

**WYCHWOOD PARK
ROAD PROJECT REVIEW**

Towards an Integrated Park Regeneration Plan

For the Trustees and Home Owners of Wychwood Park

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Marc Giacomelli & Michael Hirsh
August 15, 2011

Acknowledgement and Thanks

We are grateful to the Trustees for the opportunity afforded us to review the road project. It has been an enlightening journey for us both. We have had the opportunity to learn so much from our neighbours and experts. We are especially thankful to all the committees and their members that worked so hard on their submissions, The committees of Wychwood Park are a terrific avenue for everyone to participate and should be actively involved in planning and managing the projects of the Park. We have included copies of the committee reports as well as individual submissions in the appendix. A heartfelt thank you to all for your contributions.

When we started on this project we had no idea that we would end up with these conclusions, but as the result of much research, discussion and contemplation we have arrived at what we think is a common sense approach that addresses how we need to deal with Wychwood Park moving forward through a process we call the Integrated Systems approach.

In fact, this approach is not much different than the 'Regeneration' plan started by the Trustees and WPHAC a few years ago which led to the road project; it may just differ in priorities and process.

The need, even requirement, for a plan was pointed out in the 1994 Heritage District Report:

(g) The Trustees and residents of Wychwood Park should consider conducting the following:

- I. a review of planning for capital improvements and of the state of existing facilities;*
- II. a thorough analysis of the flora in the Wychwood Park Reserves and a landscape restoration program consistent with the principles outlined in this report;*
- III. the preparation of a guide to planting and landscaping of private areas;*
- IV. the preparation of an updated topographical survey of the Park and its private lands.*

It is this approach that illuminated our path and helped us to focus on the big picture and not get bogged down in the details. The big picture requires us to consider the Park as a whole and understand how all of the elements fit and interact together, before embarking on a single expedition.

Marc Giacomelli and Michael Hirsh

EXECUTIVE SUMMARY

1. Wychwood Park is more than the sum of its parts. It is a rich ecosystem of road, trees, pond, ravine and housing. Wychwood Park is a unified system of houses, trees, pond, ravine and road and needs to be dealt with as a whole
2. We need to develop a long-term plan for the whole of Wychwood Park before we deal with any specific part. This planning process should be led by a hydrologist with a team of experts under the guidance of the Trustees with the prior input of committees and individuals and final approval of owners.
3. Prioritization: we, the residents and owners of Wychwood Park, need to prioritize the importance to us of the elements that make up the Park to provide the proper scope and weight within an overall plan:
 - a. Trees
 - b. Pond/Creek/Water
 - c. Road
 - d. Ravine
 - e. Landscaping
 - f. Housing
 - g. Fencing, Wiring, etc.

We have a valuable ecosystem of residents consisting of Trustees, Ratepayers, Societies and Committees (WPHAC, WPHS, tree, pond, landscape, etc). We need to engage all of these groups in tackling this project and its follow-ups. Residents need to be engaged in the process of planning and decision making in a participatory democracy. It is critical to get us all working together. Each committee needs to bring its specific interest, research and expertise to the overall plan to ensure that we consider all key aspects.

4. Need for Consensus. As we need to raise money for large projects there is a need to build real consensus approaching close to 100 % of park residents behind a project.
5. The current road rebuilding project should be deferred and the proposed road be evaluated in the context of an Integrated System Plan for the Regeneration of Wychwood Park.
6. There is a need for an interim maintenance plan for patching the road and preserving and conserving our trees.
7. Wychwood Park is a Heritage District in the province of Ontario and we must fulfill the requirement to preserve the forest which is the primary reason for our heritage designation.

Part One: History, Context & Consensus

Some Background

In 1874 Marmaduke Matthews built the house at No. 6. In 1877, Alexander Jardine, Marmaduke's friend, bought property and built No. 22. Together they bought more land and in 1891 registered the subdivision of what is now Wychwood Park. They were joined by the British architect Eden Smith and artist George Reid and construction began for a gated community built according to a philosophy set out in books written by Smith's teacher, William Morris, leader of the Arts and Crafts Movement.

Other books by landscape architects Gertrude Jekyll and William Robinson gave a detailed prescription for landscape design which the architects incorporated into Wychwood Park including a meandering road through the old oak forest with trees beside and even in the middle of the road. Late 19th century landscape architects often included a pond for recreational ice skating and boating and to create winter ice for food preservation. So Wychwood Park's Taddle Creek was dammed to create the pond. Between the wars, there was still an ice house by the pond and a dock for diving and swimming. The tennis court built in the ravine became a focal point for community fun and until the 1990s there were annual tennis competitions.

For over 100 years, Wychwood Park progressed and changed slowly. A few houses here, a road change there: a unique community where most things were done by the residents under the guidance of the Trustees, the Trust Deed and rather random committees, including the much beloved and much missed Needlework Guild. While some would criticize our governance as clunky, others might admire it for its old world combination of participatory democracy with management by the Trustees.

A Different Generation

For the longest time, overall maintenance was cursory, the annual levy never rose above \$30,000 (until the late 90s - and not the 1890s) and the Trustees were long-time 1st, 2nd and even 3rd generation residents, usually retired. There were no big projects, and the Trustees governed by neighbourly walking-around consensus.

There were two park archivists (Albert Fulton and Keith Miller) one park poet (Murray Wilton), a park philosopher (Marshall McLuhan) and apparently until after WWII, a park night watchman living at No 1 Wychwood Avenue who closed both gates at midnight and patrolled the park with a shotgun until dawn.

Maintenance consisted of an annual spring cleanup on May 1 by park children, the occasional digging out of the creek-bed by residents, feeding the swans and one part-time gentleman (followed by his son) who cut the common land grass with a handmower. Albert Fulton singlehandedly with his little boat maintained the pond, cleaning it and adjusting the water levels at the south end.

When the pond was dug out in the 60s and lined with used railroad ties, it was done by a park resident and trustee using his company's workmen over a weekend, after becoming fed up with years of park discussion over what to do about the pond. This was the same gentleman who after interminable discussions over the park gates rose from his couch with drink in hand and proposed both gates be permanently bricked up.

A New Era?

We may consider ourselves now in a new era: with new residents, expectations and community property that needs more than casual volunteer maintenance - it will require a new dedication to preserving, conserving and regenerating what has been passed on to us. The beginning, or turning point, of the current era was our designation as a Heritage Conservation District in 1984.

The three biggest (and only) self-generated projects in the last 30 years have been the \$55,000 (paid by five year deferred levy) road and water main repair at No. 2 when the road collapsed; the \$90,000 pond dredging (paid by special levy) and the \$40k tennis court/ravine reconstruction (private donor).

Now, with new energy and commitment, a new generation in the park has worked hard for five years to begin Wychwood Park Regeneration, the first part of which is the proposed road project. We owe thanks to our current Trustees and others who have identified regeneration as the greatest need in the park. The large, \$400,000 plus road project has met with approval by the majority of residents but along the way it opened larger issues and generated meaningful questions and opposition.

It is in this context that we have been asked by the Trustees to review the road project and issues related to it. We have done so with an open mind.

Neighbourly Consensus

This review has been a bit of a history lesson, also a technical lesson in that we (and you) may learn more about roads than you care to know, but most of all a lesson in neighbourliness. As park residents, we must all look at ourselves first and consider how we wish to participate in, and preserve and maintain the wonderful community we live in - with all its character and characters, odd structure, ancient trust, difficult decisions, rising costs and compromises required.

One of the best ways to participate is to join a park committee, such as the Historical Society, Pond, Landscape, Tree, WPHAC, and Ratepayers. This is a community that needs the participation of all its residents beyond the Trustees to thrive. No one else has the same concern for heritage, natural environment and so we trust that the owners and residents of the Park will get involved and engaged.

Beyond all this, it has become clear that for major projects, or for a long-term plan including major projects, to succeed there is a need for greater consensus. Not only consensus amongst residents, owners, committees and Trustees, but among and between experts and consultants whether they live in the park or are brought in to create or execute projects and plans.

Consensus is not easy to achieve. Consensus as set out in the Trust Deed is a majority of votes and a certain percentage of land value in the park. Development of the road project had most people agreeing, but others refusing to pay their share, others concerned for any damage at all to trees, and endless discussions as to the road design, resurfacing, costs and methods.

Some of the requests to study, restudy and research again and do more consultation will lead us down the path to Dickens's *Bleak House* - we'll still be discussing the road in 100 years. Other road suggestions took us back to Groucho explaining his plan to build a viaduct in Florida swampland to Chico, who of course asked the essential question: "*Why a duck? Why not a chicken?*"

We suggest a different starting point: a debate and vote on park priorities; a broad plan designed around those priorities with input from committees; a transparent method of hiring consultants and experts to create the detailed plan; and a further method of costing the plan or elements thereof and selecting from bids for execution of the plan or parts of the plan, also voted on by owners. All under the supervision and guidance of the Trustees.

Part Two: Road Review, Priorities & Recommendations

The Road

At certain points in our history the road has gone from being a dirt road, to a cinder road to the current asphalt style road with no date in memory of long time residents for the first asphalt surfacing. One could surmise it was sometime in the 40s or 50s. At one point, as well, there was a bridge over what was a small ravine just north of the tennis courts, east of No. 17.

There is no living memory of the last time the road was resurfaced fully, if it ever happened, since the original asphalt was laid. The road has been extensively dug-up at least twice in the last 15 years, first for water main replacement and then for storm sewer replacement in 2004, both times by the city at no expense to the owners. This road and infrastructure work needed deep excavation and resulted in the holes and dug up areas being patched over with asphalt by the city.

During this city work there was little, if any, care for the trees near the road and it is difficult to calculate what damage was done to our current trees, though we note that we have lost many mature trees, including the iconic oak along the excavation route during the past decade.

During the 1980s the annual spend on tree care was \$100. As we learn more about our forest our concern for its needs and welfare is growing. During this period the science of the preservation of trees has evolved. It was probably only 25 or 30 years ago when the iconic oak was filled with cement to preserve it. Today that technique is understood to have contributed to its demise. There is no published independent scientific research on how to best care for trees during major construction projects and different professionals have differing opinions or advice, leading to skepticism on the viability of such efforts.

The Road Reconstruction Project

The current road reconstruction and resurfacing project came out of a Wychwood Park Regeneration process and has been five years in development. From its origins as a petition to the city to have a city standard road built with city financing borne by residents over 15 years on our city tax bills (\$1.5 million approx) the project transformed into the current lower cost (\$400k plus) tar and chip resurfacing plan.

The current road resurfacing proposal has many advantages:

- lower cost than original
- tree protection plan with arborist on site
- narrowing the road where practical
- allowance for eventual berms/swales/waterflow to ravine and pond
- aesthetically more in keeping with Wychwood Park
- agreement by ballot to go ahead by majority of owners

However, during the process many issues, both directly related to and incidental to the project itself arose:

- concerns over damage to trees near the road despite tree protection planning
- reluctance or refusal of some owners to comply with payment of road levy
- general sticker shock at costs (ie. the park is growing up)
- concerns over process re: transparency, ballots, and lack of purchasing policy
- technical disagreements over tar and chip versus asphalt resurfacing versus other methods
- concern over plan to narrow the road and impact on emergency/service vehicles
- lack of hydrological study and planning on waterflow issues on and below the road
- lack of, or perceived lack of, integration into an overall plan

The blink moment for us came from different people we consulted and a re-reading of the Heritage Plan guiding us towards a more comprehensive integrated plan for regeneration and the importance of water and waterflow to all parts of the park within any plan.

INTEGRATED SYSTEM PLAN

The forest of Wychwood Park and the health of our trees and quality of our road are integrated with issues involving our water flow and our ravine and pond. All of the elements of Wychwood Park form one eco-system and in order to do the right thing for the preservation of our trees and the maintenance of our road, we need to understand how they are impacted by the other elements.

The most important influence on the park's trees and roads is waterflow. Several of the people we consulted told us that we don't have a road problem or a tree problem. But we have a *hydrology* problem.

Some of our trees are being damaged by getting too much waterflow. Others are being damaged by getting too little waterflow. The creek and the pond are not getting nearly enough waterflow and much less than even 15 years ago. Some of the problem areas of the road are caused by waterflow wear and tear and lack of drainage.

