



**August 9, 2022**

**Medway Planning & Economic Development Board  
Meeting**

**Modification to Applegate Scenic Road  
Work Permit for 63 Ellis Street**

- Email dated 3/8/22 from architect Alex Siekierski re: change in driveway location at 63 Ellis Street (fieldstone wall) with drawing
- Original Applegate Subdivision Scenic Road Work Permit, 6-8-2006
- Draft proposed scenic road work permit modification

Summary – New house being constructed at 63 Ellis Street where there is a field stone wall. They want to locate the driveway in a different spot than what was specified in the 2006 scenic road work permit and have a wider driveway.

## Susan Affleck-Childs

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**From:** Alex Siekierski <siekierski.alex@gmail.com>  
**Sent:** Tuesday, March 15, 2022 10:48 PM  
**To:** Susan Affleck-Childs  
**Cc:** Christine & Mike; lelandsiding@yahoo.com  
**Subject:** 22\_03\_15 63 Ellis Street Proposed Driveway  
**Attachments:** 22\_03\_15 63 Ellis Street Proposed Driveway.pdf

Hi Susy,

We walked the site today and staked out the proposed driveway location for 63 Ellis Street. We took into consideration the root structure location of the 3 large caliber trees on the scenic road as well as the power pole and driveway across the street.

The proposed location is 50ft off the west property line and 18ft wide drive aisle to accommodate snow plows and trailer turning radius.

See attached sketch for reference. This will be reflected on the engineers site plan when we submit for permit.

Let us know if you have any questions or need anything else at this time.

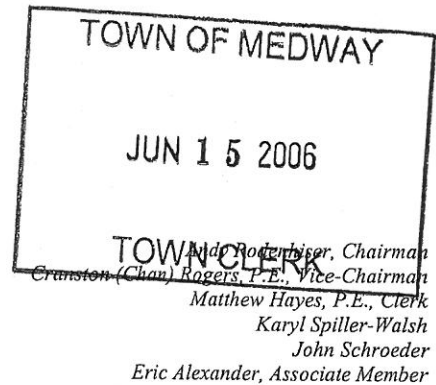
**Alex Siekierski** | Be Well Be Happy  
Architecture & Real Estate Consultant  
33 Lovering Street | Medway MA 02053 | United States  
[M] +16178940664  
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[Architecture Services](#) | [Real Estate Services](#)

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TOWN OF MEDWAY  
Planning Board  
155 Village Street  
Medway, Massachusetts 02053



June 8, 2006

## SCENIC ROAD WORK PERMIT

**APPLICANT** – Unique Homes, Inc./Ralph Costello

**LOCATION** – East side of Ellis Street (*a designated Medway Scenic Road*) north of Coffee Street

**PROJECT DESCRIPTION** – Unique Homes proposes to construct a 22-lot residential subdivision, Applegate Farm, located at the northeast corner of Coffee and Ellis Streets. The proposed development includes ten (10) house lots with frontage on Coffee and Ellis Streets and twelve (12) interior house lots as shown on the proposed Applegate Farm Definitive Subdivision Plan.

The proposed roadway into the subdivision off Ellis Street requires the removal of one twenty-seven inch (27") oak tree. The construction of four (4) homes along Ellis Street requires permanent openings in the fieldstone wall at four (4) locations for driveways. There are several spots where a "new" fieldstone wall be constructed to infill where there presently is none and there are two locations where the stone wall will be temporarily altered and then reconstructed to allow for sewer installation.

**DATE OF PUBLIC HEARING** – Pursuant to Section 15C of Chapter 40 (the Scenic Roads Act) and Chapter 87 (Shade Trees) of M.G.L., the Planning Board and the Tree Warden held a public hearing on April 11, 2006. It was continued to May 9, 2006 when it was closed.

**ADVERTISEMENT** – The public hearing notice was published in the *Milford Daily News* on March 28 and April 3, 2006.

### POSTED NOTICE

The public hearing notice was posted outside the Town Hall offices of the Town Clerk and the Planning Board on March 21, 2006

Rob Truax of GLM Engineering posted the public hearing notice on the applicable tree(s) and stone wall locations 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 March 24, 2006.

**TREE WARDEN COMMENTS** - Tree Warden Phil Smith stated that he would prefer to use any replacement funds for tree pruning on Ellis and Coffee Streets instead of tree planting.

**CITIZEN DISCUSSION** - Commentary was provided by a number of area residents who were concerned about the impact of the proposed subdivision on the scenic quality of Ellis Street. Reducing the speed limit, installing speed limit signs, and constructing a pathway inside the Ellis Street stone wall were also suggested.

