



November 19, 2005

Dear Senator Devolites, Delegate Shannon and Mayor Seeman:

The residents of Northeast Vienna are writing this letter to ask for your assistance in preventing the wholesale destruction of trees along Beulah Road. The right of way utility easements that VDOT has negotiated with residents have spiraled out of control in their actual execution. VDOT has recently started marking trees for removal along Beulah Road. To almost everyone's surprise, nearly every tree on the right hand side of the street (as you travel) from Nelson to the Town line has been marked for removal in January 2006 (refer to the map in Attachment A). We believe that VDOT has not completed marking all the trees along Beulah Road that are proposed to be removed. Based on what we have seen marked so far, we believe there are significantly more mature trees that are intended for removal that we do not know about yet. The proposed level of tree destruction will eliminate the country-like look of our main neighborhood roadway for a generation. This planned widespread removal of trees is not what residents have been led to believe would happen during the Beulah Road reconstruction process (refer to Attachment A). Residents are uncertain of what VDOT and Virginia Power actual plans are and have become deeply distrustful of both organizations (refer to Attachment B).

As a result of these recent events, residents living on Beulah Road and connecting streets held a meeting on the evening of November 15, 2005. Approximately 40 residents attended the meeting. A draft of this letter was circulated at the meeting and comments were accepted. At the end of the meeting, a vote was taken to approve the letter. The vote resulted in a unanimous approval and a recommendation to send this letter to each of you (Senator Devolites, Delegate Shannon and Mayor Seeman).

Therefore, the residents of Northeast Vienna, whose homes are located on and near Beulah Road, respectfully request you to:

- 1) Direct VDOT to cease all efforts to negotiate easements and/or legal action to obtain easements until citizens have a complete and accurate understanding of the impact of the project on their property and neighborhood. Based on the input from our last community meeting in mid-2005 it is clear that property owners and even Town officials do not have all the facts.
- 2) Direct VDOT to honor the commitments they have made in previous community meetings and in the memorandum contained in Attachment C
- 3) Direct VDOT to appoint a single "citizen advocate" that residents are able to call when problems arise with easements, construction or potential/unexpected tree damage.
- 4) Direct VDOT to re-mark all trees with a trunk diameter greater than 6 inches on Beulah Road on all easements and the public right-of-way with a red indicator tag to indicate the tree will be cut down, yellow to indicate trimming and green to indicate the tree will be saved.
- 5) Direct VDOT to provide each property owner with an opportunity and clear process to appeal the tree markings to a single decision maker at VDOT.

- 6) Direct VDOT to publish a set of plans for the entire Beulah Road Project color coding each tree in the same manner as outlined in item 4. Make those plans available to the public prior to conducting the meeting requested in item 8.
- 7) Direct VDOT to develop a plan to save any trees that may be in danger of removal or could be damaged during reconstruction.
- 8) After items 1 through 7 have been completed, direct VDOT to hold a public hearing at the Vienna Town Hall between the hours of 7:00 and 10:00 PM on a weekday prior to December 9, 2005. At that meeting, residents anticipate VDOT to:
 - a. State they will honor the agreements they have made with residents in previous community meetings and in the letter contained in Attachment C
 - b. Announce who the appointed citizen advocate is, introduce him/her to the community and provide contact information for that person
 - c. Review the set of plans requested in Item 6
 - d. Review the tree protection plan requested in Item 7
- 9) Direct VDOT to hold a public roadway walkthrough on the proposed plans for tree cutting and removal along Beulah Road on December 17, 2005.

Thank you for your continued attention and support in this matter. The residents of Vienna look forward to your active participation in resolving this serious problem. If you have any questions, please do not hesitate to phone my work number 703-948-8731 during the day or my number at home, 703-255-0922 in the evenings.

