

March 23, 2015

RE: AMEND HB 5602 (An Act Concerning a Property Owner's Liability for the Expenses of Removing a Fallen Tree or Limb)

Dear Judiciary Committee:

I am concerned about the decline in Connecticut tree canopy over the last 15 years. Our state has lost nearly 10 percent of its forest area, according to the U.S. Forest Service. The state-wide loss is mirrored in my town of Greenwich, as shown in data from UConn's Center for Land Use Education and Research. But you don't have to look at statistics. You can walk around my neighborhood of Havemeyer Park, a 100-acre post-war residential development, and see the same level of tree loss. The Havemeyer Park Green Infrastructure Committee, of which I am a member, has documented a serious, and accelerating, loss of mature trees on our properties in the last 15 years. One wonders how much longer the "Park" will remain in Havemeyer Park.

As more trees are lost and forests fragmented, costs to individual property owners, municipalities and the state will continue to rise for replacing the many services provided by trees. The cost consequences of loss of green infrastructure include:

- Increased run-off load on storm drainage systems.
- More wet basements and increased conflict between property owners, as greater quantities of surface water flow from tree-less uphill properties onto downhill lots.
- Increased soil erosion, and transport of sediment and chemicals into water bodies.
- Increased homeowner energy use. Trees are ready-made solar collectors. They reduce a property's heat load by shading the house and other hard surfaces. Trees act as natural air conditioners by converting solar heat to property-cooling evapotranspiration. Trees, especially evergreens, are windbreaks, reducing home heat loss in cold weather. Heat pumps shaded by a tree are more efficient.
- Negative health impacts. Trees filter dust, pollen, and smoke particles from the air. Trees mute noise. Trees, as well as the bird songs they support, reduce blood pressure.
- Mitigating the impacts of Global Warming and Global Warming. Trees help offset the buildup of carbon dioxide in the atmosphere.

WHAT WE NEED TO DO:

- Promote understanding that trees are an asset, not a liability, while at the same time taking measures to protect adjoining property from falling trees and limbs.
- Avoid creating adversarial relations between neighbors and instead encourage owners to work together to grow and sustain green infrastructure on their street and in their neighborhood.
- Educate homeowners about best practices for the care of their trees.

- Expand awareness of how the way in which we treat the trees on our own property affects our neighbors and their properties.
- Create appropriate financial incentives for property owners to take good care of their trees.
- Craft legislation that is a win-win for trees and property owners.

To this end, I respectfully recommend the following amendments to the bill:

- Diseased should be replaced with hazardous as defined in the statute (16-234). A diseased tree is not necessarily a hazardous tree.
- Due process or a right of appeal should be included. A property owner should be able to hire an arborist for a second opinion and if the opinions do not agree an opportunity for resolution should exist.
- The notice should have a time limitation. There is no time limitation placed on the arborist's assessment so a new owner of the property could be unknowingly liable.

Thank you for your consideration.

Helene Wilson

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