

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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PLANNING BOARD

**DECISION OF THE PLANNING BOARD
SCENIC ROAD APPROVAL**

**Tree in front of 170 Canton Street – Within the Town Right-of-Way
August 9, 2022**

APPLICANT: Brendan Ryan, Highway and Grounds Superintendent
Westwood Department of Public Works
50 Carby Street, Westwood, MA 02090

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

PROPERTY LOCUS: Canton Street right-of-way, near 170 (Assessor's Map 25, Lot 63)

BACKGROUND AND PROJECT SUMMARY

The Applicant requested the removal of limbs from a White Oak Tree within the Canton Street public right-of-way near 170 Canton Street. The Application was filed pursuant to Westwood Planning Board Scenic Road Rules & Regulations and M.G.L. Chapter 40 Section 15C [Scenic Roads Law].

STATEMENT OF 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 makes the following procedural findings and project findings:

1. On June 23, 2022, an application was filed by Brendan Ryan, pursuant to M.G.L. Chapter 40, §15C (the "Scenic Road Act"), and the Rules and Regulations of the Town of Westwood Planning Board as Permit Granting Authority Pursuant to M.G.L. Chapter 40, Section 15C ("Scenic Roads Rules and Regulations"), with the Westwood Planning Board and the Westwood Town Clerk (hereinafter "Application").
2. The Applicant requested permission to remove limbs from a White Oak tree within the public right-of-way of Canton Street, as described in the Application therefore and plans and materials described herein ("Project").
3. Planning Board approval, pursuant to the Scenic Road Act, and the Scenic Road Rules and Regulations, is required for the trimming or removal of any tree within the public right-of-way on a designated scenic road.
4. Canton Street is listed as a Scenic Road in the Scenic Roads Rules and Regulations.

5. Pursuant to the Scenic Road Act and the applicable provisions of the Scenic Roads Rules and regulations, the Planning Board gave notice of the public hearing published in the *Hometown Weekly* on July 21, 2022 and July 28, 2022. Notice of the public hearing was posted in the Westwood Town Hall and the Carby Street Municipal Building on July 18, 2022. Said notice of the public hearing was mailed to all Parties in Interest as defined in the Scenic Road Act and the Scenic Road Rules and Regulations on July 18, 2022.
6. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Section 9 and 11, the public hearing on the Application commenced on August 9, 2022, 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 held in accordance with the Governor's March 12, 2020, Executive Order suspending certain provisions of the Open Meeting Law (MGL C. 30A, §18) and extended on June 16, 2021 through April 1, 2022, and further extended on February 15, 2022 through July 15, 2022 and further extended on July 14, 2022 through March 31, 2023.
7. The Planning Board met remotely via Zoom Webinar 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 August 9, 2022, public comments were taken, and the Planning Board and the Westwood Tree Warden deliberated on the application.
8. Westwood Planning Board Members Philip Giordano, Ellen Larkin Rollings, Kathleen Wynne, and Christopher Pfaff, deliberated on the Application at a duly authorized meeting on August 9, 2022. The public hearing was opened and closed on the August 9, 2022 by a roll call vote.
9. Following testimony from the owner of the adjacent property at 170 Canton Street, Marissa Taranto, and the Westwood Tree Warden, it was decided that it is in the best interest of the town to remove the tree rather than removing the limbs, with the remaining stump to be ground by the DPW at a later date.
10. The Planning Board considered the application in accordance with Section 10 of the Scenic Roads Rules and Regulations, and determined that the one (1) tree should be removed in the interest of public safety, and that the removal of the tree will not have an adverse impact on the Scenic Road or surrounding area.

APPLICATION AND PLANS

At the Planning Board's meeting on August 9, 2022 the Board evaluated the requested limb removal and public hearing notice filed with the Town Clerk on June 27, 2022, and the following related submissions:

1. Application for Scenic Road public hearing, prepared by Brendan Ryan, dated June 23, 2022.
2. Photographs of the tree within the Canton Street right-of-way near 170 Canton Street.
3. Written statement of work and locus map submitted by Westwood Tree Warden and Conservation Agent, Karon Skinner Catrone dated June 23, 2022.

DECISION

On August 9, 2022, the Planning Board evaluated the Application in relation to the above Findings, and as the approving authority, on a roll call vote by a vote of four (4) in favor and none (0) opposed, hereby **grants** Scenic Road Approval, pursuant to the Scenic Road Act and the Planning Board's Scenic Roads Rules and Regulations for the Project as described above and in the application therefor filed in the office of the Town Clerk on June 27, 2022, subject to the Conditions stated herein, all of which are an integral part hereof:

CONDITIONS OF APPROVAL:

1. The Department of Public Works will grind the remaining stump at a later date.

RECORD OF THE VOTE

The following members of the Planning Board voted by roll call vote on August 9, 2022 to grant a Scenic Road Approval for the abovementioned project: Philip Giordano, Ellen Larkin Rollings, Kathleen Wynne, and Christopher Pfaff.

The following members of the Planning Board voted in opposition to a Scenic Road Approval for the above mentioned project: None.



John M. Charbonneau
Town Planner

DATE: August 12, 2022