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July 24, 2007

Neighborhood Development Services  
City Hall, PO Box 911  
Charlottesville, VA 22911

Re: Huntley Proposal, forty 4" caliper trees

Dear Mr. Tolbert,

I received your letter dated June 11, 2007, in which you requested a more defined schedule for planting the forty 4" caliper trees Tom Hickman promised in 2004 as a result of some disputed clearing limits and a Stop Work Order. You were concerned that the Planning Commission would confuse these trees with the trees we are proposing for the Regrading Amendment that has currently been deferred.

Essentially, the original agreement was that a portion of the protected area had been cleared. It is our contention that a large tree fell and knocked out a significant swath of "protected" area. Cleaning this area up is what resulted in this discrepancy with the Site Plan, and was no fault of ours. Nonetheless, Tom Hickman staked that area out and approximated that twenty trees would have been there. He doubled that number to forty, and promised to plant *or retain* forty 4" caliper trees. The thinking was that we would preserve forty trees on the lots that we otherwise had no obligation to save. With some of the complications on the site, this has not been possible, so we are left with planting forty 4" caliper trees.

In hindsight, I think it is clear that promising 4" caliper trees did not necessarily address the goal of reforesting Huntley in the most effective way. It was a solution arrived at under duress, and I believe there are better options today. Instead of forty 4" caliper trees, I believe we should install fifty 2" caliper trees. In this scenario, 10 years from now, Huntley would have 25% more new canopy.

I know this will require a waiver from the Planning Commission, as it was the body that approved the original agreement. I intend to request such a waiver when I take my rezoning application back before the Planning Commission in the upcoming months.

A 4" caliper tree, as you are aware, has a massive root ball that requires heavy equipment for installation. Many of the areas we are replanting are beside the creek in the marshy floodplain. Trying to move trees which weigh hundreds of pounds will require large equipment. It will tear those marshy areas to pieces and is contrary to all our stabilization efforts.

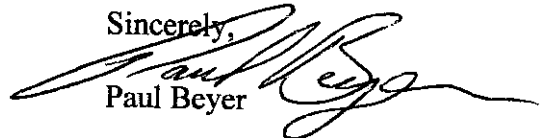
Furthermore, a 4" caliper tree is not as healthy as a 2" caliper tree. It is standard industry knowledge that for every inch of caliper, it takes roughly a year for that tree to recover. 4" caliper tree will face significant adjustment issues for 4 years, requiring frequent watering and attention. A 2" caliper tree takes 2 years. In general, since a 2" caliper tree acclimates more quickly, it will catch up to a 4" caliper tree in 2-3 years. At the 10-year mark, the two will be interchangeable, rendering the installation hurdles of a 4" tree pointless. Not to mention that the 4" tree stands a much greater risk of not surviving at all to the 10-year mark.

Even so, since my request is a variance from the original agreement, I am proposing to increase the number of trees.

When I submit my proposal to the Planning Commission, my landscape schedule will likely include, Maples, Red Oaks, Willow Oaks, Weeping Willows, River Birches, Beech Trees, London Planetrees (Sycamores), Zelcovas, and a special hybrid Poplar we have used with great success in other developments. Some of these trees in particular will thrive in the marshy flood plain.

I hope this solution is acceptable to you until I can present it to the Planning Commission for approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Beyer", with a stylized, flowing script.

Paul Beyer

CC Ashley Cooper, Read Broadhead, Planning Commission