

Office of Tree Warden, Town of Weston, 56 Norfield Road Weston, CT 06883

Notice of Tree Warden's Final Decision – Four Trees Old Weston Road, Aug. 30, 2024

On Aug. 9, 2024, at the request of Eversource this Tree Warden posted removal notices on four live municipal trees and nearby saplings within the utility's substation and hazard zone. The trees include:

1. 42 in DBH twin oak north pole 30012 east side Old Weston Road – weak union, compressed roots.
2. 14 in DBH maple northeast pole 30012, east side Old Weston Road – sapsucker holes.
3. 8 in. DBH maple northeast pole 30012, east side Old Weston Road.
4. 16 in. DBH lesser leader twin oak northwest pole 30012 west side Old Weston Road – weak union, compressed roots.

A Public Hearing on Zoom took place on Tuesday, Aug. 27, 2024 from 4:35 p.m. to 5:02 p.m. following a Aug. 20, 2024 hearing notice posted on the town clerk bulletin board, the town website and published Aug. 21, 2024 in The Hour of Norwalk, CT. As required by Chapter 451, Section 23- 59 of the Connecticut General Statutes, the hearing was called because written objections were received from three nearby residents.

At the hearing, Howard Law and Andrew Leary, who wrote objections, expressed opposition to removing the trees on the basis the trees were well-established. They also doubted that they posed risks to nearby utility infrastructure. Mr. Leary, who said he was involved in a legal action against the utility, questioned whether the utility would follow through on the notice of removal condition that the utility “plant replacement shrubs east and west side” of Old Weston Road in the hazard zone. The utility arborist for the local area, Matt Helman, stated the trees fell within the hazard zone and posed a risk to the substation and transmission line. He also noted that tree No. 3 with sapsucker holes had canopy loss and trunk decay and rot. The utility's statewide arborist Kathy Ferrier reinforced the position regarding the trees' risk to utility infrastructure and noted the area was rocky and reestablishing new vegetation might be a problem.

Having impartially reviewed the facts and opinions presented during the hearing and documents made part of the hearing record, I make the following observation and ruling: The four municipal trees, because of their size, height, proximity, compromising conditions, pose a risk to the utility infrastructure and may be removed by the utility at its expense in a planned and safe manner approved by the tree warden. However, no tree or nearby sapling on town property shall be removed until the utility provides a replanting plan and schedule in writing and approved by the tree warden for shrubs that are suitable for survival in the utility's hazard zone. Additionally, after the trees are planted the tree warden will solicit volunteers from among residents to nurture newly planted shrubs within the first three years of planting.

This is the final decision of the Weston Tree Warden. Let it be known that Chapter 451, Section 23-59 of the Connecticut General Statutes states: “the Tree Warden shall render his/her decision granting or denying the application, and the party aggrieved by such decision may, within ten days, appeal therefrom to the Superior Court for the judicial district within which such town or borough is located.” This decision will be emailed to the Board of Selectmen and interested parties and posted around the trees before 4 p.m. Aug. 30, 2024. Subsequently, it will also be posted on the Town Clerk's board, the town web site under Legal Notices and the Tree Warden page, and published in The Hour, Norwalk, CT