

2019-0139

PETITION TO ADDRESS THE COUNCIL

St. Charles Parish Council Chairman
P. O. Box 302
Hahnville, LA 70057
(985) 783-5000

Today's Date: 4/29/19



Dear Chairman:

Please place my name to address the Council on:

DATE: May 6, 2019

SPECIFIC TOPIC: Two problematic trees located within the parish Drainage Servitude in the unname

canal between Red Church Plantation Estates and Red Church Property

(*See specific guidelines on the reverse side and refer to Parish Charter Article VII Sec. I)

DOCUMENTS, IF ANY: YES / NO four documents attached, including pictures
DOCUMENTS **MUST BE** ATTACHED AT THE TIME OF SUBMISSION

NAME: Victor Buccola & Veronica Buccola

COMPANY / ORGANIZATION:

MAILING ADDRESS: 105 Burguiere Lane, Destrehan, La. 70047

PHONE: 504-810-1717

EMAIL ADDRESS: vlbakala55@gmail.com

SIGNATURE: *Victor Buccola*

Dear Constituent:

Thank you for your active participation. Your views and comments will be considered by the Council in making our decisions. The Council has a considerable amount of business to conduct in a limited amount of time, therefore, please note the following items that are expected of you:

- The Home Rule Charter provides for citizens to address the Council. **All requests and pertinent information must be received in writing by the Council Secretary at least one (1) week prior to the scheduled meeting; request may be hand-delivered, mailed, emailed (scpcouncil@stcharlesgov.net), or faxed (985-783-2067) to be received by 4:00 pm. It makes no provision for initiating debate, discussion, or question and answer sessions with Councilmembers or Administration Officials.** Your right is also guaranteed to examine public documents as you prepare your presentation. Should you have any questions for Councilmembers and/or Department Heads as you prepare, please forward such inquiries to the Council Office to insure a timely response. Should you wish to speak to any Official or Department personally; a complete list of contact information will be furnished at your request.
- Please be brief and limit your comments to the specific subject matter on which you have requested to address the Council. Please reference the Council guidelines for time limit specifications.
- Please forward supporting documents to the Council Secretary for distribution to the Parish Council at the time your form is submitted in order for the Council to prepare themselves, if necessary.
- Upon completion of your allotted time to address the Council, please respect the time given to Councilmembers to respond to your comments by not interrupting or interjecting remarks.
- Slanderous remarks and comments will not be tolerated. If slanderous remarks or comments are made, your opportunity to address the Council will end, regardless of the remaining time left to address the Council.
- Repetitious comments and subject matter will be strictly limited.

A confirmation letter will follow when your name is placed on the agenda.

Sincerely,
Julia Fisher-Perrier
JULIA FISHER-PERRIER
COUNCIL CHAIRMAN
(OVER)

TO: Terrell Wilson, SCP Councilman District 1

E-mail: twilson@stcharlesgov.net

TO: Wendy Benedetto, SCP Councilwoman at Large Division A

E-mail: wbenedetto@stcharlesgov.net

TO: Paul Hogan, SCP Councilman at Large Division B

E-mail: phogan@stcharlesgov.net

FROM: Veronica Buccola (daughter) vlbuccola2@gmail.com , cell 504-559-9361

and Victor Buccola (father) vlbakala55@gmail.com , cell 504-810-1717

DATE: 12/4/18 – via email

SUBJECT: Request for assistance and Parish removal of two tall trees located within a major drainage canal

Good Day Council Representatives Wilson, Benedetto, Hogan and other Parish officials:

We have been in recent contact with LSU AG Center County Agent Rene Schmit regarding our concern about an excessively leaning live oak tree and a damaged sweet gum tree that are both wholly located and growing within a twenty-foot wide St. Charles Parish drainage servitude; this servitude abuts the rear property line of municipal address 107 Burguières Lane in Destrehan, property belonging to Veronica Buccola.

The portion of land where these trees reside, and which is subject to a drainage servitude in favor of St. Charles Parish, belongs (in title) to abutting property owners Frank and Bettie Abbate, municipal address 173 Longview Drive. The unnamed drainage canal located within the drainage servitude abuts the entire 65 feet rear property line of 107 Burguières Lane, which adjoins the rear property line of 173 Longview Drive. The drainage way within this drainage servitude is the upper portion of a major drainage canal, as defined and described by the SCP Code of Ordinances. Because the entire portion of the major drainage canal to the rear of 107 Burguières Lane was fenced in many years ago by the adjoining land owner, St. Charles Parish public works maintenance personnel have historically not maintained this section of the drainage canal and servitude because no gate access that would easily allow access for parish employees was provided by the land owner.

Concerning the two trees, it was earlier suggested to us by District 1 Councilman Wilson that we ask County Agent Rene Schmit to first visit this site to assess the trees and address our concerns. We are appreciative that Mr. Schmit visited this site last Tuesday, November 27, 2018. He subsequently provided to us in writing his professional and expert recommendation relative to our concerns about these particular trees. We feel his written assessment and recommendation supports our position that these trees are problematic. Attached with this emailed memorandum is his letter to us in this regard. Pictures of the two trees taken by Mr. Schmit are also included for your convenience and review. However, for you and any other Parish officials to fully appreciate our concerns, we ask you to please soon visit this area and view these hazardous trees for yourself. Assuming visits to also assess the situation for yourself will occur, we suggest anyone doing so don the appropriate footwear for walking in dirt and mud since some demolition work at 107 has been recently performed.

