

TO: Wilton's Board of Selectmen
FROM: Wilton's Tree Committee
DATE: May 17, 2021
SUBJECT: Recommendations for Public Tree Policy and Town Ordinances

BACKGROUND

At the September 8, 2020 Board of Selectmen meeting, the BOS identified several priorities for the Town for the remainder of the year, including improving the Town's resiliency to severe weather events. This priority emerged as a result of the widespread road closures and power outages caused by Tropical Storm Isaias in early August 2020. In the wake of the devastating storm, a substantial number of homes in Town were left without power, Internet and/or phone service for a week or more. During the clean-up that ensued, the Town Tree Warden and Public Works Department noted that the majority of downed overhead wires were caused by trees on private property. To prevent or lessen the likelihood of storm-related damage and power outages in the future, the Board of Selectmen asked the Tree Committee, a sub-committee of the Conservation Commission, to explore possible changes to existing tree policy. These include:

- Proposing an ordinance restricting tree locations and tree height along roads and near electrical wires in accordance with Right Tree, Right Place Standards
- Proposing changes to the Tree Ordinance to establish procedures and responsibilities for the removal of trees that pose a hazard to the public
- Implementing/accelerating a Town Tree Removal Plan and increased funding for tree removal

SUMMARY OF RECOMMENDATIONS

In response to this mandate, the Tree Committee reviewed existing tree policies and ordinances throughout the state, with particular focus on the surrounding towns of Darien, Fairfield, Greenwich, Ridgefield, Westport, and Weston. Our research revealed that Fairfield and Greenwich have the most transparent, proactive and comprehensive public tree policies and ordinances. We believe that they come the closest to addressing the issues raised by the Board of Selectmen in a meaningful way. Accordingly, the Tree Committee has modeled its response based in large part on the examples set by these two towns.

In summary, the Tree Committee proposes the following:

1. **Establish an Accelerated Tree Removal Plan that Prioritizes Hazardous Trees on Private Property that are Within the Public Right of Way.** Although the Town currently removes hazardous trees, the focus seems to be primarily on Town trees along public roads. As these trees are also regularly pruned or removed by Eversource to ensure utility line clearance, we recommend implementing a newly developed Accelerated Tree Removal Plan that prioritizes hazardous trees on *private* property that are within the limits of a public street (*i.e.*, the limbs or roots extend or overhang a public road or public grounds). Identification of potentially hazardous trees would be made by the Tree Warden and removed or pruned at the expense of the Town. We envision that this plan would divide the Town into various zones to be prioritized based on their level of urgency. Clearly stated tree removal goals will be set within each zone to be completed over a 5-year timeframe.
2. **Amend Wilton's Tree Ordinance to Explicitly State the Tree Warden's Authority to Remove Hazardous Trees.** Wilton's existing Tree Ordinance establishes the Tree Warden's authorities under Connecticut General Statutes 23-59. Included in these Statutes is the express authority for a Tree Warden to identify hazardous trees on both public property and private property if the trees are within the standard hazard limits of a public street. Such removal is at the expense of the Town. This authority is not currently stated in Wilton's Tree Ordinance. We recommend revising Wilton's Tree Ordinance to clearly state the Tree Warden's authority to identify hazardous trees on public and private property and to have them removed. Furthermore, this authority should be clearly addressed in a Town Tree Policy Manual and posted on the Town's website, as proposed in Recommendation #4 below.
3. **Require Permits for Private Property Tree/Shrub Work Undertaken Within the Limits of a Public Street.** Under Connecticut General Statutes 23-59, Tree Wardens can require residents to obtain a permit for any work on trees or shrubs that they undertake on their property if the limbs, roots or any parts of the trees or shrubs extend or overhang the limits of any public road or grounds. This is to ensure that only those trees and shrubs with appropriate mature heights are planted by homeowners if they are in close proximity to roads and overhead utilities. We recommend amending the existing Tree Ordinance to prohibit any person from planting any tree or shrub on their property if it could fall within the limits of any public street unless they first obtain a written permit from the Tree Warden. Furthermore, this requirement for a permit should be clearly addressed in a Town Tree Policy Manual and posted on the Town's website, as proposed in Recommendation #4 below.
4. **Create a Tree Policy Manual and Publish it on the Town's Website.** We believe education and communication is essential for good tree management. Accordingly, the Tree Committee has prepared a draft of a Tree Policy Manual that we feel sets forth Town tree policy, as well as the responsibilities of the Tree Warden, Tree Committee

and Department of Public Works, in a straightforward and transparent manner (see draft manual attached). It is written in the form of Frequently Asked Questions and includes “Right Tree, Right Place Standards.” It also assumes that Recommendations #2 and #3 above are adopted. By posting this manual on the Town’s website, homeowners will have easy access to clear and consistent tree-related information with clarification as to the responsibilities of the homeowner *versus* that of the Town. In a further effort to educate the community on the importance of selecting appropriate trees and shrubs for a given location, we would also suggest that the Tree Committee periodically write articles on the topic for publication in the press and online media sources.

5. **Establish a Tree Planting Program.** To mitigate “bare spots” along public roads created by the removal of hazardous trees pursuant to the Tree Removal Plan, we recommend that the Town establish a Tree Planting Program to provide incentives to homeowners to replant appropriate trees. Fairfield has had a voluntary, collaborative tree planting program for many years that has been very successful. For \$200, a Fairfield Forestry Committee member walks the homeowner through the process of selecting an appropriate tree for their site. The town plants the tree for them on the public right-of-way along their property line. The town is also responsible for safely pruning the tree throughout its life. The tree comes with a “gator bag,” which holds five gallons of water, and, if necessary, deer protection. There is no limit on the number of trees a homeowner can purchase as long as the placement and space are appropriate. Go to <https://www.fairfieldct.org/treeplanting> to learn more about Fairfield’s program.

6. **Increase Funding for Tree Management Priorities.** The burden for implementing the foregoing recommendations will fall primarily on the Town’s Tree Wardens and the Department of Public Works. We believe the Town should consider a full-time Tree Warden to meet the additional demands placed on him/her by the tree management priorities outlined above. Similarly, the Department of Public Works will have to devote significantly more resources for tree removal, pruning and planting. Permits, filing fees and the tree planting program fees (see #5 above) can help mitigate some of these costs; however, we believe the Town will have to significantly increase its tree management budget if it plans to improve its resiliency to severe weather events.

Please let us know if you have any questions or comments. We are happy to be of assistance in providing further advice or fleshing out the foregoing recommendations in greater detail.