

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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PLANNING BOARD

**DECISION OF THE PLANNING BOARD AND WESTWOOD TREE WARDEN
SCENIC ROAD APPROVAL**

APPLICANT: Grace Leonard
282 Merrimack Street
Lawrence, Massachusetts 01843

PROPERTY OWNERS Town of Westwood
580 High Street
Westwood, MA 02090

PROPERTY LOCUS: Portions of Downey St and Canton St, within the Town Right-of-Way
Adjacent to Assessor's Map 24, Lots 224, 225 and 226

BACKGROUND AND PROJECT SUMMARY

The Applicant requested permission from the Westwood Planning Board and Westwood Tree Warden to remove approximately thirty-five (35) trees within the public rights-of-way of Downey Street and Canton Street in conjunction with the construction of a new sidewalk running along Downey Street from Canton Street to Booth Drive. The Application was filed pursuant to Westwood Planning Board's Scenic Road Rules & Regulations and M.G.L. Chapter 40, Section 15C [Scenic Roads Law]. All of the trees proposed for removal were tagged with ribbons.

STATEMENT OF FINDINGS

PROCEDURAL FINDINGS:

After having reviewed all the plans and reports filed by the Applicant and its representatives and having considered the technical analysis, supplemental information provided during the course of the public hearing, correspondence and testimony from representatives from various boards and commissions and departments within the Town of Westwood and from all other interested parties, the Town of Westwood Planning Board and Westwood Tree Warden make the following procedural findings and project findings:

1. On December 20, 2022, an application requesting a Scenic Road Approval pursuant to the Westwood Planning Board's Scenic Road Rules & Regulations and M.G.L. Chapter 40, Section 15C [Scenic Roads Law] was filed with the Westwood Planning Board and the Westwood Town Clerk by Grace Leonard (hereinafter "Application").
2. Pursuant to M.G.L. Chapter 40, Section 15C and the applicable provisions of the Westwood Planning Board's Scenic Road Rules & Regulations (hereinafter "Rules and Regulations"), the Planning Board and Westwood Tree Warden caused notice of the public hearing to be published in the *Hometown Weekly*, a newspaper of general circulation in Westwood, on January 5, 2023,

and January 12, 2023. Notice of the public hearing was posted in the Westwood Town Hall commencing on January, 10, 2023, and continuing through the opening of the public hearing on January 24, 2023. Said notice of the public hearing was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40, Section 15C on January 10, 2023.

3. Pursuant to the Scenic Road Act and the applicable provisions of the Scenic Roads Rules and Regulations (hereinafter "Rules and Regulations"), the Planning Board and Westwood Tree Warden gave notice of the public hearing published in the *Hometown Weekly*, a newspaper of general circulation in Westwood, on January 5, 2023, and January 12, 2023. Notice of the public hearing was posted in the Westwood Town Hall commencing on January 10, 2023, and continuing through the opening of the public hearing on January 24, 2023. Said notice of the public hearing was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40, Section 15C on January 10, 2023.
4. The Planning Board and Westwood Tree Warden provided copies of the Application to other Town of Westwood boards and commissions, departments and officials including, but not limited to, the Board of Health, Board of Selectmen, Building Commissioner, Conservation Commission, Department of Public Works, Fire Chief, Police Chief, and Town Engineer on December 20, 2022.
5. After notice and publication was provided pursuant to M.G.L. Chapter 40, Section 15C, the public hearing on the Application commenced on January 24, 2023, via Zoom Webinar and filmed live by Westwood Media Center on Westwood Media's YouTube Channel and Comcast Channel 12 and Verizon Channel 42. The hearing was immediately continued to February 7, 2023, with no testimony taken on January 24, 2023. The hearing was held in accordance with the Governor's March 12, 2020, Executive Order suspending certain provisions of the Open Meeting Law (MGL C. 30A, §18), currently extended through March 31, 2023.
6. The Planning Board and Westwood Tree Warden met remotely via Zoom Webinar on February 7, 2023, where public comments were offered by live time audio via Zoom and through the Question and Answer function. The opportunity for written comments to be submitted was also offered. On February 7, 2023, public comments were taken and the Planning Board and the Westwood Tree Warden deliberated on the Application.
7. Westwood Planning Board Members Ellen Larkin Rollings, Kathleen Wynne, Joshua Ames, Philip Giordano, and Christopher Pfaff, and Westwood Tree Warden Karon Skinner Catrone, were present for all sessions of the public hearing, and deliberated on the Application at a duly authorized meeting on February 7, 2023.

PROJECT SPECIFIC FINDINGS:

1. The Project Site is located within the public rights-of-way of Downey Street and Canton Street, adjacent to property located within the Single Residence B (SRB) zoning district.
2. Approval by the Planning Board and Westwood Tree Warden are required, pursuant to the Scenic Road Act, and the Scenic Road Rules and Regulations, is required for the removal of trees within the public right-of-way on a designated scenic road.
3. Downey Street and Canton Street are listed as Scenic Roads in the Planning Board's Scenic Roads Rules and Regulations.
4. The Planning Board and Westwood Tree Warden considered the application in accordance with Section 10.0 of the Rules and Regulations, and determined that the removal of the

approximately thirty-five (35) trees will not have an adverse impact on the Scenic Road or surrounding area.