Sincerely,

Ed Belte

Attachment A - A Brief History of the Beulah Road Reconstruction Process from the Resident's View
Attachment B - Comments from Beulah Road Property Owners
Attachment C - Memorandum from the Vienna Town Manager

cc:
Town of Vienna Council Members
Mr. Steve Briglia

ATTACHMENT A

A Brief History of the Beulah Road Reconstruction Process from the Resident's View

The cutting and removal of trees has been the main source of opposition to the reconstruction of Beulah Road since a plan for a 30 foot wide road was proposed in 1995. Residents have actively worked with VDOT and the Town of Vienna in making specific suggestions to the roadway plans to avoid the loss of the numerous mature trees along the roadway. Many of these suggestions have been incorporated into the roadway plans. For example, a 1995 reconstruction plan called for a 30 foot wide roadway with sidewalks on both sides. This plan would have resulted in the removal of over 100 trees. In 2000, a compromise roadway plan was developed from resident's suggestions that reduced the road width to 27 feet and limited the construction of new sidewalks to the Northeast side of the street was adopted by VDOT. This revised plan reduced the number of trees to be removed due to the roadway reconstruction or sidewalk relocation to less than 10. There were several trees that remained in question. However, VDOT representatives verbally expressed their desire to work with citizens to minimize damage to and removal of trees. At the time, several local newspaper articles commented on the positive cooperation between citizens and VDOT in developing a set of plans to save as many trees as possible.

In 2002, VDOT conducted a Beulah Road utility field inspection meeting at their Chantilly offices in Northern Virginia. At least a dozen representatives from various organizations attended the meeting. Representatives from Dominion Virginia Power, Verizon, Washington Gas, the Town of Vienna and VDOT attended the meeting. At that meeting, no one mentioned that a significant number of trees would have to be removed to accommodate utilities.

VDOT conducted a public hearing on the Beulah Road plans in early 2003 to invite comments from the general public. At that meeting, no one mentioned that a significant number of trees would have to be removed to accommodate utilities. Written comments were accepted by VDOT. One comment requested the removal of a curb ramp (that led to nowhere) on the corner of Beulah and Ayrhill and for an underground storm drain pipe to be relocated to preserve a very large tree in that location. Another suggestion extended the sidewalk on Beulah from Glyndon Park to Ayrhill.

After reasonable suggestions were incorporated into the reconstruction plan, in late 2003 the Town of Vienna issued a resolution approving the major design features of the plan. Just prior to issuing the resolution, the Town of Vienna conducted a meeting with VDOT. In that meeting VDOT offered to work with residents to save trees from destruction and removal. A copy of a memorandum documenting this meeting is attached to this letter.

When the Town of Vienna voted to approve the resolution at a Town Council meeting, no one in the audience opposed the motion or offered any comment. Why? Because the residents believed the number of trees to be removed would be minimal. The Town of Vienna believed the number of trees to be removed would be minimal and VDOT believed the number of trees to be removed would be minimal.

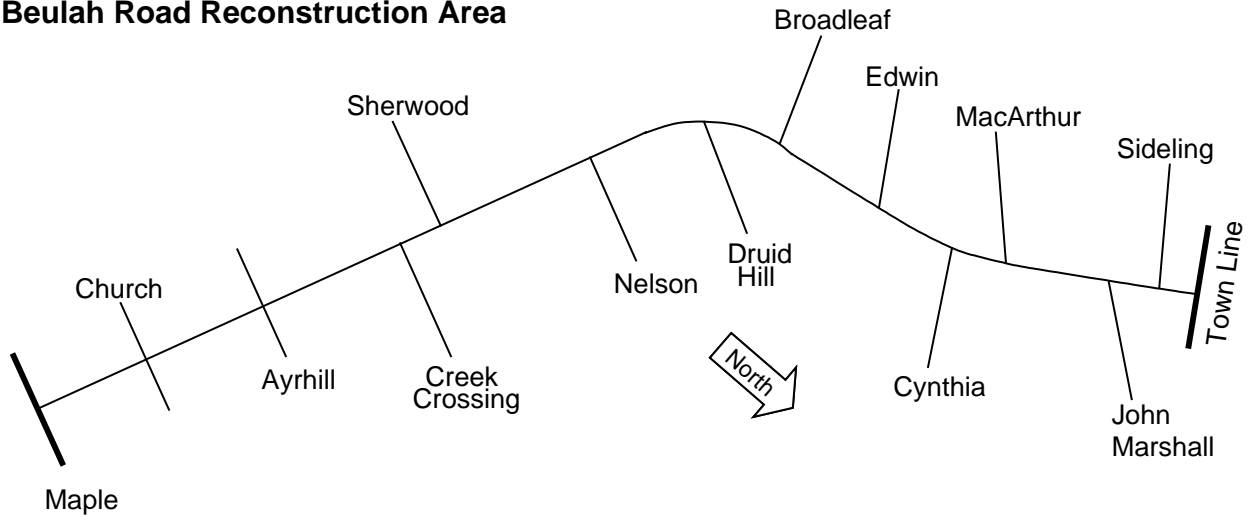
In late 2004, residents discovered that VDOT was planning to relocate utility line poles approximately 8 feet onto their property and were presented with utility easements and were told by VDOT negotiators that the trees in front of their homes would be cut down. This action took everyone by surprise: residents, the Town of Vienna and even VDOT. When residents questioned why this was being done, a set of plans were developed by VDOT that had the utility poles relocated adjacent to the sidewalk. Residents were led to believe the utility easements were "aerial" and that their trees would be subject to significant trimming to accommodate the relocation of utility poles, but would not be removed.

