

Additional Information



Attn:
Karen DeMaria
Urban Forestry Manager
Tree Commission
P.O. Box 1409
Key West, FL 33040

Dear Ms. DeMaria,

We are in receipt of your letter dated July 8, 2020 in reference of the two (2) Gumbo Limbo Trees located at 1909 Venetia Street (Marty's Place) that were impacted during demolition and construction.

During construction, we provided tree protection to these two Gumbo Limbos. However, the protection provided did not prevent the trees from getting damaged. In most cases, the tree protection was run over by multiple subcontractors. Unfortunately, this led to irreversible damage to the trees. We have enclosed photos showing that we did in fact try our best to protect the trees.

We, Marino Construction Group, accept full liability for the damaged trees since it was our responsibility to protect them and oversee the entirety of the project. We took full measures (including expenses) to replace the damaged trees based upon your recommendations. If you have any questions or if you would like to discuss this matter further, please feel free to contact me via email or my cell listed below.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Persaud", is enclosed within a blue oval.

Matt Persaud
Director of Construction
Marino Construction Group, Inc.
7025 Shrimp Road, Suite 2E
Key West, FL 33040
305.740.7044
mpersaud@marino-construction.com





Karen DeMaria

From: Karen DeMaria
Sent: Wednesday, July 8, 2020 12:57 PM
To: Patrick Ortega; Matt Persaud
Cc: Scott Pridgen; John Guy; Louis Perez, Jr.; Albert Martinez; cynthia domenech-coogle
Subject: 1909 Venetia Tree Commission Enforcement Case
Attachments: 1909 Venetia Warning Admin.pdf

Patrick and Matt:

Attached is a copy of a letter being sent to Marino Construction and Charley Toppino regarding the demo and construction work at Marty's Place (1909 Venetia Street). The demo and construction permits were issued to Charley Toppino and Sons and I am aware that Marino Construction has been doing all the on site management of the work.

Once City Management allows for meetings to be held in the Commission Chambers at City Hall, an Administrative Hearing will be held in front of the Tree Commission to resolve this issue. Since the required tree replacements have been incorporated into the updated landscape plan, the Tree Commission will probably issue a fine against the construction companies involved in the tree abuse allegation and the lack of properly installed and maintained tree protection.

Sincerely,

Karen

Karen DeMaria
Urban Forestry Manager
Certified Arborist FL# 6585A
City of Key West Planning Department
1300 White Street, Key West, FL 33040
305-809-3768





THE CITY OF KEY WEST
Tree Commission
P.O. BOX 1409
Key West, FL 33041-1409

July 8, 2020

Marino Construction Group
1114 White Street
Key West, FL 33040

Charley Toppino and Sons, Inc
2011 Flagler Avenue
Key West, FL 33040

To Whom It May Concern:

It has come to my attention that work at Marty's Place, 1909 Venetia Street, had impacted two Gumbo Limbo trees during demolition and construction of the facility and violates standards set forth in the City of Key West Code of Ordinances.

Sec. 110-256. Tree abuse.

- (b) *Prohibited acts.* A tree shall be considered abused if a person takes an action so that one of the following occurs:
- (1) Significant damage has been inflicted upon any part of a tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.
 - (2) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.

Sec. 110-366. Protective barricades; performance bond.

All trees on a site shall be protectively barricaded before and during construction activities. The minimum barricading shall be subject to review by the Urban Forestry Manager.

Sec. 110-368. Failure to comply.

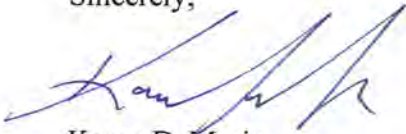
Any owner, tenant, contractor or agent thereof who fails to provide tree protection as stated in this division shall be guilty of tree abuse.

Two Gumbo Limbo trees, one that was to remain in place and one that was to be transplanted, were not protected during demolition and construction of the site. Gumbo Limbo tree #102, a canopy tree that was to remain in place, was not protected during demolition and site grading and severe damage was done to the primary root system. During construction, proper tree protection was not installed nor maintained.

Gumbo Limbo tree #56, a canopy tree to be transplanted, was not properly transplanted and the tree sat on the ground with no to minimal care then planted in a new location. During construction, proper tree protection was not installed nor maintained.

At this time, I am not sure who is directly at fault for the abuse done to these two gumbo limbo trees which directly lead to their death. Please contact my office so that we can discuss further enforcement proceedings. Once City Management allows boards and commissions to again meet in the Commission Chambers, an Administrative Hearing will be held in front of the Tree Commission to resolve this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Karen DeMaria', is written over a horizontal line.

Karen DeMaria
Urban Forestry Manager
305-809-3768
kdemaria@cityofkeywest-fl.gov

cc: Blue Native of the Florida Keys, Inc
A.H. Monroe County
Cynthia's Blue Palms

Karen DeMaria

From: cynthia domenech-coogle <cynthiasbluepalms@gmail.com>
Sent: Monday, April 13, 2020 10:03 AM
To: Karen DeMaria; crivera@marino-construction.com; Scott Pridgen; John Guy
Subject: Marty's Place Transplant Gumbo Limbo #102
Attachments: IMG_5289.jpg; IMG_6062.jpg; IMG_6066.jpg; IMG_6067.jpg; IMG_6069.jpg; IMG_6070.jpg; IMG_6071.jpg

Hi Karen,

Following is information concerning Gumbo Limbo #102.

