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Settlement Agreement Reached in Port Royal Landmark Tree Appeal

PORT ROYAL, SC – On Thursday, October 20, an agreement was reached by all parties regarding the fate of two landmark live oak trees located on a parcel of land on 12th Street, just off Paris Avenue, in Port Royal. Coastal Homes and Sunrooms, LLC, a contractor hired by the property owner, had sought permission to remove a 43-inch live oak to make way for five single-family homes. Plans for the development also included removal of a 60-inch landmark live oak tree. Bluffton-based MCN Property Solutions owns the property.

After a July Town Council meeting, where over 60 residents expressed frustration with the project's impact on the trees, the Town approved the developer's request. In August, Port Royal resident Elizabeth Bergmann filed a request to stop work on the tree removal the morning it began, but not before almost all limbs were cut, damaging the tree.

"These trees have been around Port Royal longer than we have and add so much character to the community," said Bergmann. "I personally feel like there needs to be a call to action in a larger way to protect them, and I felt like I needed to do what I could to stand up for what many others in this community want, as well."

The South Carolina Environmental Law Project (SCELP) filed an amended appeal on her behalf on August 25. Since then, Bergmann and SCELP have been in discussions with the Town of Port Royal, Coastal Homes and Sunrooms, and MCN Property Solutions to find a compromise.

The terms of the settlement include saving the 60-inch landmark specimen live oak tree and removal of the 43-inch live oak tree, which had already been severely impacted by heavy pruning before Bergmann's initial request to stop the work on August 10. A portion of the 43-inch tree will be donated by the developers to repurpose into a piece of public artwork that can be enjoyed by the Port Royal community. In addition, any trimming done to the 60-inch tree must be done in strict accordance with the Town of Port Royal's Tree Ordinance and a report prepared and reviewed by two certified arborists.

“The situation in Port Royal is a microcosm of a bigger issue – that leadership needs to enact stronger ordinances and uphold the rights of the entire Town collectively,” said Bergmann. “And that includes the trees and all the natural resources which sustain us.”

SCELP’s appeal challenged the Town’s decision to authorize the tree removal pursuant to their Landmark Tree Ordinance, which provides additional levels of review and special requirements for requests to remove certain types of trees, including live oak trees with a DBH of 24 inches or greater.

“Port Royal is well-known for its beautiful landscape and abundance of large live oaks,” said Emily Nellerhoe, Staff Attorney for the South Carolina Environmental Law Project. “The Town had good intentions when they recently updated their tree ordinance, but this situation revealed that improvements are still needed. We are sad to see any live oak tree removed, but important lessons were learned here that will ultimately benefit the Town’s efforts to preserve its trees moving forward. And we are very grateful for the willingness of all parties to come to the table and work together to fashion a solution that not only saves the 60-inch tree, but will memorialize the 43-inch tree for years to come.”

The situation in Port Royal underscores the need for local governments across the state to allow meaningful public input and participation when it comes to developing and enforcing ordinances. Public input should be part of the decision-making process in situations like this. Even strong, well-crafted ordinances will be tested, and local governments need to be willing to revisit what’s on the books when weaknesses are identified.

“I have gratitude for SCELP for assisting me with filing the appeal and for making me feel supported and empowered throughout the process,” said Bergmann. “I hope that this situation leads to the Town of Port Royal developing a stronger Tree Ordinance, one that doesn’t grandfather in old rules and protects the beautiful trees that offer so much to our community.”

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