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Subject: [EXTERNAL] Tree Commission April 15, 2025 APPLICATION NUMBER: T2025-0077 agenda item 20 Sapodilla tree at 719 Poorhouse Lane

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Dear Chair McRae and Honorable Commissioners,

The owner of the empty lot at 719 Poorhouse Lane, having ignored your previous denial, is again seeking your consent to cut down the over 100 year-old Sapodilla tree. Now the owner from upstate NY, Douglas Maxwell, is seeking to destroy the tree by claiming it is 'infested' with termites, although there is no evidence that the tree is not in good health. City staff and tree consultant reports presented at your January 21 2025 meeting deemed the tree in good health with no infestation.

It is beyond ironic that the same firm that flagrantly disregarded your Commission's January vote on application T2024-0351 now has the temerity to re-appear before you as the representative of the owner.

In spite of your Commission's unanimous vote on January 21 2025 to deny a permit for removal, on the morning of February 10th, a TARZAN TREE crew arrived at the 719 Poorhouse Lane lot and began cutting the Sapodilla tree.

Zach Bentley was contacted by concerned neighbors and he rushed to the site to advise Tarzan to cease work. The man wielding the chain saw ignored Mr. Bentley, claiming he was an arborist and that the tree "had termites".

Although it was his first day on the job as the City's Assistant Forester, Zach rushed back to his office to seek assistance. Anguished residents stood helpless watching the tree being cut limb by limb until City Code Officer Leo Slection appeared, who asked Tarzan to cease. Thankfully Leo's presence saved the tree from further harm. The next day, Assistant City Manager Todd Stoughton advised in a call with Commissioner Aaron Castillo that he believed a code violation case had been opened against the owner and Tarzan Tree for disregarding the vote of the Commission. While this seemed logical given the circumstances, Ashley at Code Enforcement has recently advised there is no case listed in her records. Does a contractor or owner, ignoring the vote of the Tree Commission, face no consequences?

This seems very wrong. Perhaps it is within your jurisdiction to now request that a code case be opened in this matter? While the facts are clear, inaction is not constructive. This incident also begs the question of what seems a very clear conflict of interest: when the company hired to remove trees can conveniently also 'certify' that the trees are a 'hazard'. This self-serving approach apparently permits contractors to take down trees

without a permit, overriding your good work of our Tree Commission. It is important for people to know that the rulings and votes of the Tree Commission are upheld and not made a mockery by unprofessionals who disregard the rule of law.

As a resident of the Poorhouse Lane / Bill Butler Park community, I join many neighbors who are concerned that the Tree Commissioners is yet again asked to grant consent to remove this still-magnificent large Sapodilla tree from the northern boundary of the property located at 719 Poorhouse Lane. There is great opposition to this request. The Sapodilla is one of the very oldest in the area, estimated by Ken King to be well over 100 years in age. He advised that Sapodillas, one of the strongest and hardest of indigenous tree types, are rarely are attacked by termites unless on dead limbs or branches. The tree that remains healthy even in the face of the February 10th cutting.

The Sapodilla tree contributes to the park and the neighborhood's unique sense of place. There is a real sense of character that this significant tree provides to the area around Bill Butler Park, immediately adjacent, where there is no other tree of such scale. Moreover, it provides vital shade to the open paved area and surrounding park, particularly important as we face increased climactic severity. Given that the lot at 719 Poorhouse Lane is within the Old Town Historic District, the cultural significance of historic trees and their contribution to the landscape is important and should be recognized and respected.

Knowing you value the beauty and importance of our mature hardwood trees, I urge you to deny this request.

Thank you for your consideration.
Hal Bromm

photo of the tree as it now appears following removal of limbs by Tarzan Tree February 10 2025:



Photo of Tarzan tree crew at 719 Poorhouse Lane February 10 2025



Photo of the Sapodilla tree prior to being cut by Tarzan Tree on February 10 2025:



