

Mary Bell
90 North Main St., Essex, CT

Testimony S.B.79 - AN ACT CLARIFYING PROVISIONS OF THE GENERAL STATUTES
REGARDING THE USE OF PROPERLY INSTALLED AND CONSTRUCTED BARRIER SYSTEMS
FOR CERTAIN PLANTINGS

Dear Environment Committee,

Feb. 14, 2016

I support the intent of S.B.79, and ask that the bill include the following two items to **clarify** and enable enforcement of the 40 foot buffer zone as intended.

1) ADD 3 words or to grow these 3 words clarify the 40 foot buffer zone – we need not allow to be planted or to grow.

2) ADD subsection (g) to the various subsections - authorizing an individual to seek private enforcement of the buffer zone in court themselves and authorize attorney fees.

Subsection (g) - A private right of action may be maintained by an adjoining property owner to enforce the provisions of subsection (c) of this statute. The plaintiff is entitled to attorneys' fees and costs if he/she is the prevailing party.

In most cases a municipality may not have the resources to enforce the law, but that must not prevent a private citizen from enforcing it themselves.

In my case, I could not get enforcement last year. Without the bamboo removed from the 40 foot buffer zone, the bamboo will continue to invade and damage my property every year. If the bamboo is not removed it will soon spread into the abutting wetlands and other properties. We moved to Essex from Los Angeles in 2000 and bought our house at 90 North Main St., Essex, CT. We saw some bamboo growing in the back yard and hired a man with a backhoe to dig up and remove it. Soon we discovered more and more shoots coming up. (we did not know this was yellow groove invasive running bamboo) We continually try to dig them up, but the bamboo keeps invading from the abutting property owner. I fear it will invade our entire yard, and lower the market value of our property.

Our neighbor will not address the problem and will not remove the bamboo along the property line, which originated on his property. So we continue to dig as many of the rhizomes as we can, only to be invaded further each year. The proximity of our home is approximately 25 feet from this yellow groove bamboo stand. The bamboo is thick and is now approx.40 feet high. If something is not done soon, the bamboo will destroy my home. This has cost us many thousands of dollars over the years, and continues. Our local wetlands commissioner has inspected and taken photographs, but feels that he does not have the authority to order removal. Our Land Trust officials have also seen the growth and told me it is close to public property. (Tiley- Pratt Pond) In fact this whole area is wetlands with streams which feed into the Connecticut River.

The spread of this bamboo into the surrounding wetland and natural areas could be stopped if the law was clear enough to enable enforcement of the buffer zone. We cannot keep spending money to remove the bamboo only to have it return worse each year. We need a clear law which enables enforcement of the buffer zone on existing bamboo as intended

Sincerely,
Mary Bell