

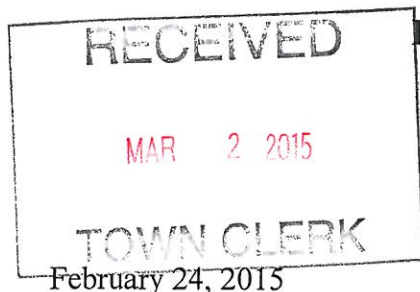


TOWN OF MEDWAY

Planning & Economic Development

155 Village Street

Medway, Massachusetts 02053



Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew J. Hayes, P.E.
Karyl Spiller-Walsh
Richard Di Iulio, Associate Member

SCENIC ROAD WORK PERMIT

Winthrop Street

APPLICANT – Millstone Builders, LLC, Westborough, MA

LOCATION – West side of Winthrop Street (*a designated Medway Scenic Road*) in front of 75 Winthrop Street

BACKGROUND – Pursuant to an adult retirement community special permit issued on June 24, 2014 by the Planning and Economic Development Board, Millstone Builders LLC is constructing an 80 unit, active adult (+55) retirement condominium community known as Millstone Village located on a 51 acre site at 129 R Lovering Street. The development includes a mixture of single family detached homes and townhouse dwelling units in duplex and triplex form.

PROJECT DESCRIPTION (Tree Removal) - To provide adequate sight distance for traffic exiting from the Millstone Village development on Cobblestone Drive, Medway Sergeant/Safety Officer Jeffrey Watson has recommended the removal of a 20” diameter maple tree that is located within the Town’s right-of-way on the west side of Winthrop Street in front of 75 Winthrop Street, just north of Verizon utility pole #47.

DATE OF PUBLIC HEARING – Pursuant to Section 15C of Chapter 40 (*the Scenic Roads Act*) and Chapter 87 (*Shade Trees Act*) of M.G.L., the Medway Planning and Economic Development Board and the Tree Warden opened a public hearing on January 13, 2015. The hearing was continued to the January 27, 2015 meeting which had to be cancelled due to weather. A new public hearing was opened and closed on February 24, 2015.

ADVERTISEMENT – The notice for the 1-13-15 public hearing was published in the *Milford Daily News* on December 29, 2014 and January 6, 2015. The notice for the 2-24-15 public hearing was published in the *Milford Daily News* on February 9 and 17, 2015.

POSTED NOTICE

- The notice for the first public hearing was posted with the Medway Town Clerk on December 8, 2014. The notice for the rescheduled public hearing was posted with the Town Clerk on January 26, 2015.
- Tree Warden Fred Sibley posted the public hearing notice on the applicable tree(s) at least seven (7) days prior to the public hearing.

ABUTTER NOTICE - The public hearing notice was sent by first class mail to all abutters on December 29, 2014. The revised public hearing notice was sent by first class mail to all abutters on January 30, 2015.

PUBLIC HEARING - Other than Brian Clark, the applicant's representative, and Betty McCall Vernaglia, the owner of the adjacent property at 75 Winthrop Street, there were no other citizens, residents or abutters in attendance at the public hearings. Fred Sibley, Tree Warden, attended the hearings and provided an email communication dated January 12, 2015 with his assessment of the value of the tree and his recommendations.

DECISION CRITERIA - Pursuant to s. 405 – 7 of the *Scenic Road Rules and Regulations*, the Planning Board shall consider the following in making its determination on an application for a Scenic Road Work Permit:

- A. Public safety;
- B. Scenic and aesthetic characteristics and quality of the area;
- C. Quality and extent of shade and *tree* canopy;
- D. Accident history within five hundred (500) feet of *tree(s)* and *stone walls* at issue;
- E. Commentary contributed by the Tree Warden, town agencies, *abutters* and other interested parties;
- F. Preservation of natural resources and environmental systems;
- G. Preservation of historical and cultural resources values;
- H. Compatibility with surrounding neighborhood;
- I. Recreational uses of the proposed Scenic Road, taking into account the nature and extent of such uses;
- J. Relationship of the *road* design to the standards of the Planning Board's *Subdivision Rules and Regulations* but recognizing that a variance from the standards should be allowed when a way has been designated as a Scenic Road by the Town Meeting;
- K. Adequacy and value of compensatory actions proposed, such as replacement of *trees* or *stone walls* or restoration of the same;
- L. Traffic patterns, volume, congestion and posted speed limit;
- M. Consistency with articulated Town policies and the Medway Master Plan;
- N. Feasibility for avoiding disturbance to *trees* or *stone walls* by proposing a safe location for a walkway, driveway or *road* elsewhere; and
- O. Other sound planning principles and considerations.

