



State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

REPRESENTATIVE KATHLEEN M. McCARTY
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RANKING MEMBER
EDUCATION COMMITTEE

MEMBER
APPROPRIATIONS COMMITTEE
PUBLIC HEALTH COMMITTEE

March 6, 2019 * 11:00am * 2B

Testimony on HB 5127 AN ACT CONCERNING THE ERECTION OF FENCES AND THE PLANTING OF HEDGES AND TREES THAT OBSTRUCT WATER VIEWS.

Dear Chairmen Cassano and McCarthy Vahey, and Ranking Members Champagne and Zawistowski, and distinguished members of the Planning and Development Committee:

Thank you for this opportunity to testify in support of **HB 5127 AN ACT CONCERNING THE ERECTION OF FENCES AND THE PLANTING OF HEDGES AND TREES THAT OBSTRUCT WATER VIEWS.**

The purpose of this bill is to permit municipalities to regulate the erection of fences and planting of hedges that obstruct a neighbor's water views.

Since this bill was first proposed, several of my constituents have contacted me regarding the obstruction of their water views by their neighbor's trees or hedges. One would hope that neighbors in waterfront communities would be sensitive to one another regarding their water view rights but unfortunately this is not always the case.

In my opinion, the erection of fences or the planting of trees, or hedges by a neighbor that interferes with another neighbor's freedom to enjoy his water views, as a direct result of such plantings, is unfair and injurious to the property owner.

This bill is being proposed because of an incident that occurred to a property owner who enjoyed water (sea) views from his property. The property owner's sea view was obstructed by the installation of trees by his neighbor that will grow to a height of 30 feet or more.

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 sea view as the trees grow over the next few years. These trees were planted after the property owner had purchased

his home with a sea view. The purchase of the property was made specifically because it offered a sea view without obstruction.

It is not only the loss of enjoyment of the property by the obstruction of the water view that is in question but also and equally as important the sizeable devaluation of the property itself caused by the obstruction. The high value of water front property rests in large part due to its water views.

Committee Bill No 5127 would amend section 7-148 of the Connecticut General Statutes and give any municipality the authority to regulate the erection of fences and the planting of hedges that obstruct water views. (See lines 325-328). The proposed bill does not address the type or classification of fences or trees or hedges nor their height.

Thank you for your thoughtful consideration of **Committee Bill No. 5127**.

Sincerely yours,

A handwritten signature in blue ink that reads "Kathleen M. McCarty". The signature is written in a cursive, flowing style.

Kathleen M. McCarty
State Representative, 38th District
Waterford, Montville