The Garden Club of New Haven

Testimony of The Garden Club of New Haven
Before the Committee on Environment
February 19, 2016

In Support of H.B. No. 5150, AN ACT CONCERNING TREE WARDENS' NOTICES ON TREES AND SHRUBS PRIOR TO REMOVAL, TREE REMOVAL ALONG STATE HIGHWAYS AND CLEAN-UP BY PUBLIC UTILITY CORPORATIONS FOLLOWING CERTAIN TREE REMOVAL

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Promoting the preservation of natural resources is one of the primary missions of The Garden Club of New Haven (GCNH), and of the organizations with which it is affiliated, the Federated Garden Clubs of Connecticut and the Garden Club of America. In 2016, the Federated Garden Clubs of Connecticut have a total of approximately 8000 members, and the Garden Club of America's Connecticut clubs have a total membership of 1594. GCNH's 102 members reside within the greater New Haven area. Since 2011, GCNH has actively participated in educating the public about issues involving trees and power and advocating for a balanced approach to preserving the benefits of trees and protecting public safety, including power reliability.

Dear Senator Kennedy, Representative Albis, co-chairs, and members of the Committee on Environment:

Since the beginning of the twentieth century it has been the statutory policy of the State of Connecticut to preserve trees and shrubs and roadside beauty within the municipal public right-of-way, and to allow removal and pruning in order to protect public safety along municipal roads. [Sec. 23-59, C.G.S.] Each town is required to appoint a tree warden who is charged with both preservation of trees and shrubs and protection of public safety. [Sec. 23-58, C.G.S.] A tree warden must be properly trained. [Sec. 23-59a, C.G.S.]

Sections 1, 2 and 4 of HB 5150 constitute clarifications of or minor modifications to the statutes implementing this state policy. Roadside trees within the State highway public right-of-way are specifically not covered by these statutes, and Section 3 of HB 5150 provides for a process that would ensure that the Department of Transportation give some consideration to preservation of the trees and retention of the substantial aesthetic and environmental benefits they provide when planning tree removals and pruning or granting permits for such cutting.

We support HB 5150 in general and set forth the reasons the Committee should support each of the sections of the bill in the following order: 2, 1, 4 and 3.

Section 2:
This amendment to Sec. 23-65(f) provides a clearer statement of the requirement that tree wardens must post notice of proposed removal or pruning of trees and shrubs within the municipal right-of-way, both when the tree warden intends to do the work and when a person, firm or corporation, including a utility, must obtain a permit from the tree warden to do so. It is our understanding that the training course for tree wardens has long taught that current law requires posting when a permit for removal or pruning is requested. The tree wardens in many towns follow that requirement. *The amendment does not change the law. It is solely a clarification of the law.*

Unfortunately, some towns and some representatives of the utilities claim that a tree warden must post only when he or she proposes removal or pruning and does not have to post when issuing a permit to another person or corporation to remove or prune a tree or shrub. Failure to post when issuing a permit deprives members of the public who live on or use the road and benefit from the trees and shrubs in the public right-of-way any opportunity to object and have a hearing as provided in Sec 23-59. (A hearing is required only if an objection is made.) The claim that posting is not required is clearly inconsistent with the statutory policy goal of preserving a municipality's roadside trees and roadside beauty for the benefit of the public, and allowing removal and pruning of trees and shrubs only when necessary for public safety. It makes little sense for a tree warden to have to post when cutting is proposed by him or her, but not to have to post when cutting is proposed by a person or corporation that does not have a tree warden's duty to preserve municipal trees and shrubs and roadside beauty.

This clarification amendment removes all doubt as to the proper interpretation of Sec. 23-65(f) in relationship to the Sec. 23-59 process, and strengthens the authority of the tree warden to require posting against claims to the contrary by those seeking a permit. It also ensures that there is adequate time for members of the public to learn about the proposed work and object if it does not appear to be warranted.

GCNH therefore supports this amendment as written.

Section 1:
This amendment to Sec. 23-59 eases the tree warden posting requirements for shrubs. Posting of each individual shrub in a group of shrubs scheduled for pruning or removal is an unnecessary and time consuming burden for tree wardens, and it is reasonable to amend the law to allow posting of a group. In addition, unlike trees, some shrubs do not provide any aesthetic or environmental benefits and it is reasonable to allow tree wardens, as this amendment does, to post only those shrubs that *may provide those benefits.* As currently drafted, however, the amendment to Sec. 23-59 appears to allow a tree warden to make such a preliminary judgment about trees prior to posting. All trees, however, provide some aesthetic or environmental benefits and unless, as provided in Sec. 23-59, they are an immediate public hazard or host insect or fungus pests, they should be posted prior to any pruning or removal to give the public notice and an opportunity to learn why pruning or removal is proposed and make their views known to the tree warden.

With redrafting to preserve the current requirement to post all trees that are not an immediate hazard or hosts to pests, GCNH supports this amendment.

Section 4:

This amendment ensures that utilities are legally obligated to remove debris after pruning or removal of trees and shrubs. Both electric distribution companies now voluntarily undertake debris removal according to statements in their vegetation management plans submitted to the Public Utilities Regulatory Authority (PURA). There is no PURA regulation requiring debris removal and it is unclear under current law what authority PURA has to enforce the promises made the electric distribution companies to remove debris. The amendment essentially gives PURA that authority.

GCNH supports Section 4.

Section 3:
GCNH supports the intent of this section to ensure that the environmental and aesthetic consequences of tree removal along state highways are considered by the Department of Transportation when making plans on their own initiative or issuing permits for tree removal by third parties, such as utilities. It is important to recognize that many state highways are essentially local roads for a municipality, going through residential areas and town centers. Planning or permitting tree removal that does not take into account the potential aesthetic and local ecosystem impacts on the municipality can negatively impact property values and create environmental problems, such as flooding created by removal of large trees that had previously prevented such flooding. Throughout the country, many cities and towns are recognizing the importance of the "green infrastructure" of trees and shrubs to prevent environmental problems and Connecticut should do the same.

Conclusion:
The Garden Club of New Haven respectfully requests that the Committee vote in favor of HB 5150, subject to redrafting of Section 2 to amend Sec. 23-59 so that the amendments to Sec. 23-59 clearly apply solely to shrubs.

Thank you for your consideration of this written testimony. I will be happy to respond to any questions you might have. You may contact me at gardenclubnh2@gmail.com.

Respectfully submitted,
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