With the recent marking of numerous trees for removal, the impact is no longer limited to the individual homeowner who owns the affected property. The extent of tree destruction affects the entire neighborhood.

The events that are about to unfold are events that everyone has been working to avoid for over 10 years. Hundreds of hours of volunteer work, coordination and letters documenting suggestions have gone into

this project. Many individuals in local and state government have pointed to this project as an example of cooperation between citizens and government toward a common goal. Unfortunately, if the tree destruction occurs as proposed, this project can no longer be associated with those attributes, it will be a failure and held up as an example of how government is not accountable and cannot be trusted.

Beulah Road Reconstruction Area



ATTACHMENT B
Comments from Beulah Road Property Owners

The following are some comments that have been received from residents. Specific names and some sentences/phrases have been omitted (indicated by ...). In one case, a resident specifically asked to have all of his comments (including names) contained in this letter.

“As we suspected we will lose our Norway Spruce 80+ feet high and probably 60 years old - a beautiful tree, and a Japanese cherry tree at the other end of the property. The dog woods will also be trimmed and we will lose half of our large maple tree. VDOT has been very helpful but the news all along has not been good. They have been nice, polite, accommodating up to a point - but the sad fact of the matter is that if the present course is followed THE TREES WILL BE CUT DOWN and the wires will not be moved more than a foot or two. I believe Dominion is using this opportunity to do some serious tree trimming.”

“Our recent dealings with VDOT have been positive. The initial ones were cordial but we received differing information that what we finally received and enabled us to settle with them. From the moment they discovered (at the last meeting in the Town Hall) that we had a gas line to our property (unknown to them) and a severe drainage issue they corresponded frequently and on their final visit - were exceedingly positive. Albeit we do not live in the upper section of Beulah - where the tree issues really hit home - they did assure/promise (xxx) us that our two huge trees would not be affected by any of their work. I do think that removing the number of banded trees currently marked is extremely excessive and would be detrimental to the neighborhood. There has to be some way that those trees can be saved - and putting higher poles in should be part of the answer. Installing Concrete poles would also eliminate the guy wire issue which is extremely objectionable.”

“I think my situation is one of being resigned to their plan of taking a small bit of land to relocate the utility pole on the upper side, extended easements, removal of the evergreens for the road work, and new sidewalks. I think I understand what the plan is and have settled with VDOT accordingly. Their representatives have been professional and responsive to my requests (on-site meetings, marking easement, utility poles). It appears that the utilities are totally separate entities and are not bound by any agreements between VDOT and the residents and are going to do whatever they want.”

“...I had spoken to a Mr. Robert Terry (703-375-5966) and Mr. James W. West (703-375-5939), both of Dominion Powers Right of Way Department, regarding their tree removal policies. I was told it was their policy to clear-cut the entire easement. According to the easement stakes this means both of the maples on the church side of my property will be removed. I also informed the Majors office & Jane. Got no response. Sure enough both trees are marked for removal. None of these trees were identified for removal by the Easement Agent, Mr. Richard H. Rohm or during the walk-through when the town & VDOT identified trees for removal. Only the one Pine in the construction easement was marked for removal during the "walk through".

I believe both myself and all the affected citizens have been hoodwinked by the Town, VDOT & Dominion Power. The total effect of the Beulah road construction was deliberately down-played to minimize citizen protest until it was too late to have any effect..”

“Our experience with VDOT has been that the easements proffered for signature for Old Dominion and Verizon have both included the word "under" in describing the easement. It was our understanding that these easements were aerial. I understand that the utility companies will have to make changes to our property initially, but our concern is that the easement is given in perpetuity”...”EVERY tree in our front yard to the right of our driveway has been marked for cut-down, as well as almost every tree to the left (I think we get to keep one dogwood). The amount of damage done to our property value is extensive, and the expenses we will incur to replace landscaping and pay for additional lawn care, watering the lawn, and air conditioning will be significant. We will also have drastically increased noise pollution and

environmental pollution from the roadway. This development is extremely discouraging, especially since we have been told that the trees will start coming down in January.”

