Hamden orders UI to stop cutting trees

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HAMDEN — Residents are concerned United Illuminating is over-pruning the town's trees, on its way to leaving the town barren.

Hamden has ordered the electric company, a subsidiary of Avangrid, to stop non-emergency trimming where trees touch the public right of way and immediately stop all pruning as part of its vegetation management practices.

Mayor Curt B. Leng sent a letter to UI, dated Friday, ordering the company to cease and desist.

The order includes “any non-emergency tree removals on public spaces, right-of-ways and areas where tree canopy touches a Town right-of-way and an immediate cease and desist of any and all ground to sky pruning efforts being completed or considered in any program that United Illuminating is managing including UPZ, TRM, Capital Improvement Program or any other vegetation management practice or program.”

“It has been brought to my attention and I have personally witnessed deviation from this policy and practice, which all parties understood and agreed to follow since later 2018,” Leng said in the letter. “Now, without any notice of intent to change from United Illuminating, the agreed upon Hamden policy is not being followed. This was a deep
disappointment to me and a slap in the face to the Tree Commissioners, the Hamden Alliance for Trees and all of our residents, many of whom give of their time and effort working to ensure the health and well being of Hamden's trees and environment."

Under state statute, utilities aren't allowed to prune or remove a tree within the utility protection zone — eight feet of a utility pole — or “overhanging any public road, public highway or public ground, without giving notice of the proposed vegetation management to the abutting property owner or private property owner.”

If UI is going to prune or remove a street tree, it needs approval and a permit from the town's tree warden and consent from the abutting property owner. The property owner has a right to object to the work or ask to modify it, but the utility can remove the tree if the property owner doesn't object, provided the utility has the required permit from the tree warden.

However, state statute allows a utility company forgo the permit requirement and notification to property owner(s) when pruning or removing a tree “if any part of a tree is in direct contact with an energized electrical conductor or has visible signs of burning. Nothing in this subsection shall be construed to require a utility to prune or remove a tree.”

UI cites the statute on a door hanger used “specifically for cases where direct contact or evidence of burning have been observed,” according to Avangrid spokesman Ed Crowder. “This is not UI's standard vegetation management notification package, which includes options for consent, objection and modification.”

Leng said UI started doing this without any discussion with the town related to trimming and removal.

“Concern has been raised by Town staff and by civic participants who believe UI may be violating State law by using this statue on trees that are not in contact with UI wires,” Leng said in the letter. “This, in addition to the perplexing lack of adherence to the Town tree protection policies, demands we again meet to firmly re-establish our community's tree protection requirements and get assurances that the new practices are not violations of State law.”

Crowder said UI is committed to following the law and is interested in keeping its customers' service working.

“We have received the Jan. 3 letter from Mayor Leng and are pleased that he is eager to meet with us, as we had previously requested. We look forward to a productive discussion about how we can continue with work that is essential to providing safe and reliable electric service for the town of Hamden. We are committed to performing this work in partnership with our customers and communities, and in accordance with applicable laws and regulations,” he said.

The company's targeted risk management program is said to focus on pruning trees that are in direct contact with the electrical wires or that have visible signs of burning, but Diane Hoffman of the Hamden Alliance for Trees is skeptical the utility company is pruning only where it needs.

Hoffman said she's heard about UI taking down healthy trees in the name of their being hazardous, and while she's not certain UI is violating any laws, using the exception to the general statute “takes away the right of the tree warden and the town to have any say in what happens to our trees.”

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