

**Town of Essex  
29 West Avenue  
Essex, CT 06426**

**Public Hearing  
Essex Tree Warden  
Wednesday, July 6, 2016  
Conference Room A**

A Public Hearing was conducted on Wednesday, July 6, 2016 at 6:00 p.m. in Conference Room A, Essex Town Hall. The Public Hearing is held in accordance with Chapter 451, Section 23-59 (Powers and Duties of the Tree Warden) of the Connecticut General Statutes to obtain public comment on the proposed removal of the 32-inch diameter Sugar Maple Tree located on the boundary of 26 Main Street, Centerbrook (Essex Place) and 10A Main Street, Centerbrook (residence of Anna Morgan).

Augie Pampel, Essex Tree Warden called the Public Hearing to order at 6:06 p.m. A Notice of the intent of this Public Hearing was posted on the tree in question, posted with the Town Clerk's office and certified copies were sent to each person of interest.

Audience members included: Janice Atkeson, W. Dawn Boulanger, Attorney Edward Cassella, William Carlson and Richard Stebbins. First Selectman, Norman Needleman was also in attendance.

A. Pampel stated that the purpose of this public hearing is to present an opportunity for all of the interested parties to voice their concerns and state their opinions in favor or in opposition as related to the removal of the 32-inch diameter Sugar Maple Tree. Within three (3) days, subsequent to this Public Hearing, A. Pampel is required to render a Decision. Within ten (10) days from the date of the Tree Warden's Decision, an Appeal may be filed in Superior Court and in order to do so, the Petitioner must initiate a civil action by Marshal, in-hand service.

A Pampel stated that he has retained Wayne Cahilly, Arborist, Cahilly's Horticultural Services, LLC, 10 Cooper Avenue, Dumont, NJ. A. Cahilly is an I.S.A. Certified Arborist and Qualified Tree Risk Assessor. W. Cahilly will meet with A. Pampel on site on Friday, July 8, 2016. A Cahilly will provide an assessment of the Sugar Maple Tree based on his findings.

A Pampel stated, as per the CT General State Statutes (CGS), the Tree Warden has responsibility of any tree that is wholly or partly on Town property and in this case the Sugar Maple Tree is three feet on Town property, and 2 feet on the abutting property owner's lot. As such, the Tree Warden has control of this tree, and the CGS gives the Town the exclusive responsibility of trees that are partly or wholly on Town property. A Pampel stated that when formulating a decision, he looks at the tree, the situation, the defects, etc.

A Pampel opened the meeting to the Public.

A. Pampel stated that the construction of Essex Place is in-process and the Sugar Maple Tree must be removed in order to continue the construction.

Attorney Edward Casella stated that the building is going right up into the tree which makes the tree even more susceptible, and creates a liability to the Town.

A. Pampel stated that the tree is invading an area and obstructing a building project and the tree is also rotting from the trunk.

A. Pampel stated that in order to give clearance to the side of the building, more than half of the tree would need to be removed, which will create the tree to be unbalanced. Additionally, there is a large piece of decayed trunk to the rear of the tree. A Pampel stated that from a safety standpoint, the Sugar Maple must be removed.

A. Pampel stated that he has received one letter from Anna Morgan, which is attached to the Minutes and made a part of the record. A. Pampel read the following correspondence into the record:

- A letter dated 6/14/2015 from Ann Morgan, 10A Main Street, Centerbrook, CT in which she states that the tree has been in her family since 1918 and requested that the tree remain intact.

William Carlson questioned the right of a property owner to trim a tree that overhangs between two properties.

A Pampel stated that the abutting property owner may trim from ground to the sky, however if the trimming effects the health of tree, the person who trimmed the tree is liable for law suit.

A Pampel stated that notification of this hearing was sent to Ann Morgan via standard mail and also by certified mail. A Pampel stated that he received a phone call from A. Morgan today confirming this evening's Public Hearing and he noted that Notice of this Public Hearing is posted on the tree.

There were no further questions or comments.

A. Pampel thanked the audience for attending this evening's public hearing and for sharing their thoughts and comments.

A. Pampel closed the Public Hearing at 6:30 p.m.

Respectfully submitted,

Stella C. Beaudoin  
Recording Clerk

To: Town of Essex!

In regards to the  
notice of the on my  
property I do not want  
the tree removed!  
The tree has been  
in the camp since  
1918! I do not want  
the tree taken down! I  
am responsible for that  
tree I am fully insured!  
The tree keeps the noise  
down from the industrial park  
and elderly housing. The  
noise down.

you can PRUNE your  
SIDE PLEASE god help  
ME I HAVE here many  
years, my son works for  
Sullivan they HAVE A  
professional for trees he  
will check it out! He is  
A PRO! GIVE ME A  
chance I look healthy!  
I will stand answer to you  
that I am responsible,  
I think you just want to  
tear my property for the  
elderly housing people!

Sincerely

Ann Morgan

WNEB

1 main st