We have been cautioned not to spend money on ad hoc or one-off issues or priorities - (ie draining the pond or resurfacing the road) - to avoid spending money on things that might be damaged by, or require additional work for, subsequent projects. Instead we have been advised to focus on a plan for Wychwood Park as a whole, to learn what we need to do to preserve and conserve our natural and capital assets. Then we need to execute a plan for the whole system, understanding how it all fits together.

That plan can be executed in stages if necessary but at least it will be conceived as a whole so that everything works together. This makes a lot of common sense and is the most important lesson we learned. We have to stop thinking and organizing ourselves in a costly piecemeal fashion and must become dedicated to a unified system plan based on understanding how the pieces fit together. This represents a major change in how important projects in the park are considered, planned and realized.

PRIORITIES

We need to evaluate and prioritize the elements of Wychwood Park to be able to guide decision-making within an integrated system plan for regeneration. The residents of the park need to embark on a mission to prioritize the relative importance of our (to wit, and in no particular order) :

- trees
- pond/creek/water
- road
- ravine
- landscaping
- housing
- fences, wiring, etc

Clearly our lack of common agreement on these priorities resulted in debate during the current road process and we need to address this issue at the beginning of the process of creating a unified plan for the park. This prioritization process can be led by the Trustees and/or a planning committee and then be brought to a general meeting of residents to be debated and voted on. An accepted priority plan will help guide all future planning, projects and budgets.

Our Findings Specific to Road Reconstruction

Having thought about the big picture that represents the best way forward we wanted to share our learnings about the proposed road.

- the proposed plan addresses tree protection should we only resurface the road.
- however no road resurfacing plan can guarantee absolute tree and root protection.
- all arborists consulted agreed that they would put conservation and preservation first and patch the road over the next 3-5 years before any resurfacing/reconstruction.
- the current road is structurally safe (ie. no imminent danger of collapse).
- the current road may have 10 to 30 years of life if consistently patched.
- there may be technical advantages to considering asphalt as opposed to tar and chip or a combination of both (as the current plan allows for at gate and other areas); and to also consider other new, innovative and environmentally friendly road surface treatments.
- if and when the road is resurfaced one could consider doing it in sections; both to judge results and any damage or issues with trees (admittedly a cost-inefficient method).
- we may need to consult more closely with the city, fire, ambulance and police services as to any specific issues or concerns re: narrowing the road, trees, branches, parking and/or parking spaces along the road.
- there is reason to consider sub-road infrastructure at certain points for any road plan, specifically: the broken wooden storm drain running under the road north of the tennis court which feeds (fed) the pipe under the tennis court which goes to the north end of the creek; the flow of water through our drains, especially new drains put in by the city during the city road work, to the storm sewers and where that water currently ends up and/or if it can be of advantage to groundwater flow, especially to the ravine, creek and pond.
- there is reason to consider general hydrological implications of water flow above, along and below the road as it may affect the road itself, flow to trees near the road and flow to the creek/ravine system.
- it may behoove us to look into how some other areas in the city (Hogg's Hollow, Mildenhall) don't maintain their roads to city standards but do so at city expense.

Our Recommendations Specific to Road Reconstruction

- delay and study road resurfacing in the context of a larger and integrated plan for Wychwood Park.
- engage an independent road engineer who would work with an integrated team of experts in the context of the larger plan and with a specific scope based on the current plan to recommend all the elements of road resurfacing and reconstruction
- initiate immediately more consistent patching/maintenance of the current road in line with tree, environmental and safety implications. All potholes should be patched quickly after they occur.

IN CONCLUSION

General Recommendations

1. *Plan & Priorities:* Create an integrated plan for Wychwood Park regeneration projects and project management based on priorities as voted on by owners, hopefully at the 2011 Annual Meeting or a special meeting. Consider the Arts and Crafts Landscaping Heritage and how to be true to our roots. Factor in the need to eventually deal with electrical and other wiring that that could be safer underground. Consider safety and insurance issues as they apply to existing tree inventory, the road and pond. We believe the Trustees have already begun this type of longer term project planning under the volunteer leadership of Gerard McCabe.
2. *Planning Group & Committees:* Devolve responsibility for general investigation and initial planning options and recommendations to the related committees (i.e., pond, tree, landscape, road) who would report to the Trustees and /or an Integrated Plan Group. Use the existing Road Project Plan, the prior Pond Study and Plan, Don Baillie's Tree Survey and the available City of Toronto road bore hole study and infrastructure drawings as starting points. Keep the residents of the park informed on a regular basis by sharing information.
3. *Planning Expertise:* Once priorities and initial broad planning are set and agreed to and voted on by owners, engage and pay for a tendered team of hydrologist, arborist, road engineer, wetlands specialist and any other technical specialists required to study and recommend how to integrate, budget, execute and supervise a phased implementation of the elements of the plan.
4. *Interim Plan for Maintenance, Preservation and Conservation :* realize we need to upgrade our general maintenance structure and costs for trees, road, pond, and common areas and begin planning, budgeting, executing and collecting the money for this now. We also need a much more expansive (and expensive) plan for preservation, tree care and tree planting along the road, in the ravine and on all common lands.
5. *Funding:* our costs will rise because of the need for more comprehensive ongoing maintenance, fees for experts and capital costs of projects within an overall plan. Consider raising the levy substantially and/or establishing a capital reserve fund this year with the approval of owners.

Out of Difficulties Comes Opportunity

This is our opportunity to build on and learn from the very hard, unrewarding, stressful and time-consuming work our neighbours - the Trustees, WPHAC members and other residents - have done over the last five years, especially on the road project. We must take the seed of regeneration and build on it.

Critical to our thinking during the review was to step back and find a way to build consensus around priorities and projects for our shared asset - Wychwood Park. But we must also all share responsibility and so step up and do our share, pay our share and be neighbourly all the while.

Realizing that we are in a new era and that we must plan to preserve and conserve all aspects of the Park looking forward to the next 100 years and find a shared solution for ourselves, our families, children and grandchildren and our current and future neighbours and residents of Wychwood Park.

We believe consensus and agreement can be built with new dedication to our current structure under the Trust Deed. Active committees working to present plans to the community under the supervision and guidance of the Trustees can take advantage of our greatest resource –the residents of Wychwood Park.

We may not be able to maintain Wychwood Park in the old-fashioned way, by doing it all ourselves, but surely we can come together and agree on what we want to do, the scope and order we want to do it in, and bring in the requisite expertise required to do it.

Finally

This part of our journey is over. We started by focusing on the building of a road and the issues that came out of the process especially of what that meant for the Park's trees. Then we learned that the road is only a part of the entire ecosystem of the park and that one can't address issues on a piecemeal basis without considering all of the key elements of the park in a unified integrated plan.

We also learned that we need to stop and agree on priorities within the Park. We learned that we need our neighbours engaged in the process fully through the Park committees working with the Trustees and outside experts and project managers to build consensus for big projects. We are proud to live in a community that is prepared to do the right thing and plan for the future of Wychwood Park 100 years from now.

More Wine Please

Lastly, we would like to invite everyone to a wine tasting and wine auction (hopefully agreed to by the WPHS) to raise money (which we'll surely need) for more tree planting and preservation or for a study of the flora of Wychwood Park as per the Heritage Plan. We'll take a vote on a date early this fall and even consider the event a good time to vote on priorities for the park - Trees? Road? Water? Chablis? Montrachet 1978? Hmmm.

*Thank you for reading this far,
Marc Giacomelli & Michael Hirsh*

APPENDIX I: Further Recommendations

Many other issues came up during the review. We think it important to table these and keep them on the agenda for resolution, using a combination of volunteer expertise and leadership from Park residents working with the Trustees, and where required, the expenditure of required fees or costs. Some individuals we spoke to during the review have volunteered to lead in certain areas. You might consider this also.

- ❖ *Property Management:* we may need more than Peter Caddick and his crew in the coming years. We recommend investigating the costs of a professional management or maintenance company to supervise and execute tree, road, pond and general maintenance in the park under Trustee supervision.
- ❖ *Park Administration:* we may need to allow for a larger annual budget for running the park - such as accounting, legal and other - since up to this time Trustees and Treasurers and many others have not only done the work but often used their own private money or resources through their companies to administer the park, send out bills, track levies, copy documents, arrange communications and so on.
- ❖ *Purchasing Policy:* create a simple, transparent purchasing policy including multiple bids for major projects in the park. There are many existing and satisfactory models, one of which could be recommended by the Trustees and/or the Integrated Plan Group. We need not be picayune - there is already a policy in place requiring owner approval for consulting expenses over \$5k.
- ❖ *Levy Evaluation:* the current levy is based on an old City of Toronto land only evaluation mill rate resulting in some disparity. We recommend considering two things: 1) market value or other more up-to-date method to evaluate our individual shares of the levy and 2) investigation of some properties that may be (and may have been) levied on an older, larger lot size than is current due to severances, property changes and so on. A volunteer committee might undertake the initial investigation.
- ❖ *Create a Wychwood Communications Committee and Park FAQ:* beyond the green and yellow heritage books and general neighbourly information and gossip we might wish to assemble a list of facts about the park, roles, responsibilities, history, traditions and so on for current and future residents. This may or may not be part of a website and may require formation of a WP Communications Committee.
- ❖ *Committee Funding:* some committees may require budgets for small projects or fees for consultants: allow committees to either request funding from the Trustees (which actually is a park tradition) and/or raise their own money through direct fundraising as the Tree Party did.

- ❖ *Levy Compliance:* we may wish to, as a community, think through, revise and agree on the range of methods available to the Trustees and Treasurer to collect unpaid levies in the most consistent, yet neighbourly fashion, also allowing for residents who either cannot afford to pay or who may need time to pay full amounts. We should all understand and share some of this burden, rather than leaving it only to the Trustees and Treasurer.

- ❖ *Additional Sources of Funding:* investigate any and all other sources of funding park capital projects within the plan from other sources to supplement new capital levies: through WPHS donations, City, Provincial and Federal Heritage programs, City water, wetland and forestry funds and programs and so on. This might be done per existing committee, or require its own group.

- ❖ *Property and Deed Clarifications:* it might be wise to consider such issues as registering the Trust Deed on WP properties, creating an archive of current surveys for each property, and all the common land and clarifying the status of the trust property on Davenport to help in any future discussions, levy issues, land ownership and responsibility issues and so on.

- ❖ *Trust Deed:* a volunteer committee might investigate the background of the Trust Deed, certain discrepancies that may apply to our common land and also any legal implications of amendments or changes (ie. levy evaluation, etc).

APPENDIX II : Submissions to the Road Review

Again, we thank everyone who took the time to submit recommendations, committee documents, thoughts and comments concerning the road project and the review. It's been a very long time since something caught the imagination of so many Park owners and brought so many of us together, even if on different sides of the debate.

The quality, thoughtfulness and passion in the submissions, whether short and simple or more formal is wonderful. Taken all together with the original road plan it is clear there is a demand and consensus to 'regenerate the park' from its state of, as one submission put it, '100 years of benign neglect'.

If we perchance missed or overlooked a submission, please advise us and accept our apologies.

When (and if) you read through these submissions please also consider reviewing the original package of documents and maps sent to you concerning the actual road resurfacing project.

The submissions are in alphabetical order.

Sheldon Godfrey

Hi Marc and Michael

I am writing to you to suggest something that should be in your report to the trustees that I don't think has been brought to their attention.

If the kind of road that is chosen is not in accordance with the Wychwood Park Heritage Conservation District Plan, a heritage permit must be obtained from the City by the Trustees under Part V of the Ontario Heritage Act. If the trustees proceed without a permit there could be severe penalties for the trustees that probably cannot be covered by insurance.

There are a number of statements in the District Plan that could be affected by a road reconstruction proposal, depending of course on the nature of the proposal. I have pasted a few of them below. If the new road plan runs counter to any of them I don't see how a heritage permit application can be avoided.

The Ontario Heritage Act is at
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o18_e.htm

Section 42 of the Act says that no owner of property in a designated Heritage Conservation District shall "permit the alteration of ... any part of the property" unless a heritage permit has been obtained from the municipality. "Property" seems to be broadly enough defined to include alterations to landscape or road structures. S 69 (3) of the Act says that any person who contravenes s. 42 of the Act "by demolishing or removing a building or structure" may be liable for a fine of up to \$1,000,000. "Structure" isn't defined in the Act, but the question of whether it includes a road structure should be investigated.

