

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

Tree Warden's Final Decision – White Birch-White Birch Ridge Oak Dec. 13, 2024

On Nov. 18, 2024, at the request of the Weston Police Chief and a resident at 12 White Birch Ridge this Tree Warden posted a removal notice on a 35 in. DBH living oak tree because of their concerns about the tree's obstruction of sight lines for motorists traveling easterly on White Birch, a public road, and motorists entering White Birch at the intersection of White Birch Ridge, a private road. The request came after a Nov. 13, 2024 two-car accident in which the drivers of both cars and a passenger in the car entering White Birch from White Birch Ridge suffered injuries and were taken to the hospital

A Public Hearing on Zoom took place on Tuesday, Dec. 10, 2024 from 4:35 p.m. to 5:10 p.m. following a Dec. 3, 2024 hearing notice posted on the tree, town clerk bulletin board, the town website and published Dec. 4, 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 a written objection dated Nov. 21, 2024 was received from the residents at 1 White Birch Ridge, the property closest to the tree.

The Tree Warden noted that the police accident report stated sight line was a contributing factor in the accident and that 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. The Police Chief spoke in favor of the tree removal followed by Steven and Dawn Sung 12 White Birch Ridge and parents of the driver and passenger involved in the accident. All three supported the tree's removal for public safety reasons. Additionally, the Sung's presented a power point analysis of the sight line issue, which was made part of the hearing record. Craig and Dana Brownell also spoke in support of the tree removal as a matter of public safety. Attorney Glenn Major representing Robert and Susan Chadderdon at 1 White Birch Ridge, who objected to the removal, stated that they were opposed because the tree provides a significant amount of shade to their property and Mr. Chadderdon, who has lived at the property for 70 years, does not recall any accidents occurring at the intersection. Atty. Major stated that "while agreeably sight line will improve" by the tree's removal other obstructions related to topography will continue. He said: "if the intersection is approached in an appropriate, safe manner history clearly dictates that the intersection can be traversed without an accident."

Having impartially reviewed the facts and documents made part of the hearing record, I make the following observations and ruling: The tree's diameter in 2020 was 30 in. DBH and now is 35 in. DBH thus continuing to decrease visibility for motorists on White Birch and White Birch Ridge. Sight line issues with town street trees are a routine matter addressed by this Tree Warden and trees have been removed as a matter of public safety for this reason. The evidence compiled and Atty. Major's statement that "site line will improve" support the tree's removal. In response to the Chadderdon's concern about loss of shade the Tree Warden offers to purchase two white oak saplings 1-to-2 in. caliper for them to plant and care for on their property.

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 on the tree before 4 p.m. Dec. 13, 2024. 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