

Town of Wilton

TREE POLICY MANUAL – FREQUENTLY ASKED QUESTIONS

PURPOSE:

The Town of Wilton has long recognized its responsibility as a steward of its trees, including those along Town roads in the public right-of-way, in the Town forests, in Town parks and open spaces, on the grounds of public buildings, and on other Town properties. In addition to their natural, scenic and aesthetic beauty, trees offer many tangible and intangible benefits including shade, noise reduction, carbon storage, privacy and improved air quality. Trees also stabilize the soil, prevent soil erosion and flooding, and provide a natural habitat for wildlife. Given the importance the Town places on its trees, the Conservation Commission has prepared this manual in response to frequently asked questions to ensure that residents are provided with clear and consistent information regarding the Town's tree policies.

Pursuant to the authority granted under Connecticut General Statutes Chapter 451 Section 23-59, Wilton's Tree Warden maintains responsibility for the care and control of all trees and shrubs within the limits of any public road and in Wilton's Open Spaces, including Belknap Preserve, Bradley Park, Cherry Lane Park, Horseshoe Park, Olmstead Hill Farm Fields, Quarry Head State Park, Sackett Preserve, the Town Forest, Vista Road Property and Wild Duck Reserve. Two notable exceptions to this authority include (1) trees and shrubs along state highways, which are under the control of the Commissioner of Transportation, and (2) trees and shrubs on school property and at Allen's Meadows and Merwin Meadows Park, which are under the jurisdiction of Wilton's Parks and Recreation Department.

1. What system does the Tree Warden use to manage the risk of tree failure?

Reducing hazards posed by public trees is a primary responsibility of the Tree Warden. Recommendations that are made by the Tree Warden are intended to minimize or reduce hazardous conditions that may be associated with trees. However, trees inherently pose a certain degree of hazard and risk from breakage, failure or other causes and conditions. There is and can be no guarantee or certainty that efforts to correct unsafe conditions will prevent breakage or failure of a tree. The Tree Warden makes a qualitative tree risk assessment using a rating system of consequences and likelihood to determine risk levels. Under this system, trees are rated as having **"Serious Defects"** or **"Less Serious Defects"**. **"Serious Defects"** are defects which the Tree Warden has found pose an unacceptable risk of failure of the tree. The removal of the tree is therefore recommended as a high priority. **"Less Serious Defects"** are defects that have been noted by the Tree Warden but do not predispose the tree to a severe or critical risk of failure. However, these recommendations do not preclude the possible risk of tree failure, especially in the event of a storm or any other act of God.

2. How does the Tree Warden prioritize his work?

The Tree Warden assigns priorities to tree work as follows:

High Priority Tree Work (designated as priority 1) is for trees that the Tree Warden determines are hazardous to the public. Hazardous trees are defined as, *“Any tree or shrub or part thereof growing upon private or Town property which is interfering with the use of any Town property, infected with infectious plant disease, or endangering the life, health or safety of persons or property.”* The primary focus of High Priority Tree Work is large trees with major deadwood and structural defects. Hazardous trees will be abated by either complete tree removal or safety pruning. Per Connecticut General Statutes Chapter 451 Section 23-65(a), trees determined to be hazardous may be removed without otherwise mandatory posting. In certain instances, the clearance of traffic signage or traffic signals may constitute a priority 1 rating if the Tree Warden determines that public safety is at risk.

Medium Priority Tree Work (designated as priority 2) is for trees that the Tree Warden determines are not hazardous. These trees will be placed on a list kept by the Tree Warden and attended to in the order received. This tree work will only be scheduled after all trees classed as priority 1 have been completed or if the tree work is permitted as an exception by the Tree Warden. Priority 2 tree work may include, but is not limited to:

- i. Stump grinding for public safety purposes,
- ii. Lower priority safety pruning,
- iii. Removal of a declining or dying tree that does not have any major defects that might predispose this tree to imminent failure,
- iv. Routine pruning such as crown reduction/raising, pruning low limbs over streets and sidewalks (should low branches pose an unreasonable risk to public safety or damage to property),
- v. Clearance of traffic signs, signals and sightlines where public safety is not an immediate issue.