FROM THE YELLOW BOOK

(The Revised Wychwood Park Heritage Conservation District Plan adopted by Toronto City Council May 9th and 10th 1994)

" The preservation, as much as is practible, (*sic*) of the existing road configuration, surfaces, edging, curb and right-of-way is important. It is recognized that the roads do not meet municipal standards, and that there may be pressure to 'improve' them. The roads as they now exist are an essential part of the visual, social and circulation character of the Park and should be maintained. Adoption of municipal engineering standards would destroy this character. It is therefore important to refrain from adding street signs, white lines or a one-way street system. "

"The character of the Wychwood Park landscape is distinctive, and is unique in Toronto. The historic character of the landscape should be reinforced and the introduction of materials or designs that are not in harmony with it should be avoided."

"The numerous large trees of Wychwood Park are in a unique and essential component of the Park-like environment. Special effort should be taken to maintain them in good condition. Significant trees should not be removed unless shown to have become a major hazard. "

Regards

Sheldon

Don Gutteridge & Anne Millar

Dear Marc and Michael,

We are writing to encourage you to examine and report on only those areas which relate specifically to the building of the road and concomitant environmental issues, on which so much has already been done. The complexity of present Park concerns requires that we do not try to solve at this time and in one process all the problems, especially those of finance and governance which appear under your heading of 'Issues'.

Thank you for taking on such a difficult project. We are grateful for your efforts and will look forward to the results.

Best wishes,

Don Gutteridge and Anne Millar

Emily Hallford & Albert Ravera // Susan Hoyle-Howieson & Joe Howieson

As requested, following is our submission.

Our preference is that we retain the deal as currently developed by the trustees. We consider that this is the best deal for the park and while there was poor communication and poor consultation, at all times the trustees have demonstrated sincerity and a desire to do what is truly best for the residents.

However if that is not possible then:

1. The major lesson learned is that we need to start process from scratch to build in transparency, rigour and consultation but a process that leads to a firm decision. However the process should take account of good work done previously – ie layout of roadways and linkage to environment improvements. If we do this again it means that the community has lost trust in the trustees so their role in the process should be minimized.
2. Before restarting there needs to be a fundamental agreement (again) on desire to move ahead to replace road at a potential average cost of between \$5k and \$10k per household, and confirmation of proportional amount each house will pay, and how/when fees will be collected. This should be a vote against a pre-defined acceptance criteria (related to the percent of people needed to proceed) and a confirmation that there will not be non- payers.
3. There should be an open competitive process that should be defined in consultation with people in the park to confirm that it meets the requirements of a majority of park dwellers (majority needs to be defined). An independent engineer/project manager should be retained to manage this for us.
4. A spec should be written and acceptance criteria should be developed for evaluation and determination of the winner of the tender. The spec should link to the layout and environmental improvements and requirements already done as well as include the community defined acceptance criteria. The community should vote to confirm that this meets the requirements of the majority of park dwellers. Majority needs to be defined (see above).
5. A realistic schedule should be defined for the stages in the process and a defined expectation for when the road reconstruction should occur (spring 2012? Fall 2012?) and when payment(s) will be required from Park dwellers.
6. Several companies should be asked to bid including the company that has worked so hard to support us previously.
7. An evaluation group should be formed, led by the independent engineer/project manager, to make the recommendation to the trustees for approval. The members of the evaluation group should be selected by the independent engineer/project manager - not the trustees. If the price is within the pre-approved range and meets the pre-defined criteria, the community must accept the trustees decision. The decision and the terms of the winning bid and evaluation against the criteria will be presented by the evaluation group to the community – for full transparency but for information only, not for approval.

8. Last comment – In our opinion (as relative newcomers to the park), this issue is far less about the actual road reconstruction than it is about change. As in any change initiative there will always be 10% of the group who will actively resist (or even sabotage) any change, 20% who are “true believers” and 70% who are fence-sitters. This initiative could benefit enormously from frequent, clear communication to ALL park dwellers about what’s currently happening as well as continually supporting the desired result; minimizing the opportunity for uncontrolled feedback i.e., “reply all”; and providing opportunities for focused consultation and engagement through a variety of channels. You may want to consider having a communications person/team just with these responsibilities.

We hope you find these comments useful. Susan, Emily and Joe all have expertise in major procurement processes, large scale change management and consultations and are willing to provide support in whatever way is useful.

EMILY HALLFORD AND ALBERT RAVERA 90 WYCHWOOD PARK

SUSAN HOYLE-HOWIESON AND JOE HOWIESON 92 WYCHWOOD PARK

John Harhay

Thank you for the opportunity to provide a written proposal in response to your request of June 1, 2011.

ROAD ISSUES

1. The residents should decide which road they want based on a comprehensive analysis of the alternatives.
2. With the aid of qualified consultants, residents and contractors, a matrix should be prepared showing approximately 5 road alternatives and approximately 6 criteria by which they would be evaluated. The road options could include: 1) Patch and maintain the existing road; 2) Resurface the existing surface with an additional 2" layer of asphalt; 3) Pulverize the existing asphalt for use as a base and apply 3" of asphalt; 4) The tar and chip proposal; 5) Other. The evaluation criteria could include: 1) Cost; 2) Durability; 3) Impact on trees; 4) Maintenance issues; 5) Appearance / attractiveness; 6) Construction/design issues (edges, manholes, etc.).
3. Address issues of traffic calming and safety.
4. With the involvement of a Civil (road) Engineer, prepare drawings and specifications suitable for tender and construction. If this is considered too expensive, explain how issues regarding clarity of intent, mutual responsibility, construction phasing, liability and warranties will be handled. Obtain a minimum of 3 bids. Have a lawyer and our insurance company review the contract.
5. Clarify where and why any landscaped edges are proposed and confirm that the landscaping will be done at the same time as the road. Have a Landscape Architect (and other consultants as required) prepare drawings and specifications suitable for tender and construction. Obtain a minimum of 3 bids.
6. Ensure that the "sidewalk" at the south gate is safer and more accessible for pedestrians and cyclists.

ENVIRONMENTAL ISSUES

1. First, do no harm....to the trees, landscape or ecology.
2. For pond/ravine issues see the Pond and Ravine Committee's report.
3. Prepare an Arborist's Report which includes all the trees threatened by road construction. This should be based on the City's published criteria as well as the Heritage Conservation District Plan which requires that all trees be protected - including trees under 1' in diameter. I would recommend that the City's ravine criteria be applied to the whole Park as a starting point. Any report from the Arborist should clearly state the risk of injury/destruction to trees from all proposals.
4. Consider a more attractive solution for garbage can locations and screening.
5. Consider appropriate locations for the historic plaque and the buried granite "bollard" at the south gate.
6. Consider benches or seating areas.
7. Plant a new iconic oak.
8. Demonstrate that any work related to the road will not cost more if done at a later date.

FINANCIAL ISSUES

1. The community will be faced with many costly projects in the near future and should be given the opportunity to decide the priority and phasing of these projects. Besides the road, we have the revision of the Heritage Conservation District Plan, the grounding of the Park light fixtures and the following items from the Heritage Conservation District Plan; "a thorough analysis of the flora [and fauna] in the Trustee areas and...a restoration program;" the preparation of a guide to planting and landscaping of private areas;" and "the preparation of

- an updated topographical survey of the Park”. These and other projects should be adequately described - including cost estimates - presented to the community and put to a vote.
2. Without addressing the inequities of the annual assessment it will be difficult to apportion capital costs fairly and without dispute. The “formula” for the assessment should be presented and explained. A study of the annual assessment can be pursued concurrently with the road review. This should include an appeals process for those who feel unfairly assessed. Consideration should be given to those who do not benefit in any way from a capital project.
 3. An expensive project like a road can be financially difficult for many residents. Payment options should be considered. This could include paying any capital works levy over time, either before or after the project. All residents should be given this choice.
 4. Not everyone will pay the capital works levy. This should be factored into the overall budget. Lawsuits should be used as a last resort. Every effort should be made to accommodate each resident’s reasonable concern.

PROCESS ISSUES

1. The Road Committee should include members of the community who have a particular expertise or interest in any of the issues mentioned in the request for proposals. It should include members for and against the previous road. It should include truth-tellers. It should consult/coordinate with all other Park committees.
2. All major decisions should be made by the community after information is distributed, meetings are held and votes are taken. Discussion and suggestions should be encouraged. Enough time should be allowed for consultation with the community and outside consultants. Except for decisions about capital expenditures, a simple 51% majority of those voting should be acceptable. Voting should have a deadline and early voting should be allowed.
3. All consultants should be instructed that they are working for the community and not the Trustees or a particular committee. As such, reasonable access to the consultants by the residents or Park committees should be allowed.
4. We need transparency. All documents, discussions and decisions should be made available to all residents. If our long-awaited Wychwood Park web site cannot be made operational, perhaps we could set up a Facebook site or something similar.
5. The members of WPHAC should fulfill their responsibility to “ensure prompt resident knowledge and response to all proposals” and to “encourage solutions...that would conserve the heritage characteristics of the Park”. Neither the chair nor any of the members should act as proponents for a specific solution. As stated in the Internal Procedures for the Wychwood Park Heritage Advisory Committee, “All enquiries...should be referred to the committee” and not the Chair or any individual member. Ian Macdonald **cannot** be a consultant to the Road Committee. The discussions and votes of the Committee should be made available to the community.

STRUCTURAL ISSUES

1. We need to review our governance structure. This could be as complicated as establishing a new system (a condo corporation?) or as simple as making slight adjustments to the existing system. Whatever course we take, it should result in a more consultative, transparent and accountable process. Why not have term limits and elections for our Trustees?
2. \$66,400 (over 2/3 of the total Park budget) has been allowed for maintenance work. It is not clear where all this money goes. Many questions have been raised about the work done by Peter Caddick and his crew. There may be opportunities to reduce these costs by over 1/3. Didn’t Trustees do Peter’s work in the past? Why can’t a committee do the work Peter does? Couldn’t we hire a landscape company to do most of what Peter does? Do we get competitive bids for the maintenance work? Do we really pay for a snow plough drivers damaged plough?

Always there,
John Harhay

Bob and Christa McDermott

MEMORANDUM

To: Marc Giacomelli and Michael Hirsch
From: Bob and Christa McDermott
Re: Wychwood Park Road Reconstruction Review

Introduction

We are responding to your email of 02.06.2011 requesting written comments from the residents of Wychwood Park (Park) with respect to the road reconstruction project (Road Project) and what you refer to as interconnected issues: road specific issues, environmental issues, financial issues, process issues and structural issues.

Road Project and Related Interconnected Issues (Road Specific Issues, Environmental Issues, Financial Issues and Process Issues)

As you point out, the Road Project planning and community consultation process has been underway for approximately five years and has involved considerable time and effort on the part of the Park trustees and the representatives of WPHAC, as well as the professional consultants retained by them.

We are prepared to accept the recommendation of the Park trustees that the recent proposal is the best alternative for the Park.

All the questions that we have had concerning the Road Project and the Related Interconnected Issues have been answered to our satisfaction, other than the principal financial issues relating to how the Park trustees propose to deal with any shortfall arising as a result of the failure of one or more Park owners to pay their share of the Road Project expenses and the defaulting Park owners themselves.

The criticisms of/responses to the recent proposal that we have heard are as follows:

- (a) the critics believe that some of the Park trees will be damaged, perhaps irreparably;
- (b) the critics have not had an adequate opportunity to be heard;
- (c) the critics' concerns/opinions have not been properly considered and/or adequately taken into account;
- (d) the critics do not use the Park roadway at all or as much as others and therefore should not be required to pay anything or as much as others for the Road Project; also, the proposed method of allocating Road Project expenses among the Park owners on the same basis as annual Park taxes by using property values is unfair; and
- (e) the critics are not interested in the Road Project and/or do not believe that it is necessary and, in either case, are simply against it.