APPLICATION AND PLANS

The Planning Board and the Westwood Tree Warden evaluated the Application filed by or on behalf of the Applicants in the Office of the Town Clerk on December 20, 2022, and all material submitted through the close of the public hearing on February 7, 2023. All of the following plans and material are hereby incorporated by reference and made part of this Decision:

1. Application, including detailed project description and existing conditions photographs, submitted by Grace Leonard, and received by the Town Clerk and Planning Department on December 20, 2022 (as supplemented).
2. Site plan titled, "Complete Streets Improvement Project, Plan of Downey Street Sidewalk in the Town of Westwood, Norfolk County, Scenic Road Submittal", prepared by TEC – The Engineering Corp, 282 Merrimack Street, 2nd Floor, Lawrence, MA 01843, dated December 20, 2022, and stamped by Jonathan A. Rockwell on December 20, 2022, consisting of nine (9) sheets, as follows:

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| Sheet 1 | Title Sheet |
| Sheet 3 | Legend & Abbreviations, General Notes |
| Sheet 4 | Construction Plans |
| Sheet 5 | Construction Plans |
| Sheet 6 | Construction Plans |
| Sheet 7 | Construction Details |
| Sheet 8 | Construction Details |
| Sheet 9 | Construction Details |
| Sheet 10 | Construction Details |
3. Locus map titled, "Downey Street - Locus Map", prepared by Town of Westwood, dated October 31, 2022, consisting of one (1) sheet.
4. Document titled, "Statement of Work", including one (1) table titled, "Table 1 – Impact Location Summary", prepared by TEC – The Engineering Corp, The Engineering Corp, 282 Merrimack Street, 2nd Floor, Lawrence, MA 01843, dated December 20, 2022, consisting of one (1) page.
5. Photo titled "Picture of Notice on Tees", prepared by Westwood Tree Warden Karon Skinner Catrone, dated January 5, 2023, consisting of one (1) page.

DECISION

On February 7, 2023, the Planning Board and the Westwood Tree Warden evaluated the Application in relation to the above Findings, and as the approving authority, on a roll call vote by a vote of six (6) in favor and none (0) opposed, hereby **grants** the requested Scenic Road Approval, pursuant to the Planning Board's Scenic Road Rules & Regulations and M.G.L. Chapter 40, Section 15C, for the Project as described above and in the application therefor filed in the office of the Town Clerk on December 20, 2022, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

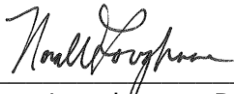
1. The Applicant shall provide a minimum of twenty-three (23) replacement trees. Five (5) of these replacement trees shall be a minimum caliper size of four inches (4"); eight (8) of these replacement trees shall be a minimum caliper size of three inches (3"); and the remaining ten

- (10) trees shall be of a minimum size specified by the Conservation Commission. Of those trees, ten (10) trees shall be planted within the public right-of-way on the north side of Downey Street. As many of those replacement trees as practical shall be planted within the public right-of-way on the south side of Downey Street, in areas that do not interfere with the proposed sidewalk installation. A proposal shall be submitted for planting the remaining replacement trees elsewhere in the Islington section of Westwood, which proposal shall be reviewed by the Westwood Tree Warden and approval by the Planning Board at a subsequent meeting.
2. All trees shall be of native species and shall conform to recommendations of the Westwood Tree Warden and Conservation Commission.
 3. If the Project, or any Condition imposed in this Decision, requires permit, license, or other approval from any board or commission, or any agency of the Town of Westwood, or other regulatory agency of the Commonwealth or the federal government, the Applicant shall make an appropriate application for the same and shall obtain all required approvals prior to the start of any work. If any condition of such permit, license, or other approval from any other board, committee, or agency is inconsistent with this Decision, the Applicant shall make application to the Planning Board for an amendment of this Decision, and the Planning Board shall consider such application in accordance with the requirements of M.G.L. Chapter 40, Section 15C [Scenic Roads Law] and all applicable Planning Board rules and regulations.

RECORD OF VOTE

The following members of the Planning Board and the Westwood Tree Warden voted on February 7, 2023, to **grant** Scenic Approval for the abovementioned Project with conditions as set forth above: Planning Board Members Ellen Larkin Rollings, Kathleen Wynne, Joshua C. Ames, Philip M. Giordano, and Christopher A. Pfaff, and Westwood Tree Warden Karon Skinner Catrone.

The following members voted in opposition to the grant of Scenic Road Approval for the abovementioned Project: None.



Nora Loughane, Director of Community & Economic Development
February 21, 2023