

TOWN OF WILTON

[Proposed] Arboricultural Specifications and Policy Manual

PURPOSE

The following Arboricultural Specifications and Policy Manual has been prepared to establish certain policy responses to frequently asked questions and work requests for Town tree services so that residents are getting fair and consistent treatment and responses regarding the services provided by the Town. It is intended solely to specify what tree services the Town can and cannot provide given the workload backlog and anticipation of future demands on both the Tree Warden and the Department of Public Works.

Section I. Trees, Shrubs and Woody Vegetation

1. **Wilton Arboricultural Specifications and Policy Manual.** The Tree Warden(s) or his/her designated agent(s), collectively referred to herein as “the Tree Warden,” shall prepare and maintain a manual containing regulations and standards for the planting, maintenance, removal and protection of trees, shrubs and woody vegetation upon Town-owned property which shall be known as the Wilton Arboricultural Specifications and Policy Manual.
2. **Tree Risk Management.**
 - a. General Disclaimer: Trees inherently pose a certain degree of hazard and risk from breakage, failure or other causes and conditions. Recommendations that are made by the Tree Warden are intended to minimize or reduce hazardous conditions that may be associated with trees. However, there is and can be no guaranty or certainty that efforts to correct unsafe conditions will prevent breakage or failure of a tree. Recommendations made by the Tree Warden should reduce the risk of tree failure, but they cannot entirely eliminate such risk especially in the event of a storm or any other act of God. Some hazardous conditions in Town-owned trees are apparent while others may require detailed inspection and evaluation. While a detailed inspection and evaluation should and normally does result in the detection of potentially hazardous conditions, there can be no guaranty or certainty that all hazardous conditions will be detected.
 - b. Serious Defects: These are defects that have been found by the Tree Warden that pose an unacceptable risk of failure of the tree. The removal of the tree is therefore recommended as a high priority.
 - c. Less Serious Defects: These are defects that have been found by the Tree Warden that do not predispose the tree to a severe or critical risk of failure. Pruning, cabling, or bracing will assist in correcting or compensating for the defect. However, these recommendations do not totally preclude the possibility of the risk of failure, especially during a severe storm or any other act of God.

3. Tree Work Designations. Tree work will be categorized as “High Priority,” “Medium Priority,” and “Low Priority.”

- a. High Priority Tree Work (designated as priority 1): The highest priority tree work will be those trees determined to be hazardous to the public by the Tree Warden. A “hazardous tree” shall be defined as *“Any tree or part of the tree or any shrub or other vegetation that poses an unreasonable risk to any Town-owned property and is determined to pose an unreasonable risk to the public health, safety or welfare by the Tree Warden and any tree, shrub or other vegetation which is hazardous or injurious to the public health, safety and welfare.”* 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 it is determined that public safety is at risk.
- b. Medium Priority Tree Work (designated as priority 2): Priority 2 tree work is for trees that have not been determined to be hazardous by the Tree Warden. 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 determined to be priority 1 have been completed or if the tree work is permitted as an exception by the Tree Warden. Associated priority 2 tree work may include but is not limited to such services as:
 - i. Stump grinding for public safety purposes,
 - ii. Lower priority safety pruning where a “target” is not involved,
 - iii. Removal of a declining or dying tree that does not have any major defects that might predispose this tree to failure,
 - iv. Routine crown raising of trees, i.e. pruning low limbs over streets and sidewalks for clearance (unless low branches pose an unreasonable risk to public safety or damage to property),
 - v. Clearance of traffic signs and signals where public safety is not an issue.
- c. Low Priority Tree Work (designated as priority 3): Priority 3 tree work is non-safety related tree work, which will not be scheduled. Associated priority 3 tree work may include but is not limited to such services as:
 - i. Aesthetic pruning of ornamental or shade trees,
 - ii. Clearance of utility distribution lines on the street. Eversource has a regular maintenance program for electrical distribution lines and equipment.
 - 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.