In light of the considerable time and effort that has been invested in the Road Project by the Park trustees and the representatives of WPHAC, as well as the professional consultants retained by them, it is hard to believe that the criticisms/responses of the critics are anything more than an effort to substitute their judgment for the judgment of the Park trustees or a justification for their unwillingness to pay their share of the Road Project expenses. That said, we believe that your initiative, as frustrating as it may be for the Park trustees and the representatives of WPHAC, is the right response to the critics and their criticisms/responses.

Our only criticism of the Project process is that the Park trustees and the representatives of WPHAC should have kept the Park residents better informed of what was going on, even if there was nothing to report. With the passage of time, people tend to forget where things were left and/or what was decided. Communication is the best way to stay in touch and to flush out concerns and criticisms on an ongoing basis rather than letting them fester. Failure to communicate can create a vacuum in which rumours and/or conflicting opinions circulate unchecked. The recent spate of emails, some of which were personal and nasty, on the subject of the Road Project is a perfect example.

Other Interconnected Issues (Financial Issues and Structural Issues)

Wychwood Park – A Condominium

The Park is essentially a condominium – each owner has his/her “unit” and shares the benefits and burdens of the “common areas”. However, instead of a condominium corporation with a board of elected directors operating under a detailed and clearly enforceable condominium agreement, the Park has three appointed trustees (ie, each generation of trustees selects its successors, with or without consultation with Park residents) whose powers and responsibilities arise under and are governed by a late 19th century trust deed, the terms and conditions of which are general and may or not be enforceable in all circumstances. This would not matter so much if, as in the past, the Park trustees only had to deal with matters of a minor nature requiring relatively minor expenditures and/or were able to exercise moral suasion to bring recalcitrant Park owners into line. This is no longer the case.

Wychwood Park – A Legacy of Neglect

The current generation of Park trustees has inherited a legacy of neglect from previous generations of Park trustees on a number of fronts:

- (a) too little money has been spent on maintaining the common areas with the result that the Park trustees and the Park owners are now facing significant immediate and likely future expenses;
- (b) too little thought has been given to operational matters with the result that the Park trustees (who as you point out are volunteers) spent far too much time:
 - (1) responding to matters that could, with proper financial resources, be delegated to and dealt with by professional managers (whatever his strengths, we do not consider the current Park manager to be a “professional” manager); and
 - (2) responding to/indulging the wishes/whims of Park residents, many of whom believe that the Park trustees are their servants and should be treated accordingly; and

- (c) too little thought has been given to governance matters with the result that Park trustees are often almost helpless in their ability to respond to or deal effectively with Park owners who refuse to pay their taxes or otherwise disobey the rules (eg, insist on parking on the Park roadway overnight or taking in tenants). What was a small, even quaint, problem of having one or two “eccentric” Park owners who refuse to pay \$100s of Park taxes is now a big, perhaps game-changing, problem of having several Park owners who refuse or may refuse to pay \$1,000s of Park taxes. Although “compliant” Park owners were once prepared to tolerate the former, neither is an option any longer.

Our Conclusion

Unless the issues of neglect can be successfully addressed, the Park trustees and the Park owners might as well acknowledge that the concept of Wychwood Park is dead and move on, either by appointing (assuming that they will accept) as Park trustees those whose views are in tune with the views of a small, recalcitrant minority of Park owners or conveying the Park roadway and other common areas to the City.

The starting point for addressing these issues should be an assessment of whether:

- (a) the trust deed can be interpreted and/or amended so that it is clear that the Park trustees have powers of enforcement that are commensurate with their responsibilities;
- (b) the Park owners are prepared to pay annual and, when required and approved by the requisite majority, special Park taxes in amounts that permit the Park trustees to operate and maintain the common areas in a professional manner for the long term benefit of all Park owners and Park residents; and
- (c) the Park trustees are prepared to exercise their powers of enforcement in a timely and effective way, including taking action to collect unpaid taxes and otherwise enforce Park rules, and the Park owners are willing to finance the shortfall and pay the legal expenses associated therewith.

With regard to (a), an opinion from a reputable law firm experienced in such matters should go a long way to answering the question.

With regard to (b), we note that the Park properties are valuable assets and that their value is supported in part by the quality and appearance of the common areas, including the Park roadway.

With regard to (c), we believe that, if the Park trustees are obliged to take legal action against a Park owner, the rest of the Park owners should be advised of this fact, including the name of the offending Park owner. It makes no sense that some Park residents are aware of the circumstances and others are not. We also believe that the Park trustees should advise the Park owners of their plans for dealing with any financial shortfall arising from the failure of one or more Park owners to pay their share of annual or special Park taxes.

In general, the Park trustees should have the financial resources and powers to manage the Park in a business-like manner in the interests of all Park owners and Park residents and the business of managing the Park should be carried out in a professional and transparent manner.

Sean C. O'Neill

Marc/Michael:

Here are the submissions from me (100 Wychwood Park) regarding the road and future infrastructure requirements.

1. The road work is necessary since the road is in terrible condition. I have only lived in the Park since May 2006 but I have seen that the pace of degradation is accelerating. I have been persuaded by the informational meetings that we have had that an improved road will, in the long run, be better for the common elements that are really important to me: the trees and the pond. It will also be better for my private interest, namely, my property value. In my opinion, the status quo is not an option, even if it would save me money in the short term. I have no comment as to whether the road is the highest priority in respect of all common infrastructure issues other than to observe that to try to do everything that needs to be done (e.g. replace trees, deal with pond) as well as things that would be nice to get done (e.g. rewrite Trust Deed, update Green Book, improve/replace pond fence, improve lighting, install remote control traffic gates) would be so huge of an undertaking that it would collapse on itself and never be accomplished.

2. I was of the view that I had been adequately consulted in respect of the road project that had been proposed by the Trustees and the need for a plan to improve common elements of the Park, namely trees, the road, the ravine and the pond. Right from the moment I moved to the Park I have attended meetings and discussed “regeneration”. In addition to the road, I have spent hours engaged in consideration of the trees, the pond, the strengths and weaknesses of the Green Book and different visions of Park development and preservation. These are all complex issues that are viewed in the context of our respective personal preferences, experience and attitudes. In my opinion, the big issues with respect to the road project had been addressed by the Trustees on several occasions and through different media. These issues are: (a) the need for the work, (b) the plan for the work, (c) the cost of the work, (d) the impact of the work on trees, pond and residents, (e) the alternatives that were considered and rejected, (f) the identity of the planners and the contractor and (g) the terms under which the contractor is engaged. I sought and obtained the level of detail which is sufficient for my comfort level, and I trusted the Trustees and other planners to sweat the details beyond this.

I acknowledge that my satisfaction with this level of detail is personal and that I may be alone in saying that I do not have the time or expertise to delve into greater detail. However, I have also now come to resent the constant refrain that “adequate consultation” has not occurred. None of us is naïve. We all recognize that creating delay is a common and transparent tactic of the objector and “inadequate consultation” is the favored guise of unnecessary delay. I applaud your efforts to create a strict timeline for feedback, review and response, but I do not see what you are doing as any different to what has already been done and I am concerned that you are just embarking on another futile and frustrating exercise, particularly since the proposed road option is no longer on the table.

3. We are extremely fortunate to have Park residents who have expertise and experience in diverse areas and despite busy schedules are willing to volunteer their time to work toward common Park objectives. In our daily lives we entrust our affairs to those that we believe are qualified to handle them. Obtaining such expertise is expensive. The people that have been primarily involved in the road project were not remunerated and, as far as I could tell, had nothing to gain from the project other than the same communal benefits that all of us would gain. Given the difficulty that the Trustees have in getting adequate funds for Park expenses through the annual levy, external expertise can only be obtained and paid for where necessary. I have also come to resent the requests for external experts to review other experts’ conclusions when I get the sense that no one wants to actually pay for any such consultation. At some point we just need to have someone make a decision to implement. I think it is shameful that so much effort by the Trustees has gone to waste. I have also seen what I believed were

implications that some of the people working on the road project were receiving inappropriate personal benefits or have some sort of hidden agenda or axe to grind. I hope that I am mistaken in those perceptions because not only are such implications not “neighbourly”, I would suggest that they are poisonous, divisive and despicable, if not slanderous.

4. Supermajority approval is acceptable and practical consensus and, if I understand the rules of the Trust Deed, is the current governance model for the Park. Based on the dynamics of the Park I believe it is impossible to obtain a unanimous decision on any matter dealing with personal expenditure, although I gather that the allocation of “votes” under the trust deed has practically left the power to reach supermajority in the hands of very few homeowners. As these individuals would also pay a commensurate allocation of any shared expense, this is a fair result in my view. The governance model we have may not be perfect but it is one that I accepted when I bought my house. Accordingly, there should be no change to the approval criteria of any common capital expenditure.

5. Following on the previous point, there are a number of ways that the future capital requirements could be allocated. Gerald Owen has suggested that current municipal property assessment be used. Sheldon Godfrey has identified that a usage based formula or a blend of other methods could work. I could propose capital gain on property during tenure of ownership since this may be a fairer assessment of the relative benefit that each resident has received from living in or being associated with the Park over time. Each of these suggestions has its merits and each would result in someone paying relatively more than his or her neighbour. I accept that there is a risk that I may not get the full benefit over my tenure in the Park of the money that I pay today but I will benefit from living in the Park. Paying a tax so others may benefit more than I do does not bother me: it’s the Canadian way. While the questions around whether we have a fair or anachronistic allocation of financial burdens are excellent and possibly should be addressed, they continue to distract from the immediate, necessary decisions. (See my point above regarding delay.) The benefit that the current levy has that no other method does is that by continuing to apply it no one can claim that the rules have changed to his or her detriment.

I am concerned, however, with the perceived lack of transparency. There seems to be a large degree of discontent that arises based on not knowing how we are treated relative to others. While this can be a good thing, it also seems to be a point of contention for many. In my view, the formula for allocation should be published so we all know ahead of time what our respective burdens are. It will also allow you to get a sense as to people's tolerance for the level of financial expenditure and to root out whether there are those who will not agree to expenditure at any level. I think that this is an important threshold question to any project since if the project will never achieve two-thirds financial commitment then it will be a futile stillborn undertaking.

Thanks for taking this on.

Seán C. O'Neill

Pond & Ravine Committee

Friday, June 24, 2011

Attention: Marc Giacomelli and Michael Hirsh

Members the Pond and Ravine Committee Executive would like to thank Michael Hirsh and Marc Giacomelli for the opportunity to make a submission to their Review Committee.

History:

The Pond and Ravine Committee was revitalized by a group of residents in April 2009. The Committee has spent two years gathering information about the health of the Pond and Ravine and trying to participate in the discussion regarding the road in Wychwood Park.

Relevant Information Regarding the Pond/Ravine Area and the Road:

- 1) Within the ravine area, there are a number of healthy, mature, native trees. These trees add significant ecological and aesthetic value to the area. For the previous road proposal (Tar and Chip), using a method which does not comply with the minimum requirements of the City nor the Heritage Conservation District Plan, Ian Bruce has determined that approximately 30 trees in the ravine are threatened with injury or destruction. If the proper standards were applied, the number of trees threatened would more than double.
- 2) There is a diverse and thriving collection of native plants along the entire slope bordering the road which could be adversely affected by road construction.
- 3) The pond/stream areas support Painted Turtles, Salamanders and Snapping Turtles (now a “Special Concern Species” under Ontario’s “Endangered Species Act”) as well as a variety of native and non-native fish. These creatures are very sensitive to any change or destruction of habitat. Change in oxygen diffusion, silt levels or fluctuation in water temperature could cause damage.
- 4) Several areas around the edge of the road have eroded, threatening to undermine the existing road. Road construction could further destabilize this bank resulting in the collapse of the road and ecological damage to the pond and ravine.
- 5) The existing chain link fence is in poor condition and may be damaged by any adjacent roadwork. The Heritage Conservation District Plan discourages the use of chain link fence.
- 6) Over the past decades the water flowing into our stream has decreased. There is now no water entering the stream from the pipe near the tennis court. Finding ways to improve the volume of water flowing through the system would help to improve the appearance of the pond, provide more oxygen to water creatures and likely reduce odor.

