

Lewiston Auburn Community Forest Board

13 Brown Street Appeal Hearing

Minutes



May 17, 2013
Lewiston City Hall Conference Room

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Appeal hearing of Dr. Michael Roux regarding city arborist's decision not to remove a tree from his mother's house at 13 Brown Street Lewiston, Maine

Attending: Dr. Michael Roux, representative for his mother
Steve Murch, member of the LACFB & Lewiston City Arborist
Jay Braunscheidel, Chairman of LACFB
David Griswold, member of LACFB
Jim Sorcek, member of LACFB
Richard Shea, secretary of LACFB

Jay called the meeting to order at 3:58 PM and opened with introductions of those present. Jay pointed out that the format would be conversational allowing all parties to describe the situation and that if conflict arose we would default to Roberts Rules of Order.

Dr. Roux presented his information. He believes that the sewer line leading from his mother's house continues to be blocked up by roots of the red maple tree growing between the sidewalk and Brown street. He presented several Able Power Rooter bills that showed the expense his mother has experienced over the years. After talking to several people about the problem, he believed the pipe is in good condition and the roots are making their way into the pipe between the joints of the pipe. He acknowledged that the tree is in good health and was most likely planted when the house was built. The pipe is the original pipe is must be about fifty years old.

He believes the city arborist should issue a permit to cut down the tree because the Lewiston Community Forest Ordinance 78-49 (b) states "It is the intent of this article to preserve public trees. The Municipal Arborist may issue a permit to cut down, or remove, or destroy a public tree under one or more of the following circumstances:

1. The tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with existing utility services, creates unsafe vision clearance or other traffic hazard, or is otherwise dangerous to people or property."

Steve Murch explained to the board why he had denied this request when it was originally brought to his attention. He said that in the fifteen+ years he has acted as the city arborist he has never cut down a healthy public tree for the requested reason. In his experience, roots do not get into a "good" pipe. He believes that the pipe has failed. The pipe could is also being impacted from a second tree not far away. The entirety Brown Street is tree lined and cutting the tree will impact the character of the neighborhood. The arborist said that in his experience many citizens

value the trees in their neighborhood, but want the tree in their yard cut down because it impacts them.

The members of the board asked several questions of both Dr. Roux and Mr. Murch. They also expressed their opinions about the matter using the many years of experience they have had with trees and trees impacting sewer lines.

After the discussion was exhausted Jay asked for two motions:

Motion 1, made by Dave Griswold, seconded by Jim, to uphold the arborist's decision not to remove the tree at city expense.

Passed unanimously 4-0, Murch abstained

Motion 2, made by Dave and seconded by Jim, to require the City of Lewiston to issue a permit to take down a tree at 13 Brown St. at the owner's expense.

Failed vote was 2-2, Murch abstained.

Meeting was adjourned