

Board Members

Andy Rodenhiser, Chair
Robert Tucker, Vice Chair
Thomas Gay, Clerk
Matthew Hayes, P.E., Member
Richard Di Iulio, Member
Jessica Chabot, Associate
Member



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Medway, MA 02053
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Fax (508) 321-4987
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TOWN OF MEDWAY

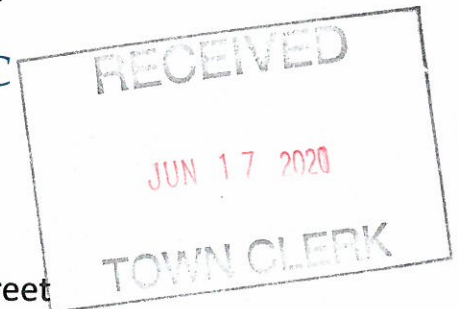
COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

June 17, 2020

SCENIC ROAD WORK PERMIT

Choate Trail Way Subdivision – 42 Highland Street



APPLICANT – Residences at Choate Trail, LLC

LOCATION – North side of Highland Street, along the frontage of 42 Highland Street

PROJECT DESCRIPTION – Residences at Choate Trail LLC proposes to construct a 4-lot residential subdivision on a 5.88 site at 42 and 42 R Highland Street (Map 37, Parcels 64 & 67). Highland Street is a designated Medway Scenic Road. The development will include construction of an approximately 578' long permanent, private roadway (Copper Drive) and the installation of stormwater management facilities, sidewalk, landscaping, and private sewer and water services. On May 12, 2020, the Planning and Economic Development Board approved a definitive subdivision plan pursuant to the Board's *Land Subdivision Rules and Regulations*.

SCENIC ROAD WORK - The Scenic Road Work Permit application proposed the following work in and adjacent to the Town's right-of-way on Highland Street:

- Removal of seven trees to allow for the construction of the entrance to Copper Drive, the planned road for the Choate Trail subdivision.
- Removal of approximately 60 linear feet of existing stone walls to establish the new roadway. Reuse of the removed fieldstone to construct accent stone walls on both sides of the roadway entrance roundings from Highland Street.

See attached *Scenic Road Intersection Plan* prepared by Connorstone Engineering, Inc.

DATE OF APPLICATION – The Scenic Road Work Permit application was filed with the Board on January 3, 2020.

DATE OF PUBLIC HEARING – Pursuant to M.G.L., Section 15C of Chapter 40 (*the Scenic Roads Act*) and the Medway *Scenic Road Rules and Regulations*, the Medway Planning and Economic Development Board commenced a public hearing on January 28, 2020. The hearing was held in conjunction with the subdivision plan public hearing.

POSTED NOTICE - The Scenic Road public hearing notice was posted with the Medway Town Clerk on January 8, 2020.

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POSTED NOTICE - The Scenic Road public hearing notice was posted with the Medway Town Clerk on January 8, 2020.

ABUTTER NOTICE - The public hearing notice was sent by first class mail to all abutters on January 8, 2020. Posters were also affixed to the specified trees and portions of the stone wall to be removed.

ADVERTISEMENT – The public hearing notice was published in the *Milford Daily News* on January 14 and 20, 2020.

PUBLIC HEARING – The public hearing commenced January 28, 2020 and was continued several times into May 2020 in conjunction with the subdivision public hearings. During the public hearings, the applicant attended along with his engineering consultant from Connorstone Engineering. Several abutters provided comments about the proposed development. Tree Warden Steve Carew participated in the hearing providing both verbal and written testimony (Tree Warden's recommendations dated February 14, 2020. Planning and Economic Development Coordinator Susy Affleck-Childs provided notes on tree placement requirements per the *Scenic Road Work Permit Rules and Regulations*. On March 9, 2020, the applicant proposed a tree replacement plan to offset the loss of trees in the scenic road right of way.