4. **Permits for Tree Removal.** A permit may be issued by the Tree Warden for approved priority 2 or priority 3 tree work. The resident may hire a private tree contractor to perform the tree work. The tree contractor must be a qualified, Connecticut licensed arborist. The tree contractor must provide proof of insurance before a permit can be processed.
5. **Tree Warden's Review of Planning and Zoning Applications of Town Projects and Public Hearings on Tree Removal.** To ensure a transparent process for tree removal on Town properties and enable the public to gain early knowledge of both the project and proposed tree removal, the following procedures will be followed:
 - a. Town projects submitted to the Planning and Zoning Commission as preliminary site plans will be routed to the Tree Warden for comments.
 - b. If and when the Planning and Zoning Commission gives consent to allow the applicant/Town Department to proceed to the final site plan, the Tree Warden will then post the trees that will need to be removed on and off site so that the public and neighbors can have an early opportunity to see what will be removed, and if they so desire, to file an appeal or request that the Tree Warden hold a public hearing on the removal of the posted trees.
 - c. The public hearing on such tree removal will be held by the Tree Warden, and if any trees posted for removal are to remain on site, the final site plan submitted will reflect any site plan changes resulting from this decision. These final plans may require re-review by the Inland Wetlands Commission.
 - d. The applicant/Town Department will submit final site plans to the Planning and Zoning Commission reflecting the Tree Warden's decision after the 10-day appeal period of the Tree Warden's decision is over.
6. **Tree Roots and Sewer Laterals.** 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.
7. **Trees are Not to be Removed "For Doing What Trees Do Naturally."** Trees are not to be removed for shedding fruit, nuts, leaves, twigs and small branches, or for sheltering wildlife.
8. **Tree Planting After Trees Removed for Town Projects.**
 - a. Trees removed for approved Town projects by Town Departments will be replanted by the Town Department requesting the original removal. The number of trees replanted, as well as their species, size and planting locations, shall be approved in advance by the Tree Warden.
 - b. Town trees removed by private contractors or landowners for approved projects will be replaced on Town owned property at an appropriate ratio to be determined by the Tree Warden. The Tree Warden will determine the tree species, size and locations of the replanted trees.

9. Utility Line Clearance: Tree Pruning and Tree Removals. Wilton's residents require and deserve safe and reliable electrical service but not at the expense of good arboriculture.

- a. The Tree Warden permits Eversource to prune trees for the clearance of electrical utility lines but only to mutually agreed upon specifications that are strictly supervised by the Tree Warden.
- b. "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 as to what tree species are considered structurally strong wood.
- c. 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
- d. The Tree Warden must be notified each morning by phone, fax or email where crews will be working in Town.
- e. Any tree permitted for removal by the Tree Warden shall be posted for a period of ten days and subject to a public hearing if contested. Any tree that is determined to be a "hazardous tree" by the Tree Warden may be removed without posting in accordance with Connecticut General Statutes, Chapter 451 Section 23-65(a).
- f. Town trees designated to be pruned shall be considered a "light prune" as per Eversource specifications.
- g. All tree work shall be done in conformance with ANSI A300 Standard Practices for tree pruning and ISA published "Tree Pruning Guidelines."
- h. 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.
- i. Failure to follow the conditions of a permit shall be cause for the revocation of the permit.

10. Private Tree Falls onto Town Right-of-Way or Other Town Property.

- a. When a tree located on private property falls on a Town road 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.
- b. Authorized Town personnel making decisions for tree removal shall assess the need for removal versus the risk of injury to Town personnel before authorizing removal.
- c. Branches and wood may be removed and cleaned up immediately 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 removed at a later time.
- d. Trees will be cut and wood and brush will be removed from the right-of-way by the Town back to the private property line only.

11. Town Tree Falls Onto Private Property. When a Town tree falls onto private property, the Town will be responsible for the removal of all wood and brush. 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.