“I am not enthused about some of the wording of Verizon's so called "Aerial easement". It contains the word UPON and terminals which concerns me. My goal was not to have some kind of terminal located on my property. Poles and support wires OK, but all else aerial. I had originally commented to VDOT that I would not be upset if the tree in my (yard)were to be cut down as long as I would be compensated for it so I could replace with some slower trees afterward. The negeotiator's response was that the tree was not part of the settlement and that it would probably not be cut. Misleading (a nice way of putting it) to say the least. No notification was ever passed along. Even after the trees had been marked. I only assumed they would be cut. As the new markers were being staked out, I asked the surveyors why, since the bids were not to be let until next year. His comment was that he also didn't understand but was only doing as he was told.”

“During a walkthrough on Tuesday, August 9, 2005, a representative from Dominion Virginia Power (xxx) and xxx from VDOT accompanied xxx and I and our next door neighbors on a tour of our properties. Xxx did not have an answer for us when asked which and how many trees and shrubs would be removed. In a conversation with xxx at the same meeting, he agreed with my statement that we should plan for a worst-case scenario (all shrubs and trees in the proposed right of way would be removed). Bottom line: We still do not know which or how many trees and shrubs are to be removed, and we still have not been contacted by Verizon (via phone call, email or U.S. Mail).”

“I just read your article in NEVCA Notes and wanted to let you know that your comments about the tree trimming/cutting and removal are not entirely accurate. To be more specific, xxx and I STILL do not know which trees will be removed from our property because no one can give us a straight answer. When Dominion Power reps visited our property, they could not tell us then, and apparently still can not. We, as yet, STILL have not heard anything from Verizon. We just find strange people walking around our property without any notice, much less permission to do so. Therefore, I am copying the Mayor and the Town Attorney on this email in the hopes that someone can and will give us a straight answer.”

“ xxx and I agree with xxx that we have not been able to get a straight answer from anybody either. When Dominion and VDOT came for the walk through back in August, they said a couple of the trees in our front yard might be trimmed for the required clearance. Yesterday, some VDOT guy showed up (without notice) telling us two big trees in our front yard need to be cut down. We told him this was not what we were told by Dominion and VDOT back in August, he said Dominion was just telling us what we wanted to hear. How are we supposed to cooperate with the easement negotiation process (which VDOT is anxious to wrap up) when (1) we still don't have the Verizon easement document, and (2) the scope of the proposed easement is everchanging and nobody can tells us exactly what is going to be done?”

“It is our observation that the field staff initially marked all trees within a certain distance from the road to be cut-down. In many cases a variance of a foot or two would save many trees. We believe their is a solution to this matter if VDOT and Dominion Power will use a common sense approach rather than relying on general design standards.”

ATTACHMENT C
Memorandum from the Vienna Town Manager

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OCT 29 2003

M E M O R A N D U M

Date: October 23, 2003
TO: Mayor and Council
FROM: Town Manager
SUBJECT: Beulah Road Project

Council is aware that a NEVCA Committee approached the Mayor and I several weeks ago with a number of additional modifications they wanted incorporated into the Beulah Road reconstruction project.

The Mayor and I met with Mr. Christopher Reed, the District Urban Engineer for VDOT, and briefed him of all of the items raised by NEVCA.

Mr. Reed contacted me this week and advised me that VDOT offered to do the following:

- 1) Eliminate the curb ramp on the southwest corner of Ayr Hill and Beulah and will investigate rerouting the storm drainage line to avoid damage to the large tree on that corner.
- 2) As far as all trees that may be impacted a note will be placed on the plans stating that the resident engineer will walk the site and "flag all trees deemed savable and once construction begins the engineer will review each area and will try to "tweak" the plans to avoid damage to the trees. VDOT will also walk the area with residents and explain why or why not the trees can be saved.
- 3) As far as the driveway for 400 Cynthia Lane is concerned, VDOT is willing to construct the driveway off Cynthia Lane rather than reconstruct the existing driveway off Beulah Road. The Town simply has to inform VDOT of its desire.

I feel that VDOT has gone out of its way to accommodate changes at this late date and the Town should now proceed to move this project along.