

Please Add Your Voice in Support of Expert Decisions
Regarding the Disposition of Community Trees

Oppose SB 703 (formerly HB 5414 An Act Concerning Appeals of Tree Wardens)

Please add your voice to the Tree Wardens Association of Connecticut in strongly opposing the provisions included in SB 703 "An Act Concerning Fire Safe Cigarettes And Appeals Of Decisions By Local Tree Wardens" (formerly HB 5414) that would allow appeals of the Tree Wardens decisions to each municipality's Zoning Board of Appeals. We urge you to contact your legislators immediately to oppose a change in the law which does not provide for expert decisions regarding community's trees.

The law currently states that appeals of a Tree Warden's decision after tree posting and a public hearing) are made in Superior Court. SB 703 proposes that appeals go to the Zoning Board of Appeals. Tree risk management is outside the expertise of ZBA's. While municipal trees are a huge asset, they can be a serious liability to Towns and require trained professionals to make informed decisions in their care.

The urban forest and individual specimen values are increasing at exponential rates in Connecticut. Professional management is increasingly critical to protect these assets. An appointed board with expertise in land use issues such as setbacks, floor area ratios, building heights, etc (ZBA) is not the proper authority to consider tree health.

The current law has existed for 75 years and has proved to be effective and responsive to Connecticut communities. The checks and balances work!

Please contact your legislators and House Speaker Jim Amann. Calls are better but emails can be found via the CT Assembly website at www.cga.ct.gov, go to right hand column and click on House or Senate.

Call :

Senate Democrats(860) 240-8600 or 1-800-842-1420
Senate Republicans(860) 240-8800 or 1-800-842-1421
House Democrats(860) 240-8585 or 1-800-842-8267
House Republicans(860) 240-8787 or 1-800-842-8270

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Additional reasons to oppose:

Tree risk management is out of the realm of ZBA's. They have neither the training nor the charge to manage these issues.

The new law would put the burden on the Town to file with Superior Court for final appeals about its own property. (In fact as written, even this appeal to superior court has been lost, as the original 1921 superior court language has been stricken from the bill.) The onus should be on the person taking exception to the professional expert representing the Town, not vice versa. Under this proposed law, the Town could need to appeal to Superior Court to remove its own tree!

Tree Wardens have shown themselves to be sensitive to the public's affinity for trees even as they manage the risk associated with roadside trees and public properties. There is not a valid reason or previous case to warrant the change.

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Here is how this will affect Town Officials and Professionals:

If you are a Tree Warden, you will be at the mercy of the ZBA to understand your reasons for removing or saving a tree. They must see what you see - without any training.

If you are a Parks and Recreation professional, you may have to attend a ZBA meeting on top of coordinating with the Tree Warden to determine the maintenance of the properties.

If you are the Highway Superintendent or the Town Engineer or Public Works Director, you may now have to justify the roadside maintenance, street tree trimming, and sightline hazards to the Tree Warden and then to the ZBA should anyone object to tree work.

If you are a Police agency and the Town's traffic authority, you may be faced with prolonged hearings should any citizen object to a Tree warden's decision to prune or remove for sight lines over signs or at driveways and intersections - even for Town trees.

If you are with a utility, you may be faced with ZBA hearings should there be opposition to line maintenance once approved by the Tree Warden.

If you are a planner, your ZBA will now have authority over land use issues and specific elements such as potentially every tree on Town land including those in parks, public buildings and schools.

If you are a developer, realize that any resident has the potential to delay your project, even after you have received commission and agency approvals. The public hearing process takes time and may even end in rerouting your project if ZBA agrees with the appeal.