

12-10-2024 TW Opening Statement by Presiding Official

My name is Tom Failla. I am the Town of Weston Tree Warden. Today, I serve as the presiding officer for this hearing. This Public Hearing takes place under the provisions of CGS Ch 451 Sect. 23-59 regarding a Nov. 18, 2024 Notice of Removal on a 35 in DBH oak in the town right of way on the corner of White Birch Road and White Birch Ridge. This hearing takes place because I received a written objection dated Nov. 21, 2024 from Robert and Susan Chadderdon at 1 White Birch Ridge which is the closest property to the subject tree. The reason for the removal notice was a request by the Weston Chief of Police following a Nov. 13, 2024 two-car accident involving a driver pulling out from White Birch Ridge in a westerly direction and a driver heading easterly along White Birch. The accident investigation found sight line to the west a contributing factor and driver pulling out was found at fault. A property owner at 12 White Birch Ridge and the mother of the driver pulling out from White Birch Ridge also asked that the removal notice be posted. The Tree Warden, the Police Chief, the Public Works Director and Town Engineer previously evaluated the tree as a sight line issue in 2020 and 2022 and emails referencing those occasions are part of the record of this hearing and posted on Town of Weston website under the Tree Warden page. Other documents that are part of the record of this hearing are excerpts from the accident investigation report with photographs. Photographs taken by the tree warden of the notice and the tree. The Chadderdon letter and a transcript of a text and photo sent by Dawn Sung at 12 White Birch Ridge.

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

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 first 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. The Nov. 18, 2024 posting on the tree started a ten-day period in which the public could send written comments, which I have received. Because of the objection, the law requires that I conduct a hearing. This administrative hearing scheduled for 4:30 p.m. Dec. 10, 2024 on Zoom complies with Conn. Gen. Statutes 23-59. It was legally noticed Dec. 3, 2024 on the tree, the Weston Town Clerk's bulletin board and the Town of Weston website under Legal Notices and the Tree Warden page and on Dec. 4, 2024 published in The Hour of Norwalk,

CT. The notice was also emailed to interested parties. All documents related to this hearing have been posted on the Tree Warden page on the town website and are part of the record.

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.

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, emailed to the Town of Administrator, First Selectwoman 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 and published in The Hour of Norwalk, CT. Sect. 23-59 states: "the party aggrieved by such decision may, within ten days, appeal therefrom to the superior court."