Recommendations:

- 1) That an Arborist's Report complying with the City's requirements be provided, showing all the trees threatened by road construction in the ravine. That no roadwork be approved unless it can be shown to do minimal damage to the root systems of these trees.
- 2) That any road repair undertaken recognizes the unique ecological sensitivity of this area. A comprehensive plan for protecting this area during road construction should be developed with the guidance of the Pond and Ravine Committee as well as other relevant Committees and subject to the approval of the community.
- 3) That any road repair should be considered alongside opportunities for improving water flow to the pond/ravine area. This could include disconnecting existing catch basins from the storm sewers and capturing and filtering all road water runoff. Determining the best way to get more water to the area may require hiring Ecological Consultants with expertise in these fields and working with the Park consultants, individuals from the Toronto and Region Conservation Authority and the City of Toronto.
- 4) That any road repair address problems related to erosion and slope stabilization. This could include retaining the existing fence piers, effective storm water management, regrading and planting.
- 5) That any road work include a strategy for the repair, removal or replacement of the existing fence, subject to community approval. Costs to do this work during or after the road construction should be considered.
- 6) That the current consultants be available to the Pond and Ravine Committee and any other relevant consultants.
- 7) That residents be included in the decision-making process and that a reasonable period of time be allowed for studies and community review.
- 8) That any documents or comments be made available to all residents.

Sincerely,

Mel Mekinda
Elke Steinwender
Susan Richardson
Susan Lambie
Nada Alaica
Gis Segler
John Harhay
Liz Wilton

Stephen Reford

A couple of suggestions:

1. Whether we get a full review of how assessments are determined or not, each home owner should be informed as to how much he/she is on the hook e.g. percentage of the total budget.
2. If by chance the project comes in under budget, we could consider depositing the balance in the Trustees' rainy day account, unless the refunds are substantial.

Cheers!
Stephen Reford

Tree Committee

TREE COMMITTEE RECOMMENDATIONS
REGARDING THE MINIMIZATION OF THE IMPACT OF PROPOSED ROAD
CONSTRUCTION ON OUR TREES

JUNE 24, 2011
SUBMITTED TO
THE TRUSTEES, MARC GIACOMELLI AND MICHAEL HIRSH

The "Tree Committee" is an unofficial committee, variously constituted depending on the project at hand. For the preparation of this report, Elaine Waisglass generously provided her time and research skills and worked with Tory Cowling in drafting the attached.

SYNOPSIS

This report will summarize The Tree Committee's investigation of the question of whether it is possible to protect Wychwood Park's forest during construction of a safer, more attractive road, and our recommendations for doing so. Our methodology includes examining the writings of academic arborists from various universities, cities and major parks, plus speaking to various local arborists. This report includes our findings, conclusions and recommendations.

WHY FOREST PRESERVATION IS SIGNIFICANT IN WYCHWOOD PARK

The forest is cited in the Green Book and Yellow Book as a major heritage characteristic of Wychwood Park that must be preserved. The Yellow Book states:

“The numerous large trees of Wychwood Park are a unique and essential component of the Park-like environment. Special effort should be taken to maintain them in good condition. Significant trees should not be removed unless shown to have become a major hazard.”

With proper care oak trees have been known to live as long as 1000 years. Our trees have suffered some damage from improper care (including the serious excavation done in respect of the sewer replacement), however many are healthy enough to warrant protection and care and even some of the very old trees are capable of living another 50 to 100 years.

HOW AND WHY CONSTRUCTION CAUSES TREE DEATH AND WHY OUR TREES CANNOT BE EXPOSED TO CONSTRUCTION DAMAGE

- Tree roots are the most vulnerable part of a tree and also vital to good health.
- Most construction damage to trees involves roots
- Severing of one major root can cause 15-25% loss of root system.
- Approximately half of a tree's roots are in the top one foot of soil.
- Eighty-five percent of a tree's root system is within 18 inches of the surface.
- Approximately 90 to 95 % of a tree's root system is in the top three feet of soil.
- There can be hundreds of roots in a cubic inch of soil – thus any removal of soil or root severance forces a tree to compromise its physiological processes to sustain the loss.
- Injury to roots reduces a tree's ability to absorb water, oxygen and other vital elements. Trees become stressed and thus more susceptible to harmful insects and disease. They often die as a result of such damage rather than the direct injury of excavation.
- Damaged trees don't usually show symptoms of decline until three to five years later.
- Torn roots allow disease organisms to enter.
- Adding topsoil or paving smothers roots.
- Sensitive trees such as oaks cannot withstand an added 2 to 3 “ of soil.
- Careless movement of construction equipment often wounds tree trunks and limbs and large wounds do not readily seal off and decay begins.

LIMITS TO ARBORISTS' ABILITIES TO SAVE AN INJURED TREE DURING CONSTRUCTION

The Yellow Book states that "During construction or landscaping special measures should be taken to prevent damage to all trees on Park Reserves and on adjoining property". That is an admirable goal, however it would appear that arborists are limited in their ability to protect trees during construction. For example, at the north gate there are few trees by the road. There is likely a connection between tree deaths there and the three new houses on the east side of the road. While measures were taken to protect the trees, it appears that success was not fully achieved.

As the ability of an arborist to prevent or cure construction injury is very limited, the best form of preservation is the prevention of damage.

PROTECTION ZONE

- Most tree roots extend out beyond the 'drip line'
- The tree protection zone drip line method is calculated as follows: Drip line distance x 1.5 = protection zone radius
- The tree protection zone trunk diameter method is calculated as follows: trunk diameter measured in inches at 54" above the soil line x 1.5 feet per inch = protection zone
- Trees are never the same shape below ground as they are above, so it is difficult to predict the length or location of their roots.

WHICH TREES ARE VULNERABLE TO CONSTRUCTION OF A BRAND NEW ROAD

Much of Wychwood Park's forest is near the road, and certainly many of the old oaks and trees that are enjoyed publicly as part of the Park are on or near the road. Ian Bruce's inventory of the trees that could be affected by excavation for road construction is an excellent baseline document for the Park and should guide us in any construction project.

IAN BRUCE REPORT 2010

The information above is in concurrence with a draft letter from Arborist Ian Bruce to the Trustees, August 12, 2010. In that letter he wrote:

Tree and Project-related Considerations:

General:

1. A tree's complex root system provides essential anchorage, food storage space, and absorption and transport of moisture, oxygen and essential elements. Any site factors or activities which disrupt this process will have an adverse impact on tree health and/or structural integrity.
- 2.
3. Older trees or trees already under chronic stress are more susceptible to impact from sources of acute stress such as construction damage, drought, extremes of temperature, etc. Younger and/or healthy trees are generally more tolerant of sudden changes due to the fact that they are able to respond more dynamically and thus adapt.

4. Tolerance to construction-related injury is initially a function of genetics. Different species exhibit differing degrees of tolerance to different types of damage.
 - a) Red Oak is generally considered to show moderate to good relative tolerance to general construction-related disturbance and are tolerant of root loss; their tolerance is influenced to a large degree by the soil aeration and soil moisture regime.
 - b) White Oak is a low vigour species, already showing signs of chronic stress and high mortality in the GTA and is relatively intolerant of root damage or root loss.
- 5) The major percentage of root mass of trees, no matter how large, is generally to be found concentrated in the upper meter of soil, with most framework and fine absorbing roots in the upper 15-30 cm.
6. It is a serious misconception that tree roots coincide with the outer extremities of the tree's branches (drip-line). "Roots may extend laterally for considerable distances, depending on the tree and the soil conditions. In fact, roots of trees grown in the open often extend two to three times the radius of the crown." (Zimmermann & Brown, 1971).
7. Roots generally grow to include soil volumes which provide adequate aeration, moisture, temperature, and nutrition.
8. Roots are inhibited by abrupt change in soil textural type (ie. topsoil or clay under lawn to sand and gravel sub-base under sidewalks and roadways) or by impaired soil oxygen or soil water levels beneath hard surfaces. Consequently, tree roots sometimes are not extensive under roads and sidewalks, but will compensate by exploring adjacent more suitable soils such as those under large undisturbed lawns. On the other hand, if there is adequate oxygen under an old deteriorated road surface, roots may grow under, across and then explore large volumes of soil in adjacent lawn areas. It is anticipated that both scenarios are at play in Wychwood Park.
9. Most healthy trees should be able to withstand removal of some of their roots without serious effects, provided the remainder of the root system is undisturbed, and growing in suitable soil.
10. Fill stockpiled over tree roots for a month in the heat of summer can cause irreparable and significant root damage.

Specific to Wychwood Park:

- 1) It is our early observation that a large percentage of the "subject" trees (those that will be potentially impacted by the surface replacement work) are large diameter, mature to over-mature oaks that are on or very close to the edge of the existing roadways.
- 2) Many of these trees are in fair to good state of vitality relative to age. However, most of them are in a decline spiral pre-disposed by age and declining age-related vigour and contributed to by a complex of factors related to constantly changing conditions of their immediate environment.
- 3) Many of the subject trees have structural defects that already significantly impact life expectancy, predominantly related to lifetime exposure to mechanical wounding.
- 4) Stem/trunk and branch wounds originate from a variety of causal factors. In Wychwood Park these are predominantly pruning cuts, vehicular impact (trucks, cars and ploughs), natural

failure of defective stems and branches. These wounds are often relatively easy to identify and monitor.

- 5) Root wounds are predominantly the result of excavation related to original construction of roads, houses and buried infrastructure and any periodic soil disturbances/root wounding during the life of a tree and related to maintenance (i.e. water-main and sewer upgrades) or re-development (including landscaping, site grading, change in drainage patterns, etc.). Wounding to the root system of a tree is much more difficult to identify because often there is no inspection or documentation of root cutting or damage by a qualified arborist at the time of the occurrence and before the evidence is concealed by backfill. This often leads to many questions with respect to the structural integrity of a tree's root system. Quantification of damage is extremely difficult and testing to determine stability of root systems typically costs more than \$1000.00 per tree.
- 6) Based on external visual assessment we have no way of assessing or reporting on the location, condition or structural adequacy of the existing roots of the subject trees.
- 7) One of our major questions with respect to root systems of the trees has to do with whether or not roots were damaged during the infrastructure replacement project completed by City of Toronto Public Works in (year) and how much additional root system deterioration has occurred since that original damage, due to root rot pathogens.
- 8) We do know from experience elsewhere in the park that the root zone soil reservoir is, in many cases predominantly well-drained sandy soil. It is generally known that in such soil oak roots tend to grow to greater depths than in poorly drained, oxygen starved, compacted, heavy soils.

CONCLUSIONS

Given what we know about the effects of excavation on trees, and given the importance of the trees to the character of the Park, we advocate for a "zero impact" approach to be taken on roots and trees in Wychwood Park's forest. Excavation at or near the road should be avoided except when it is unavoidable for planting a young tree, shrub or ground cover, removing an invasive tree or plant, or repairing/replacing a section of the road that cannot be repaired without some digging that is limited to the damaged section. When excavation cannot be avoided, the highest level of protection (the gold standard of care) must be taken with respect to avoiding injury to root systems and bark. The highest level of protection includes (but is not limited to) hand excavation overseen by an arborist and then remedial measures after paving (feeding, monitoring for signs of pest problems, etc). Digging to narrow the road should not include damage to or removal of trees or shrubs. An exception can be made for the removal of invasive species, providing the definition of 'invasive' does not include oak trees or any other native species cited in the Green and Yellow Books (District Plan).

RECOMMENDATIONS

1. Aim for zero impact by not allowing damage to tree roots/bark where practicable. Exceptions must be carefully considered.
2. Select a road design that permits non-harmful maintenance, repairs and construction with “zero tolerance” for tree root/bark damage. Where excavation must occur, in limited areas, the gold standard of care must be taken.
3. Create a realistic budget to give our forest trees proper care, including pruning dead wood, deep feeding roots, treating diseased trees with non-toxic remedies after construction and on an on-going basis.
4. Restore the heritage tree in the centre of the road at the south gate. Some irrigation will be required until the tree is established.
5. Repair the erosion at the road near the pond to allow for trees to grow there.
6. Set aside money so that after road completion, the road margins can be replanted with trees.
7. Narrow the road and expand the ravine where practicable, planting trees in any reclaimed areas.

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Bernard Watt

ON THE ROAD

Finishing Material

Regular asphalt will provide a more durable surface and easier to repair by any contractor and road maintenance crew. If it can meet the budget, this should be the solution. Wychwood Park is not in the country, it is in the center of one of the most urbanized environments that exist.

