

Venice Planning Commission

Re: Willow Chase Amended Landscape Plan Dec. 18, 2018

My name is Bob McGinn and I am a resident of Willow Chase. I have lived here three years and spent two years on the Board. In twenty-five years of Board participation in condos and now HOA, I have never seen this degree of resident participation as exists in the Willow Chase community. Some of it has been beneficial, particularly in maintenance and boardwalk building. However, the degree of control the Landscape Committee exhibits is beyond reasonable. I am here to request the denial or modification of this plan for the following reasons.

- Primarily this plan is arbitrary and capricious. It does not have the support of the residents and does not follow accepted streetscape design.
- This plan was not created by Kimley-Horn. It was created by a resident and Landscape Committee member, Peter Constant. Kimley Horn made a few minor changes to his plan, attached their name, and submitted it.
- The Willow Chase Boards, both past and current, are abrogating their fiduciary responsibility by endorsing this costly and unnecessary venture.

Origin

- Mr. Constant, in 2016, decided, after reading an article, that street oak trees were the cause of heaving sidewalks and would pose a liability to our community.
- With the approval of the Board of Directors, and the cooperation of J & T Holland nursery, he devised a plan for the removal and replacement of all street trees. Tree removal and replacement would be done in three phases over two years, 2017 and 2018.
- In the spring of 2017, Mr. Constant and Jeff Ritchie, Landscape Committee Chair, arranged for the removal and replacement of 39 trees as part of Phase One.
- Although only a few of the street trees actually caused problems, (sidewalk heaving) all 39 were removed.
- Replacement trees included Fringe Tree, Youpon Holly, Shady Lady, and Japanese Blueberry. None of which are guaranteed to not heave sidewalks.

- Placement of these trees was capricious and arbitrary and destroyed the symmetry and harmony of the community.
- At no time was the plan or cost submitted to the residents for approval. No requests for changing the tree in front of a residence were allowed. At the March 2017 annual meeting, Mr. Constant made himself available to explain the plan but not modify it.
- As a Board member, I was made aware of a petition by twenty-eight residents opposing the plan.
- In December 2017, Mr. Shrum made it known to the Board President, John Singer, that this plan was in violation of City code and an amended plan needed to be submitted. This is the plan. Apparently, Lee Wetherington submitted an entire community plan to the city instead of just the one facing Laurel Rd.

History

- To my knowledge, neither Mr. Constant nor Mr. Ritchie have qualifications or experience in streetscape architecture or tree removal and replacement.
- As Board representative to the Landscape Committee, I recommended supervision by a licensed arborist. Neither Mr. Ritchie nor Mr. Constant would hear of it. An arborist was finally hired after the trees were planted.
- The proposal for the new trees required size and quality specifications. When asked after the planting if these requirements were followed, I was summarily ignored and later verbally castigated. I was later told that they took whatever trees Holland had to get the job done.
- The quality of the trees was dismal at best. An arborist has mentioned that they were not planted deeply enough and the root balls may not have been trimmed.
- There was no evidence that the plantings adhered to Sarasota County Statutes regarding protection from runoff.
- There were no provisions made for watering replacement sod. Mr. Ritchie took hoses, trespassed on residents' property and appropriated water from their outside faucets.

- This was a poor operation done by amateurs, lacking in skills, planning, and due diligence. This does not bode well for future operations.

Cost

This Amended Landscape Plan represents the largest allocation of nonessential resources since the community was created in 2004.

\$13,000	Phase 1 tree removal and replacement
\$12,000	Kimley-Horn fee to create Amended Landscape Plan
\$6,000	Additional fee to Kimley Horn for modifications
\$35,000	Projected cost of remaining Phases 2 & 3
<u>\$44,000</u>	Total as of today

It is highly likely these costs will increase and cause assessments to rise.

Concerns

- Although the trees in question belong in the common area, it is generally recognized that a house having no tree reduces its value. That is one reason that Wetherington placed one in front of each property. In addition, there was a consistency, uniformity, and symmetry to the plantings that produced a harmony. Also, the trees were of the same type unlike this Amended Landscape Plan.
- There are too many options in this plan for the choice of trees and their placement. The plan indicates a generic symbol for up to eleven different trees. This is not a plan, it's a wish list. Many residents fear that the same ineptitude that prevailed in Phase One will result in planting any tree available regardless of quality or condition. It is interesting that critics of this plan, including myself, now with two trees, will have none.
- In two years there has been no evidence of sidewalk heaving and a concrete grinder purchased for this purpose has sat idle.

