After tree activists and town officials raised concerns about the impact of a United Illuminating (UI) tree-cutting program, the town has sent a letter to the utility asking it to power off its chainsaws (and those of its subcontractors) until it meets with the town to clarify tree cutting procedures.

In a letter dated Jan. 3, Hamden Mayor Curt Leng ordered the utility to “cease and desist … any non-emergency tree removals on public spaces, right-of-ways and areas where tree canopy touches a Town right-of-way,” in addition to “any and all ground to sky pruning efforts being completed or considered in any program that United Illuminating is managing.”

According to the letter, UI is pruning trees beyond the limits of how Hamden wants its limbs and trunks chopped. It may also be pruning in a way that does not comply with state statute, though that claim has not been confirmed.

Connecticut General Statutes 16-234 and 23-65 require that a utility notify landowners before pruning trees on private properties and get permission from a municipality before cutting or pruning on public property. In Hamden, tree pruning requires the authorization of Consulting Arborist Geoff Harris and Town Tree Warden Anthony Green.

“It has been brought to my attention and I have personally witnessed deviation from this policy and practice,” Leng wrote in the letter. “Now, without any notice of intent to change from United Illuminating, the agreed upon Hamden Policy is not being followed.”

State statute (16-234 e) allows utilities to prune without notifying landowners or tree wardens “if any part of a tree is in direct contact with an energized electrical conductor or has visible signs of burning.”
Leng's letter echoed the concern of tree advocates in Hamden that UI has been using this section of the law to cut trees that are not in contact with live wires without notification. "Concern has been raised by Town staff and by civic participants who believe UI may be violating State law by using this statute on trees that are not in contact with UI wires," the letter reads.

In January, 2019, UI introduced a new program for tree trimming called "Targeted Risk Management" (TRM). According to UI's response to an inquiry from PURA in May, for TRM, UI "schedules entire circuits for the pruning and removal of trees that are in direct contact with the conductors or have visible signs of burning."

Ed Crowder, a spokesperson for the UI parent company Avangrid, explained in an email to the Independent that the goal of TRM "is to mitigate specific threats before they cause outages or public safety hazards." UI also carries out regular maintenance on a 12-month cycle that tries to maintain a "utility protection zone" (UPZ), or a buffer around wires. TRM, he said, can happen in areas that are not immediately scheduled for UPZ maintenance.

Many Hamden and other area residents worry that TRM gives UI an excuse to not get its plans approved by tree wardens or arborists, however. By focusing only on trees that are in direct contact with wires, UI can prune without consulting arborists or notifying landowners because of the exception in 16-234 e.

"It is clear that UI's TRM program goes far beyond what is necessary to immediately eliminate the fire hazard or other safety risk from direct contact between a tree part and energized electrical conductors," wrote Mary-Michelle Hirschoff in a letter she submitted to the Connecticut Public Utilities Regulatory Authority, which regulates UI. Hirschoff is a spokesperson for the Garden Club of New Haven, and was one of many area residents who submitted testimony to PURA this fall.

She said the law allows the utility to remove a branch or trunk if it is touching a live wire, but that the clause is intended to allow only what is necessary to remove the danger. "That isn't an excuse to do all the pruning you want to do," she said. It's "not intended to be a substitute for routine tree maintenance and an opportunity to do anything they want with the tree."

Hamden's State Rep. Mike D'Agostino, who represents Connecticut's 91st house district, emphasized the narrow scope of the law in a letter he sent to PURA in December.

"As the Legislator primarily responsible for drafting the legislation that changed this law in 2017, I can assure PURA that the intent of the direct contact language was not to allow a utility company to circumvent the notice and approval requirements from 16-234 of the Connecticut General Statutes in cases involving pole/wire replacement or upgrades," he wrote. "The exemption is clearly and narrowly drafted and should be construed as such: it applies only in cases of 'direct contact with an energized electrical conductor or visible signs of burning... [TRM] should be employed only in emergency situations, as intended, rather than as a way to circumvent public notice and permit requirements and more regular tree maintenance."

Crowder said that when UI or its subcontractors trim trees for TRM, it aims to leave eight feet on either side of the line, 10 feet below, and 15 feet above. He said that UI does not fully remove trees without consulting tree wardens or notifying landowners, though state law allows it to do so when wires are in contact with the tree.

Whether UI or its subcontractors have used TRM to trim trees that do not touch wires without notifying landowners or consulting arborists or tree wardens is unclear. Hamden's consulting arborist, Geoff Harris, said that he knows of one case where UI completely removed a tree without consulting him. He said it may have been touching the wire, but that there's no way to know. He added that he has not yet seen anything "egregious" from UI.

Harris said that to him, it seems that resident concerns mostly lie in the fact that TRM allows UI to "circumvent the regular process of having the consulting arborist and tree warden rule" on a tree.

"The whole idea is to confirm that we want the trees to be pruned as the arborist or the tree warden sees fit," he said. "[TRM] allows the ability of a tree being pruned more than what I think I would like, for example."

Hamden Public Works Director Craig Cesare said that town officials hope to meet with UI later this week to discuss the future of tree trimming in Hamden.

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