



Incorporated 1787

**Office of Tree Warden, Town of Weston
Notice of Public Hearing, January 11, 2023 at 4:00 p.m. via Zoom
Regarding the December 13, 2022 Posting of Tree Removals
On the Town of Weston Moore Property, Lords Highway East
(Assessor Map 17 Block 1 Lot 17)**

Under the provisions of Conn. State General Statute Sec. 23-59. Powers and duties of tree wardens, the tree warden is required to conduct a public hearing if the tree warden receives any objections in writing within ten days of the posting. Such written objections were received between December 14, 2022 and December 23, 2022. Therefore, a virtual public hearing will take place using Zoom at 4 p.m. local time January 11, 2023.

Pursuant to Public Act 22-3, the tree warden will hold a public hearing on January 11, 2023 at 4:00 p.m. via Zoom.

This notice and relevant documents will be posted on the Town website:
<https://www.westonct.gov/government/municipal-departments/tree-warden>
and are available in the Land Use Department,
Town Hall Annex, 24 School Road, M-Th, 9:00 a.m. – 4:30 p.m.

Pursuant to Sections 163-167 of Senate Bill 1202, the meeting will take place by internet/phone.

Join via the Zoom Meeting via Internet:
<https://us02web.zoom.us/j/83238587607>

Join via Phone: 1 646 558 8656

Meeting ID: 832 3858 7607

Passcode: 646977

Dated at December 29, 2022 in Weston, CT by Dr. Tom Failla, Weston Tree Warden

To be published in The Norwalk Hour on Tuesday, January 3, 2023

Larissa Strautman <lstrautman@gmail.com> Thu, Dec 15, 9:23 AM (5

days ago)

to me

Dear Mr. Failla and to Whom it May Concern:

We are writing in response to the sign posted opposite the residence at 15 Lords Highway East which is the intended driveway for the planned dog park. While we agree that clearer access may be necessary the wide swath of marked trees to our minds is unnecessary, this is not a major thoroughfare with many vehicles and constant traffic travelling there. It would be such a shame to lose so many magnificent old growth trees and would despoil what has been and is a lovely stretch of woods. Please reconsider the number of trees that will be felled and keep to the absolute minimum necessary. Thank you for your consideration.

Sincerely,

Larissa Strautman and Jeffrey Farr

Tree Warden Thu, Dec 15, 9:24 AM (5 days ago)

Received and thank you.

warren and dana <danwarco@aol.com> Mon, Dec 19, 5:02 PM (23 hours ago)

to me

To Mr. Failla et al

We are neighbors of Larissa and Jeff and echo their concerns. We have lived in Weston in our home on Richmond Hill for the past forty-seven years. During this time we have had our own dog, and since then, on many occasions over these many years, our children and grandchildren have visited us with their own dogs. What a joy it has been watching the dogs frolic on our own two acres, in the woods behind our home, and also in the woods where you propose to chop down over 70 trees, (...as Joni Mitchell sings) to 'pave paradise to put up a parking lot' for a fenced in dog park. What a travesty. Sincerely,
Dr. Warren Cohn and Dana Cohn

Tree Warden <treewarden@westonct.gov> Mon, Dec 19, 8:12 PM (20

hours ago)

to warren

Thank you and received.

warren and dana <danwarco@aol.com> Mon, Dec 19, 5:02 PM (3

days ago)

to me

To Mr. Failla et al

We are neighbors of Larissa and Jeff and echo their concerns. We have lived in Weston in our home on Richmond Hill for the past forty-seven years. During this time we have had our own dog, and since then, on many occasions over these many years, our children and grandchildren have visited us with their own dogs. What a joy it has been watching the dogs frolic on our own two acres, in the woods behind our home, and also in the woods where you propose to chop down over 70 trees, (...as Joni Mitchell sings) to 'pave paradise to put up a parking lot' for a fenced in dog park. What a travesty.

Sincerely,

Dr. Warren Cohn and Dana Cohn

Tree Warden <treewarden@westonct.gov> Mon, Dec 19, 8:12 PM (3 days ago)

o warren

Thank you and received.

From: RJC27 <RJC27@optonline.net>

Date: December 14, 2022 at 4:29:35 PM EST

To: Martin Mohabeer <mmohabeer@westonct.gov>, ajenner@westonct.gov, Samantha Nestor <snestor@westonct.gov>

Cc: Jonathan Luiz <jluiz@westonct.gov>

Subject: [EXTERNAL] Urgent Request for Review and Action by BOS

Dear Board of Selectmen,

I am writing to ask you to act urgently and place on the BOS Selectmen agenda for discussion and motion two issues:

1. The posting of legally required Notice for tree removal on the Moore Property.
2. The intended action, apparently after the posting of trees for removal, to remove trees while there are two matters to be resolved, an ADA access complaint and an appeal of the approval by the Conservation Commission of a dog park at the Moore Property progressing through Superior Court.

Tree Posting

Within the past hour or so I drove to the Lords Highway East entrance to the Moore Property. I went there because I was told that Town employees were on the property December 13 marking trees for removal, posing a Notice of Tree Removal on individual trees.

