

Arboretum Committee Minutes for October 17, 2017 Meeting

The meeting was called to order at 7:00 pm.

Those present were Michael Spekter, Chris Keller, Kathy Benjamin, Jenny Krivanek, Jane McClintock, Carol Davis, Pat Keating and Town Mayor Peter Benjamin

The minutes from the previous meeting held on September 26, 2017 and approved as corrected.

The first item on the agenda was a presentation from Doug Monsein of Douglas Construction Group concerning his request for the removal of a town tree at the site of his construction project at 10920 Kenilworth Avenue. Mr. Monsein presented his arguments in support of his request to remove the tree, indicating that it was necessary for his construction project and demolition to proceed, and the committee indicated to him that we were not the body who could grant him permission, but that we could only make a recommendation to the council.

However following review of his town building permit, the mayor informed him that after speaking with the town manager Gene Swearingen regarding the building permit that he would get back to him; and Mr. Monsein was advised that he also needed to contact the Montgomery County arborist regarding obtaining permission to remove the tree.

The Committee then heard from town resident John Tshirky, speaking on behalf of the residents at 10914-10916 Clermont to try and preserve a large Tulip Poplar Tree located between those two houses which is scheduled in the 65% sidewalk plan to be removed. Mr. Tshirky requested that his statements and the dialogue with the Mayor and the Committee be included in the minutes of the meeting. His remarks, incorporated into the minutes, follow:

“I begin by acknowledging that Mayor Benjamin says he knows and admires the tulip poplar as a grand tree on Clermont Avenue and that he does not want to see trees removed from the street scape if not completely necessary. But I do take issue with his additional comments that the tree must be destroyed and removed because 1) it is old, 2) is "impacted" by all the concrete surrounding it, 3) it will fall down "one of these days", 4) it is a tulip poplar and not an uncommon tree, 5) it can impact the power lines if it drops a limb, and 6) that it cannot be accommodated into the sidewalk construction project and still have a sidewalk that meets ADA requirements..

I responded to these comments by saying that many of the Town trees along streets in Garrett Park are old, are surrounded by asphalt and concrete, will fall down "one of these days", can impact the power lines if they drop a limb (this tree is on the opposite side of

the road from most utility lines), and that many of them are tulip poplars. The main issue driving this decision to destroy the tree still appears to be the position of Mayor Benjamin that the tree cannot be accommodated into the sidewalk construction project and still have a sidewalk that meets ADA requirements. The Mayor spoke of his interest to not have to remove any trees due to sidewalk construction but that he had met with construction engineers and they said that there are two primary issues: 1) they can't work around the roots without damaging them and 2) the elevation drop that will occur while building some type of "bridging" over the roots from 10914's driveway to 10916's driveway will have a vertical drop too steep for ADA requirements.

I said to the Mayor and the GPAC that we neighbors did not know the details of the Mayor's conversations with the engineers and he replied that he thought Hans Wegner had explained it to us. We agreed that we would all benefit from having a more complete understanding of the assessment made by the engineers and the Mayor agreed to arrange for that to happen (hopefully at the site of the proposed work). However, with regards to the point of damaging roots, I continued to emphasize that if the engineers can successfully work with the roots of several large willow oak trees farther down Clermont Avenue they should be able to handle the tulip poplar. I added that the Garrett Park and GPAC should be seeking engineers who will see this project as a challenge and come up with creative solutions. The tulip poplar is obviously an inconvenience to the sidewalk project and the most notable obstacle presented is that it's position and size complicates building a sidewalk that meets ADA requirements. The construction plan is it go straight over the tree and no one spoke of alternative ideas that might include wrapping the sidewalk around the tree.”

The Committee discussed the matter, and requested that a meeting be set up with the sidewalk construction engineers and the residents of Clermont to determine whether it would be possible, acknowledging that the Committee is not the final decision maker in this matter as to whether:

1. To reroute the sidewalk while still maintaining the retaining wall ,
2. To see if it is possible to maintain the elevations on either side of the tree if the sidewalk is bridged
3. To determine if ADA compliance can be maintained if the sidewalk swings wider around the tree.

The Committee then discussed the scope of work and the contents of the RFP for the Town Tree Plan

The date for the Fall Town Tree Walk was confirmed for Sunday November 5th

The Committee Agreed to come back for its next meeting on Tuesday November 28,

2017 at 7:00 because of the Thanksgiving Holiday falling during the customary meeting date of the third week of November, and to if possible spend the bulk of the meeting going over the elements of the town tree plan with a view towards composing the main elements of an RFP that would then be submitted to the Town Manager for finalization.

The meeting was then adjourned at 9:15.

Michael Spekter
(Chair)