

Minutes of Shade Tree Commission Meeting Wednesday, January 7, 2004

The meeting was called to order at 7:05 p.m. by Chairman Richard Prentice.

Present were: John Winiarski, Phil Cashman, Bruce Graver, Richard Prentice, Mark Alpert and John Lepper, Tree Warden.

The Chairman called for a motion to change the order of business for the meeting to allow Scott Nierendorf, 151 Griswold Road, to present his appeal to the Town Tree Warden's order to remove two pear trees from the Town Right of Way.

Upon motion made by Commissioner Graver and seconded by Commissioner Winiarski, it was voted to change the order of business to take up Mr. Nierendorf's appeal as the first item of business.

Mr. Nierendorf stated he did not intentionally violate the Town Code. He and his wife are well aware of and appreciate the historic nature of Griswoldville, and make every attempt to keep their property in good shape. They felt that planting the two pear trees was consistent with that objective and was preferable to the Red Oak tree the Town had offered to plant.

Commissioner Graver pointed out that the Commission had voted to replace a wind-thrown tree on the site with a Red Oak. The main objective was to have a major tree planted on the site and oaks seem to do well in that area. However, another major tree species could be considered for the site.

A record of calls Mrs. Nierendorf made to Physical Services requesting service on a tree that has been removed establishes that she was aware the area in question is part of Town Right of Way.

The Tree Warden explained that Section 153-3 of Wethersfield Municipal Code requires that permission for planting trees and shrubs by private parties on public areas or public ways must be secured from the Tree Warden. Connecticut General Statute, Section 29-59, provides that the Tree Warden shall have the care and control of all trees and shrubs in whole or in part within the limits of any public road or grounds within limits of his town. The Superior Court of Connecticut in John LeConche et al vs. Town of South Windsor upheld General Statute Section 23-59 in finding for the defendant, Town of South Windsor. The LeConche case was very similar to the case we are discussing.

Mr. Nierendorf stated he has no interesting in going to court over two small trees and hopes we can reach an agreement suitable to both parties. He said after this evening's discussion, he understands the reason for the law and for compliance with it. He agreed to comply and will remove the trees.

Tree Warden asked for specific date by which the trees would be removed. April 30, 2004 was agreed upon between Mr. Nierendorf and the Commission. Tree Warden agreed to extend removal by date to April 30th.

The hearing was closed and normal agenda resumed.

ITEM 1 - Removals

- A. 260 Main Street - Sugar Maple tree - 5/0 not to remove - prune to make safe.

ITEM 2 - Minutes

Minutes were approved with one correction. Item 1I between "cherry" and "as" insert "on Livingston Street.

ITEM 3 - Communications

- A. Personal Service Agreement between the Town and Department of Environmental Protection for America the

Beautiful Grant to be used at Charles Wright School was received.

- B. Resident of Jameswell Road called Tree Warden for explanation of her rights relative to utility line clearance.

ITEM 4 - Tree Warden's Report

- A. Tree City USA application was received late. We have been able to get a time extension from DEP for filing.
- B. Met with Charlie Viani, Luke McEntire and David Drake of School Projects Building Committee to make site visits to Silas Deane Middle School, Webb Building and Stillman Building.

ITEM 5 - Old Business

- A. Tree Warden reviewed landscape plan for Stillman Building with the Commission.
- B. Spring Planting plans - Identified sites, include Meggat Park, 261 Wolcott Hill Road, 151 Griswold Road, Warner Place, Charles Wright School and Standish Park (Arbor Day). Commissioners reviewed Mark Alpert's plan for Warner Place.

ITEM 6 - New Business - None

ITEM 7 - Upcoming Conferences and Workshops

- A. January 15, 2004
Connecticut Tree Protective Association,
Annual Conference, Aqua Turf, Southington, CT
- B. January 21-22, 2004
Dr. Alex Shigo Seminar, Sturbridge, MA
- C. January 27, 2004
"Trees and Tree Care" Workshop,
Northeast Utilities Headquarters, Berlin, CT
- D. February 12, 2004
"How To Retain Trees During Construction and Land Development" seminar,
Centrum Center Worcester, MA

Having no further business to conduct, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

John C. Lepper, CTW
Tree Warden/Secretary Pro-Tem