When I arrived I saw this, with no clear indication that any trees had been tagged and Noticed for removal. **This is what every person walking on Lords Highway East,**

driving the street or living in the neighborhood would see from their homes.





However, when I walked on the dirt path and looked back, almost every tree on either side of the path was tagged. Below is a small sample of what one sees from inside the property.



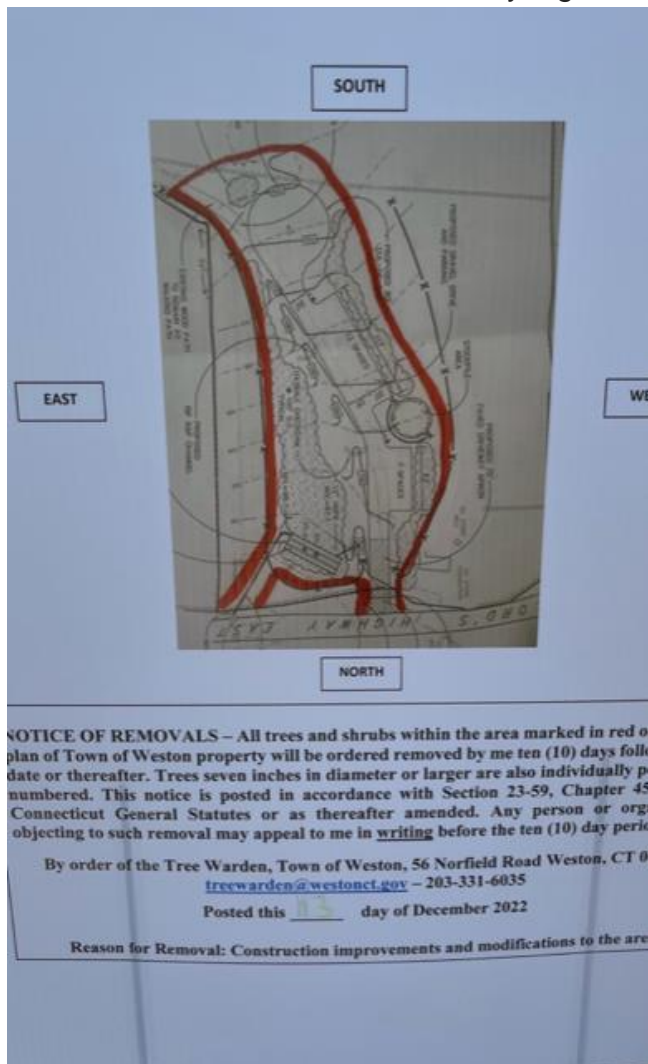


By my casual count more **than 100 trees are tagged** for removal. Tagged on the back side, away from public view. From the perspective of a person walking or driving by, or living next to the property, all looks as usual.

The purpose of posting a Notice of Tree Removal on a tree is to notify the Public. To me, what was done in this instance looks like it was meant to obfuscate the required Notice.

And yes, if you go back to the first photo there is a small white sign maybe 20-25 feet from the road with more information on tree removal. Many, like me, will miss it while walking and certainly while driving by at speed. Here is that sign, a day after it was

erected. Note that the date is barely legible a mere 24 hours later.



I urge the BOS to take this up, renounce the manner in which the posting was done and determine who is responsible for directing that notices be placed on trees in this manner. I'd also note that in every instance I can recall, a Notice to remove a tree was posted on a larger white piece of paper that was clearly visible to the public from the street.

Tree Removal

It is unconscionable to me that a single living tree posted for removal on the Moore Property would be removed while there are two outstanding issues to be settled, both with a good chance that the Plaintiffs will prevail and the trees taken down will be lost for no good reason.

Apart from the environmental question of removing trees, including what appears to be

a significant number of old forest growth trees, as a taxpayer I resent that the Town would spend any money, ARPA-funds or otherwise, taking down these trees.

Summary

I hope these points resonate with you and I encourage you all, or at least two, to call for a motion that these issues be placed on a BOS meeting agenda, tomorrow if possible. The tree removal notice allows only 10 days for a resident to dispute removal, so time is of the essence.

Motion 1 - That the clearly inadequate Notice of Tree Removal for trees on the Moore Property be terminated and rescinded.

Motion 2 - That no trees will be cut down until the two ongoing matters (ADA complaint and Superior Court appeal), or any appeals resulting from those matters, are settled.

Thank you,
Bob Casson

APPEAL OF TREE REMOVAL

Appellant's Information

Names and Addresses: : See Attachment A

Date of Posting of Trees being appealed: December 13, 2022

Location/Identifier of Tree being appealed

Moore Property, Lords Highway E, Weston CT

DBH Size: Various: See Attachment B

Type: Various: " "

Location: Various " "

(Above information taken directly from Tree Removal Notice)

Reasons for Appeal

This appeal applies to the individual tree locations listed above, as well as all healthy living trees posted for removal at this site.

