

ENVIRONMENTAL AFFAIRS
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TOWN HALL
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MEMORANDUM

TO: Conservation Commission

FROM: Mike Conklin, Director of Environmental Affairs

DATE: May 3, 2021

RE: **Staff Review of the Tree Committee's Tree Policy Manual (Draft 2/8/21) & Wilton Tree Ordinance (Draft 2/6/21)**

I have reviewed the Tree Committee's Tree Policy Manual (Draft 2/8/21). The words "Tree Committee" should be eliminated and replaced with "Conservation Commission" because the Tree Committee is a sub-committee of the Conservation Commission. I find the proposed overarching power of the Tree Warden in these documents quite concerning given there is not a clear appeal process for the Tree Warden's decisions. I offer the following additional comments:

1) Section 1-8: Tree Planting After Trees Removed for Town Projects

I find this section overly burdensome for Town Departments to have to replant trees that are removed for Town projects. This section gives the Tree Warden an extreme overarching power to determine the number of trees replanted, species, size and planting locations. Perhaps the intent was to force the Town or Public Works Department to replant a tree for each tree removed in the Town Right-of-way but this is unclear. This section should be eliminated.

2) Section 1-11: Town Tree Fall onto Private Property

I do not think this section was well thought out from a practicality stand point. The current policy dictates that if a Town-owned tree falls from one of Wilton's Town-owned open space areas onto a neighboring private property, then the private property owner is responsible for the removal of the tree from their property. Conversely, if the Town land is the recipient of a tree that falls from a private neighboring residence, then the Town is responsible for removing the fallen tree. The Town owns many miles of woodland adjacent to private property and there would be an extreme financial burden on the Town if it was responsible for all of the fallen trees that land on private property. Additionally, the Town does not do work on private property and does not hire contractors to perform work on private property. This section should be re-written to mirror the

policy explained in this paragraph with the one additional clarification that if a Town tree falls onto private property the Town will cut the tree at the property line if requested by the adjacent property owner.

3) *Section 1-14: Town/Private Trees that have Fallen into Designated Inland Wetlands and Watercourses*

The Inland Wetlands Commission does a great job of protecting Wilton's Inland Wetlands and Watercourses while following the statutory framework found in the Connecticut General Statutes. There is already a process and procedure for this matter covered under the Inland Wetlands and Watercourses Regulations. The Tree Warden should not have any jurisdiction in this matter. I will provide more information on this matter if requested. This section should be removed.

4) *Section 1-18: Permits for planting trees, shrubs, and woody vegetation on Town-owned property*

I do not think the Department of Environmental Affairs or the Conservation Commission should have to obtain a permit from the Tree Warden to plant a tree on Town land.

5) *Section 1-19: Protection of Shade Trees During Construction*

Is this section only intended for construction on public and or both public and private land? This section, especially 1-19a seems overly burdensome in many cases because it says anywhere where construction is planned, trees must be pruned. If someone is digging 100' away from the tree line in a ball field at an elementary school do they need to install tree protection fencing? What about when general care can be taken to avoid damaging trees without pruning or installing tree protection fencing? This is almost too specific for this type of policy.

6) *Section 1-20: Prohibition*

Sub-sections a & b should be modified so the Department of Environmental Affairs and the Conservation Commission is exempt from both of these sub-sections.