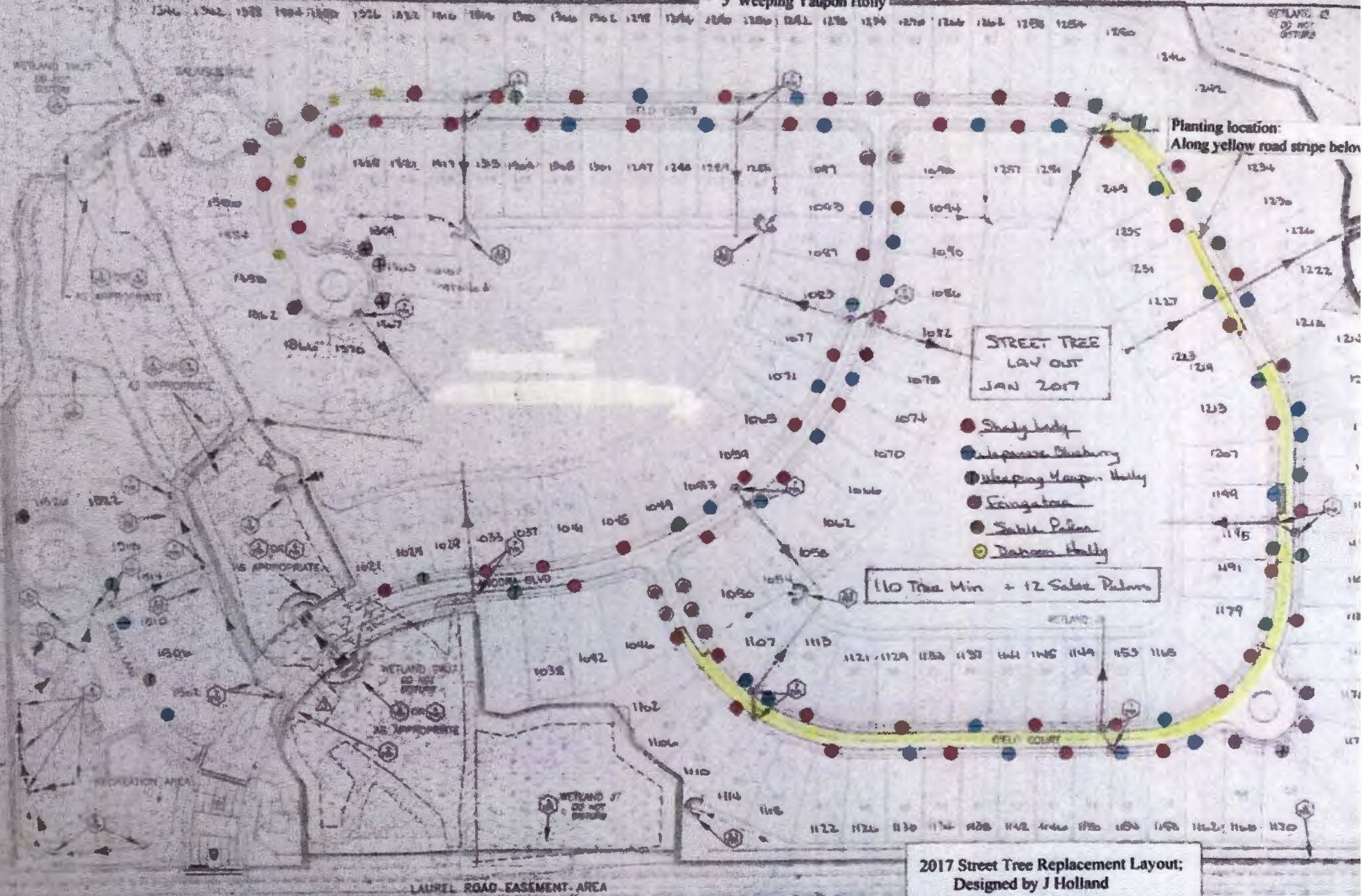
Recommendation.

- I urge the Planning Commission to reject this plan outright. The damage of Phase 1 has been done and the community can and should move on and replace liable trees as the need arises.
- It is generally understood by arborists that the space dedicated to street trees is insufficient for large trees and more suitable for palms or grasses. Another alternative would be no plantings at all in the median as Venetian Golf and River Club has done.
- Otherwise I ask you to require the Board to hire an outside landscape architect not currently involved, to devise a better plan, hire a clerk of the works, and not allow any residents access to the process. Perhaps they could consider Frank Solinko who supervised the streetscape on the reworked bypass.