We want to build a road that will last and not require regular and immediate maintenance. That the road has to look like a road in the country is not an objective need but a self imposed stylistic constraint. Certain elements of this country surface need to be done in asphaltic material anyways (entrances, swales and curbs); leaving us with a patchy appearance at the starting line.

Final Finished Road Elevation

A resulting new finish surface that is on average 4" higher than the current one, is a significant problem for all the driveways and gardens that are sloping away from the road surface. Houses # 40 to # 26 and # 12 to # 18 suffer from this condition.

The existing level of the variety of man hole covers and drain grilles is irregular. They could use some improved leveling, but dealing with raising all of this road surface devices 4" higher is a major task. If not properly done, this will be were the new road finishing surface will start deteriorating. I would avoid this work if at all possible.

Uneven Traffic Density

The single entry road pattern in the Park creates uneven usage. The north south stretch at the north end is used at a ratio of 100 to 2 in relation to the centre point of the large loop. See attached **Diagram "A"**.

The current road proposal treats all sections of the road equally; on the basis that it is a single heavy truck that causes the damage. It is designed to a minimum survival standard everywhere.

A simplified 2 tier road standard based on greater use/greater quality ratios would distinguish the "North Gate to South Gate" stretch as a higher quality road from the "Large Loop and the Short Loop"; which would be lesser quality roads. See attached **Diagram "B"**.

The term higher quality or lesser quality is meant to describe the durability over a period of time. A higher quality road more used would last the same time as a lesser used/lesser quality road. The actual finished appearance of both types could be the same or could be different.

Road deterioration is caused by:

- road slope and drainage
- point loads by trucks that compress surface and base
- edge deterioration at driveways, manholes, drains, swales and curbs
- differential settling after underground site services work
- wear and tear due to intensity of use

ON SHARING THE COST

This capital cost endeavour we are about to embark on gives us the opportunity to address the mystery of how the payments are allotted.

The actual collection may be easier to handle, if there was a perception that the community has worked towards a fair sharing of cost based on objective facts and that this process is made known to all.

The following facts could help establish fairness:

USES: Cars, trucks, bicycle, pedestrian, children's play and users outside of the park.

For each house coefficients related to each of these forms of use would be tabulated in order to arrive at a percentage of use per house and therefore, percentage of sharing the cost.

The road provides many things for us. Cars and trucks are the ones that determine the structural components, but play and walking provide the pleasure and require a proper finished surface.

At some locations play in close proximity to a house is possible while at others it is not.

Distance travelled is a big factor on cost and maintenance. Those on Alcina not using the park roads for their cars may quite understandably feel that they are paying for more than their share. A house at the north gate uses the road significantly less than a house at the south gate, Larger houses tend to have more cars and require greater servicing traffic, etc. See Diagram "A"

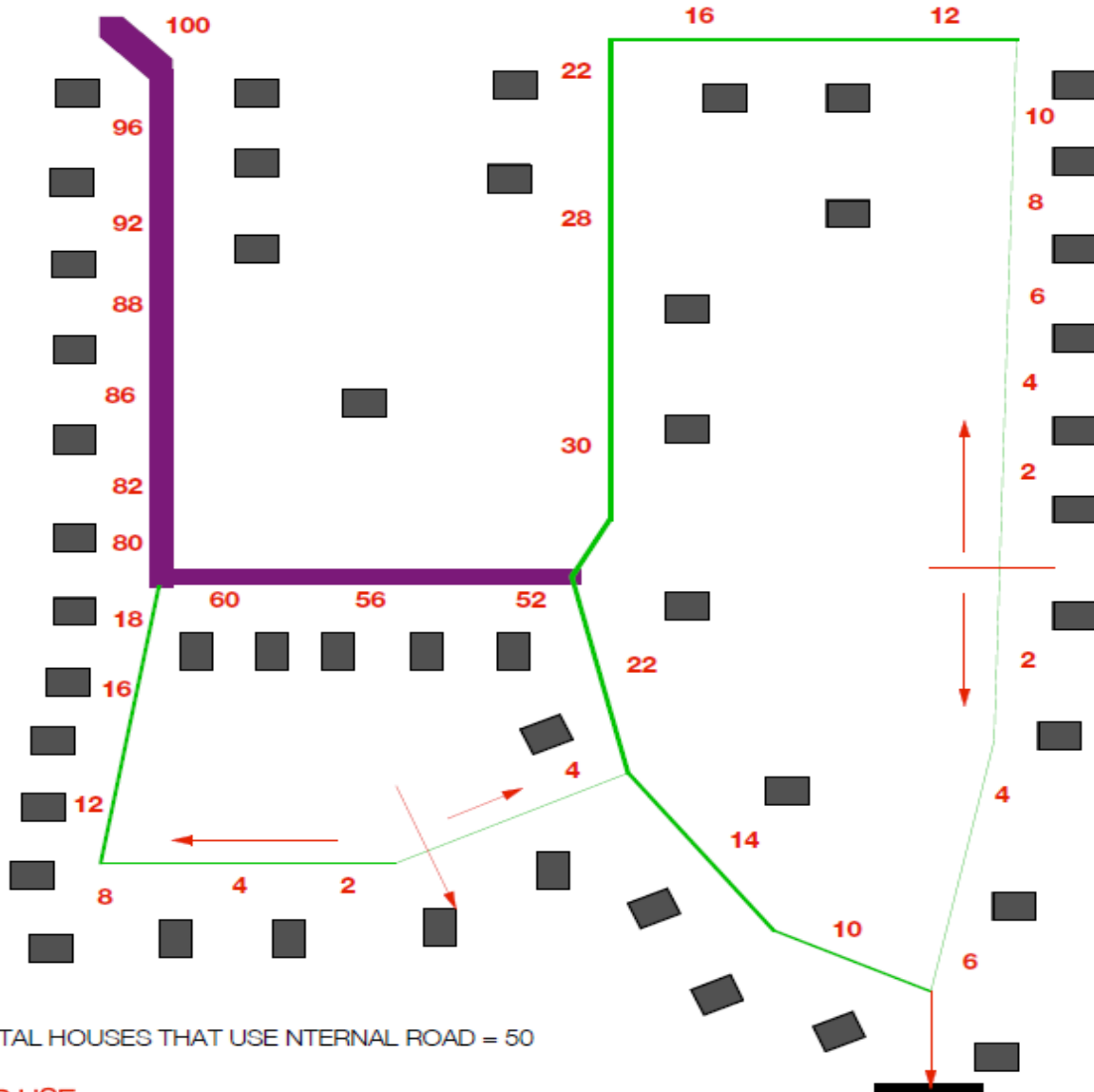
Once this prorata calculation is acceptable to all it could be applied to the maintenance cost related to the roads, which are the largest item on a yearly basis.

Bernard Watt

Diagrams A & B follow (2 pages)

Bernard Watt Diagram A

DIAGRAM "A"

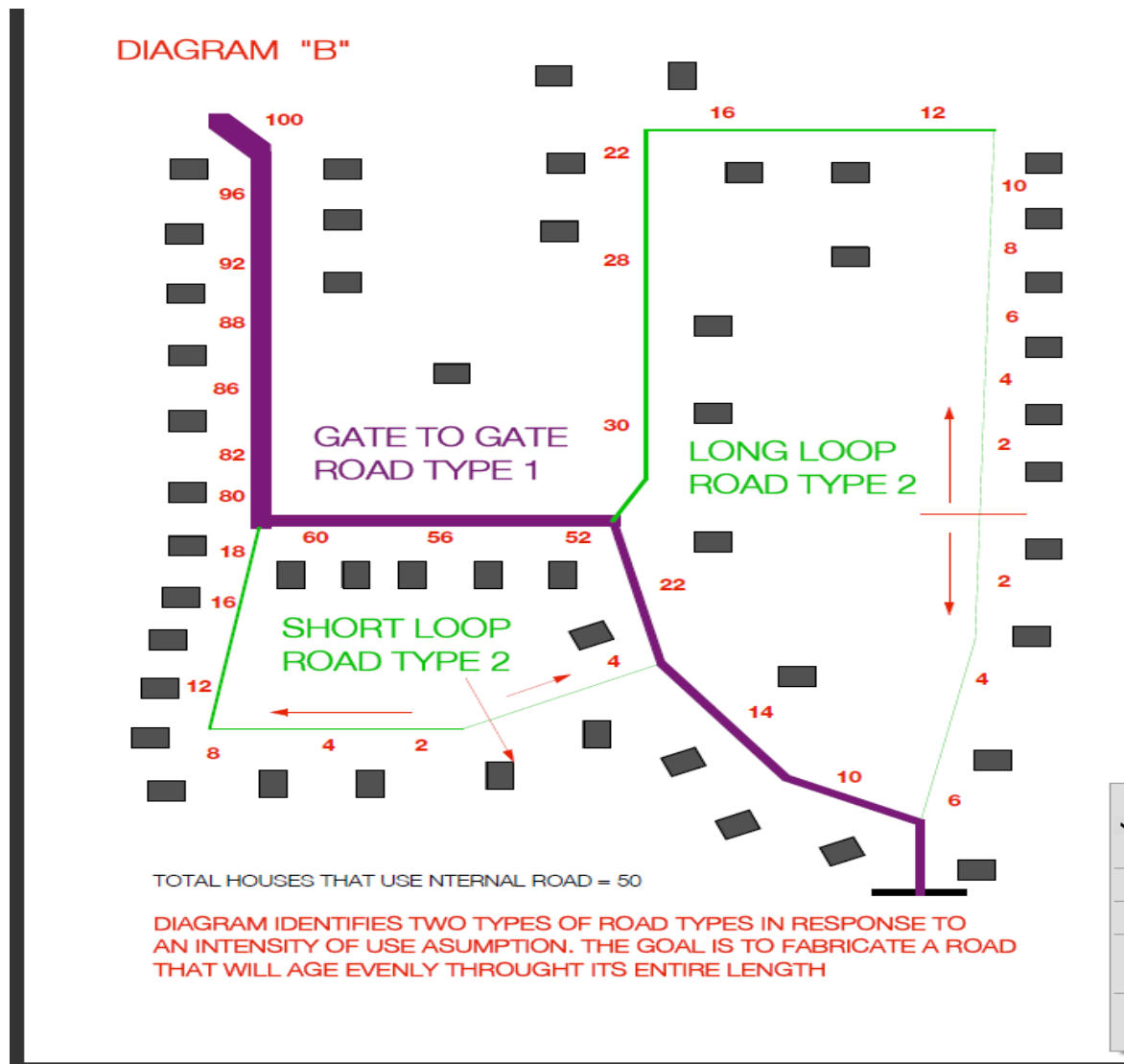


TOTAL HOUSES THAT USE INTERNAL ROAD = 50

CAR USE

RELATIVE USE OF OF PARTS OF ROAD DUE TO LOCATION

ASUMES 2 TRIPS PER DAY PER HOUSE = $2 \times 50 = 100$ TRIPS AT NORTH GATE PER DAY
SOUTH GATE CLOSED



Bernard Watt Diagram B

Karen Whitewood

Hi

Despite being on two committees which have doubts about proceeding with the road, I am very much in favour of proceeding as quickly as possible to build a safe durable road which respects the unique area of Wychwood Park. I realize that virtually any road will disturb some of the "flora", and I believe that is an important consideration. I also value our Historical designation, but I also believe that Wychwood Park is a living area and not a museum where mummies are preserved. Therefore, I believe we need to meet the needs of the area for 2011 and the future, not for the horse and buggy era. This would include first and foremost, a road which is safe for vehicle traffic (including emergency vehicles) and is safe for pedestrians, bicyclists, skate boarders (we may not want them using the road but they will use it, and we need to be aware of that probability.)

We want to encourage the users of the road to be careful and considerate including watching out for pedestrians and children if they are driving, and watching for traffic if they are walking. That certainly includes driving slowly, which would mean designing the road to make traffic drive slowly, and carefully.

It is also important to incorporate drains etc. so that the water going into the pond will not be toxic. Consideration needs to be made to shore up the area around the pond, as the road is shifting into the pond.

