agreed that they would rather grant the approval of the tree removal with a mitigation in place because with the new construction they do not believe this tree will survive.

Mr. Robb made a motion to approve the removal of this tree with the condition that the applicant mitigate. Mr. Robb stated that this motion failed. **Ms. Tobin made a motion to deny the removal of the eastern red cedar. Ms. English seconded this motion. This motion failed by a tie vote of 2-2, with Ms. Luke and Mr. Robb opposing.**

Mr. Robb stated that the Tree Commission is empowered to develop guidelines and standards to assist in the process of considering removal of Category 1 trees (over 16" DBH). Mr. Robb asked Mr. Henderson to research some potential guidelines and standards used by surrounding jurisdictions to assist the Commission Members in considering tree removal applications (Exhibit 3). Mr. Robb asked the Commission Members to review this information and possibly think about holding an open discussion during the next meeting or a workshop if needed.

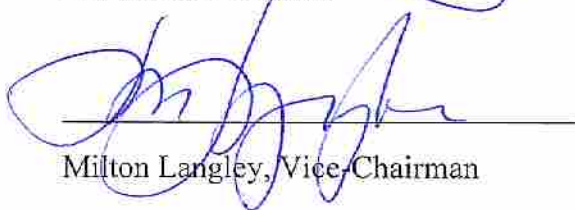
IV. ADJOURN: Mr. Robb made a motion to adjourn at 6:01 pm. Mr. Langley seconded this motion. All were in favor. None opposed. Motion passed unanimously.



Nat Robb, Chairman

3/25/19

Date



Milton Langley, Vice-Chairman

3/25/19

Date

Exhibit One

Jessica Pares
ISA Certified Arborist
Tree Risk Assessment Qualified
1167 Farm Quarter Rd
Mt Pleasant, SC 29464
843-640-7767

2/25/19

Joe Henderson
1405 Middle St.
Sullivans Island, SC

Dear Mr. Henderson,

On February 25th I visited a building lot at 1405 Middle Street on Sullivan's Island to inspect two oak trees. I performed a basic visual inspection of the trees' trunks, canopies and visible root systems from the ground and the following are my observations and conclusions about these trees.

Genus/Species: Live oak (*Quercus virginiana*). This species of oak is an evergreen common to the southeastern part of the United States. Live oaks are medium sized trees reaching typical heights of 50' to 65' with a crown spread of 50' to 70'. Live oaks have strong flexible wood and are excellent trees for hurricane-prone areas. They are great compartmentalizers and impervious to many diseases and insects.

Characteristics and Defects:

There is a 15.25-inch DBH live oak tree situated in the center of the property. The canopy has a fairly typical growth habit and branch structure save for a poorly-formed leader that is approximately 15 inches in diameter and about five feet up the main trunk. The taper and ratio suggest problems within. It may have been two separate branches that conjoined over time. There is dieback at the ends of the branch suggesting malfunction of the tissues and quite possibly decay. Regardless, this is a weak point in this tree and would be hazardous during a storm situation. There is also mild inclusion between the other stems. The trunk and root system of this tree are healthy and unremarkable.

The second tree, located on the right side of the property line, is a double-trunk live oak with the two stems measuring 16 and 19 inches DBH for a total of 35 inches. There is moderate inclusion between them at the base at ground level and a fence running over the root collar making inspection difficult. There is also a thick patch of cast iron plant obscuring the root mound. There is obvious reason to suspect uprooting; however, in

the visible areas (I did move the leaf litter and detritus) there was no visible heaving or cracking of the soil nor obvious signs of root degradation such as fungal bodies or broken or popped roots. The most salient characteristic, and not necessarily a defect, is the bowed shape that both leaders have taken due to phototropism and weighting which is typical of live oaks. The canopy and trunk are healthy and unremarkable despite this bend.

Adjacent to this live oak tree is the outline of a potential structure has been staked with marking tape. Perhaps 60-70% of the leaf-bearing canopy would need to be removed to make way for this structure. If this tree had an upright growth habit this would be tantamount to topping it. The tree would likely not survive the trauma nor would anyone be able to make the proper cuts due to the shape and growth habit. Moreover, the tree's root system would be damaged in the process of digging footings for the building. It is my professional opinion that such drastic canopy removal paired with root damage would place this tree into a death spiral.

In conclusion, both trees are in fairly-healthy condition but the defects they display should be monitored and/or mitigated. Any dead wood should be removed and sites of bark inclusion should be watched for cracks. The soil surrounding the large live oak should be carefully monitored for signs of uprooting. The large double-trunk live oak could be evaluated for cabling and/or bracing to ameliorate the codominance and included bark.

Sincerely,
Jessica Pares
ISA Certified Arborist # 6911-A
Tree Risk Assessment Qualified

Gerald J Benoit, ISA



"Preserving Lowcountry Live Oaks"

Gerald Benoit

3300 Cedar Creek Court ~ Mt Pleasant ~ SC ~ 29466 ~ (843) 224-1629

Seajunkie49@gmail.com

February 11, 2019

Leslie Sadler

lesliesadler@gmail.com

804-761-1750

RE: Tree Assessment for 1405 Middle St., Sullivan's Island SC

At your request, I have examined a 19" dbh Live Oak, a 16" dbh Live Oak and an additional 16" dbh Live Oak the above referenced location and my findings are as follows:

- The 19" and a 16" dbh Live Oaks along the right side property line are extremely phototropic (the orientation of a plant in response to light) and geotropic (the growth of a plant with respect to the force of gravity). The support root system of the stability of these trees is based only on tension roots which are located on the neighboring property. Most trees have a combination of compression and tension roots for their support and stability. The location of the crowns of these trees prohibits the successful cutback to prevent tree failure. Any pruning practice to alleviate excessive weight would be in violation of the ANSI-A300 pruning code. Because these trees lean into the center of the property, human activity and personal property is in its immediate target zone. Every year the adverse direction of these trees will only be amplified. There is no standard or reasonable arboricultural practice to correct these deficiencies. Therefore, based on the growth characteristics and uncertainty of the holding roots, these trees are considered to be hazardous and should be removed. See photos 1 and 2 attached.
- The 16" dbh Live Oak located in the rear center of the lot shows no structural issues at this time.

Other observations concerning 1405 and 1407 Middle St are as follows:

- I examined 11 mature Live Oaks. These trees have been professionally maintained and they are in good vigor.

- And additional small Live Oak has also been professionally maintained and is also in good vigor.
- A mature Laurel Oak has also been professionally maintained and is also in good vigor.
- There are three clusters of Hackberry trees on the property are in fair condition.

Please contact me at 843-224-1629 if you have any questions or concerns.

Respectfully,

Gerald Benoit
ISA #1608-A

RECUSAL STATEMENT

Member Name: MICHAEL LANGLEY
 Meeting Date: 2/25/19
 Agenda Item: Section C Number: 2
 Topic: Removal of Cedar tree

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: Applicant is my physician's
law practice for over 30 yrs

Date: 2/25/19 [Signature]
 Member

Approved by Parliamentarian: _____

Tree Removal Reasons

