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S.B.79

I am writing today to support S.B. 79 a bill that's purpose is to clarify the statute. While I support S.B. 79, I urge the committee to include the following two items that make the law clear and enforceable.

1) ADD 3 words or to grow these 3 words clarify the 40 foot buffer zone as intended

2) ADD subsection (g) to the various subsections - authorizing an individual to seek private enforcement of the buffer zone in court 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 and disbursements if he/she is the prevailing party.

Phyllostachys aureosulcata is a living organism that invades, trespasses, and causes damage mostly unseen through its underground rhizome system. This underground rhizome system is double, triple and sometimes even larger than the above ground culms. In my case, where it grew not only into my yard, but cracking and growing under a cement walkway, up through my siding and out of my roof. This grove of Phyllostachys aureosulcata stood 35 feet tall, 15 feet long and 5 feet wide above ground. Underground it covered 45 feet by 75 feet when it was dug up and removed. My husband and I have had years of diligence and unnecessary stress to make sure all rhizomes were removed, before we can say it was eradicated.

The law needs to be clear that bamboo cannot grow in the 40 foot buffer zone and allow a person to get enforcement of the buffer zone in court with attorney fees authorized. We have no real recourse without a law that is clear.

I want to thank my State Representative Kevin Ryan, for his time and effort with this matter.

Testimony Submitted Respectfully,
Robin Arcarese

PHOTOS ATTACHED – BAMBOO DAMAGE TO MY HOUSE





