CITY OF CONWAY
TREE BOARD MEETING
WEDNESDAY, OCTOBER 26, 2016
CITY HALL CONFERENCE ROOM – 4 P.M.

Present: Jason Pippin, Danny Clonts, Heather Whitley, Brenda Ivester

Absent: Paul Doyle, George Ulrich

Staff: Wanda Lilly, City Arborist; Jessica Hucks, Zoning Officer; Barbara Tessier, Secretary

Others: Paul and Therese Veyera

I. CALL TO ORDER

Chairman Pippin called the meeting to order at 4:00 p.m.

II. APPROVAL OF MINUTES

Clonts made a motion, seconded by Whitley, to approve the July 27, 2016 minutes as written. The vote in favor was unanimous. The motion carried.

III. TREE REQUESTS

A. **2209 Belladora Rd:** Paul & Therese Veyera, applicant’s, are appealing the decision of the City Arborist to deny their request to remove an Oak Tree from their property within the Rosehaven subdivision (TMS: 136-21-01-010 / PIN: 36904020028).

Lilly she had not met the applicants. She said she was contacted by the tree company that was hired to remove the tree. Lilly said she went to the site and determined that the tree was in good health and met no criteria for removal. Attached to these minutes is a list of the conditions that had to be met for a tree to be removed. She said the bushes had been pruned around the base of the tree and there was no indication that Hurricane Matthew had done any damage to the tree. Lilly said given these facts, she denied the removal of the tree.

Mr. Veyera spoke. He said they purchased the house with the contingent that the tree before removed the day of the closing. He said Palmetto Corp., who they purchased the house from agreed to this and it was written in their contract. However it was not removed the day of the closing and then they found out the tree could not be removed.
Mrs. Veyera said she would not dispute Lilly's findings, but she was concerned about the possibility of other storms. She said the tree was in the midst of the border of their land and they wanted to install a fence.

Lilly commented that a fence could be built around the tree, as had been done other times.

Mrs. Veyera said they did not want to do that. She said it was the first land they had ever owned and wanted the tree removed. She said she had worked in insurance and knew the issues trees could be. She said they would pay for any tree mitigation that would be acceptable to the city. Mr. Veyera said his experience with trees was not a good one. He said he was concerned about their safety and well-being.

Pippin asked how close to the house the tree was. Mr. Veyera said it was about 20' from the house. He said he was aware that the tree could grow to be 50-60' in height. Mrs. Veyera said the tree did not look safe to her. She said she could see a mound that she thought were the roots coming up.

Clonts asked the applicants if they had any recourse with the seller of the home. Mrs. Veyera said they trimmed the bushes around the tree and that was all they were going to do.

Clonts asked Lilly what mitigation options were possible. Lilly said mitigation was possible, but it would be up to the Board to determine the extent of the mitigation. She said they could require a tree of the same d.b.h. to be planted or several trees whose d.b.h totaled that of the removed tree.

Mrs. Veyera said they did not want the mitigated tree(s) to be on their property, but to be planted somewhere else in the city. Pippin said usually mitigated tree(s) were placed on the same property. Mrs. Veyera said she knew the tree was an endangered species, but they would not have purchased the house if they had known the tree could not be removed. She said no one had told them of the Tree Ordinance.

Ivester said the Tree Board was there to protect and preserve Oak trees. She said she had built a fence around a tree in the past.

Pippin said if the purchase of the house was contingent on the removal of the tree, they must have some recourse with the seller. Clonts said if the seller/developer had wanted to remove the tree, they would have had to come before the Board.

Pippin said he thought they needed to go back to the seller/developer and asked what they were going to do to make it right. Lilly said she had talked to Marshall Godwin, the developer, and he was a big proponent of trees. Pippin said there were numerous trees around the city that were not removed based on their species and size.
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Clonts asked about planting a mitigated tree down the road. Whitley said that
defeated the purpose. Lilly said mitigated tree(s) could be planted on city property,
such as a park.

Clonts asked what would need to be replanted. Lilly again said either one tree that
was the same size as the one removed or several trees that would total the size of the
removed tree.

Hucks said that a subdivision was required to have canopy street trees every 50
linear feet with a d.b.h of at least 3” and a height of at least 12-14’ at installation. She
said mitigation was permitted then for trees that could be removed; not trees that were
protected.

Whitley asked why would they permit the removal of healthy tree and plant tree(s)
elsewhere. Clonts said the tree(s) could be planted in a city park.

Pippin said in a perfect world, the developer would be responsible for replacing the
tree if it was removed. He said they could come before the Board saying that had made
a mistake and not done what they said they would. He said they would have the funds
for mitigation of the tree.

Ivester said the tree was on the property line. She said the other property owner
should be involved. Mrs. Veyera said the property was a vacant lot. She said they
could approach the developer, but they could not afford an attorney.

Clonts asked the Veyera’s how long they had been in the house. Mr. Veyera said
they purchased in September, but had just been in the house a week.

Pippin suggested the item be tabled until such time as the applicants had had a
chance to talk to the developer.

Clonts made a motion, seconded by Whitley, to table the agenda item until after
the developer had been contacted by the applicants. The vote in favor was unanimous.
The motion carried.

IV. PUBLIC INPUT

There was none

V. BOARD INPUT

There was none.

VI. STAFF INPUT

There was none.
VII. ADJOURN

Having no further business to come before the Board, Clonts made a motion, seconded by Ivester, to adjourn the meeting. The vote in favor was unanimous. The meeting adjourned at 4:30 p.m.

Approved and signed this 25 day of July, 2018.

[Signature]

Jason Pippin, Chairman
ISSUE:

To approve the removal of a Landmark Live Oak. This tree is an *Quercus virginiana* (Live Oak) D.B.H. 31'.

The tree is located at:

616 Lakeside Drive
Conway, S.C. 29526

BACKGROUND:

This tree is an *Quercus virginiana* (Live Oak) D.B.H. 31”. This tree is dead or dying and is hazardous/danger to the surrounding area. The tree shows signs and symptoms of a dying canopy, a very large stress crack, and an un treatable fungus/growth at base of tree. This indicates a fungus within the tree trunk.

RECOMMENDATION:

It is staff’s recommendation that the City of Conway’s Tree Board approve the removal of the aforementioned tree.