



# Town of Simsbury

66 TOWN FOREST ROAD, SIMSBURY, CONNECTICUT 06070

~ Department of Public Works ~

## Memorandum: Tree Maintenance and Removal Practice and Policies

**To:** Board of Selectman

**CC:**

**From:** Thomas J. Roy, Director of Public Works

**Date:**

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In Simsbury, the Director of Public Works also serves as the Town's Tree Warden and is responsible for the care, maintenance, pruning, and removal of trees in the right-of-way along the Town maintained roadway. The Town right-of-way generally extends 12 feet from the edge of pavement on both sides of the roadway and our Town's tree work is managed as a function of the Highway Department.

The rights, responsibilities and authority of the Tree Warden are defined in State Statute CGS 23-58. In general, the Tree Warden is responsible for posting all trees (located in the roadway ROW) with a notice, 10-days prior to their removal or pruning, unless the tree represents an immediate hazard, in which case it will be removed or pruned as soon as practicable.

In Simsbury the primary role of the Tree Warden and the work done by the Highway Department has been the removal of hazardous trees and pruning damaged limbs from the roadside. Typically, staff will identify a tree for removal during their routine work and bring this to the attention of the Highway Superintendent who serves as a Deputy Tree Warden. Additional trees are often identified by residents. We work to investigate all complaints of potentially hazardous trees in a timely manor and we routinely develop list of trees for removal. Most of our trees are removed by an arborist contracted by the Town. This is due to the high risk of this type of work and the specialty equipment required.

The current practice of the Town related to tree work is based on Connecticut Tree Law, the Tree Warden Statutes and past practice:

### *Tree Removals:*

- The Town will take full responsibility for the removal of any tree where any portion of the trunk is located within the ROW. Trees are generally removed when they represent a hazard, due to a defect in the tree, poor health or if the tree is blocking the sight lines near the roadway. Trees will be cut as low as possible to the ground to leave a small, clean stump. The Town does not grind or remove tree stumps.
- Residents who would like to have a tree in front of their property removed that is not a hazard, may request the tree be posted for removal. Provided the tree is not a notable tree in town or that no other residents request a tree hearing, the homeowners may have the tree removed after the 10-day notification period. The Town will not remove trees that are limiting the sight lines of a property owner's driveway.
- Hazardous trees on private property that have been identified as having the potential to fall into the roadway or otherwise represent a risk to the public are the responsibility of the property owner. If a tree on private property is identified by the Town as a risk, the Tree Warden will send a letter notifying

the property owner, if the property owner does not take action, the Town may remove or trim the tree as necessary to protect the public and seek reimbursement from the property owner.

*Broken, Damaged or Hazardous Limbs:*

- For trees where a broken or hazardous limb is over the Town's ROW, the Town will take responsibility to determine if there is a hazard and to prune the tree as appropriate. In some instances, a broken limb above the ROW or roadway does not propose a risk appropriate to warrant the removal of the damaged branch, i.e. a small diameter branch over a roadway that would not damage a motor vehicle.
- Tree limbs extends back away from the roadway beyond the ROW are the responsibility of the individual property owner. Additionally, property owners have the right to prune limbs from "Town Trees" that extend over their property.

*Fallen Trees:*

- Connecticut Tree Law provides that a tree that falls becomes the responsibility of the property owner of the property where it lands.
- When a tree falls from private property onto the ROW or into the road, the Town will be responsible for clearing and removing any and all portions of the tree in the ROW and on the roadway. The Town may leave the portion of the tree on private property, as this is the homeowners responsibility (if the portion on private property can easily be taken by town crews, we make every effort to assist the homeowners and remove the tree).
- When a Town tree (tree with a trunk in the ROW) that had not been identified as having a defect falls onto private property, the property owner is responsible for the cleanup of the fallen tree. Additionally the Town is not responsible for any property damage.

*Tree Trimming Around Power Lines:*

When Connecticut Light and Power (CL&P) is working in Simsbury for tree trimming, they contact the Tree Warden and request permission from the Town and they are also required to notify residents through the mail. The Town requires that any trees to be removed are posted in accordance with the State Tree Warden Statutes, and that they follow proper arboriculture practices:

- Trimming to the notch in the branch and following the 1/3<sup>rd</sup> rule
- No topping of trees (unless specific circumstances warrant and permission is granted from the Tree Warden)
- Using additional care around notable trees, on scenic roadways or in the historic district

If there are any questions related to the Department's policies for tree maintenance and removal, please contact the Department of Public Works at 860.658.3222.