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Angel Oak case ends

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A developer with plans to build apartments around the centuries-old Angel Oak tree near Charleston says he spent millions of dollars trying to design the project to suit environmentalists.

But Robert DeMoura couldn't satisfy their objections, and today, says he needs to move on. DeMoura is hoping a judge will allow his affordable housing project to be built adjacent to the Angel Oak, an expansive tree that draws crowds from across the country.

Attorneys for DeMoura and the S.C. Coastal Conservation League ended their four-day trial Friday in Columbia.

Judge John McLeod must now decide whether to uphold state environmental permits needed to build the apartment complex. No decision is expected before mid-summer, at the earliest. More than 500 units could be constructed adjacent to the Angel Oak property. DeMoura is negotiating to sell the project to a North Carolina development company.

The Angel Oak, on Johns Island, is believed to be one of the largest and oldest live oaks in the U.S. It is at least three centuries old, but could be older – perhaps exceeding 1,000 years. The tree's broad, long branches provide enough shade to cover a small shopping complex. Vacationers from across the country often stop by the Angel Oak. The oak and a tiny park surrounding it are owned by the city of Charleston.

Some buildings in DeMoura's proposed development could be as close as 160 yards to the Angel Oak. About two acres of wetlands would be filled for the work.

While environmentalists say building apartments near the Angel Oak could kill the tree, DeMoura says studies he has paid for show the tree won't be hurt by the project.

During testimony Friday, DeMoura said he came up with a "superior plan" for the apartment project after receiving assurances from the Coastal Conservation League and government agencies. But the Conservation League later opposed the project, he said.

"I never would have signed my name to a multi million dollar loan and committed my money and my investors' money to a deal without those assurances."

He declined comment after Friday's trial, but under questioning by his lawyer, DeMoura had acknowledged spending \$7 million to purchase control of the project.

Amy Armstrong, a lawyer for the league, said the environmental group never signed off on the project and remains concerned about the apartments hurting the tree. Concerns revolve around how the complex would affect groundwater and nutrients that supply the Angel Oak.

Still, Armstrong said the major question is whether the state Department of Health and Environmental Control should have issued permits for the project.

"The league's position really is immaterial to whether the agency properly applied the water quality regulations, the water quality standards and the law," Armstrong said.

Angel Oak supporter Samantha Siegel, who has led the charge against the apartments, said the tree needs protection from the encroaching development.

"I can't think of anything that matters to me more," Siegel said.