

2d
5-12-07



"Jerry Drake"
<jerrydrake@comcast.net>
05/11/2007 11:42 AM

To <jackie.henderson@alexandriava.gov>
cc
bcc
Subject doc for City Council

History: This message has been replied to and forwarded.

Jackie,
Here is a document I would like to have forwarded to the members of the City Council. It is self-explanatory. I tried to send this document (Word) and a pdf but the pdf is too large. I assume I can distribute the pdf which is the arborist's report as a hard copy before the meeting begins? Please alert the council members to the pdf to be delivered tomorrow. Please send a confirmation that you have received this email and were successful in downloading the attachments.
Much thanks for you help.
Jerry
Gerald W. Drake, M.Ed., Ph.D.
o 703.684.1169



c 703.517.0844 I am here today to propose an amendment to the City Code.doc

MEMO TO: Alexandria City Council
FROM: Gerald W. Drake, Ph.D.
DATE: May 11, 2007
RE: Amend TITLE 6-CHAPTER 2-ARTICLE B- SECTION 6-2-24

I am here today to propose an amendment to the City's Code, **TITLE 6** (Parks, Recreation, and Cultural Activities), **CHAPTER 2** (Trees, Shrubs, Plants, and Vegetation), **ARTICLE B** (Regulation of Trees, Shrubs, etc, on Private Property Interfering With or Endangering the Public or Public Property), **Section 6-2-24, Dangerous trees, shrubs, etc., declared nuisance; trimming or removal**

Specifically, I am asking the Council to amend the code (**Sec 6-2-24**) to include any tree(s) on private property which is pose an immediate and serious danger to any other private property or person thereon..

I have been a homeowner in Alexandria for ten years (3300 Elmore Drive, 22302). My neighbor at 3302 Elmore currently has two large oak trees that sit within two feet of our property boundary (re: report from registered consulting arborist, Milhous, E., May 5, 2007). A conservative estimate of the tree's height is in excess of eighty feet. Combined weight of the two trees is estimated to be twenty-five tons. A registered arborist as well as Mr. John Noelle, the City's Arborist, has determined that one of the trees is dead; the other is "nearly dead." In two conversations with one of the owners of the house, she has stated that she will not remove the trees because (1) she does not believe the trees are dead, and (2) she cannot afford the cost of removing the two trees. The consulting Arborist I hired to evaluate the condition of the trees and the risk they pose to the residents has reported the following:

- Both trees are "easily tall enough to strike both houses" at 3300 and 3302 Elmore as well as utility lines to the house at 3300 and the main distribution lines to the neighborhood..
- As of the May 3, 2007, all trees surrounding the two trees in question have "leafed out." Tree # 1 (see report dated May 5, 2007) has no leaves and is infected with

Hypoxylon fungus. Tree # 2 is also infected with Hypoxylon fungus, has only a few leaves present, and “for all intents and purposes, is dead.”

- Dead trees “often fall apart before actually fall[ing] down. An eight to ten foot section from the top of these trees would weigh more than a thousand pounds, and considering the acceleration from a height of seventy feet, would hit the ground with a force of several tons. If a large branch fell from these trees and struck a person, serious injuries or death could occur. These trees are tall and massive enough that if one fell, it could crush a house.”
- “In my professional opinion, these two trees are an unacceptable risk now, and will become more hazardous over time.... My advice to the owner of these trees is to remove them as soon as possible....”

When it became apparent that the trees were dead, I contacted my insurance company, Dominion Virginia Power, the City’s arborist, the Mayor’s office, and the City Attorney. None of these agencies could offer me any recourse to compel the owner of the dead trees to remove them. I look to the City Council to make the same provisions for tree hazards as are found in the City of Alexandria’s Code (**Sec 11-13-4**) that compel homeowners “to keep property clean and free of accumulation of waste.”

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injuries or death could occur. These trees are tall and massive enough that if one fell, it could crush a house.”

- “In my professional opinion, these two trees are an unacceptable risk now, and will become more hazardous over time.... My advice to the owner of these trees is to remove them as soon as possible....”

When it became apparent that the trees were dead, I contacted my insurance company, Dominion Virginia Power, the City’s arborist, the Mayor’s office, and the City Attorney. None of these agencies could offer me any recourse to compel the owner of the dead trees to remove them. I look to the City Council to make the same provisions for tree hazards

as are found in the City of Alexandria’s Code (**Sec 11-13-4**) that compel homeowners “to keep property clean and free of accumulation of waste.”