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. The proposed Choate Trail subdivision has approximately 200 linear feet of frontage on Highland Street, a Medway scenic road.
2. The applicant proposed removal of seven trees located in the Town's right-of-way on Highland Street where Copper Drive will be constructed to provide access and frontage to the 4 subdivision house lots. During the course of review, the applicant offered to retain and protect the 14" hickory tree and agreed to transplant two 5" maple trees on site. The applicant also offered to retain and protect a 12" maple tree located on Lot #1 very close to the Highland Street right-of-way.
3. The applicant provided a proposed tree replacement plan included in a letter dated March 9, 2020 from Vito Colonna, P.E., of Connorstone Engineering.
4. The *Scenic Road Rules and Regulations* include a tree replacement formula as follows:

$$\frac{\text{tree radius}^2 \times 3.14}{2}$$

Application of the Scenic Road tree replacement formula is shown in the table below.

Tree Size - Diameter	Radius	Radius ²	Radius ² x 3.14	Replacement	Notes
12" dead tree	NA	NA	NA	NA	No replacement required.
5" maple	2.5	6.25	19.625	10 sq. inches	To be transplanted on site.
5" maple	2.5	6.25	19.625	10 sq. inches	To be transplanted on site.
26" oak	13	169	530.66	265 sq. inches	To be removed. Tree mitigation required.
7" maple	3.5	12.25	38.465	19 sq. inches	To be removed. Tree mitigation required.
9" maple	4.5	20.25	63.585	32 sq. inches	To be removed. Tree mitigation required.
14" hickory	7	49	153.86	77 sq. inches	Tree to be retained & protected.
12" maple	6	36	113.04	56 sq. inches	This tree is on private property very near the right of way. To be retained and protected.

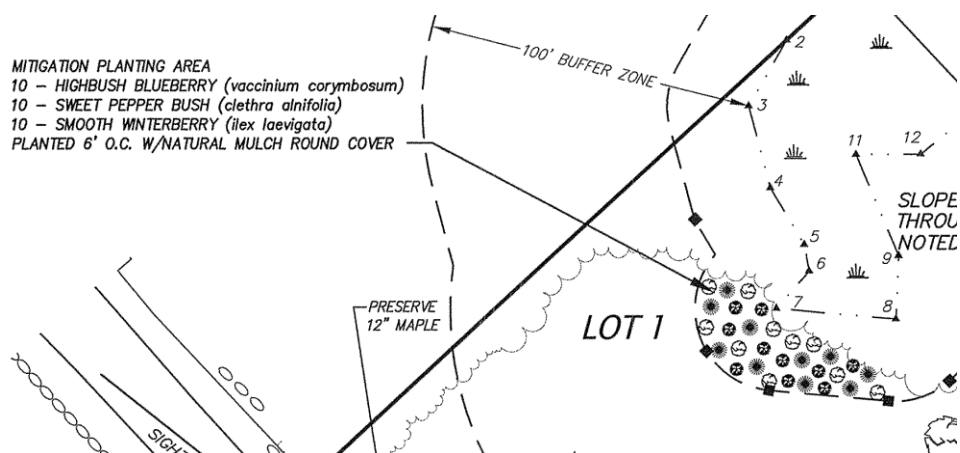
Application of the Scenic Road tree replacement formula to the three highlighted trees results in a total of 316 square inches of required tree replacement. A 3" caliper tree = 7 sq. inches. **Based on this formula, forty-five 3" caliper trees would need to be planted to replace the three noted trees to be removed.**

DECISION – On June 9, 2020, the Planning and Economic Development Board voted to approve a Scenic Road Work Permit to authorize the following work in the right-of-way at 42 Highland Street subject to the noted conditions:

1. **Stone Wall** - Approximately 60 linear feet of fieldstone may be removed but shall be reused to fabricate new stone walls at the roundings of Copper Drive from Highland Street.

Condition - The new walls shall be constructed to replicate the rustic quality and character of the existing stone wall and shall be of comparable height. This standard also applies to any additional field stone that may need to be brought in to supplement what is available on site.