FINDINGS

1. There is one, 20" diameter maple tree located in the Town's right of way adjacent to 75 Winthrop Street that is proposed for removal. See attached photo and plan sheet specifying the tree location.
2. Section 405-8 B of Medway's *Scenic Road Rules and Regulations* provides for tree replacement on a 1 sq. inch per 2 sq. inch replacement basis as follows:

$$\begin{array}{r} \mathbf{20\ inch\ oak} \quad 10 \times 10 = 100 \text{ sq. inches} \\ \quad \quad \quad \quad \quad \quad \quad \quad \times \quad 3.14 \\ \quad \quad \quad \quad \quad \quad \quad \quad \hline \quad \quad \quad \quad \quad \quad \quad \quad 314 \text{ sq. inches} \end{array}$$

Divide 314 by 2 = 157 sq. inches

Divide 157 by 7 = 22 three-inch (3") caliper replacement trees

Total Tree Replacement = 22 three-inch (3") caliper trees

3. According to Tree Warden Fred Sibley, the tree to be removed is not a high quality, specimen tree and does not merit the full compensatory value or mitigation measures. See attached photo.
4. Section 405 - 8 B. of the *Scenic Road Rules and Regulations* authorizes the Planning Board to waive full compliance with the tree restoration provisions and authorizes the Tree Warden to determine an appropriate compensatory value.
5. In lieu of replacement tree planting in the right of way, Tree Warden Fred Sibley has recommended the planting of three new sugar maple trees along the ridge on private property owned by Betty McCall Vernaglia at 75 Winthrop Street.
6. Betty McCall Vernaglia, owner of the adjacent property at 75 Winthrop Street, is amenable to the planting of trees and shrubs on her property, as expressed at the 1-13-15 public hearing.

DECISION – On February 24, 2015, the Planning and Economic Development Board and Tree Warden Fred Sibley voted to approve a Scenic Road Work Permit allowing removal of the subject 20 inch maple tree in the right-of-way adjacent to 75 Winthrop Street subject to the following conditions:

1. As compensatory action, the Applicant shall plant three, 3” caliper or larger sugar maple trees and four substantial rhododendron bushes at least 4’ across on the approximately 60’ long ridge line on private property at 75 Winthrop Street. Species selection to be approved by the Tree Warden before planting.
2. The applicant is required to install the above noted plantings by June 30, 2015. The applicant’s failure to do so may result in the cessation of issuance of building permits for Millstone Village dwelling units by the Town of Medway.

The provisions of this Permit shall apply and be binding upon the Applicant and all successors and assigns in interest. Failure to comply with all conditions stated herein shall be deemed cause to revoke or modify this Permit. This Permit does not relieve the Applicant or any other person of complying with all other applicable federal, state or local statutes, by-laws or regulations.

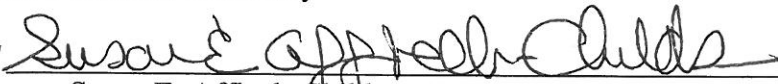
VOTING THIS 24th day of February, 2015 IN FAVOR:

Planning and Economic Development Board Members:

Andy Rodenhiser
Robert K. Tucker
Matthew J. Hayes
Thomas Gay
Karyl Spiller-Walsh

Tree Warden: Fred Sibley

ATTEST



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

cc: Fred Sibley, Tree Warden
David D’Amico, Department of Public Services
Jack Mee, Building Commissioner
Steve Venincasa, Millstone Builders