Susan Rorke, 34 Ellis Street  
Trisha Jones, 22 Green Valley Road  
Marcia Kramarz - 13 Green Valley Road

**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. The proposed Applegate Farm development has approximately 1211 linear feet of frontage along Ellis Street. That frontage includes large trees estimated to be 75 years old and farmer's type fieldstone walls, approximately 3 feet in height.
2. There is one tree proposed for removal. It is a 27 inch oak tree. It is located exactly where the proposed subdivision road from Ellis Street would be constructed.
3. An alternative roadway location would likely reduce the number of lots available for home construction.
4. The existing stone wall and its associated foliage growth function as a bermed buffer between the property and Ellis Street.
5. Section 405-8 B of the *Scenic Road Rules and Regulations* provide for tree replacement on a 1 sq. inch per 2 sq. inch replacement basis as follows:

$$\begin{array}{rcl} 27\text{-inch oak} & 13.5 \times 13.5 & = 182.25 \text{ sq. inches} \\ & & \times 3.14 \\ & & \hline & & 572.26 \text{ sq. inches} \end{array}$$

Divide 572.26 by 2 = 286.13 sq inches.

Divide 286.13 by 7 = 41 three-inch (3") caliper replacement trees

***Total Tree Replacement = 41 three-inch (3") caliper trees***

***Compensatory Value in lieu of tree planting = 41 trees x \$300 = \$12,300***

***DECISION*** – On June 8, 2006, the Planning Board and Tree Warden voted to grant the Scenic Road Work Permit subject to the following conditions, mitigations measures and safeguards:

### ***Tree Removal***

1. The 27 inch oak tree may be removed. As compensatory action, the Applicant shall retain a private contractor for \$12,300 worth of tree pruning on Ellis and Coffee Streets. The Tree Warden shall approve the applicant's selection of the contractor and the tree pruning work shall be done under the Tree Warden's direction. The work shall be completed by 3/31/07.
2. The applicant commits to a tree preservation program for other trees on site. This will entail keeping machinery and equipment away from critical root zones and avoid grading, dumping rubble or other site disturbances that would put trees at risk.

### ***Stone Wall***

1. The existing stone wall along Ellis Street shall remain intact except for approximately 164 feet where the wall and undergrowth brush/foliage may be permanently removed to create one (1) opening for the subdivision road and no more than four (4) openings to construct driveways for homes.

2. The removed stones/displaced rocks from the five (5) openings shall be used to:
  - a) repair and enhance the existing stone wall in damaged areas;
  - b) construct "new" stone walls by extending/filling in approximately 24 linear feet of stone wall at two or more points where there presently isn't any stone wall; and
  - c) extend the ends of each side of the five (5) roadway/driveway openings by constructing approximately eight (8) linear feet of "new" stone walls with an arcing end-cap to replicate a natural end in the wall, similar to other stone wall endings in the area. The new stone walls will arc inward/easterly into the road or driveway.

In all cases, the applicant shall make every possible effort to ensure that the repaired and newly constructed stone walls match the rustic quality and rural agricultural character of the existing stone walls.

3. The applicant is permitted to temporarily cut approximately five (5) linear feet of stone wall in two (2) locations in order to install sewer service. Upon completion, these openings in the stone wall shall be reconstructed to match its existing condition.
4. A drawing illustrating the design for the stone wall construction treatment and arcing end-caps shall be provided to the Planning Board for its review and approval and included in the Definitive Subdivision Plan.

***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.***

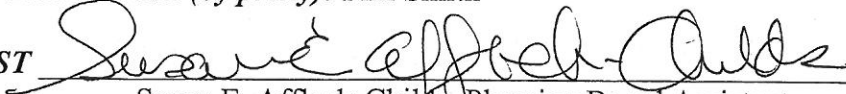
***VOTING THIS 8<sup>th</sup> day of June, 2006 IN FAVOR: in favor:***

***Planning Board Members:***

Andy Rodenhiser, Chan Rogers, Matthew Hayes, Karyl Spiller-Walsh and John Schroeder

***Tree Warden (by proxy): Phil Smith***

***ATTEST***

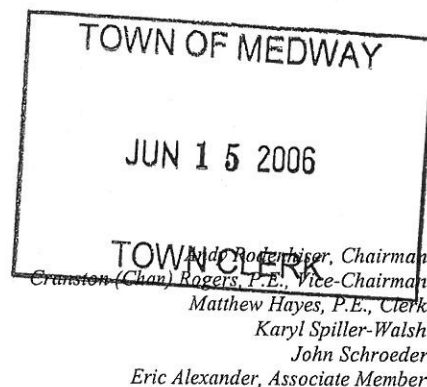
  
Susan E. Affleck-Childs, Planning Board Assistant

A copy of this permit is filed in the Office of the Medway Town Clerk:

cc: Suzanne Kennedy, Town Administrator  
Phil Smith, Tree Warden  
David D'Amico, Department of Public Services  
Bob Speroni, Building Inspector  
Ralph Costello, Applicant  
Rob Truax, GLM Engineering



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***Tree Warden (by proxy): Phil Smith***

***ATTEST***

  
Susan E. Affleck-Childs, Planning Board Assistant

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Bob Speroni, Building Inspector  
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