



Ken Stamm

17A Indian Hill Rd / Westport CT 06880

30 December 2021

Westport CT Planning & Zoning Commission
attn: Zoning Regulation Revision Subcommittee

Re: Draft Text Section 31-17 "Tree Preservation Regulations" (as of 29 December)

Dear Commissioners,

I'm an ordinary homeowner unconnected to the real estate or tree removal industry.

Firstly, please understand that I hate having to take down otherwise healthy trees of any size, usually due to a threat to property or (human) limb. It's not the tree's fault that it lives where it does. Furthermore, I enjoy breathing their waste product.

The proposed draft Text Section 31-17 is flawed, and would impose a significant bureaucratic and financial burden to "ordinary" homeowners, while not significantly impeding clear-cutting by developers. More later.

If §31-17 is adopted, as a homeowner I would take a very critical look at any "adolescent" (ie. 11.75" in diameter) plantings on their property that could become administratively or financially problematic in the near future. Beware of perverse incentives.

I recently had to remove a reasonably healthy Mature maple straddling my neighbor's and my property line, with their consent of course. This maple had a habit of shedding significant branches onto my structure and my neighbor's parked cars during storms of increasing strength, despite occasional pruning. It's not obvious that a licensed arborist would even have determined it to qualify under §31-17.2(A.).

Although sad to see it go, I'm thus happy it did before §31-17 as drafted were enacted.

As an aside, §31-17.5 seems to imply that mere pruning of trees might require filing for a Permit. This proposal is about tree removal, not pruning. Remove "pruning".

§31-17.2(A.) "Unfit to remain" seems quite vague and subjective.

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As far as developers vs. ordinary homeowners:

Developers will simply consider §31-17 a further cost of doing business in Westport, and unlike homeowners, simply build it into their business model.

Developers already routinely work with tree companies who all have licensed arborists on staff.

Ordinary homeowners have to engage tree companies on a case-by-case basis, often at inopportune times.

It isn't farfetched that a developer's tree company's licensed arborist might declare a setback tree to be "diseased" or "unfit" as they're working up the quote for removal. After all, any evidence to the contrary will have long ago become recycled mulch. An analogy to Traffic Impact consultants who never seem to find impact comes to mind.

There are a lot of tree companies competing for business in our beautifully wooded state.

Developers already must file for permits and draft plans for their projects.

Ordinary homeowners, so far, don't have to undertake this expense and burden.

Developers will simply add a some tree symbols to their drafts as part of their "Replanting Plan".

Ordinary homeowners will have to engage, at considerable cost, landscape companies to draft a new Replanting Plan for just one removed tree.

Those three two-inch "replacement" trees in §31-17.3 will lead a pretty rough life. Their "planting", even assuming it's more than in a pot, will likely last no longer than the issuance of the Zoning Certificate of Compliance, at which point they don't fall under the definition of Mature and will simply be cut down or perhaps better, moved to the next project.

This draft text came about as a result of yet-another recent clear-cutting by a developer.
Ordinary homeowners don't typically clear-cut their properties.

Please rethink this draft text to target clear-cutting as an undesired part of redevelopment, and not target ordinary homeowners with unnecessary further administrative burden and cost.

Here's an idea to slow developer carnage while protecting ordinary homeowners:
Waive §31.17 for the first Mature tree on an acre or lot within a rolling 12-month period.
Should a second Mature tree need to be removed within that period, §31-17.3 (replanting) (and other sections as reasonable) becomes retroactively in effect for the original first tree as well as subsequent ones within that period.

Respectfully,

A handwritten signature in black ink, appearing to be 'KS', enclosed within a hand-drawn oval shape.

Ken Stamm