Low Priority Tree Work (designated as priority 3) includes non-safety related tree work, which will not be scheduled. Priority 3 tree work may include, but is not limited to:

- i. Aesthetic pruning of ornamental or shade trees,
- ii. Clearance of utility distribution lines on the street. Eversource has an Enhanced Tree Trimming Program in which scheduled routine maintenance will be performed. All maintenance schedules will be determined by Eversource,
- iii. Clearance of utility service lines from the street to a home or other building,
- iv. Contractors working on approved private projects where Town trees are involved. Tree work for these trees is the responsibility of the contractor. Tree removals must be posted, and any tree work must be permitted,
- v. Tree fertilization or insect and disease control,
- vi. Stump grinding or stump removal of Town trees that have been removed.

3. Can trees on private property be deemed hazardous?

Yes, if any limbs, roots or parts of a tree on private property extend or overhang the limits of any public road or grounds. Pursuant to Connecticut General Statutes Chapter 451 Section 23-59, whenever, in the opinion of the Tree Warden, the public safety demands the removal or pruning of any tree or shrub in whole or in part within the limits of any public road or grounds and within the limits of the Town, except those along state highways and except those under the jurisdiction of park commissioners, the Tree Warden may cause such tree or shrub to be removed or pruned at the expense of the Town. Unless the condition of the tree or shrub poses an immediate public hazard, the Tree Warden will, at least ten days before its removal or pruning, post a notice on it stating the Tree Warden's intention to remove or prune the tree or shrub. Anyone who objects may appeal to the Conservation Commission and Tree Warden in writing – see question 18 below.

If the Tree Warden identifies a hazardous tree on private property but such tree does not extend or overhang the limits of a public road or grounds, the Tree Warden will notify the owner of the tree's existence via letter or in person. Upon such notice, the owner of the hazardous tree bears the responsibility for its removal.

4. Are permits required for private property tree work?

In certain instances, yes. Permits are required to plant, remove or prune any trees or shrubs on private property that are within the limits of any public road or grounds. Permits may be issued by the Tree Warden in conformity with Connecticut General Statutes, Chapter 451, Section 23-65(f) and in accordance with "Right Tree, Right Place" standards (see question 16 below). This ensures that only those trees and shrubs with appropriate mature heights will be planted by homeowners if they are in close proximity to public roads and overhead utilities. It also helps mitigate potentially dangerous conditions that could occur during a homeowner's attempt to remove or prune a tree or shrub that is within the limits of a public road. Applications for permits must be made on application forms provided for such purpose by the Tree Warden. All contractors hired for tree removal or pruning must be qualified and Connecticut-licensed arborists. Contractors must provide proof of license and insurance prior to a permit being processed.

5. There's a Town tree by the roadside in front of my house. Can I remove or prune it?

No, not unless you have obtained a permit to do so from the Tree Warden first. No person shall cut, trim, prune, remove, injure or interfere with any tree or shrub, including the branches, trunk, root system or crown thereof, in whole or in part, on any Town-owned property without a permit from the Tree Warden. The Tree Warden may issue a permit for approved priority 2 or priority 3 tree work, in which case the resident may hire a private tree contractor to perform the work. The tree contractor must be a qualified, Connecticut-licensed arborist. The tree contractor must also provide proof of insurance before a permit can be processed.

6. Can I plant trees, shrubs or woody vegetation on Town-owned property?

Not unless you have consulted with the Conservation Commission and obtained a permit to do so from the Tree Warden first. Written application for permission to plant woody vegetation, such as trees or privacy hedges, on Town-owned land shall be made to the Conservation Commission and the Tree Warden setting forth the size, species, type and location of each tree, shrub or woody vegetation for which such permission is requested. In making the decision to grant or deny the application, the Conservation Commission and the Tree Warden shall consider the effect of planting the specified trees, shrubs or woody vegetation upon the general welfare of the community and upon the present and future use, safety, maintenance, development and improvement of Town-owned property for all lawful purposes. Any tree, shrub or woody vegetation planted on Town-owned property shall become the property of the Town.

7. Does the Town have a tree donation program?

Yes. The Town's Conservation Commission administers a tree donation program for trees and shrubs to be planted in a prominent location on Town property to honor or commemorate a cherished individual. The cost for the program is \$1,000, which is tax-deductible. This covers the cost to purchase and plant the tree or shrubs and maintain them for three years. In addition, it includes an engraved brick, which is placed at the base of the tree or shrubs indicating its species, donor, and the name of the person being honored. The Conservation Commission assumes responsibility for appropriate species selection and planting location. For more information, contact Wilton's Department of Environmental Affairs at (203) 563-0180.