Veronica Buccola acquired 107 Burguières Lane in late 2017. She recently initiated the permitted demolition of the old, residential structure and accessories buildings at this address, commencing the middle of last month. Once demolition is deemed completed, and upon the securing of the new construction permit from the Planning and Zoning Department, we anticipate breaking ground for new construction in early 2019. The replacement, single family residence will be legally permitted to be set back five feet from the rear property line due to a grandfather clause provision that provides for this.

We also feel these two trees are stressed due to less than desirable growth space available, which has likely contributed to their conditions. One is damaged near the top and has lost substantially sized and weighted limbs. The other is leaning excessively into Veronica's airspace where the roof on a structure to be built upon an elevated foundation will be constructed. We are concerned if these two trees are not removed from the servitude and canal, they will have the potential to cause future, substantial damage to the new residence and the legally permitted fence that will be erected in the rear yard inside the property line. Property damages caused by these two hazardous trees, if left alone, will likely be reoccurring events. What is even more disturbing is the distinct possibility for bodily injury or death to anyone within the residence should the unthinkable ever occurs when either of these trees and/or tree limbs succumb to forces of nature regardless of weather conditions, whereby at which times the laws of physics and the effects of gravity will prevail.

We are respectfully requesting St Charles Parish government to completely remove these two trees from the drainage canal so as to eliminate any possibility of future damages to this homestead because of these two trees. Unquestionably, any future damages that would be attributable to either these trees would be eliminated with the removal of these trees from the footprint of this major drainage canal.

We realize the use of heavy equipment to access this particular section of the servitude used to be very difficult or just not possible to accomplish with structures, including fences, all around and in the way. However, at the present time, the property at 107 Burguières Lane is now temporarily vacant. The lot is void of any structural obstacles that would prevent the easy access of workers and equipment to remove these trees from the parish's drainage servitude and major drainage canal. Veronica is willingly agreeable to grant St Charles Parish unfettered access across her property to accomplish this task, and she will hold the Parish not responsible for any physical damage that will likely occur when the appropriate heavy equipment is used on her property to access the servitude. Rutting of the ground is anticipated, acceptable and of no concern. Veronica will be having additional fill brought in to elevate the foundation of the new house, in order to meet and exceed Base Flood Elevation requirements.

The new construction schedule is presently on hold, for more than one reason, but primarily because of the pending receipt of the requisite Letter of No Objection from the Pontchartrain Levee District, as is required by local code. However, as soon as that letter is received and the construction permit is obtained, we will be ready to resume moving forward with this project. Hopefully this will occur well before the spring rise of the Mississippi River which could negatively affect the construction schedule relative to foundation work.

We feel the time is more than ripe for St Charles Parish government officials to recognize these ticking timber bombs for what they are – too close for comfort, overcrowded, unsafe and especially potentially hazardous during hurricane season. These trees and this situation, if not timely mitigated, will become a matter of health, welfare and safety for the occupants or visitors in Veronica's new home. We encourage St. Charles Parish to be prudently proactive when considering the facts and circumstances for this request. We trust that you, as well as any and all others involved, will agree with us about the seriousness of this odd situation. We pray the Parish administration, including Public Works and Risk Management teams will agree and take affirmative action to respond accordingly. Addressing this matter by removing these hazards, sooner rather than later, ensures all of us that there will be no future cost association with any losses attributable to probable property damages or possible personal injuries caused by these trees.

Please contact either of us with any questions or concerns in this matter. We look forward to your timely response and appreciate your public service in the Parish of Plaquemine.

Thank you – Veronica Buccola and Victor Buccola



Cooperative Extension Service

St. Charles Parish
1313 Paul Maillard Road, Suite E
Post Office Box 1766
Luling, Louisiana 70070
(985)785-4473
Fax: (985)785-4475
E-mail: stcharles@agcenter.lsu.edu

November 28, 2018

Buccola Residence
107 Burguières Lane
Destrehan, LA. 70047

Hello, Mr. Victor;

This letter is in follow-up to your request for an inspection of the live oak and sweetgum trees located on the drainage servitude on western side of 107 Burguières Lane in Destrehan.

I conducted the inspection on Tuesday November, 27th and determined that the live oak tree, although exhibiting no insect or disease problems, to be a significant safety hazard due to its angle of weighted lean to the eastern side. This lean is greater than a 45 degree pitch and will remain on-going. A primary contribution to this tree being a safety problem is that a majority of the primary and heaviest weighted limbs are located on one side of the tree - the eastern side - thus contributing to the forced lean. Unfortunately there is no advantage to removing the weighted limbs as that would result in not enough canopy left to support the tree's ability to function normally. It is my recommendation that strong consideration be given to removing this tree as it will only become less stable as the increase of pitch continues. (Keep in mind that as this tree continues to grow so will the limbs increase in their weight as will the direction of the tree in a downward motion).

In regards to the sweetgum tree, there were a few upper limbs that exhibited breakage and some decay. Certainly these limbs should be removed to reduce further breakage and decay. Overall, I found the sweetgum tree to be in relatively good health.

Let me know should you have any questions or need for any additional information. Thank you.

Sincerely,

Rene' Schmit
County Agent
St. Charles Parish

For the latest
research-based information
on just about anything,
visit our website:
www.LSUAgCenter.com