1. The Weston Board of Selectmen, on December 15, 2022, voted not to proceed with the removal of live trees at the Moore Property on Lords Highway East until an appeal from the decision of the Conservation Commission to issue a modified permit for construction of a dog park on the Moore Property and, a complaint to the Connecticut Human Rights and Opportunities Commission that the proposed facility does not comply with the Americans with Disabilities Act (ADA) have been finally decided.

By doing so, the Board of Selectmen constructively withdrew your action of December 13, 2022, to give Notice of Intent to remove approximately 115 or more trees from the property pursuant to the provisions of Connecticut General Statutes Section 25-39. It will therefore be contrary to the decision of the Board of Selectmen, meaningless, and a waste of Town and judicial resources to proceed with an appeal procedure and any resulting appeal to the Superior Court at this time.

We therefore respectfully request that you formally withdraw the Notice described above. We further reserve the right to employ any and all legal remedies available to us if your Notice is not withdrawn.

In the event that you fail to withdraw this Notice, we further appeal from the above described Notice on both the foregoing and following grounds:

2. Inadequate Notice of Tree Removal was given by the Town. Individual "Notice of Tree Removal" documents were placed on back of trees, not visible from the street. One sign with additional general notice of removal was placed approximately 20 feet from the street and used a small font size that was not legible to a person walking or driving on the street. The date of notice on this sign, December 13, was illegible only 36 hours after the sign was placed by the Tree Warden and was apparently washed off completely during a heavy rainstorm on December 16. The date was completely missing when checked at noon on December 17. On December 18 the date was seen reentered on the sign. Therefore, residents encountering the sign on December 16 through when the date was reentered on December 18 would not have been alerted to when the ten-day appeal window commenced.
3. A notification of the tree removal and details of the appeal process appeared in Town Hall Happenings, a text or email sent to residents who had subscribed to the newsletter, on the afternoon of December 16. This notification took place after three days of the 10-day appeal window had already lapsed.
4. There is no evidence that any professional licensed surveyor surveyed and marked the property, including but not limited to the center-line of the proposed entrance way and parking access road, unpaved path or the location/boundaries of the parking areas or emergency turnaround area and the location of the proposed drainage system. Without a professional survey and the provision of marking stakes to identify these boundaries, there is no way for the Tree Warden to know if any specific tree marked for removal lies within the areas specified by the plans and notes of the project drawings approved by the Conservation Commission.
5. The decision to mark the trees for removal in December, a time when deciduous tree species are in a dormant stage and leafless, makes it difficult if not impossible to accurately discern the health of any particular tree marked for removal. The vast majority of trees marked for removal are deciduous trees.
6. There is no indication that any tree marked for removal was evaluated for any criteria other than size and location. There is no indication that age, special status conferred on certain sub-species of trees, historic or ecological value, or environmental significance was considered.
7. The stated reason for removal, listed on the Notice for each tree, does not convey the specific reason that the tree(s) are being removed. The statement, "Construction improvements and modifications to area" obscures that the trees are proposed for removal to construct an entrance road, access road, parking lots and an emergency vehicle turnaround for a municipal dog park. This proposed dog park has been a controversial matter to the Weston community, and it is reasonable to believe that a resident might have an opinion one way or another, for or against removal, based on a fuller knowledge of the reason the trees are being removed.

By: *s/Sidney Dudash*
s/Joan Dudash
s/Dania Feller Anderson
s/Seth Anderson
s/Freda Welsh
s/Carolyn Welsh
s/William Kolbert
s/Ellen Strauss
s/ Clifford Feller
s/Frank Costello
s/Gayle Costello
s/Antoine Mills
s/Joyce Mills
Dated: December 20, 2022

ATTACHMENT A

**Appellants
Moore Property
Lords Highway E
Weston CT**

Date of Posting December 13, 2022

Sidney Dudash
26 Lords Highway E
Weston, CT 06883
sid5720@yahoo.com

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Joyce Mills
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ATTACHMENT B

Trees Appealed Moore Property Lords Highway E Weston CT
Date of Posting December 13, 2022

Tree #	Location	DBH	Type
1		22"	Maple
3		27"	Maple
5		15"	Maple
6		32"	Maple
9		15"	Maple
10		32"	Maple
12		10"	Maple
13		20"	Maple
14		19"	Maple
16		17"	Maple
17A		18"	Maple
18		17"	Maple
23		15"	Maple
25		16"	Maple
26		42"	Maple
28		11"	Maple
30		17"	Maple
31		15"	Maple
33		21"	Maple
34A		18"	Maple
37		45"	Maple
37A		24"	Maple
38		17"	Maple
39		20"	Maple
41		14"	Maple
45		33"	Maple

Trees Appealed Moore Property Lords Highway E Weston CT

Date of Posting December 13, 2022

Tree #	Location	DBH	Type
47		18"	Maple
50		24"	Maple
51		27"	Maple
57		15"	Maple
58		31"	Maple
59		11"	Maple
61		15"	Maple
64		13"	Maple
65		18"	Maple
67A		17"	Maple
68		20"	Maple
71		14	Maple