TreesPlease®

P. O. Box 1025 Haymarket, Virginia 20168 703-927-2048
http://www.TreesPlease.com e-mail Ed@TreesPlease.com

5 May, 2007

Dr. Jerry Drake
3300 Elmore Drive
Alexandria, VA 22302

Re: two trees at 3302 Elmore Drive

Dear Dr. Drake:

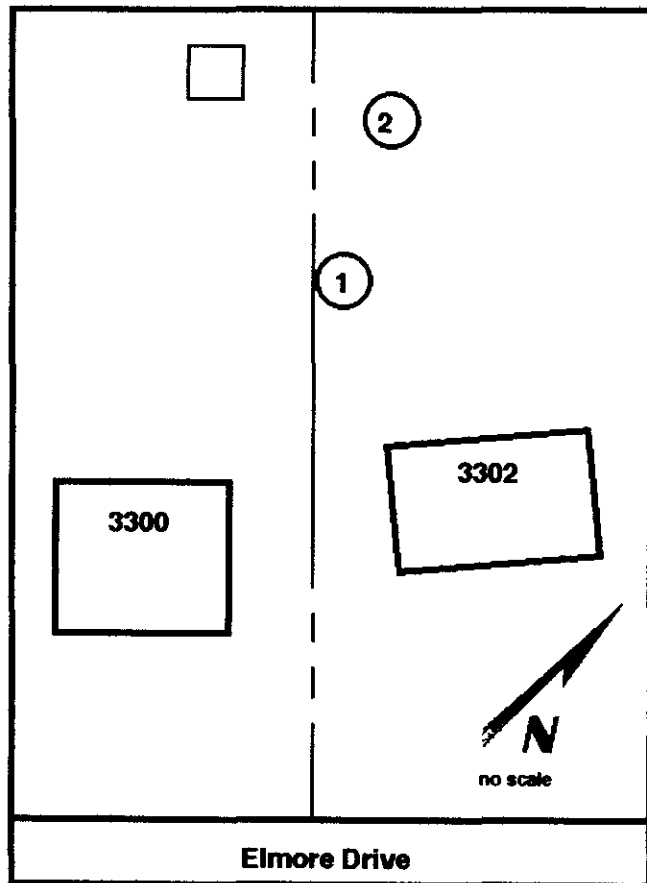
At your request, on May 4th, I visited your home to make observations about two trees on the property next door at 3302 Elmore Drive. I viewed these two trees from your property and from the public right of way, and these were the only to trees I looked at during my visit.

Their relative positions are shown in this drawing as 1 and 2.

You asked me if the trees were dead, and what was the risk associated with them.

Both trees are oaks; tree #1 is approximately sixteen inches in diameter at four and one-half feet above the soil line (referred to as diameter at breast height or DBH), and tree #2 is approximately twenty-six inches DBH. Both trees are easily tall enough to strike the two houses and an electric

distribution line if they were to fall. Tree #1 is dead; tree #2 is nearly dead.



These photographs, taken on May 4th, 2007, show the condition of the two trees. The top overlaid images are from your rear yard at 3300 Elmore Drive; the lower picture is from the street just northeast of 3302 Elmore Drive.



All the trees surrounding these two trees have leafed out. Tree #1 has no leaves on it, and some Hypoxylon fungal fruiting bodies¹ can be seen on its stem. Tree #2 has only a few leaves present, and for all intents and purposes, it is dead. Hypoxylon fungal fruiting bodies are visible on most of this tree. The fungus Hypoxylon inhabits the bark on trees, usually without causing any ill effects. For unknown reasons, it can become pathogenic², causing cankers³ on the tree. When Hypoxylon is visible on a stem, the affected stem will be dead soon if it is not already. After death, the fungus continues to sporulate⁴ for quite some time. There is no effective treatment for this disease.

While it is apparent that the two trees are dead or very near death, ascertaining the immediate risk of failure is more difficult. Even a tree that is perfectly healthy is not without risk. While common sense would lead one to conclude that a dead tree is more likely to fall than is a living tree, dead trees can stand for some time. They often fall apart before they actually fall down. An eight to ten foot section from the top of these trees would weigh more than a thousand pounds, and considering acceleration from a height of seventy feet, would hit the ground with the force of several tons. If a large dead branch fell from these trees and struck a person, serious injuries or death could occur. Such a branch could certainly cause damage to structures or equipment underneath. These trees are tall enough and massive enough that if one fell, it could crush a house.

In a case such as this, the critical unknown factor is the state of these trees' roots. If the roots were damaged by changes in the soil, such as digging or grading,

¹ Structure of a fungus that produces spores for reproduction; called, among other things, mushrooms, conks, sporophores.

² Capable of causing disease.

³ A localized dead spot on the bark; usually caused by fungi; often a sign of decline in a plant; commonly occur where improper pruning cuts are made; generally cannot be treated effectively.

⁴ To produce spores; said of a fungus that is in a stage of active reproduction by producing spores.

they well may have rotted away over the past few years. Hypoxylon will often parasitize⁵ a tree with declining roots. If their roots have rotted, these trees could fall at any time and in any direction, without any wind or precipitation.

In my professional opinion, these two trees are an unacceptable risk now, and will become more hazardous over time.

The longer a dead tree stands, the greater the risk associated with it becomes. Such a tree can become too dangerous to climb, or too unpredictable to fell in a controlled manner. The cost of removal can rise significantly when a dead tree is not taken care of relatively quickly.

My advice to the owner of these trees is to remove them as soon as possible; or at least to get them onto the ground while they can be controlled.

If you have any questions, please give me a call.

Best wishes,

Ed Milhous
Registered Consulting Arborist #350

⁵ An organism that makes its living on and at the expense of another living organism is a parasite.