I appreciate your taking on this thankless job. It is of great importance to the Park

Karen

Elizabeth Wilton & Ken Myhr

To Marc Giacomelli and Michael Hirsh:

1. As a first step in the new process, we call for a full and proper assessment of the condition of the current road by appropriate professionals (presumably a Road/Civil Engineer). This should be the starting point of any further discussion about the road. Residents should see reports regarding the current state of the road e.g. maintenance costs over the last several years and an analysis of the long-term feasibility of continuing to patch the road. So far, the community has not been given factual reasons for re-building the road. We, ourselves, have no trouble navigating the road by car, foot or bicycle. We have observed that each day an individual in a wheelchair easily circles the Park as does another who uses a walker. I, myself, use the road (Liz) for running and find it no worse (and sometimes better) than many city roads and pathways that I use. Are we undertaking this project for safety reasons, for aesthetic reasons, or for some other reason? The community needs solid information before we move forward.
2. We have noticed in the last few years that the road is no longer patched promptly which has led to greater deterioration. In recent months, it would seem that the road is no longer being patched. We urge the Road Review Committee to advise the Trustees that they should continue to patch the road until its future is decided.
3. We believe that any repair to the road or the construction of a new road surface should be undertaken only if it does not damage the trees (roots, trunks, branches) in Wychwood Park. It is unacceptable, in this remarkable Heritage area, to consider any type of road plan that will damage trees. Wychwood Park should be setting the gold standard for the care and treatment of the Urban Forest in Toronto. Wychwood Park should not be asking the City to loosen tree care regulations in order to expedite the process of road construction in Wychwood Park (as with the current "Tar and Chip" plan). The Park's arborist, Ian Bruce, should be asked to share his thoughts with the community on what sort of road would be best for our trees. He has not been asked to do this publicly by our current leadership. Thus far, Ian Bruce has only been asked to comment on how he will try to mitigate potential damage to the trees on the road proposals that have been brought to him by Ian MacDonald and the Trustees. As we move forward, Ian Bruce should work closely with a Road Engineer to come up with the best option for our road and our forest. We are bound by our Heritage District Plan to protect these trees. Also, it is our forest that adds value to our homes and to our general enjoyment of Wychwood Park.
4. If it is determined by a Civil Engineer and by the community that major road repair must be undertaken (for safety reasons) then several options must be presented to residents. Information should be circulated to residents well before (we would suggest 4 weeks) a General Meeting is called. Residents should be encouraged to discuss this information. The circulated material should present several options for the road surface and should include a table wherein each proposal is compared under the same criteria such as: construction costs, durability, damage to trees, and long-term maintenance costs. This table should be prepared by the Consultants (Arborist, Engineer and anyone else who becomes involved with the project) and not by Wychwood Park community leaders. Any Consultants' reports gathered to create these options should be made freely available to the community. The community must have ample time to discuss these options and have a meaningful way of contributing their ideas. We must work towards building a consensus within the community around the road issue.

5. Any proposed changes to the size/shape of the road should be developed in conjunction with a designer or appropriate consultant as well as community members. We need to consider use patterns, traffic calming measures, safety and environmental issues. Any changes to the current road configuration should be approved by the community at a General Meeting.

6. Any type of work on the road should be considered within the larger ecological and historical context of Wychwood Park. Any landscape changes should be developed with appropriate Committees and plans for planting should be made at the same time that the road plan is developed. These plans should be approved by the community.

7. The Pond/Ravine needs to be a central consideration when planning any type of roadworks. Protection plans should be developed with relevant Committees and an appropriate ecological consultant. Also, plans for enhancing the Pond/Ravine area (including exploring fence options) should be developed alongside any road plans.

8. Different ways of financing road repair should be considered and presented to the community for discussion and approval. Ideally, financial plans should be considered with all households and income levels in mind so that no homeowner has to self-identify as “not being able to pay” unless extreme or unusual circumstances arise. One possible option, should repair costs be high, would be to set a date in the future for roadworks and collect a reasonable sum each year from residents to go towards the project. The road project would be undertaken once the money has been collected. The annual fee for the roadwork would be decided by the community. This is an approach used by many private clubs for capital works projects.

9. Individual homeowners should be informed, in writing, of the cost to their household of each proposed road plan. Homeowners should not be asked to approve an overall road budget without also knowing how much their household must pay.

Thank you for your time and attention to this matter.

Sincerely,

Elizabeth Wilton and Ken Myhr
26 Wychwood Park

Wychwood Park Heritage Advisory Committee

WPHAC has been involved throughout the process of determining the best approach to road refurbishment, including procedural, tectonic and aesthetic considerations.

WPHAC has provided ongoing input regarding design changes that can be accomplished with the refurbishment, changes that will render the character of the road more in keeping with the heritage character of the Park, ensuring that the road retains a natural feeling rather than a hard urban or suburban character. This includes narrowing the paved area in appropriate areas, and extending landscaped areas along the road's edge, a move that will increase the permeable planting areas and contribute to traffic calming.

WPHAC is of course concerned that mature trees near the road are not threatened in any way by the road refurbishment project. WPHAC is satisfied that the analysis undertaken by the Park's arborist, Ian Bruce, and the strategy he has proposed to safeguard trees near the road (including having personnel on-site when construction approaches an area identified as requiring special care and hand removal of the existing pavement near such trees) provides the highest degree of certainty that the trees will be protected and are not in any way endangered. Our faith in the proposed protocols designed to ensure the well being of our trees was reinforced by the support of Norman Defraeye, head of Urban Forestry at the City of Toronto, who on the basis of his confidence in the Bruce proposal agreed to streamline his requirements for both the bureaucratic process requirements and certain elements of construction hoarding that would normally be required.

For these reasons, WPHAC is satisfied that the design and implementation of the road refurbishment project as proposed are in the best interests of the Park's heritage character, and accordingly supports the full implementation of the road refurbishment project.



Ian MacDonald, WPHAC Chair

WPHAC Minority Report - Elaine Waisglass

To the Road Review Committee, Wychwood Park
By Elaine Waisglass,
Ratepayers Association representative To WPHAC

It is with disappointment that I must submit a Minority Report as the WPHAC member who represents the Ratepayers Association .

That's because WPHAC submission chose not to include a significant piece of information that I presented at the last WPHAC meeting.

The report says, "WPHAC is satisfied that the analysis undertaken by the Park's arborist, Ian Bruce, and the strategy he has proposed to safeguard trees near the road (including having personnel on-site when construction approaches an area identified as requiring special care and hand removal of the existing pavement near such trees) provides the highest degree of certainty that the trees will be protected and are not in any way endangered. "

What the WPHAC submission does not say is that Ian Bruce prefers a different scenario: keeping the old road and fixing the potholes.

I know this because Ian Bruce told that to me in a long telephone conversation which we followed up with several emails.

One of the many good reasons for Mr. Bruce's preference for keeping the old road is the potential for tree damage from road construction (even with mitigating preservation methods) can stress a tree which can lead to the tree's death.

It is clear from my conversation with Mr. Bruce that the fundamental flaw in the road development process was not requesting his recommendation for a scenario that would be ideal for the existing forest. Instead the assumption that a new, intrusive road would be built led to soliciting his advice as to how to minimize the inevitable tree damage of that new road. It is important when deciding on what project we are prepared to endorse, to understand our priorities. I believe that our number one priority is the maintenance and preservation of our forest. Wychwood Park is a forest first with a road in it. The road, while important, is secondary to the forest.

Here is a summary of what Mr. Bruce told me:

1. The latest road project (that is, construction plus tree protection) is not the best scenario for the trees.
2. The road project organizers never asked him for an ideal scenario for trees. Instead he was asked to prepare a plan to protect trees from construction damage. He said he had the impression that different scenarios would not be considered or discussed.
3. The ideal scenario for trees is keeping the existing surface and repairing potholes which would probably result in the least potential impact to the existing trees along the road. (Ian Bruce noted that he is not a road maintenance expert or a road builder and that we should seek professional advice on how to maintain the existing road for both the immediate and distant future.)
4. Create a tree care budget.

5. Set priorities in the following order:

A) Our first priority should be mitigating tree risk and maintaining tree safety. That would include, eliminating the road construction plan, keeping the existing road, simply repairing potholes promptly (to prevent tree roots from growing into them in search of oxygen), pruning deadwood to promote the best possible health and structure.

B) Our second priority should be planting young trees as an investment for our young generation's future

C) Our third priority should be a plant monitoring programme to identify and treat serious insect and disease attacks

6. Prevent future road construction that requires protective tree preservation measures because accidental root damage can stress a tree, drain its energy, disrupt or block life processes causing them to operate near the limits for which the tree was genetically programmed. Ian Bruce explained that stress caused by damage is technically how root damage can eventually result in a tree's death.

7. Fix potholes immediately to prevent the surrounding area from deteriorating rapidly.

8. Plant many young trees as an investment for our young generation's future.

9. Although the District Plan and Urban Forestry do permit construction under certain circumstances with tree protection measures, there are no guarantees that the protection measures will work any more than a surgeon can guarantee the outcome of an operation. Unintended injuries to trees and bark can take place during the use of construction equipment and hand tools.

10. It is best not to lift asphalt near a tree because tree roots may be closer to the surface than expected and even a small injury can stress a tree.

As a WPHAC member I have a responsibility to preserve the forest, as required by the District Plan described in the Green and Yellow Books. Much of Wychwood Park's character is due to the heritage forest whose preservation is of greater importance than a newly constructed road.

My recommendation to the Road Review Committee is that it unanimously accepts the Ratepayers Report to the Road Review Committee because it is in fact what our arborist recommends.

I have included research material supporting the position that construction is the greatest cause of tree death – even with the best use of mitigating preservation methods.

Yours truly,

Elaine Waisglass

EXHIBIT A WPHAC SUBMISSION:

Please see the original WPHAC submission to the Road Review above.

EXHIBIT B RATEPAYERS' SUBMISSION:

Please see the original WPRAs submission to the Road Review below.

EXHIBIT C: RESEARCH

I have gathered scholarly articles from various universities, government tree experts from other cities and countries, and non-profit associations and organizations, and professional arborists about the way construction can kill trees – regardless of heroic efforts to reduce the impact. Here are some highlights.

University of Minnesota

- Approximately half of a tree's roots is in the top one foot of soil.
- Approximately 90 to 95 % of a tree's root system is in the top three feet of soil.
- Trees can be damaged or killed by a wide variety of construction activities.
- The worst damage however often remains hidden underground. Roots are one of the most vital parts of a tree.
- Trees are never the same shape below ground as they are above, so it is difficult to predict the length or location of their roots.

Illinois Arborist Association

- Construction damage is one of the most common causes of tree death.
- Severing of one major root can cause 15-25% loss of root system.
- If trees are damaged, most often the tree will not show symptoms of decline until three to five years later.
- The tree protection zone drip line method is calculated as follows: Drip line distance x 1.5 = protection zone radii
- The tree protection zone trunk diameter method is calculated as follows: trunk diameter measured in inches at 54" above the soil line x 1.5 feet per inch = protection zone
- Raising the grade smothers the roots and alters the drainage pattern.
- Sensitive trees such as oaks cannot withstand an added 2 to 3 " of soil.
- For groups of trees: removing the outer trees in turn changes the inner trees ecosystem. They are now exposed to wind and direct sunlight.

Berkelhammer Tree Experts, Colorado

- Most construction damage to trees involves roots,
 - Most tree roots are found in the top foot of soil,
 - Most tree roots extend out beyond the 'drip line',
 - Injury to roots,... reduces a tree's ability to absorb water, oxygen and other vital elements ...
- Trees become stressed and thus more susceptible to harmful insects ,and disease. They often die as a result of such damage.

City of Los Angeles Department of Recreation and Parks

- There can be hundreds of roots in a cubic inch of soil – thus any removal of soil or root severance forces a tree to compromise its physiological processes to sustain the loss.
- The ability of an arborist to cure construction injury is very limited, so the focus of preservation efforts is the prevention of damage.

University of Tennessee

- Eighty-five percent of a tree's root system is within 18 inches of the surface.
- Trees can be damaged by physical wounds... such as a wound to a trunk or limb that is broken ... wounds to the roots caused by trenching, grading, digging ... Environmental changes such as adding fill dirt, paving, or compacting the soil can kill a tree over time,
- Removing unwanted trees exposes remaining trees to wind or sun-scalding,

University of Missouri-Columbia, Department of Horticulture

- Careless movement of construction equipment causes wounds to trees. Large wounds cause stress that will not readily seal off and will allow decay to begin
- Below ground, root damage is common from excavation and grade changes. Roots may be torn ... opening wounds for disease organisms to enter.
- Fine, absorbing roots are lost by topsoil removal
- Trees around older established homes suffer from construction damage too. Remodeling projects, sidewalk replacement, landscaping projects or utility work may cause injury to trees.