2017 TREE PURCHASE PLAN

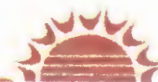
1ST PHASE

21 Shady Lady
13 Japanese Blueberry
5 Weeping Yaupon Holly



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Willow Chase uprooting all 'median' oaks

Almost 150 oak trees in right of way to be removed

By **GREG GILES**
NEWS EDITOR

Nearly every shade tree that was originally planted in front of each residence in Willow Chase will be uprooted after a decision by the homeowners association.

This addresses a problem plaguing many subdivisions that were planted initially with inexpensive oak trees that are now doing damage to sidewalks and curbs.

The North Venice community learned a few years ago some of the oak trees, in the older part of the 10-year-old subdivision, were causing the same problem — a trip hazard.

When a resident fell and injured himself, the board decided it was time to take action. It was mentioned at a homeowners association meeting but no action was taken for over a year. Meeting minutes were vague and didn't refer to any type of large scale removal.

Some residents thought that grinding down some of the concrete sidewalk slabs, which had been done, put the problem to rest. But it didn't.

"We have a problem where the entire development had oak trees planted in the median," said John Singer, president of the Willow Chase Community Association. "They shouldn't have put the oak

trees there."

The median he's referring to is also called the right of way by others — the grass between the road curb and the sidewalk.

The Willow Chase Community Association finally announced at its annual meeting in November it was removing all the trees.

That drew angst from some residents who say it's an overreaction and will devalue their homes. In total, 150 trees may be removed.

"Over 100 newly planted live Oak trees will be destroyed for no reason," said homeowner Doug Ostrum. "They provide a lot of shade for my front yard."

He said most of the trees



PHOTO BY GREG GILES

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Each residence in Willow Chase came with an oak tree. Now the homeowners association says they all have to be removed due to trip and fall hazards.

OAKS

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are showing no signs of damage to the sidewalks.

Around 32 sidewalk areas have already been ground down, Singer said.

Because you can't plant a tree in the exact spot one was removed from, Ostrom and his neighbor have been told they won't get a replacement tree at all due to that and other utilities in the area.

"These trees took 10 years to grow 20 feet. I'm nearly 70. I have to wait until I'm 80 years old to get shade again? It's ridiculous," Ostrom said.

Resident Mary Ann Clark is also unhappy with the plan to remove all the original oak trees. Some were planted in front of new homes only four or five years ago.

"Some people won't get a replacement tree. Some who don't want one will have to have one whether they want it or not," she said. "The whole thing is illogical."

Clark said the county tree ordinance (the City of Venice utilizes the Sarasota County tree code) guidelines clearly state an HOA board does not have the authority to change anything that would affect the appearance of the community.

"We feel we've been discriminated against. The guidelines say that every possible measure should be taken before a tree is taken out, and it wasn't," she said.

The county did weigh in.

Elizebeth Baylis, with the county Environmental Protection Division, said the permit for a large scale tree removal like this required upper management approval.

"We do not take large scale removals lightly," Baylis wrote in an email to Ostrom.

In addition to utilities maintenance issues and sidewalks slip and fall

best of health due to their environmental constraints."

"They will never become grand canopy trees and getting the right tree in the right place for safety and our future urban forest is the best option," she said.

Singer said the board even looked into installing flexible rubber sidewalk material, but found it much less expensive to simply replace the trees.

"The idea isn't to ruin the neighborhood, but to economically resolve a problem," he said.

Still, there are residents who say the problem is better addressed on a tree-by-tree basis.

Ostrom and Clark said with little effort, they collected 31 signatures in a brief petition campaign just to show there was member interest in the issue — and presented them to the city. But it was too late.

City and county permits have already been issued.

Howard Berna, an

Environmental Protection Manager with the county, said at this time, approximately 40 of the trees proposed for removal are of a size where they can be saved and transplanted to other areas under the management of the HOA.

Ostrom says they'll be moved to the side of an emergency access dirt road that residents don't use.

"The remaining 110 trees will be replaced with more appropriately sized species of trees," Berna said. "In addition, county staff suggested that the HOA could choose to leave certain trees in place or work with the residents to see if there was a way to transfer the liability of those trees to the concerned residents who want to keep them. That would be an HOA decision, and not a requirement of the issued permit."

So far, Singer said, no one has accepted the offer.

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