8. What is my recourse if I think Town tree roots are penetrating my sewer line?

Trees are not to be removed for penetrating sewer laterals. Tree roots penetrate sewer laterals that have flaws or defects. For example, old clay tile pipe can separate at joints, shift over time due to ground movement, or become crushed causing access for tree roots to grow. Newer plastic sewer lateral pipes have fewer and more secure, gasketed joints that prevent tree root infiltration. Problems experienced with sanitary sewer laterals where tree roots are involved must be coordinated with both the Tree Warden and the Department of Public Works and resolved with a solution that is acceptable to both parties.

9. A Town tree drops a lot of acorns on my driveway. Can the tree be removed?

No. Trees may not be removed for "doing what trees do naturally." This includes shedding fruit, nuts, leaves, twigs and small branches, and sheltering wildlife. Trees will only be removed if the Tree Warden determines they are hazardous and pose a risk to the health, safety or welfare of the public.

10. Do other Town departments need approval from the Tree Warden?

Yes. With the exception of the Department of Environmental Affairs and its Commissions (Conservation and Inlands/Wetlands), Town projects initiated by other Town departments require a permit and approval from the Conservation Commission. If tree work is to be contracted by a private tree contractor, the cost of tree work shall be incorporated into the project budget. Any trees permitted for removal by the Tree Warden shall be posted for a period of ten days and may be subject to a public hearing if contested.

11. Are there any replanting requirements if approval is given for Town tree removal?

Trees removed for approved Town projects by Town departments will be replanted by the Town department requesting the original removal at an appropriate ratio determined in collaboration with the Town department, the Conservation Commission and the Tree Warden. The Town of Wilton plants native species of trees and shrubs in keeping with "Right Tree Right Place" standards.

12. What role does the Tree Warden play in the removal and pruning of trees around utility lines?

Wilton's residents require and deserve safe and reliable electrical service but not at the expense of good arboriculture. The Tree Warden permits Eversource to prune Town-owned trees for the clearance of electrical utility lines but only to mutually agreed upon specifications that are strictly supervised by the Tree Warden. For trees on private property, the utility contractor will seek the owner's permission to prune or remove such trees. In the event of a disagreement between the tree owner and the utility contractor, the Tree Warden can mediate and make a final decision.

Key elements of the foregoing specifications are as follows:

- a. "6-inch rule" regarding "Enhanced Tree Trimming" (ETT): The Town of Wilton does not permit "ground to sky" pruning for any utility line clearance maintenance. Town trees with limbs equal to or greater than 6 inches in diameter that are located more than or equal to 15 feet over electrical conductors on structurally strong-wooded trees may remain if they are determined to be healthy and not structurally defective, split, decayed, poorly crotched, lion-tailed, or insect infested. These limbs shall remain and may be pruned to lighten their weight. Strong-wooded trees include, but may not be limited to, oaks, sugar maples, sycamores, London planetrees, elms, and hickories. The Tree Warden will have the final decision on which tree species are considered structurally strong wood.
- b. If Eversource desires to prune or remove Town trees, it is the responsibility of Eversource or their contractor to contact the Tree Warden and obtain written permission for the trees they want to prune or remove or the specific area in which they wish to work.
- c. The Tree Warden is notified at the beginning of the year where crews intend to work. This will be followed by a meeting with the utility contractor to discuss the removal of Town-owned trees as the utility contractor works its way through Town.
- d. Any tree that the Tree Warden permits for removal shall be posted for a period of ten days and subject to a public hearing if contested. Any tree that the Tree Warden determines to be a

“hazardous tree” may be removed without posting, in accordance with Connecticut General Statutes, Chapter 451 Section 23-65(a).

- e. Town trees designated to be pruned shall be considered a “light prune” as per Eversource specifications.
- f. All tree work shall be done in conformance with ANSI A300 Standard Practices for tree pruning and International Society of Arboriculture (ISA) published “Tree Pruning Guidelines.”
- g. The Town of Wilton understands the necessity of electrical transmission line protection and supports appropriate pruning of individual trees, leaving strong limbs and branches that are not in contact with electrical conducting lines. However, tree pruning should be approached on a “tree-by-tree” basis, not as an indiscriminate application of predetermined spatial criteria, *i.e.* “Pruning Corridor” dimensions of 8 feet on either side, 15 feet above and 10 feet below distribution lines.
- h. Failure to follow the conditions of a permit shall be cause for revocation of the permit.

