

Adopted by the Planning and Zoning Commission on September 27, 2011

The following is adopted by the Granby Planning and Zoning Commission as a companion guideline to Chapter 133 of the Town Ordinances, SCENIC ROADS.

Under the Scenic Road Ordinance the Planning and Zoning Commission is authorized to designate Town Roads as scenic roads. The Planning and Zoning Commission is also empowered under the Ordinance to authorize the alteration or reconstruction of a scenic road.

The Commission finds that the preservation of street trees is not adequately addressed within the Scenic Road Ordinance. The preservation of "mature trees" is addressed within the ordinance without a definition of a mature tree. Because saplings were recently cut along a Scenic Road the Commission offers the following as a clarification in regards to the cutting and preservation of small trees.

The Commission also offers a reference to the penalties outlined in the Connecticut General Statutes regarding cutting trees on State and Town property.

For the purpose of this ordinance a mature tree is any tree that has a diameter greater than 7 inches, measured 4.5 feet from the ground.

A goal of the Scenic Road Ordinance is to preserve, protect and maintain mature street trees. However, despite all such efforts it is understood that mature trees will at times be lost do to natural causes, disease, storms and similar unpredicted and unknown circumstances. To provide for future street trees, small trees should be strategically encouraged and nurtured. Small trees should not be removed from within the Town right of way where they can grow and become part of the street canopy. The Department of Public Works should not remove (or permit the removal of) small trees where they are set back at least 6 feet from the travel portion of the roadway and are spaced at least 10 feet from existing mature trees. It is expected that clusters of small trees would be thinned to encourage the best placed and healthiest of the species.

It is understood that the growth of small trees will be discouraged where it is determined that:

**the continued growth will present a future hazard to motorists,
the root system will not sustain a mature tree,
the tree will grow directly into the electrical power lines,
the tree will grow onto an unstable slope,
the local traffic authority recommends removal.**

The penalties that can be imposed on persons who remove, prune, injure or deface trees within the limits of a public way can be found under Chapter 451 of the Connecticut General Statutes, Section 23-65

**The Statute can be found at: <http://www.cga.ct.gov/2011/pub/chap451.htm>
Section 23-65 reads in part as follows:**

Any person, --- other than a tree warden --- who removes, prunes, injures or defaces any shrub or ornamental or shade tree, within the limits of a public way --- without the legal right or written permission of the town tree warden, --- or other authority having jurisdiction, may be ordered by the court ---to restore the land to its condition as it existed prior to such violation or shall award the landowner the costs of such restoration, including reasonable management costs necessary to achieve such restoration, reasonable attorney's fees and costs and such injunctive or equitable relief as the court deems appropriate.

In addition, the court may award damages of up to five times the cost of restoration or statutory damages of up to five thousand dollars. In determining the amount of the award, the court shall consider the willfulness of the violation, the extent of damage done to natural resources, if any, the appraised value of the shrub or ornamental or shade tree, any economic gain realized by the violator and any other relevant factors.