

TOWN OF WESTWOOD
Commonwealth of Massachusetts

John J. Wiggin, Chairman
Steven H. Olanoff, Vice Chairman
Christopher A. Pfaff, Secretary
Steven M. Rafsky
Bruce H. Montgomery



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TOWN OF WESTWOOD 781-320-1366

PLANNING BOARD

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

APPLICANT: Brendan Ryan, Highway Superintendent
Westwood Department of Public Works

PROPERTY OWNERS: Town of Westwood

PROPERTY LOCUS: Near Intersection of Mill and Hartford Streets

BACKGROUND AND PROJECT SUMMARY

The Applicant received a report of three (3) dead and dying ash trees near the intersection of Mill and Harford Streets. The Applicant investigated and requested a report on the condition of these tress from certified arborist George Markarian. Mr. Markarian noted the presence of fallen trees and parts of trees, and confirmed that at least two (2) of the three (3) trees appear to be dead or dying. The Applicant spoke to the abutting property owners, who expressed concern that the trees might fall on their property. The Applicant requests permission to remove all three trees, along with stumps, fallen limbs and brush.

APPLICATION AND PLANS

The Planning Board evaluated the Application dated December 19, 2012, and filed by or on behalf of the Applicants in the Planning Office and the Office of the Town Clerk on December 19, 2012, and the following related submissions:

1. Seven (7) photographs of trees within the public right-of-way near the intersection of Mill and Hartford Streets.
2. Letter to Brendan Ryan, Highway Superintendent, Westwood Department of Public Works, from George Markarian, MCA, dated December 10, 2012, consisting of one (1) page.

STATEMENT OF FINDINGS

After having reviewed all the materials and reports filed by the Applicants and their 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:

PROCEDURAL FINDINGS:

1. The Applicant requested permission to remove trees within the public right-of-way near the intersection of Mill and Hartford Streets, pursuant to M.G.L. Chapter 40, §15C (the "Scenic Road Act"), and M.G.L. Chapter 87, §3 (the "Public Shade Tree 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").
2. Planning Board approval, pursuant to the Scenic Road Act, and the Scenic Roads Rules and Regulations, is required for the removal of any tree within the public right-of-way on a Scenic Road.
3. Hartford Street is listed as a Scenic Road in the Scenic Roads Rules and Regulations.
4. A joint hearing to address the alleged violation was scheduled before the Town of Westwood Planning Board as Granting Authority pursuant to Scenic Road Act, and the Scenic Roads Rules and Regulations, and before the town's Tree Warden pursuant to the Public Shade Tree Act.
5. Pursuant to the Scenic Road Act and the applicable provisions of the Scenic Roads Rules and Regulations, the Planning Board caused notice of the public hearing to be published in The Westwood Press, a newspaper of general circulation in Westwood, on January 3, 2013 and again on January 10, 2013. Notice of the public hearing was posted in the Westwood Town Hall, and in the Carby Street Municipal Building, commencing on December 27, 2012, and upon each of the trees proposed for removal commencing on January 15, 2013, and continuing through the opening of the public hearing on January 22, 2013. Said notice of the public hearing was mailed postage prepaid to all Parties in Interest as defined in the Scenic Road Act and the applicable provisions of the Scenic Roads Rules and Regulations on December 27, 2012.
6. After notice was provided as described above, the public hearing on the Application was held on January 22, 2013 in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts.
7. Westwood Planning Board members John J. Wiggin, Steven H. Olanoff, Christopher A. Pfaff, Steven M. Rafsky, and Bruce H. Montgomery were present for the public hearing and deliberated on the matter in the course of that public hearing.

PROJECT FINDINGS:

1. All three (3) trees proposed for removal are reported by certified arborist George Markarian to be white ash, which Mr. Markarian notes as "an unfavorable species due

to its susceptibility to easy breakage, and high mortality caused by ash yellows virus", and at least two (2) of the three (3) trees are reported to be dead or dying.

2. Removal of the three (3) trees was requested by the owners of the property immediately abutting the public right-of-way from which the trees are proposed for removal.
3. No property owners or other interested parties expressed opposition to the removal of the trees.
4. The Planning Board considered the application in accordance with Section 10 of the Scenic Roads Rules and Regulations, and determined that the three (3) trees should be removed in the interest of public safety, and that the removal of the trees, stumps, fallen limbs, and brush will pose no significant adverse impact on the Scenic Road or surrounding area.

DECISION

The Planning Board evaluated the Application in relation to the above Findings, and by a vote of five (5) in favor and none (0) opposed, hereby **grants** approval for the removal of three (3) dead or dying ash trees, stumps, fallen limbs, and brush within the public right-of-way near the intersection of Mill and Hartford Streets, in accordance with the Scenic Road Act and the Scenic Road Rules and Regulations, subject to the Conditions stated herein, all of which are an integral part hereof.

CONDITIONS OF APPROVAL

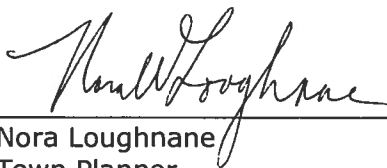
The approval of the abovementioned Application is subject to the following conditions:

1. The Applicant shall pursue completion of the tree removal with reasonable diligence and continuity.
2. No work shall be done until the Applicant has complied with all applicable provisions of M.G.L. Chapter 87.

RECORD OF VOTE

The following members of the Planning Board voted to grant a Scenic Road Approval for the abovementioned Project: John J. Wiggin, Steven H. Olanoff, Christopher A. Pfaff, Steven M. Rafsky, and Bruce H. Montgomery.

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



Nora Loughnane
Town Planner
February 15, 2013