As is clearly visible the tree is dead and decaying from rampant fungal growth throughout the trunk. No live branches or leaves are evident. Fungal development is normally a secondary effect of a stressed tree. This Gumbo Limbo was to remain in place and protected with barricades prior to any demolition. However it was not protected. During site demolition, clearing and grading the tree was damaged; support roots were ripped away, soil compacted and trunk damaged by mechanical equipment. A later attempt at barricading was made but not properly installed nor maintained. The orange fencing can be seen partially buried and scaffolding supported by the tree trunk. In my opinion repair is not feasible; replacement is only option.









Karen DeMaria

From: cynthia domenech-coogle <cynthiasbluepalms@gmail.com>
Sent: Monday, April 13, 2020 9:30 AM
To: Karen DeMaria; crivera@marino-construction.com; Scott Pridgen; John Guy
Subject: Marty's Place Transplant Gumbo Limbo #56
Attachments: IMG_5292.jpg; IMG_5240.jpg; IMG_6075.jpg; IMG_5246.jpg; IMG_5243.jpg; IMG_6076.jpg; IMG_6074.jpg; IMG_6072.jpg

Good Morning Karen,

Following is the corrected version of Gumbo Limbo #56.

Gumbo Limbo #56.

As is clearly visible the tree is dead and decaying from rampant fungal growth throughout the trunk. No live branches or leaves are evident. Fungal development is normally a secondary effect of a stressed tree. It was relocated from the northeastern portion of the property. After demolition of buildings this tree was moved from its original site to an above ground position nearer the block wall where it remained for at least 2 weeks without irrigation and wrapped in plastic prior to planting. Also evident is the improper strapping method used in the initial moving of the tree. The main branch union is compressed, cracked and compromised. Once planted barricading was not properly installed nor maintained. As a result the surrounding soil was compacted and trunk damaged by mechanical equipment. The orange fencing can be seen partially buried. In my opinion repair is not feasible; replacement is only option.













THE CITY OF KEY WEST

1300 White Street, Key West, Florida 33040

PERMIT NUMBER

BLD2019-2830

FLOODPLAIN TEMPORARY TRAILER PERMIT

PERMIT TYPE: TEMPORARY TRAILER

Issued:

PERMIT SUB TYPE :

Expires:

Application By: MARINO CONSTRUCTION GROUP
MARINO, MICHAEL JAMES (QUALIFIER)
KEY WEST, FL 33040

On Property Of: 1909 VENETIA ST

305 359 5269

6436 2nd St
KW 33040

Scope of Work

Conditions Apply _____

Placement of temporary construction trailer for the duration of the construction project under permit #BLD2019-0818. **NOC received w/app**

WARNING TO OWNERS

YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY PRIOR TO RECORDING YOUR NOTICE OF COMMENCEMENT.

Notice: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

- This card and approved plans must be posted in a location clearly visible from the street.
- The location of construction must have posted a clearly legible address visible from the street.

PERMIT VOID IF CONSTRUCTION IS NOT STARTED WITHIN 180 DAYS.
Commercial construction allowed M-F 8:00 am – 7:00 pm, Saturday 9:00 am – 5:00 pm.

INSPECTIONS

Type _____
Approved _____ By _____
Date ____/____/____

Type _____
Approved _____ By _____
Date ____/____/____

****FINAL****
Approved _____ By _____
Date ____/____/____

Building Official:

Issued By:

Date:



THE CITY OF KEY WEST

1300 White Street, Key West, Florida 33040

FLOODPLAIN COMMERCIAL STRUCTURE NEW PERMIT

PERMIT NUMBER

BLD2019-0818

0815
demo

PERMIT TYPE: COMMERCIAL STRUCTURE
NEW

Issued: 5/28/2019

PERMIT SUB TYPE : NON HARC

Expires: 5/17/2021

Application By: CHARLEY TOPPINO AND SONS INC R
2011 FLAGLER AVE
KEY WEST, FL 33040

On Property Of:: 1909 V. VENETIA ST

Scope of Work

Construction of three story assisted living residential facility with multipurpose space and 47 residential units. Site to include trash receptacle area, bicycle scooter and vehicle parking * NOC required* PRIVATE PROVIDER**Tree permits must be followed. Transplanted trees are to be tagged. Trees to remain on site are to be tagged and protection placed around them. Approved Landscaping plan attached to file.*KKD**

NOTE: Address change after building permit application. Old address 1515 New address: 1909 Venetia St.

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INSPECTIONS

Type _____
Approved _____ By _____
Date ____/____/____

Type _____
Approved _____ By _____
Date ____/____/____

****FINAL****
Approved _____ By _____
Date ____/____/____

Building Official:

Issued By: Marybeth Barter

Date: 5/28/2019

[Handwritten signatures: "D. Stue" and "M. Barter"]