2. **Trees** - 6 trees may be removed from the Highland Street scenic road right of way (4 living maple trees, 1 oak tree and 1 dead tree).
 - a. Two 5" maple trees will be transplanted on site. The 7" and 9" maples may be completely removed.
 - b. The 14" hickory tree shall be retained and preserved.
 - c. As mitigation for removal of the 26" oak tree, the 7" maple tree, and the 9" maple tree, the applicant shall undertake the following plant replacement plan to satisfy the requirement for the equivalent of forty-five trees.
 - 1) A 12" maple on Lot #1 which close to but not in the Highland Street right of way shall be retained. This is equivalent to 8 replacement trees.
 - 2) A mix of 30 native shrubs shall be planted in the inner 25' buffer area of the wetland resource area on Lot 1 as shown below. See drawing below. Tree Warden Steve Carew has informed the Board that 30 shrubs are equivalent to 15 replacement trees.



- 3) A mix of native evergreen shrubs including rhododendrons shall be planted along the southern boundary of Lot #4 on the property line with the adjacent neighbors at 38 and 40 Highland Street to provide a buffer to the planned pedestrian trail to be constructed within the 15' trail easement area on Lot #4.

Conditions

- a) In the instance that the retained and protected 14" hickory and 12" maple trees are damaged during the construction process, the Applicant shall make a payment to the Medway Tree Fund based on a tree replacement value of \$355 per 2.5-3" caliper tree which is the equivalent of 7 sq. inches. Before the building permit for the fourth house is issued, the Tree Warden shall inspect the above noted trees to determine their condition, viability and need for alternative mitigation. Any required payment in lieu shall be provided to the Town before the occupancy permit for the fourth house is issued.
- b) The mix of native evergreen shrubs to be planted on the property line of Lot #4 adjacent to 38 and 40 Highland Street shall be at least 3 gallon in size. They shall be planted 5' on center in a staggered fashion. The distance is approximately 380 linear feet. 76 shrubs are to be planted; this is equivalent to 38 replacement trees.
- c) The shrubs to be planted on Lots #1 and Lot #4 shall be installed prior to issuance of the occupancy permit for the respective houses on those lots.
- d) The applicant shall provide the highest standard of care in transplanting the two 5" maple trees on site. The Tree Warden shall be consulted to guide the replanting process.
- e) The value of the new shrubbery on Lots #1 and #4 and the replanting value of the 14" hickory and 12" maple trees above shall be incorporated into any performance security amount established by the Board for the Choate Trail subdivision. The value shall include that for both plant materials and installation.

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.

VOTED THE 9th day of June 2020

IN FAVOR:

Planning and Economic Development Board Members:

Andy Rodenhiser

Bob Tucker

Thomas Gay

Matthew Hayes, P.E.


Tree Warden: Steve Carew

ATTEST

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

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

cc: Michael Boynton, Town Administrator
Steve Carew, Tree Warden
David D’Amico, Director Department of Public Works
Jack Mee, Building Commissioner
Ericka Robertson, Building Department Compliance Officer
Barbara Saint Andre, Director of Community and Economic Development
Sergeant Jeff Watson
Robert Pace, Residences at Choate Trail, LLC
Matthew Silverstein, Residences at Choate Trail, LLC
Vito Colona, P.E., Connorstone Engineering
Steve Bouley, Tetra Tech

