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HB 6032, “An Act Clarifying Provisions of the General Statutes Concerning the Use of Barrier Systems for Certain Plantings.”

To the Environment Committee,

My name is Mary Gaudet-Wilson and I live at 12 Whippoorwill Hill Road in Newtown, CT. I am a former chairman of the Newtown Conservation Commission and would like to address Raised HB 6032, “An Act Clarifying Provisions of the General Statutes Concerning the Use of Barrier Systems for Certain Plantings.”

My comments concern yellow groove bamboo, also known as *Phyllostachys aureosulcata*.

I do support HB 6032 which removes the clause “or contained by a properly installed and constructed barrier system”. To my knowledge, such barrier systems either do not work for running bamboo or they require such vigilant maintenance as to make them impractical for the homeowner.

In addition to the provision of HB 6032, I suggest the following:

- 1) It should be clearly stated that running bamboo should not be allowed to **exist** within the 40-foot boundary line. The current law, PA 14-100, requires only that running bamboo cannot be **planted** within this buffer area. It does not clearly address existing bamboo, as intended. This is a major flaw in the legislation. From reading the OLR Analysis of PA 14-100, it is clear that the intent was to prohibit any running bamboo from existing in the buffer area, no matter when it was planted.
- 2) I would suggest that enforcement be left to local zoning officers, and that fines be made payable to the towns. This is logical because a) DEEP has no resources for this activity, b) local officials know their towns best, and c) having the fines go to the towns may serve, in a minor way, as an incentive for local enforcement.
- 3) I would also add that the courts can enforce the 40-foot set-backs with attorney fees, costs and disbursements paid to the prevailing party. This provides protection for the “victim” and will make it more likely that citizens will take action.

The above suggestions are incorporated into another bamboo bill, Proposed Bill 6043, introduced by Representative Mitch Bolinsky. I am not sure why all bills dealing with bamboo could not be heard at the same hearing. There are at least five proposed bamboo bills that I know of. At any rate, I would support any bill that provides the above modifications. These changes are necessary for clarity and effective enforcement.

Thank you for your time and interest in this problem.
Mary Gaudet-Wilson