

Clark, Melanie

From: MARTHA GOFF <dawnmci@aol.com>
Sent: Saturday, October 28, 2023 4:01 PM
To: Clark, Melanie
Subject: Saving Trees in Vienna Comment

<p>CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.</p>

Good Afternoon,

I appreciate the efforts to save the trees, and fully understand why this is an issue. The trees are beautiful and contribute significantly to the quaintness of Vienna.

My only concern is if an owner is not allowed to take out a tree and it falls on their house, a neighbors house, car, fence, shed, etc, would then the town of Vienna be held liable for the full cost of the repairs? There are a lot of older houses with huge trees where this is becoming more of a concern. Tree removal restrictions may put the town of Vienna in a liability situation.

Thank you for considering my input.

Martha Goff
Sent from my iPhone

Clark, Melanie

From: Ann & Bill Paniszczyn <w.paniszczyn@verizon.net>
Sent: Sunday, October 29, 2023 9:29 AM
To: Clark, Melanie
Subject: Fw: Tree Conservation Ordinance

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Hello Vienna Town Council,

I have been a resident of Vienna since moving here with my husband in 1997. Over these 26 years we have been very saddened by the amount of trees that have been taken away due to new home development. We feel that we will no longer be called Vienna Woods but Vienna Plains. We feel there needs to be something done that requires the developers or new home owners to plan several if not many trees to replace the ones that were chopped down.

Thank you for your attention to this matter.

Kind regards,
Ann Paniszczyn

Clark, Melanie

From: Ken Nahigian <ken@nahigianstrategies.com>
Sent: Monday, October 30, 2023 5:43 PM
To: Clark, Melanie
Subject: Fwd: Comment - Tree Ordinance

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Melanie,

Please forgive me. I realized I had several typos in what I sent you. So I'm trying again.

My name is Ken Nahigian and I live at 102 Westmanor Court in Vienna. I am writing to express concerns re: the pending tree ordinance process and ordinance itself.

First, as an attorney myself, the process by which this ordinance has been brought before the Town appears reckless and subverts normal order for how the Town considers issues. It is extraordinarily difficult for me to believe that the practice of inviting residents to formulate ordinances is one that will be constructive and sustainable. Not only does this override the Town Attorney who is paid by residents to perform these functions, it goes one step further and disregards the Town Attorney's judgment and analysis. This process simply cannot be embraced. It opens the Town to legal challenges and swings open the floodgates to more circumvention of our Town processes. The Town should reject this ordinance for process reasons unrelated to the merits of the underlying issue. The conversation about the issue of our tree canopy is constructive and can be restarted through normal order.

Second, everybody in Vienna wants trees. It's a big part of the quality of life in our Town. But the Town should be prioritizing healthy trees, not giving preference to trees simply because of their age and/or size. For example, preserving trees that are a threat to homes during storms and/or that are diseased over new and healthy trees is misguided. My wife and I have 4 decaying older trees on the tree lawn that runs along Maple Avenue that have absolutely no redeeming value. They are old, hollow and falling apart, piece by piece. Should they be preserved simply for that reason? Or replaced with vibrant new trees that are healthy? The strategy should be to incrementally and opportunistically replace trees so Vienna residents in the future can enjoy the same healthy canopy. Otherwise we will have really old and decaying trees and nothing to replace them. Each of these new homes in Vienna is an opportunity to plant new, healthy trees. If the concern is that the trees being planted are too small and will take too long to replace the older trees, then focus on the size of trees being planted.

Embracing the now at the expense of the future is selfish. Town policy should be to ensure a vibrant future for the Town, including healthy trees, while balancing the policy with the present. The trees that are large and beautiful now are only there because residents planted them decades ago. Had they adopted a policy of preservation over replacement, we would have far less trees.

Ken Nahigian
102 Westmanor Court SE

Clark, Melanie

From: Wendy Cardany <wildlife4wendy@gmail.com>
Sent: Tuesday, October 31, 2023 7:49 PM
To: COUNCIL; MClark@vienna.com
Cc: Bill W; Wendy Cardany
Subject: Adopt Tree Conservation Ordinance - Option 1

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Date: November 1, 2023

To: The Vienna Town Council

Subject: Adopt the Tree Conservation Ordinance/Option 1

We are writing to you to express our support for adopting a tree ordinance for the Town of Vienna. We have lived in the town for 19 years and have witnessed and experienced the loss of our mature tree canopy. We will not specify all the benefits of mature trees, as they were clearly defined by others at the Town council meeting on October 23.