Insufficient understanding of how killing trees impacts property value

Illinois Arborist Association

- Home buyers will pay more for homes with trees

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<http://webcache.googleusercontent.com/search?q=cache:khTndRKydLwJ:www.uwsp.edu/cnr/forestry/faculty/hauer/webpage.aspx+SCHOLARLY+ARTICLES+ON+PREVENTING+CONSTRUCTION+DAMAGE+TO+TREES&cd=7&hl=en&ct=clnk&gl=ca&client=safari&source=www.google.ca>>

<http://webcache.googleusercontent.com/search?q=cache:khTndRKydLwJ:www.uwsp.edu/cnr/forestry/faculty/hauer/webpage.aspx+SCHOLARLY+ARTICLES+ON+PREVENTING+CONSTRUCTION+DAMAGE+TO+TREES&cd=7&hl=en&ct=clnk&gl=ca&client=safari&source=www.google.ca>>

WYCHWOOD PARK HISTORICAL SOCIETY

Response to the Wychwood Park Trustees' Road Advisory Committee

The response of the Wychwood Park Historical Society is based on our mandate to preserve the historical aspects of Wychwood Park which includes natural and historical elements of the Park. Specifically, WPHS objects include:

1. To preserve features of significant natural, architectural, historical or archaeological interest; and
2. To encourage and promote the conservation, protection, and preservation of Wychwood Park.

As a charitable organization, WPHS also has the ability to give charitable tax receipts to people who donate money to WPHS that WPHS can then use for WPHS-approved projects.

Recently WPHS reached the decision that tax receipts could be given to projects that include restoration and heritage preservation of Trustee-held common land with the most important elements being the forest, the pond area, or the road providing the restoration plan meets the requirements of Revenue Canada and the heritage preservation standards as defined by WPHS and government heritage plans. It was decided that repaving is a project that the Society could potentially issue charitable receipts subject to proper research and documentation on the impact on the Park, landscape, visual focal point, traffic flow, and history. Also, WPHS could potentially issue receipts for funds received for the purpose of preserving, improving, and beautifying the natural features adjacent to and within view of the Wychwood Park road, including the planting and maintenance of trees, shrubs, and flowers; and dealing with the landscape of Wychwood Park in its historical context as inspired by the vision of William Morris and the Arts & Crafts movement, all subject to conducting proper research and evaluating relevant documentation. Proposed projects would each receive consideration and evaluation by WPHS.

Unlike roads in other areas, the road of Wychwood Park has been built in response to the needs of the Park residents. In other areas the roads were built first and the housing and landscape was developed around them. The Park road came about largely as a means for residents to see each other and for access to and from the Park. These, along with access for emergency vehicles, continue to be the rationale for the road. It is therefore important that in redevelopment of the road, that we take this account when deciding how we wish to improve the road. The issue of safety; including the surface, the width, and especially the threat of the road falling into the pond; is of primary concern.

The element of the "forest" is more complicated. Wychwood Park was named after Wychwood Forest near where Marmaduke Matthews came from in England. He was a follower of William Morris and the Arts and Crafts movement in which trees and other forest elements are near the road making houses less visible. His views and those of the architect Eden Smith are largely responsible for the preservation the unique forest elements in Wychwood Park. In the building of the road, the trees took precedence as is evidenced by the "Iconic Tree" and the oak in front of #46 where the road went around the trees.

When the need to preserve on element of the Park conflicts with another, it is a difficult dilemma. However, the Yellow Book provides some guidance:

"The numerous large trees of Wychwood Park are in a unique and essential component of the Park-like environment. Special effort should be taken to maintain them in good condition. Significant trees should not be removed unless shown to have become a major hazard. During construction or landscaping, special measures should be taken to prevent damage to all trees on Park Reserves, and on adjoining property"

“The preservation, as much as is practicable, of the existing road configuration, surfaces, edging, curb and right-of-way is important. It is recognized that the roads do not meet municipal standards and that there may be pressure to ‘improve’ them. The roads as they now exist are an essential part of the visual, social and circulation character of the Park and should be maintained. Adoption of municipal engineering standards would destroy this character.”

Our interpretation of the foregoing passages is that the preservation of the forest elements of the Park is a priority. While the road is an important element that requires preservation, there are specific changes to the road that are discouraged. On the other hand, the importance of trees is repeatedly referenced in the Yellow Book, with exhortations that special effort is required in their care and preservation.

A report by the respected arborist, Ian Bruce, has identified over 60 mature trees could be injured due to road construction. In addition to mature trees there are a number of smaller trees that could also be injured. Given the serious issues raised by Ian Bruce related to the impact of road construction on Park trees, and an apparent lack of certainty concerning the number of trees that may be injured, it is our view that every possible measure should be taken to protect the Park’s trees, subject only to safety concerns. The loss of any mature tree detracts from the nature of Wychwood Park. Even removing asphalt from the root system of the trees that have been covered could endanger those trees. Any work on the road should be necessary for its preservation and should take special effort to avoid any injury to trees and other forest elements.

The pond is very much a part of the Arts and Crafts Movement and other examples of ponds influenced by the English Arts and Crafts Movement should be considered. However, while that in itself is not a part of the mandate of your committee, the runoff of the road has a major impact on the pond. WPHS understands that the pond needs more water to make it viable, and proper drainage from the road could provide some of it. It is also urgent that the design of the road solves the problem of the increasing erosion on the pond’s east side. These are examples of the overlapping and integrated elements of preservation that WPHS recommends be taken into account in any consideration of the road.

The Wychwood Park Historical Society agrees that the Park road needs work to preserve it as an integral element of the Park and to make it more attractive and safe. However, it should not be done at the expense of the unique elements that make Wychwood Park the special place it is. We recommend seeking a preservation plan that, ideally, would not damage trees, particularly mature red and white oaks. To the extent that (i) road work is necessary to preserve the road and to prevent the degradation of the road itself jeopardizing other important Park elements such as trees and pond, and (ii) such work risks damaging trees or other important Park elements, special mitigative measures must be part of the plan.

WPHS

Wychwood Park Ratepayers Association

Resolution passed at a meeting of the Executive of the Wychwood Park Ratepayers Association, June 15, 2011

Whereas one of the primary objectives of the WPRA is the enhancement of the value of Wychwood Park property

And Whereas any change to the Wychwood Park Road will have an impact on the value of Wychwood Park property

And Whereas the Wychwood Park urban forest is of inestimable value and the cost of removal of dead trees is significant.

And Whereas the value of the Park Road to Wychwood Park is more than its appearance.

And Whereas the Forest, the Park Road, the Pond, the sensitivity of its architecture, and the People of Wychwood Park are bound together as physical attributes of an environment that is more than the sum of its parts.

And Whereas the trees of Wychwood Park, its unique feature, are strong yet so fragile they could be irreparably damaged by construction (see Fact Sheet attached)

And Whereas the Park Road is a multipurpose road used by pedestrians, cyclists large and small, children playing, people meeting other people, as well as by automobiles and emergency vehicles.

And Whereas the Park Road is a focus of the Wychwood Park community like a community square or piazza. It functions as the regular daily meeting place of Park residents and users to the degree that without the road there would be no community.

And Whereas the Pond and Stream now have inadequate sources of water from the Taddle Creek intake pipe

And whereas the Park Road is in need of repair

Be it Resolved That:

1. The Park Road should be fixed in areas where damage to trees is not an issue.
2. Any construction of the Park Road should result in zero damage to trees.
3. The Park Road should have a smooth enough surface for safety of walking and driving yet it should continue to be variable in width and texture.
4. Speeding of automobiles should be strongly discouraged, not only by regulation but by elements or features that decrease speed.

5. Drainage around the pond should be included as a priority in any road repair
6. Parking on the road by owners and staff should be discouraged. (But not parking for guests)
7. Any proposed change to Wychwood Park that would affect the value of its property must involve consultation with its stakeholders, as attached.

Consultation with Stakeholders

1. A consultation timeline with fixed dates for input, feedback, meeting and voting be established and circulated before the consultation begins.
2. The scope of consultation be determined and announced
3. Stakeholders to include.
Owners
WPHAC,
Wychwood Park Historical Society,
the Tree Committee,
the Pond Committee
4. A collar amount for a budget to be defined up front. Each household should know at the outset what the range of expenditure they are expected to be responsible for is and should be canvassed for buy-in, recognizing that as property owners within Wychwood Park we all benefit financially from our association with the park, and should therefore contribute to its beautification and maintenance.

WPRA Fact Sheet Attachment Follows (2 pages)

FACT SHEET

FACT

Heritage forest

The forest is a major feature of Wychwood Park's character.

FACT

Location of forest

Most of Wychwood Park's forest is near the road.

FACT

Forest life span

Oak trees can live 1000 years with proper care.

FACT

Construction often kills trees

- Construction damage is one of the most common causes of tree death.
- Injury to roots reduces a tree's ability to absorb water, oxygen and other vital elements. Trees become stressed and thus more susceptible to harmful insects and disease. They often die as a result of such damage.
- Damaged trees don't usually show symptoms of decline until three to five years later.
- Torn roots allow disease organisms to enter.
- Adding topsoil or paving smothers roots.
- Sensitive trees such as oaks cannot withstand an added 2 to 3 " of soil.
- Careless movement of construction equipment often wounds tree trunks and limbs. Large wounds do not readily seal off and decay begins.

FACT

Limits to arborists' abilities

The ability of an arborist to cure construction injury is very limited so the best form of preservation is the prevention of damage.

FACT

Root damage

- Most construction damage to trees involves roots
 - Severing of one major root can cause 15-25% loss of root system.
 - Roots are one of the most vital parts of a tree.
 - Approximately half of a tree's roots is in the top one foot of soil.
 - Eighty-five percent of a tree's root system is within 18 inches of the surface.
-

- Approximately 90 to 95 % of a tree's root system is in the top three feet of soil.
- There can be hundreds of roots in a cubic inch of soil – thus any removal of soil or root severance forces a tree to compromise its physiological processes to sustain the loss.

FACT

Protection zone

- Most tree roots extend out beyond the 'drip line'
 - The tree protection zone drip line method is calculated as follows: Drip line distance x 1.5 = protection zone radius
 - The tree protection zone trunk diameter method is calculated as follows: trunk diameter measured in inches at 54" above the soil line x 1.5 feet per inch = protection zone
 - Trees are never the same shape below ground as they are above, so it is difficult to predict the length or location of their roots.
-

Roger Dent & Libby Znaimer

Gentlemen:

In response to your suggestion about gowns and hats, I would like to recommend this hat.



Roger

In Reply

We were thinking more like the attached Venetian Doge look.



Marc & Michael

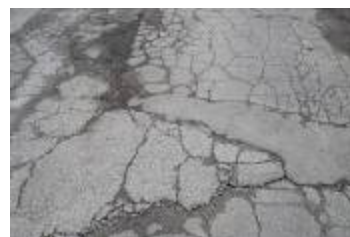
Libby Znaimer's Reply

How about a BBQ with hotdogs to release the results of the review and a vote for hat choice!

Libby

APPENDIX III: Photo Reference

Wychwood Park



Bayview Woods



St. Albans



Robinwood, Forest Hill



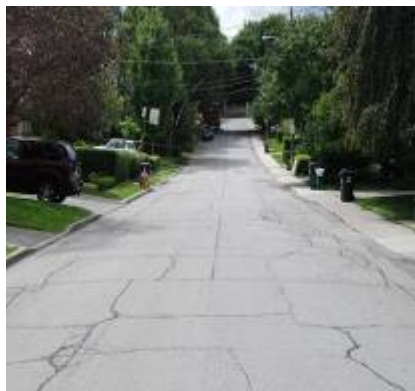
Post Road



Tar & Chip? Or ?



Peverill Hill Area, Bathurst & Eglinton



Onteora NY (George Reid / Arts & Craft)



Onteora

