

**From:** Randall Jacob [<mailto:ranjacob@umich.edu>]  
**Sent:** Thursday, February 11, 2016 4:01 AM  
**To:** Thacher, Jill  
**Cc:** Gray, Kerry  
**Subject:** RE: 529 Sixth Street Landmark Tree Removal/Issuance of a Notice to Proceed

Dear Historic District Commission members,

Some of the questions and discussions that follow may seem problematic. The answers to them involve different levels of responsibility among City Council, the owners, the architect, the Planning Commission, the HDC, and the city's forestry department. However, they concern matters that are relevant to the decision that the HDC will have to make. This tree is huge and so are the issues attached to it! The decision on this case may serve as a precedent for a general further weakening of the Historic District Commission's effectiveness concerning the landmark tree rules and guidelines, especially because of two important reasons: First, the city does not yet have a general landmark tree ordinance that is effective beyond historic districts, and this decision may influence city forestry policy in that regard. Second, the State government itself is in the process of trying to weaken or destroy the whole premise of a community's right to designate areas of a geographic jurisdiction as historic districts. We should not be assisting them in this process, especially considering the very malleability of the various components of the concept of historic preservation.

Here are some questions that may not have been considered, up to this point:

1) Was the Waugh's daughter diagnosed with severe nut allergies prior to the Waugh's purchase of 529 Sixth Street?

According to the letter submitted to the Historic District Commission, the Waugh's state that, "When we purchased the house, we did not realize that the tree on the south side of our house was a black walnut tree as it was not the fruiting season at that time and we are not very educated in identification of tree species." This statement may be problematic for two reasons. First, in order for the realization to have importance as fact, it would appear that they already had a diagnosis of severe allergy before they bought the house. Second, from what photographs and diagrams have shown of the yard, there are only two trees at the front of the house and one tree in the back side yard, and that tree you cannot miss for its massive, century-old habit (but which is barely middle-aged for a walnut, as they have been known to live to 200-250 years of age!). It is possible, but is it really probable that a family with a child who has a severe allergy to nuts would not have asked that first question that many of us ask during the process of purchasing a property: "What is THAT tree?", if we didn't know in the first place?

2) Would the Waugh's have bought this house if the tree was in an adjoining neighbor's yard?

It seems ironic that if this particular walnut tree was just a few feet over into the next door neighbor's yard, instead of being near to or perhaps straddling the property line, the Waugh's would have had to 'live with' that fact if they chose to buy this house. Walnuts are carried between yards by industrious squirrels. Are there also walnut trees in other adjoining or nearby

yards? It is a fact of life in Ann Arbor: From the old city limits around Seventh Street all across the city through the Northeast side, walnuts were present, or planted, in the old family farms and associated woodlots that made up what was to become Ann Arbor, in abundance. You cannot live in Ann Arbor without encountering walnut trees. It is part of our culture.

3) Why didn't the Waughs appeal immediately following that first fall season in their house? Why did they wait almost two years before bringing this up? How did their child manage with black walnut in the yard as a six or seven year old? The Waugh's daughter is currently 8 years old and it would seem that education on the part of her parents and doctor should be sufficient for her to take part in her own protection regarding the nuts.

4) Did the Waughs receive any advice from their architect regarding the nature of the decision-making process?

5) The Waughs expressed concern about walnuts on their deck. The architectural plans show rafters over the deck area and screening over the rafters. It appears the architect was designing with the idea of keeping walnuts off the deck. Was the screening installed? If so, green walnuts first coming off the tree would simply roll off the roof. Our experience, being surrounded by walnuts and their dropping on our roof, in our yard, on brick pavers and cement driveway, is that they land intact, and it is only after they have decayed for awhile or been carried off by squirrels that the outer husks are penetrated. In addition, in our neighborhood, walnut trees do not drop their fruits during "most of the summer and all of the fall"; they largely drop in late September and into the fall through October, a much shorter period of time.

6) A very simple solution to the problem of cleaning yards of newly fallen green husks is to use a 'Nut Wizard' or similar device, which is a rolling wire basket with attached handle. The Wizard is rolled over the walnut husks and captures them inside the wire basket. Manufacturers even make one now that has a release mechanism on the handle that allows for emptying the basket without touching the husks. They are priced in the 30 to 50 dollar range and weigh approximately four pounds.

7) The tough part for humans is actually getting to the nut inside the inner shell. A commenter online joked that, "You will likely need a three-pound sledge and a concrete block to crack the shells!" Another commented that the only way he could get to the nut was to crush the shell surrounding the nut in a vise. In my experience, squirrels, in time, peel off the outer green husks and then bury the inner hard shell protecting the nut until they need to access their food supply during the winter.

8) Those of us who live with walnut surroundings have learned to accommodate our plantings with the reality of juglone, the chemical walnut trees release through the roots and, to a lesser extent, the leaves and fruits. If gardening limitations seem problematic to the Waughs, the community could give them several options for planting methods for plants like vegetables or flowers that do not like juglone and/or to recommend plants that do quite well in spite of juglone.

9) The Waughs might not know - we certainly didn't for a long time! - that walnut trees, because of their deep tap roots, conduct lightning into the ground, rather than onto the high points of adjacent buildings. This is why you will find farms all over this country with an old walnut tree planted next to the barn or an old farmhouse. Having a walnut in the vicinity of a house, with the dangerous lightning we have increasingly experienced with climate change over the last few years, is one of the real advantages of having and preserving black walnut trees.

10) Finally, administratively, I would like to inform the HDC, and remind city forestry members, that some of us did, at least 5 years ago while on the forestry advisory committee, suggest providing potential homebuyers with information up front about city tree policy in the disclosure statements that are required of sellers today. It could additionally include a simple sentence encouraging or reminding prospective buyers to ask questions if there are any extenuating circumstances regarding the outside environment.

In summary, I cannot support any decision requiring the cutting down of this majestic, historic black walnut tree.

Ann Lund  
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