We witnessed first-hand the effects on our property by the removal of mature trees in our neighbors' back yards. We had to contact the Town due to mud and water run-off onto our property and into our pond due to the loss of trees in the lots behind us during construction. We also had to cut down a 50 + year old tree last week due to the impact on its root system from the loss of mature trees in the lots behind us. Now we look out our back windows and see huge houses – no longer woods, birds and nature. The loss of mature trees is making Vienna visually ugly.

The Town should adopt a Tree Conservation Ordinance - we strongly support the ordinance and changes to the Town code as defined in the 23-4020 – 1. Brian Land Proposal – Option 1. Fairfax County has this ordinance, and it is a no-brainer to use it in Vienna as well.

We also strongly support establishing a Tree Commission.

In addition, a tree planting budget should be established to track the number of trees planted on town property each year.

Lastly, we vote in the Town of Vienna, and will only be voting for council members and mayors who support the Tree Conservation Ordinance.

Sincerely,

Wendy Cardany and William Woehrle
612 Blackstone Terrace, NW
Vienna, VA 22180

Clark, Melanie

From: Wendy <wildlife4wendy@gmail.com>
Sent: Thursday, November 2, 2023 6:52 PM
To: Clark, Melanie
Subject: Fwd: Adopt Tree Conservation Ordinance - Option 1

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Sent from my iPhone

Begin forwarded message:

From: Wendy Cardany <wildlife4wendy@gmail.com>
Date: October 31, 2023 at 7:49:21 PM EDT
To: council@viennava.gov, MClark@vienna.com
Cc: Bill W <bworl04@yahoo.com>, Wendy Cardany <wildlife4wendy@gmail.com>
Subject: **Adopt Tree Conservation Ordinance - Option 1**

Date: November 1, 2023

To: The Vienna Town Council

Subject: Adopt the Tree Conservation Ordinance/Option 1

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Sincerely,

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Wendy Cardany and William Woehrle
612 Blackstone Terrace, NW
Vienna, VA 22180

Clark, Melanie

From: Sandy Shinn <sandy.shinn@gmail.com>
Sent: Friday, November 3, 2023 10:23 AM
To: Clark, Melanie
Subject: Comments re Tree Conservation Ordinance

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Madam Mayor and Town Council members,

In October 2022 you received an 88-page report written pro bono by the Kirkland and Ellis law firm and the Town of Vienna Conservation and Sustainability Commission. From that report, you learned of the 13% loss of tree canopy from 2011 to 2021. You tasked Brian Land and Christina Caplan to come up with a new tree ordinance. Since June of 2023 you have had a draft of the tree conservation ordinance before you. It has been to the Planning Commission and is now back in your court.

As the Town Council dots the Is and crosses the Ts on the tree conservation ordinance, please consider what is being done in neighboring jurisdictions. Option 1 also known as the Land/Caplan Proposal is modeled after Fairfax County's tree ordinance with some additional language for the bonding of newly planted trees from the Falls Church tree ordinance. Option 1 puts the tree ordinance in its own chapter, like the one in Fairfax County. Fairfax County, Falls Church and Arlington all have a dedicated tree board or commission. Many nearby jurisdictions have an urban forest plan that budgets for the planting of trees and tracks trees that are planted each year.

Vienna Town Council, you have known about the loss of tree canopy since October 2022. Like me, you must drive around town and see that the character of our town is changing. It went from sleepy ramblers with tall, towering trees to giant houses with little trees. It doesn't have to keep changing in that way. We don't have to lose ALL of the trees. As I worked to get signatures for the "Save Vienna's Trees" petition at the Farmer's Market, Chillin' on Church and Oktoberfest I met very few people who don't love trees. I met an urban forester from Fairfax County who couldn't sign the petition because he is not a Town of Vienna resident, but he shook his head and said, "It's a shame what is happening in Vienna". I met a couple transplanted to Vienna from New Jersey who said that in the town they came from, if a tree was over a certain diameter, you had to ask the town for permission to cut it down.

