

WILTON ORDINANCE ON TREE PLANTING

September, 2021

Because Wilton, CT is a town rich in trees both on private and public properties, we are a fortunate community in numerous ways. Trees are essential to the environment and to wildlife; they store carbon and may be responsible in large part for 'curing' some of the climate problems of our planet. They provide shade in heat and cool areas beneath their canopy including sustaining water temperatures for fish and other aquatic organisms to thrive; their root systems help stabilize the soil and prevent erosion; they take nourishment from the soil while living, and return it to the soil when dying or dead; their bark and canopy offer habitat for insects, birds and other wildlife, and their foliage, seeds, nuts and fruit provide food and nectar for caterpillars and other insects - which also eat these tree parts - and which themselves are basic protein sources for nesting birds. Clearly, Wilton recognizes the importance of trees in our Town and encourages our residents to plant and maintain them.

It is also a reality that with trees come some difficulties, many of which are brought on by Nature. Falling trees can damage property and create inconveniences to homeowners. Loss of power resulting from trees bringing down utility and other cables, can be both dangerous and costly, and they can sometimes force residents from their homes to find temporary shelter.

To balance the benefits and problems that arise from a landscape that includes a biodiversity and wealth of trees, the Town of Wilton hereby proclaims the following requirements for selecting, siting, and maintaining trees on private and public properties:

- I. Homeowners and the Town of Wilton are responsible for choosing appropriate-sized trees to plant on their respective property.
 - a. Trees that are intended to grow near or beneath roadside power lines must not exceed 20 feet in height at maturity. They must be planted 15 to 20 feet from power lines and 8 to 10 feet from residents' homes. Native ornamental trees such as dogwood, crabapple, redbud are appropriate species.
 - b. Trees that are medium-sized at maturity, such as arborvitaes and flowering cherry trees, reach a height of 25 to 45 feet and must be planted 25 to 50 feet from power lines and 12 to 15 feet from residents' homes.
 - c. Tall trees that reach a mature height of 45 feet or more are not appropriate near or beneath power lines. They must be planted at

least 50 feet from power lines and 15 to 20 feet from residents' homes. Planted in the right location, these trees, known as shade trees, provide numerous services to the environment, to wildlife and to residents. Prime among these are the native Oak species, which support more than 500 species of insects. Maples, Pines, Birch, and Beech are other large trees for consideration.

- i. Large trees that are planted in groups, or groves, of three or more will mutually support each other and have less likelihood of blowdown during a storm. They will also be less likely to achieve their full height potential and may fit into a landscape by providing privacy.
- ii. Planting a variety of species rather than a monoculture (*i.e.*, multiple trees of a single species) helps provide biodiversity within the environment, including the wildlife that are dependent on specific host plants, and will help protect the landscape from becoming decimated due to a species-specific disease or infestation.

II. Residents must obtain a permit from the Tree Warden to plant, prune or remove any trees on their property that are entirely or partially 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 I.a-c, above.)

- a. The Tree Warden will confirm that the species requested for planting is appropriate for its long-term safety in the place intended for planting.
- b. If the tree is not appropriate, the Tree Warden and/or the Tree Committee will provide suggestions of other trees that could be planted at the site requested, or recommendations for different placement of the requested tree on the property.
- c. Pursuant to Connecticut General Statutes Chapter 451 Section 23-59, the Town's Tree Warden has the authority to identify and to have removed the entirety or specific limbs of those trees or shrubs which are potentially hazardous to the public that are on public and private properties. Such removal is at the expense of the Town.
 - i. Unless the tree or shrub poses an immediate public hazard, the Tree Warden will post a notice on the tree or shrub at least ten days prior to removal or pruning indicating the intention to have the tree or shrub removed or pruned.

Anyone who objects may appeal to the Conservation Commission and the Tree Warden in writing.

- ii. Within three days of the public hearing, the Tree Warden and Conservation Commission will make a decisions granting or denying the application, and the party aggrieved by such decision may, within ten days, appeal to Norwalk Superior Court.
 - iii. Trees that are “doing what trees do naturally”, such as shedding fruit, nuts, leaves, twigs and small branches, and sheltering wildlife are not considered hazardous to public safety and will not be removed for those reasons.
 - iv. Tree roots that penetrate sewer laterals are also not reason for tree removal. The Tree Warden, the Department of Public Works and the resident will collaborate to identify solutions that address the situation without disturbing the tree(s) involved.
- d. Other Town Departments (excepting the Department of Environmental Affairs and its Commissions) require a permit from the Tree Warden to remove trees. If tree work is to be performed 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.
- i. 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 (*c.f.*, I.a-c, above.)

- III. Residents are responsible for routine maintenance of trees on their property to ensure the trees can grow naturally and stand the best likelihood of not harming persons or property through loss of limbs, loss of the entire tree or loss of power. Unless the resident has expertise as an arborist, the Town strongly recommends obtaining workmanship of a certified arborist to do ensure the trees maintain their health and aesthetics, in addition to their values to wildlife and property.
- IV. Trees that fall from private property onto the public right-of-way are the responsibility of the residents who own the property; the Town has the

right to cut the tree or its branches and remove them immediately to allow passage for public and emergency vehicles. In an emergency, the Town will clear debris from the roadway and return later to remove the debris. If a public tree falls onto private property, the Town will clear its debris up to the property line if requested by the resident. Town contractors will not clear any debris on private property.

- V. 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 any notification or 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 and/or who attach locators as guides for police who are called to assist a hiker. 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.
- VI. The Town of Wilton's Conservation Commission/Tree Committee administers a Tree Donation Program for individuals to donate trees and/or shrubs to be planted in a prominent location on Town property to honor or commemorate a cherished individual. The Conservation Commission/Tree Committee is responsible for appropriate species selection and planting location determination. Any tree or shrub planted on public property by a private individual becomes the property of the Town of Wilton.
- VII. Wilton's residents require and deserve safe and reliable electrical service but not at the expense of good arboriculture. The Tree Warden permits Utility Companies to prune Town-owned trees for the clearance of electrical utility lines but only to mutually agreed upon specifications which the Tree Warden may supervise. For trees on private property, the utility contractor will seek the owner's permission to prune or remove trees deemed likely to interfere with utility lines now or within six years' growth. In the event of a disagreement between the tree owner and the utility contractor, the Tree Warden can mediate and make a final decision.