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### **TESTIMONY FOR H.B. 6032**

#### An Act Clarifying Provisions of the General Statutes Concerning the Use of Barrier Systems for Certain Plantings

I am very appreciative of the legislation that was adopted in the past two years regarding the horrible nuisance, running bamboo.

HOWEVER, the law as written is ambiguous in several key areas, making it ineffectual in practical terms.

Can you PLEASE, PLEASE support the proposed changes that HB 6032 is designed to correct in this very important statute, namely:

1. Please change the wording to expressly state that, '**BAMBOO SHALL NOT BE MAINTAINED OR ALLOWED TO EXIST WITHIN THE 40 FOOT BUFFER ZONE, REGARDLESS OF WHEN THE BAMBOO WAS PLANTED.**' This is an absolutely necessary change to the language, because it is impractical to be able to tell, in the field, when and where bamboo came from, and assess the need for remediation. ONCE THE BAMBOO HAS ENCROACHED INTO THE 40 FOOT BUFFER, REGARDLESS OF HOW OR WHEN IT GOT THERE, IT NEEDS TO NOT BE ALLOWED TO EXIST THERE. The 40 foot buffer needs to be 'bamboo-free' in order to protect abutting properties, natural features which need protection (such as open space and wetland corridors), and infrastructure such as gas, electrical, and water lines. The rhizomes can travel underground for long distances and do harm on abutting property. That is the reason for the 40 foot setback. The **40 foot setback needs to be a CLEAR ZONE, FREE OF BAMBOO AND ITS INSIDIOUS RHIZOMES!**
2. Please amend the language of the statute to state that **ENFORCEMENT SHALL BE DONE BY MUNICIPAL ZONING OFFICERS, WITH FINES PAYABLE TO THE MUNICIPALITY.** At present, the statute provides for enforcement by CT D.E.E.P., and they clearly do not have the resources to deal with this menace all over the state of Connecticut. Municipal zoning officials know their town, they have mechanisms in place for violations, and the fines would be an incentive for municipalities to deal with this menace.
3. Please **ADD a provision that COURTS CAN ALSO ENFORCE THE 40 FOOT BUFFER ZONE, WITH ATTORNEY FEES, COSTS AND DISBURSEMENTS BEING PAID TO THE PREVAILING PARTY.** Property values are adversely impacted by running bamboo. When a property owner fails to control running bamboo in accordance with the statute, the encroachment can have a significant adverse economic impact on adjacent properties. Property owners need to have recourse to recoup damages from the offending nuisance.

I trust you will understand that these are CLARIFICATIONS that will help make the current statute EFFECTIVE.

THANK YOU for your consideration of this dilemma! Please see the attached photo.

In this photo, the bamboo on the right side of the property line is clearly 'existing' in the 40 foot buffer zone. However, it was planted before the current statute took effect. The rhizomes from that bamboo go under the abutting property owner's driveway, and come up through the driveway. To the left of the driveway, out of the photo, is the abutting property owner's septic system. The rhizomes from the mature bamboo can easily invade the neighboring properties. **THE BAMBOO SHOULD NO BE ALLOWED TO EXIST IN THE 40 FOOT BUFFER.** At present, all the work and expense to keep the bamboo from damaging the adjacent property is borne by the adjacent property owner. An adjacent property owner cannot go on the offending property, but must react, year-round, to the spread of the rhizomes. The person who originally planted the bamboo has since sold the property, making enforcement difficult without clarification in the language of the statute.