One last related point. You are about to plan a demolition and rebuild at the former baptist church site on Center Street. Please hold yourselves to the same standard that you are now proposing to hold residential builders to. That lot has a number of mature trees. It is large enough that you should be able to plan building around many of those trees. If a gym is in the offing, it is a great pleasure to exercise while looking out on trees!

Vienna Town Council, all eyes are on you now. Pass a robust Tree Conservation Ordinance that saves our mature trees! Do your part for the people of Vienna and future generations. Do it now!

Sincerely,
Sandy Shinn
511 Kibler Cir SW

Clark, Melanie

From: Ann Brown <anncalvertbrown@gmail.com>
Sent: Friday, November 3, 2023 1:58 PM
To: COUNCIL
Subject: Vienna Tree Preservation

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Dear Mayor Colbert and Members of the Council,

I spoke at the October 23, 2023 Public Hearing, but would like to add these thoughts during the extended written comment period. I have lived in Vienna in the same home on Kingsley Road, SW since 1996 and have seen a great deal of change to the Town and Community during that time.

During the public hearing, you heard individuals speak regarding the many attributes of trees. I would like to address a few of these here:

Trees help to manage stormwater runoff and reduce flooding. Vienna has had increased issues with flooding as many previously permeable surfaces have been paved over with sidewalks or lost to homes with larger footprints. In many instances, this development has required the removal of mature trees. Trees manage stormwater runoff through a variety of means including rainfall interception, soil conditioning and absorption, and evapotranspiration. Both the Arbor Foundation and the EPA promote the use of trees in stormwater management. I live at the top of the hill, so I have not been directly affected by flooding, but my neighbor at the bottom of the hill near the stream crossing reports her residence is now in a flood plain which was not previously the case.

Trees are critical habitat for a variety of wildlife. My yard is home to songbirds, bats, foxes, native bees and other pollinators to name a few. Trees also block light, creating a favorable environment for fireflies (and humans who like it dark at night!). The success of this habitat relies not only on my trees, but those in the surrounding lots.

Trees are a noise buffer. I live a mile from the Vienna Metro and Interstate 66. When we moved into our home, we could occasionally hear traffic from 66. Now we can always hear the traffic and can hear the Metro pull into the station. Although I acknowledge 66 is carrying more traffic, the noise from the Metro should be basically the same. I believe the loss of tree cover due to new home development between my home and the Metro/I 66 corridor is a significant factor in the increased and persistent noise.

Trees create a cooler environment during hot weather and reduce energy use. They also absorb CO2 and filter out pollutants, creating cleaner air.

Finally, trees have an aesthetic value which contributes to individual well-being. As a mental health therapist I am aware of a new discipline known as Eco-Therapy which addresses depression, stress and anxiety through exposure to nature. The aesthetic value of trees is communal; trees in one part of town benefit people in the whole town. I prefer to walk or travel on routes with trees. I used to turn on Ware street to access Marshall Road in the mornings because it was so beautiful, but since the razing of all of the trees during the development of the former Parkwood School property, I no longer go that way. More recently I have turned on Hillcrest to enjoy the house on the corner with the beautiful pollinator garden; however, that house is also slated to be torn down, presumably along with several mature trees.

Vienna presents itself as committed to sustainability and environmental stewardship. I applaud those goals and many of the projects around town to use native plantings, green materials or permeable pavement. However, as individual lots

are developed for increasingly larger homes, this becomes more difficult to balance. Once mature trees are gone they are gone and even with aggressive replanting, it will be a generation before they are replaced. For these reasons, I feel strongly that a preservation first tree ordinance is essential and am in favor of the Brian Land proposal. I would also like to see Vienna look at offering incentives to builders who prioritize tree preservation.

Although I have authored this letter, it also reflects the views of my husband, Stephen Brown.

