

My name is Tom Failla. I am the Town of Weston Tree Warden. Today, I serve as the presiding officer over this Public Hearing.

The purpose of the hearing is to take comments on the June 12, 2023 posting of a Notice of Removal (see below) on a three-stem red oak on the Town of Weston Right of Way at the corner of Norfield Road and Norfield Farm Lane.

With me to assist with this meeting are: Nicholas Bamonte, from the town attorney's office, who will serve as parliamentarian to answer procedural questions, and Marina Zegarelli, town land use administrator, who will help with the meeting technology.

Also here is Allan Fenner from Bartlett Tree Experts, a tree care firm with consulting arborists contracted under the town tree warden budget to perform a risk assessment on the tree in May. This assessment was done to provide an independent perspective beyond my multi-year professional observations of the tree's condition since the last risk assessment was performed by the same firm in August 2016.

As the town's tree warden, I have statutory authority (CGS Ch 451 Sect. 23-59) over the care and control of municipal trees and shrubs. This includes assessing the wellness of trees on municipal property especially those along town rights of way, near buildings and areas where vehicles and pedestrians gather or pass by.

I was appointed the town's Tree Warden by the Board of Selectmen in July 2020 after serving as deputy tree warden since 2019 and obtaining tree warden certification through the state of Connecticut and state Tree Warden Association and completing a course of study in arboriculture. In recent years back to the late 1990s, the Norfield Oak has been a safety concern. The tree has been cabled to reduce the chance of catastrophic failure into the roadway, possibly causing personal injury and property damage including backbone utility wires. Cabling of a tree by a property owner, in particular places a special responsibility to keep an eye on the tree and periodically assess its condition. Following a 2016 risk assessment by Bartlett, one stem that protruded into the travel way was removed along with replacement of broken or strained cables and addition of cables on the three remaining stems. The stem removal exposed a large area of decay into the center of the trunk. At the instruction of my predecessor, I have checked the tree and the cables seasonally and after major storms. Lately, despite the removal of one stem and shoring up of cables, I have noticed the tree is not improving. In fact, it is deteriorating rapidly with decay and vertical and horizontal cracks. So, I contracted this May with Bartlett to provide a second independent risk analysis of the tree, specifically to:

1. Perform a Level 2 basic and Level 3 advanced assessment
2. Make recommendations to reduce risk.
3. Provide a written report on the level of risk based on tree and site conditions

In 2016, Bartlett gave the tree a low risk rating and recommended the interventions mentioned above. The latest report found an increased level of risk and recommends removal of the tree to reduce the risk of stem, branch, root or cable failure. The consulting arborist indicated probable tree part failure with significant or severe consequence. This concurs with my findings: hazardous tree with risk to public safety including: decay, rot, hollow trunk, insect and disease damage, weak stem unions and horizontal fracture at base, taught cables with de-formed connections.

In my professional judgment the risk to public safety is unacceptable due to the tree's deteriorating condition. Therefore, sadly, I posted the tree for removal on June 12, 2023. The week before posting, I made my intention to post the tree known to members of the board of selectmen, the town administrator, public safety officials and persons known to me to have an interest in the tree along with nearby neighbors. During that period, I received suggestions on how to memorialize the tree. I also have collected some acorns from the ground, identified others forming on the tree that could grow scions and I identified at least two nearby seedlings.

The posting started a ten-day period in which the public could send written comments, which I have received and now posted on the Tree Warden page of the town website. Because of this, the law requires that I conduct a public hearing.

This administrative hearing scheduled for 4 p.m. June 29, 2023 on Zoom complies with Conn. Gen. Statutes 23-59. It was legally noticed June 26, 2023 on the Weston Town Clerk's bulletin board the Town of Weston website under Legal Notices and the Tree Warden page.

<https://www.westonct.gov/government/municipal-departments/tree-warden>

The notice was also emailed to interested parties. Notices were also posted June 26, 2023 on the tree. A notice was published in The Hour of Norwalk, CT on June 26, 2023. All documents related to this hearing have been posted on the Tree Warden page on the town website and are part of the record. This includes all written comments received since June 12, 2023 as well as these remarks.

Before I take comments, here are the ground rules for the hearing:

First, this hearing is for members of the public to offer comments relative to the notice. You will be recognized by using the button to raise your hand. When your turn comes, please state your name and address. Please limit comments to three minutes. Please avoid repeating information. In the meantime, please mute your audio. If anyone wants to submit comments in writing, they may do so by sending them to treewarden@westonct.gov before this hearing closes.

Second, the Tree Warden is here to listen fairly and impartially. I will not engage in a discussion about the reason for the notice of removal, which has already been established on the notice and in this opening statement. Under the statute Sec. 23-59, the Tree Warden has three days from the close of this hearing to render a written decision. The decision will be informed by comments at this hearing and documents posted on the Tree Warden page. **The hearing is now open for public comment.**

Closing comment: I believe we have heard all the comments. At this point, the public hearing is closed. No more information will be accepted. The tree warden will render a written decision within three days, which will be posted on the tree and emailed to the Town of Weston Board of Selectmen and interested parties. It will also be posted on the Town Clerk's bulletin board, the town web site under Legal Decisions and the Tree Warden Page. Sect. 23-59 states: "the party aggrieved by such decision may, within ten days, appeal therefrom to the superior court."