



## State of Connecticut

### HOUSE OF REPRESENTATIVES STATE CAPITOL

**REPRESENTATIVE KATHLEEN M. McCARTY**  
THIRTY-EIGHTH ASSEMBLY DISTRICT

226 GREAT NECK ROAD  
WATERFORD, CT 06385

HOME: (860) 442-2903  
CAPITOL: (800) 842-1423  
Kathleen.McCarty@housegop.ct.gov

**MEMBER**  
APPROPRIATIONS COMMITTEE  
EDUCATION COMMITTEE  
PUBLIC HEALTH COMMITTEE

March 25, 2015 \* 1:00pm \* 1E

#### **Testimony on rHB 7012 An Act Concerning A Municipality's Authority To Regulate The Construction of Fences And The Planting Of Trees And Shrubs.**

Dear Chairmen Coleman and Tong, Ranking Members Kissel and Rebimbas, and distinguished members of the Judiciary Committee:

Thank you for this opportunity to address you regarding **rHB 7012 An Act Concerning A Municipality's Authority To Regulate The Construction Of Fences And The Planting Of Trees And Shrubs.**

The aim of this bill is to ensure that a municipality is vested with the authority to prohibit the construction of fences or the planting of trees, shrubs or other vegetation that would interfere with a property owner's ability to enjoy his or her own property.

This bill is being proposed because of an injustice that occurred to a property owner who enjoyed water views. The property owner's water view has been obstructed by the installation of trees that will grow to a height of 30 feet or more, thereby obstructing into the water view of the said property owner.

It is not only the loss of enjoyment of the property whose view is obstructed that is the matter at hand, but also the sizeable devaluation of the property itself. The high value of the property rests in large part due to its water view. The property owner's neighbor knowingly and spitefully planted sixty arborvitae around the perimeter of his backyard resulting in what will be the complete obstruction of the property owner's water view as the trees grow over the next few years. These trees were planted after the property owner had purchased his home with a water view and because the property offered a water view.

This bill is requesting that a municipality be given the ability to prohibit any fence, tree or shrubbery that exceeds ten feet in height if it will block a water view. This bill would not prohibit the type or

classification of fences or trees, it would simply ask that the fence not exceed this stated height of ten feet.

While this particular case is taking place in a neighboring state, several of my constituents have since relayed to me that they could potentially face a similar situation.

This bill would repeal Section 1 Subdivision (7) of subsection (c) of section 7-148 of the Connecticut General Statutes. I would respectfully ask the Committee amend subdivision (7) subsection (A) (v) lines nineteen and twenty to read, **and establish heights above which no tree, shrub or other vegetation may grow.**

Thank you for your attention and for your consideration of HB 7012.

Kathleen M. McCarty  
State Representative, 38<sup>th</sup> District  
*Waterford, Montville*