12. Tree Stumps on Town Right-of-Way.

- a. All tree stumps will be cut as low as possible, generally to a height of 8 inches above ground level or lower.
- b. The only tree stumps to be removed are those tree stumps that have been considered a hazard to the public by the Tree Warden (usually the stump is located very close to the edge of the road where it might be struck by the wheel of a vehicle). Those stumps will be removed to below the surface of the ground through a process known as stump grinding.
- c. A permit may be issued by the Tree Warden for the removal of stumps by a private contractor for purposes of aesthetic improvement. These permitted stump removals are to be paid for by the landowner.
- d. "Tipped out stumps" on trees that have been uprooted and have a tipped-over stump with exposed roots, soil, and an associated stump hole or crater will be picked up at a later date by the [Department of Public Works]. They will be disposed of in a separate follow-up operation after the fallen tree has been cleared. The stump hole will be backfilled with topsoil after stump removal.

13. Town/Private Trees that have Fallen into Designated Inland Wetlands and Watercourses.

- a. Town trees that have fallen into inland wetlands and watercourses will be reviewed on a case-by-case basis. The decision as to the necessity of the tree's removal will be determined in collaboration between the Tree Warden and the Inland Wetlands Commission or his/her designee.
- b. Wind-thrown or storm damaged trees on private land, determined to have damaged or threaten inland wetlands and watercourses, or structures within inland wetlands and watercourses shall be removed by the Town where deemed necessary. The decision as to the necessity of the tree's removal will be determined in collaboration between the Tree Warden and the Inland Wetlands Commission or his/her designee. Such authorized individuals shall take into account the need for removal and risk of injury to Town personnel or damage to private property before authorizing removal.
- c. Private trees that have fallen into privately-owned inland wetlands and watercourses as determined by the Inland Wetlands Commission that are deemed hazardous to inland wetlands and watercourses or structures within such inland wetlands and watercourses shall be identified in the field with written notification by the Inland Wetlands Commission sent to the landowner. Such notification shall allow for a 60-day deadline for removal. In the event the tree is not satisfactorily removed, the Tree Warden shall then coordinate with the Inland Wetlands Commission and arrange for the Town to remove the tree.
- d. Town Tree to be Removed from an Inland Wetland or Watercourse by a Landowner: If the decision by the Tree Warden and the Inland Wetlands Commission or his/her designee was that the Town will not remove the tree from the inland wetlands or watercourses, the adjacent landowner may apply for a permit to remove the tree from the Tree Warden *and/or* the Inland Wetlands Commission.

14. Private Trees that are Deemed Hazardous. 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 Wilton, except those along state highways and except those in public parks which are 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 such tree or shrub constitutes an immediate public hazard, the Tree Warden shall, at least ten days before such removal or pruning, post thereon a suitable notice stating the Tree Warden's intention to remove or prune such tree or shrub. If any person, firm or corporation objects to such removal or pruning, such person, firm or corporation may appeal to the Tree Warden in writing, who shall hold a public hearing at some suitable time and place after giving reasonable notice of such hearing to all persons known to be interested therein and posting a notice thereof on such tree or shrub. Within three days after such hearing, the Tree Warden shall render a decision granting or denying the application, and the party aggrieved by such decision may, within ten days, appeal therefrom to Norwalk Superior Court.

15. Wilton Public Schools Site and Grounds Landscaping Standards.

- a. Trees and shrubs should be pruned so as not to grow in contact with the building exterior and should not allow a person to scale the tree or shrub to access the roof or a window. Trees and shrubs should also be pruned or removed to provide visibility between the building and the tree or shrub.
- b. Trees and shrubs whose natural growth habit allows for pruning to raise their canopy should be pruned to provide for visibility beneath the tree or shrub.
- c. Dead, diseased, defective or damaged trees shall be pruned or removed to prevent failure possibly causing injury to students, staff, general public, and Town or private property (i.e. structures, vehicles, etc).
- d. Planning for any new tree or shrub planting shall include consultation with the Wilton Board of Education representatives for the facilities and/or security personnel. Planning should take into account the mature size of the tree or shrub so that future size will be in compliance with these standards.
- e. School walking paths and sidewalks should be maintained to provide eight feet of overhead clearance with no limbs or foliage interfering with pedestrian traffic.
- f. No noxious, poisonous or injurious (thorns, etc) trees, shrubs or plants shall be planted or maintained on public school properties.
- g. Existing trees and shrubs currently not in compliance with these standards which may need to be pruned or removed shall be decided upon on a case-by-case basis by the Board of Education representatives for the facilities and/or security personnel and representatives of the Parks and Recreation Department.
- h. Any trees or shrubs designated 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 as per Connecticut General Statutes Chapter 451 Section 23 – 59 Powers and Duties of Tree Wardens.
- i. Any tree that is determined to be an imminent hazard to the public by the Tree Warden may be removed without posting in accordance with Connecticut General Statutes Chapter 451 Section 23-59.

