

Lewiston Auburn Community Forest Board Minutes

October 17, 2013

Lewiston City Hall Conference Room

Members present: Richard Shea, Dave Griswold, Dan Bilodeau, Jim Sorcek, Bruce Damon, Steve Murch, Jay Braunscheidel, Larry Poulin, Dennis D'Auteuil

Guest present: Mrs. Joline Roy, Suzanna Boucher, Mike Marcotte

Meeting called to order at 7:00 p.m.

Minutes of August and September were approved.

380 Webber Ave. Ordinance Appeal

Jay invited Steve to explain what had gone on at the residence of Joline Roy at 380 Webber Ave. Steve went over the following:

July 30, 2012, Mrs. Roy filed a complaint (EGOV tracking #5223001119) which stated: "She is tired of dealing with this tree. Says it is a city owned tree and would like it removed. Its roots are breaking her sewer line and has had to call Able Power Rooter out several times to chop up the roots. Its limbs are also covering her roof and clog her gutters as well."

I met with her shortly after and noticed that it was a healthy Norway Maple and advised her of our policy on removing healthy city trees. I explained I could prune any low branches, remove branches near her service wire, and lift low branches over the roof. I made a note and scheduled the work. Over the next two months she contacted me several times, and renewed her request to have the tree removed. I revisited it again. Eventually, I'm not sure if it was at this visit or during one of her phone calls, but her persistence wore me out and out of frustration, I agreed to remove the tree. I called a contractor and he scheduled the work. Within a few days, I received another call from Mrs. Roy. This time she told me she had changed her mind and did not want the tree cut. I was very relieved to hear this so I notified the contractor not to cut the tree. At this time, the Tree Ordinance had just been passed and I forgot about the appeal process and never discussed that with her.

8/16/13, a new EGOV was created for Mrs. Roy, (tracking #6555121331). She had called me 2 weeks earlier and requested that we remove the tree again. I told her I would stop by and take another look. I did and noted the condition of the tree was still good. In the meantime, with the upcoming hearing for #13 Brown St scheduled for 8/15/13, I asked her if I could wait on meeting with her until after that case because of the similarities. I felt that if the Board sided with the homeowner in that case, I may want to reconsider how I handled this case. I met with her on 8/16/13, and explained that I could not remove the tree. I explained again our policy, and told her jokingly that the reason I had given in last fall was that her persistence "wore me out". I also advised her of our Tree Ordinance and the appeal process. She told me she would think about it and get back to me which she did via phone message later that day.

My notes from this EGOV follow (sorry for the typos); "Healthy 24" NM. She would like the tree removed. She does not like low light, messy seeds, tires of raking the leaves, roots in the sewer, and worried about losing power. Steve told her it is against our policy to remove a healthy tree. I told her I could prune the tree away from the house and wires and raise low branches. I also informed her of the tree ordinance and the appeal process. She will contact me for more info if she decides to an appeal.

Mrs Roy then said that now that her husband has passed the issues the tree presents are overwhelming her and she would like it cut down. She mentioned that they include problems with the gutters, no sunlight, messes with twigs and leaves on lawn, walkway and driveway, water backup with sewer, slipping on the stuff falling from the tree and branches falling on power lines and her roof. Her brother comes from out of town to help with the leaves and twigs, but it is a non ending process and is more than she can handle.

Members then asked questions and made comments about the situation. They included: what the rest of the street looks like, how much pruning would the city be willing to do, size and type of tree, proximity to house and other structures, health of tree, and how would it be taken down if that was the decision. Members also gave their interpretations of how the ordinance should be applied.

Mrs. Roy restated that pruning would not meet her requirements and wanted the entire tree removed.

Dan made a motion to close the public hearing session of the appeal. Bruce seconded. Voting in favor were Richard Shea, Dave Griswold, Dan Bilodeau, Bruce Damon, Jay Braunscheidel, Dennis D'Auteuil. Opposed were Jim Sorcek and Larry Poulin

Bruce made the following motion: **"To support the decision of the arborist not to remove the tree."** It was seconded by Dan.

The vote was six in favor (Jay, Dan, Bruce, Dave, Dennis, Larry) two opposed (Rick, and Jim) Steve recused himself.

The motion passed.

Roux Lawsuit

Jay has received an email from Dr. Roux saying he has filed a lawsuit over the board's decision not to remove her tree on Brown Street. Jay has referred it to the city of Lewiston and recommended that if any board members receive questions or correspondence about this matter to also refer it to the city. It was mentioned that members of a city board are not libel.

Auburn Comprehensive Services Model

Dennis brought the board up to date with what the Auburn City Council is doing in reorganizing the city boards and departments. It looks like our board would be part of public works, parks and recreation, and solid waste and recycling committee. Because our current board is a joint board between Lewiston and Auburn no one is sure how our board would function. Until the new model is finalized we asked Dennis to ask the city council and/or mayor to act on the board applications that are on file. It is sometimes difficult to get a quorum with the current openings in Auburn.

McMahon School Nature Trail

Steve, Rick, Dan, and Sue worked on the trail last Saturday. There are several groups that are lined up to do many of the projects. Steve would like the board to come up with a paper to be

put on the nature trail kiost explaining the tree harvest that took place and how it fits into a proper forest management plan.

Tree Nursery at Lake Auburn Community Center

Several of the red maple seedings have been planted in pots at the nursery in a soil bed. This will make it easier in the future to transplant them to bigger spaces. When the red oak trees arrive from the Arbor Day Foundation we will do the same with them. Sue went to Augusta to find out about the Project Canopy Grants are are being offered and will apply.

TD Bank Tree Planting Event

Several board members were present at the Auburn City Park when volunteers from TD Bank planted 38 large trees. The event went very well. Jan Santere from Project Canopy was also there.

Next meeting will be Thursday Nov. 21st at 7:00 pm (Location to be announced.)

Meeting adjourned 8:30 PM by unanimous vote