ATTEST 
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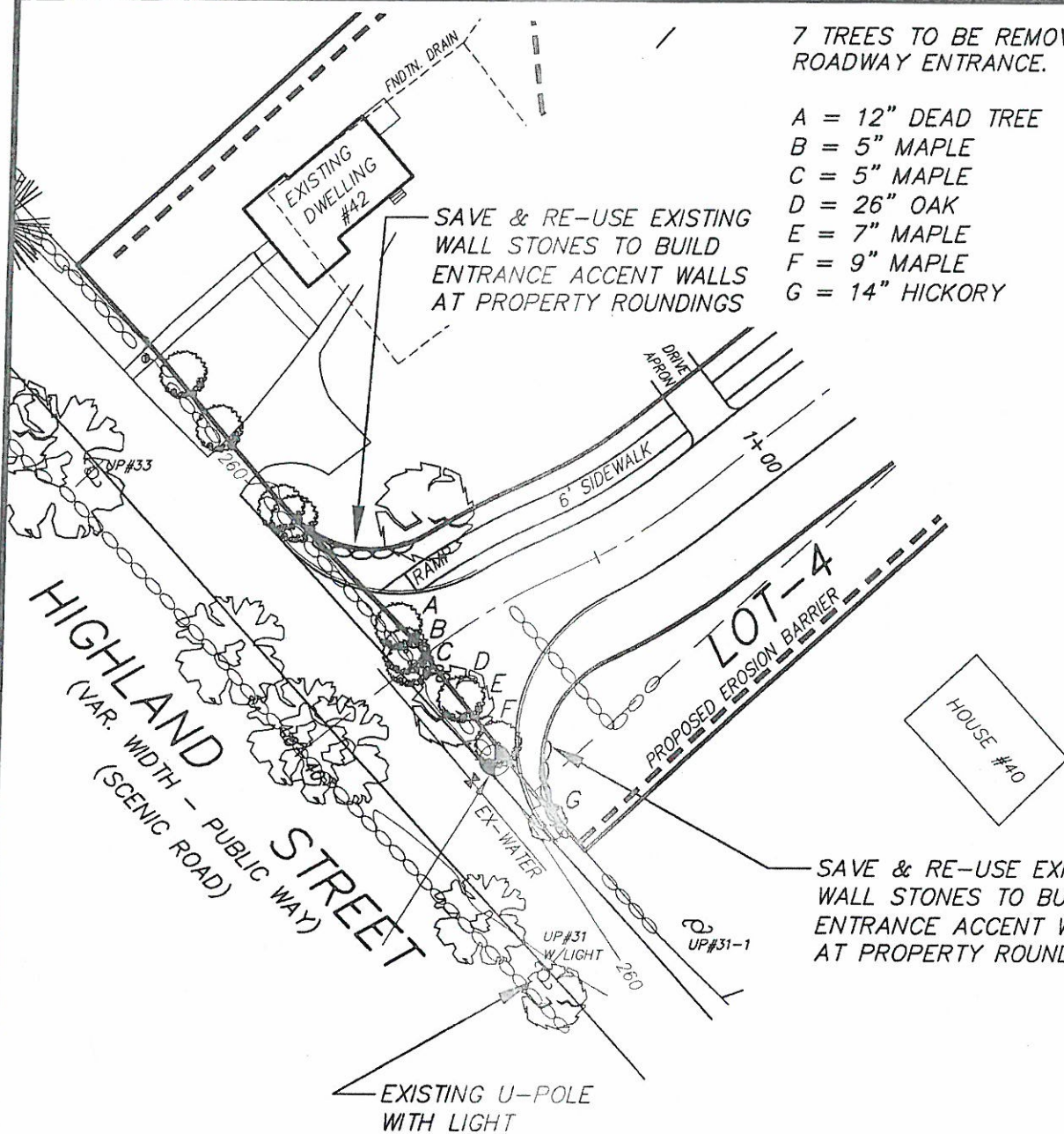
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Matthew Silverstein, Residences at Choate Trail, LLC
Vito Colona, P.E., Connorstone Engineering
Steve Bouley, Tetra Tech

7 TREES TO BE REMOVED FOR
ROADWAY ENTRANCE.

A = 12" DEAD TREE
B = 5" MAPLE
C = 5" MAPLE
D = 26" OAK
E = 7" MAPLE
F = 9" MAPLE
G = 14" HICKORY

SAVE & RE-USE EXISTING
WALL STONES TO BUILD
ENTRANCE ACCENT WALLS
AT PROPERTY ROUNDINGS

SAVE & RE-USE EXISTING
WALL STONES TO BUILD
ENTRANCE ACCENT WALLS
AT PROPERTY ROUNDINGS



SCENIC ROAD INTERSECTION PLAN

CHOATE TRAIL WAY

IN

MEDWAY, MASS.

CONNORSTONE
ENGINEERING INC.

SCALE: 1"=40'