16. Right Tree, Right Place.

- a. When planting trees near or beneath roadside power lines, the Tree Warden recommends low-growing ornamental trees such as crabapples, dogwoods and other appropriate tree species.
- b. Medium-sized trees, which grow to heights of 25 – 45 feet, can be planted between 15 and 30 feet from the power lines. Examples include arborvitae and flowering cherry trees.
- c. Large-growing trees, reaching heights of more than 45 feet should be planted at least 30 feet from the power lines. Oak, maple, and pine trees are some examples.

17. Permits for planting trees, shrubs, and woody vegetation on Town-owned property.

- a. No person shall plant any tree, shrub or woody vegetation within the limits of any Town-owned property without having first obtained a permit to do so from the Tree Warden. Written application for such permission shall be made to the Tree Warden setting forth the size, species, type and location of each tree, shrub or woody vegetation, for which such permission is requested.
- b. In making the decision to grant or deny the application, 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.
- c. Any tree, shrub or woody vegetation planted on Town-owned property shall become the property of the Town.

18. Protection of Shade Trees During Construction.

- a. Prior to beginning any construction activities, a qualified arborist should remove all trees designated for removal. Where appropriate, the arborist should prune tree branches to a height of 14 feet over streets and 7 – 8 feet over sidewalks.
- b. Before beginning construction, trees to be retained shall be protected with fencing to prevent root damage due to soil compaction. The minimum area to be fenced off would be that area within the dripline of the tree, known as the Critical Root Zone. The fencing should be highly visible, of sturdy construction, and at least four feet high. Fences may be snow fence, chain link, synthetic fabric or plastic fence.
- c. Any excavation within the Critical Root Zone will be done carefully so as not to damage or expose the tree roots. Laborers will then hand dig beneath the tree roots so that conduit or pipe may safely pass beneath the tree roots. The excavator may then continue using power equipment when safely beyond the Critical Root Zone. Alternatively, any excavation within the Critical Root Zone will be done carefully so as to expose tree roots to be cut. Tree roots with a diameter of one-half inch or larger will be severed cleanly with a sharp pair of lopping shears. Tree roots too large for lopping shears may be cut with a power cut-off saw. Backfill adjacent to the severed roots will be good quality topsoil mixed with an equal amount of peat moss. Excavated roots will be backfilled the same day to prevent drying.
- d. During construction, extreme care should be exercised to avoid equipment damage to the tree trunks and lower branches. Damaged or broken branches and tree trunk injuries should be reported to the project inspector and be professionally treated as soon as possible.
- e. A commercial tree service equipped with supersonic air excavating equipment (i.e. "Air Spade") may be required to carefully expose roots for pruning. With air excavation, a trench can be dug

and the location on the root can be selected for cutting. This will allow a more sensitive selection of cut location.

- f. Immediately after construction, all trees impacted by excavation operations should be backfilled with topsoil to prevent the tree's roots from drying out. Trenches near trees should be backfilled within 2 – 4 hours after excavation.
- g. Trees should be fertilized by high pressure liquid injection with a slow-release organic fertilizer mixed with an organic root growth enhancer. Injection shall begin four feet out from the trunk of the tree and be spaced 2 1/2 feet apart, injecting on a 2 ½ foot grid extending beyond the dripline or out to the area of root severance.

19. Prohibition.

- a. 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.
- b. No person shall 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 shall 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.
- c. 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

Section II. Forms and Documents

1. Permit for Tree Work on Town Trees

Consider adding info from Wilton Ordinance not already covered – Tree Committee, Notable Trees