

Bruce Spaman
Superintendent
Parks & Trees Division



Administration.....622-6472
Griffith E. Harris Golf Course.....531-7200
Information/Programs.....622-7830
Marine & Facility Operations.....618-7651
Parks & Trees.....622-7824
Recreation.....622-6478

DEPARTMENT OF PARKS AND RECREATION

April 6, 2009

NOTICE OF FINAL DECISION OF THE TREE WARDEN REGARDING A TREE POSTED FOR REMOVAL AT 410 GREENWICH AVENUE

A public hearing was held on Wednesday April 1, 2009 at 12:00 for a 22 inch diameter Oak tree posted for removal at 410 Greenwich Avenue, Greenwich, CT. The abutting property owner had requested the removal of this tree to facilitate the construction of an addition to a commercial building.

As required by Chapter 451, Section 23-59 of the Connecticut General Statutes, an appeal objecting to the removal of these trees was received by me within ten days of the posting. Residents and other concerned people were present at the hearing and voiced their concerns regarding the disposition of the subject tree. Correspondence was also received by the Tree Warden and read into the record.

As per the plans the building is to encroach to within 7 feet of the tree's trunk and limbs on the building side of the tree extend over the property line into the area where the proposed two story building would occupy. I have determined that the tree is currently in 'fair' condition with regards to its health and vigor given that the tree is in a difficult urban site, and that the tree has root collar issues stemming from current and past conflicts with infrastructure.

Based on my investigation and research of the circumstances associated with this tree and its location, and taking into account the concerns of parties present at the Public Hearing, **my decision is not to remove this tree.**

This decision also requires the adherence of the following conditions:

1. The subject tree and all other Town trees at this site shall be protected and treated during and after construction following the provided guidelines of the attached '*Specifications For The Protection Of Shade Trees During Construction*'. The Tree Warden or his representative will inspect the tree protection measures as they progress.
2. The Tree Warden or his representative will work with the owner, the owner's representatives or contractors to divert any excavation for utilities or for any other possible disturbance to this tree's roots, trunk or limbs.
3. The Tree Warden will be notified 48 hours in advance of any excavation near this tree or removal of any limbs so that he or his representative can be present to verify that the conditions of the specification are adhered to.

4. Unnecessary damage done to this tree may cause damage to the health and condition or cause the trees' premature death. If this tree dies within three years after construction and it is determined that the trees' death was caused by negligence or mistreatment during construction activities then the owner will be liable for a fine of three times the trees' appraised value.

This is the final decision of the Tree Warden of the Town of Greenwich. Let it be known that Chapter 451, Section 23-59 of the Connecticut General Statutes states “*..the Tree Warden shall render his decision granting or denying the application, and the party aggrieved by such decision may, within ten days, appeal therefrom to the superior court or the judicial district within which such town or borough is located.*”

This decision will be posted in the lobby of the offices of the Parks and Recreation Department located on the 2nd floor of the Town Hall and the sign post in the Town Clerk's office. It will also be sent to persons present at the Public Hearing and to those who appealed the posting of these trees for removal.

A handwritten signature in cursive script that reads "Bruce Spaman". The signature is written in black ink and is positioned above the typed name and date.

Signed; Bruce Spaman, Greenwich Tree Warden
April 6, 2009