13. If a private tree falls into the Town right-of-way, who is responsible for its removal?

When a tree located on private property falls on a Town road or right-of-way, the Town has the right to remove all branches and wood within the right-of-way to facilitate the movement of traffic for public and emergency vehicles. Branches and wood may be removed and cleaned up immediately by the Town or, in emergency situations where numerous trees have fallen and blocked Town roads, the debris may be deposited on the side of the road to clear passage for vehicles and it will be removed at a later time. The Town will cut down the tree; wood and brush will be removed from the right-of-way back to the private property line only.

14. Conversely, if a Town tree falls onto private property, who is responsible for its removal?

The Town owns many miles of woodland adjacent to private property. Accordingly, it would place 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, nor does it hire contractors to perform work on private property. However, 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. The Town will respond to these calls on a first-come first-served basis and will remove these trees only after all roads and critical municipal facilities are cleared. All tree stumps will be cut as low as possible, generally to a height of 8 inches above ground level or lower.

15. What does “Right Tree, Right Place” mean?

The concept of “Right Tree, Right Place” is that tree selection should be matched to the particular conditions at a given site. This includes planting or favoring existing species that have short mature heights adjacent to utility infrastructure and roads, while allowing progressively taller species at increasing distances from roads and wires. One of the most unfortunate scenarios involving trees is when they are planted too close to utility lines. If a tree with a very tall eventual height is placed too close to a power line, that tree will endure a lifetime of corrective pruning and will end up looking disfigured and become more prone to disease and structural issues. Before selecting a tree for your landscape, make sure you know how tall and wide it will be at maturity so that it won’t impact existing

overhead utility lines. Underground power lines and other utilities must also be considered. If you are planning on performing work in your yard that involves excavation, Connecticut law requires you to call 811 before you begin. This free “Call Before You Dig” service will alert you to the presence of underground power lines and other utilities.

16. What are the Town’s “Right Tree, Right Place” standards?

In order to maximize your tree’s success, the Town recommends the planting guidelines outlined below. Residents and other landowners are reminded, however, that they must first obtain a permit from the Tree Warden before planting any trees or shrubs on private property that are within the limits of any public road or grounds. The following guidelines will be taken into consideration by the Tree Warden when issuing a permit:

- a. When planting trees near or beneath roadside power lines, the Conservation Commission and the Tree Warden recommend low-growing ornamental trees such as crabapples, dogwoods and other appropriate tree species that reach a mature height of 20 feet or less. Plant 15 to 25 feet away from power lines and 8 to 10 feet away from your home.
- b. Medium-sized trees, which grow to a mature height of 25 – 45 feet, can be planted 25 to 50 feet away from power lines and 12 to 15 feet away from your home. Examples of medium-sized trees include arborvitaes and flowering cherry trees.
- c. Large-growing trees, reaching heights of more than 45 feet, should be planted at least 50 feet away from power lines and 15 – 20 feet from your home. Oaks, maples, and pine trees are some examples of large-growing trees. When planted in the right location, tall trees, known as ‘shade trees,’ provide numerous services to the environment and to wildlife, in addition to residents. Planting them in clusters of three or more, seven feet on center, will help prevent future blowdowns by integrating their root masses, creating stronger anchors than planting them singly as specimen trees.

17. I’m having a tag sale. Can I put up a sign on a Town tree by the roadside?

No. No person may affix to a telephone pole, electric light pole, power pole or other utility pole, tree, shrub, rock or other natural object on Town-owned property a playbill, picture, notice, advertisement or other similar display, nor may they cut, paint or mark any tree, shrub, rock or other natural object or use climbing spurs for the purpose of climbing any tree on Town-owned property. The only exception is for the Town’s Department of Environmental Affairs staff who spray blazes on trees in Wilton’s Open Spaces as guides for hikers to locate the trails. No other individuals or organizations may mark trees or establish trails unless given written permission by the Director of Environmental Affairs. Violation of the foregoing shall result in a fine, civil penalty, and/or damages as provided in the Connecticut General Statutes Chapter 451 Section 23-65.

18. Is there an appeals process if I disagree with a decision concerning my trees?

Yes. Anyone who objects to a decision made by the Tree Warden may appeal to the Conservation Commission and the Tree Warden in writing. They will hold a public hearing after giving reasonable notice of the hearing to all persons known to be interested and post a notice on the tree or shrub. Within three days after the hearing, the Tree Warden will make a decision granting or denying the application, and the party aggrieved by such decision may, within ten days, appeal to Norwalk Superior Court.