Respectfully submitted,

Ann Brown
Stephen Brown
124 Kingsley Rd. SW
Vienna, VA 22180
anncalvertbrown@gmail.com
stevethestarman@gmail.com

Clark, Melanie

From: Roxanne Paul <rangerrox@msn.com>
Sent: Friday, November 3, 2023 2:06 PM
To: Clark, Melanie
Subject: Comments for Vienna Town Council members on the Proposed Tree Ordinance for Vienna

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Vienna Town Council members,

I was unable to attend the Town Council hearing on the proposed Tree Ordinances on Monday, October 23 because I was out of the country, 8 time zones away. But, I would like to express my opinion that I am very much in favor of Option 1, the Land/Caplan proposed Tree Conservation Ordinance. Brian Land and Christina Caplan worked on this proposed ordinance for over a year and Brian, an environmental attorney, also worked for over a year on the tree report sponsored by his law firm, Kirkland and Ellis. A great deal of time and consideration was put into the report and the proposed Tree Conservation Ordinance.

It is often said that we do not value something until we have lost it. This can certainly be said of Vienna's tree canopy, which diminished by 13% in just 10 years from 2011 to 2021. In Vienna Woods, where I have lived for over 39 years, we have seen the loss of mature trees on nearly every single street. I hold a Bachelor of Science in Natural Resources from Cornell University and a (recently earned) Master of Natural Resources from Virginia Tech, and I am very aware of the loss of ecological services that these trees no longer provide. I am fortunate enough to own a 1 acre lot, 2/3 of which is forested, and I do my best to maintain the integrity of that woodland.

Vienna needs a Tree Conservation Ordinance in line with the one Fairfax County has had in place for 30 years. Developers in this area are used to dealing with Fairfax County's rules and it would be no imposition for them to have similar rules in Vienna. In fact, I was dismayed to learn that our rules were less stringent than Fairfax County's. Please vote for the Land/Caplan Tree Conservation Ordinance as a stand-alone code and establish a Vienna Tree Commission.

Sincerely,

Roxanne Paul
1104 Trowbridge Ln SW
Vienna 222180

Clark, Melanie

From: Terry Ayotte <terry.ayotte.12@gmail.com>
Sent: Friday, November 3, 2023 4:56 PM
To: COUNCIL
Subject: Tree Ordinance

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I am in favor of an improved tree ordinance in Vienna.

The loss of tree canopy is the biggest change in the character of Vienna in the 20 years I have lived here. Although the change in housing stock is also a big change, if the tree canopy has remained, those changes would be less obvious.

I also am in favor of a tree commission (maybe that is not the right word) to oversee and manage tree issues in Town.

Thank you,
Terry Ayotte
114 Wilmar Pl NW, Vienna, VA 22180

Clark, Melanie

From: Ellen Naylor-Holt <enaylorholt@gmail.com>
Sent: Friday, November 3, 2023 9:11 PM
To: Springsteen, Howard; Potter, Steve; Mayor; Anderson, Chuck; Brill, Ray; Patel, Nisha; ed.sommers@viennava.gov
Subject: Vienna Tree Ordinance

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Dear Councilmembers,

There has been much discussion about the proposed tree ordinance and establishment of a tree commission for our Town. While I have not read through all of the documentation and arguments for and against, I can provide my impressions and concerns as a Town resident of 35 years.

Sixteen years ago, my husband and I remodeled our house on Melody Lane SW with the intention of aging in place. We loved our neighborhood and community and wanted to remain in the Town. No trees were impacted by our construction. Little did we know what was to come. The diminution of the quality of life in the Town has impacted our health and well being.

The first wave of builders; Bukont, JDA, Brahoney... were thoughtful about the stewardship of the land. The current wave of builders have no vested interest in the stewardship our Town. The rampant clear cutting and loss of tree canopy continues unabated. Our trees are stressed and now much more prone to disease. The noise, dirt, construction debris, is relentless. In addition, the habitat destruction impacting birds, wildlife, insects and ecosystems will take years to rehabilitate. This does not represent responsible stewardship by the Town of our environment.

The Town needs a designated tree commission to thoughtfully establish guidelines which fairly protect homeowners while also addressing developer requirements. The preservation of tree canopy when feasible should be non-negotiable.

I urge the Council to take the course of action that will best protect besieged tree canopy and restore environmental health to our great Town.

Respectfully,
Ellen Naylor-Holt
114 Melody Lane, SW