

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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TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS

**PLANNING AND ECONOMIC
DEVELOPMENT BOARD**

May 26, 2020

SCENIC ROAD WORK PERMIT
Evergreen Village – 22 Evergreen Street



APPLICANT – Sampson Pond, LLC of Medway, MA

LOCATION – South side of Evergreen Street, a designated Medway Scenic Road, along the frontage of 22 Evergreen Street.

PROJECT DESCRIPTION – Sampson Pond LLC proposes to construct a 6-unit residential townhouse condominium community to be known as Evergreen Village on a 1.44- acre site at 22 Evergreen Street (Map 48, Parcel 51). The development will include 2 triplex buildings and associated site improvements - construction of a 150' long permanent private way, parking, and installation of stormwater management facilities, landscaping, and site lighting. On April 7, 2020, the Planning and Economic Development Board approved a multi-family special permit and site plan for this project pursuant to Sections 5.6.4 and 3.4 of the *Medway Zoning Bylaw*.

SCENIC ROAD WORK - The scenic road work permit application proposed the following work in and adjacent to the Town's right-of-way on Evergreen Street:

- removal of two existing driveway curb cuts into the property from Evergreen Street totaling approximately 50 linear feet and the creation of one new 22' wide curb cut, with additional space for roundings, for the construction of a new permanent private road to be known as Balsam Way.
- removal of two sections of existing stone walls in the area of the existing westerly curb cut (approximately 18 linear feet) and construction of approximately 26 linear feet of new stone wall.
- use of the removed field stone to construct the new stone wall.

See drawing below to illustrate the planned work.

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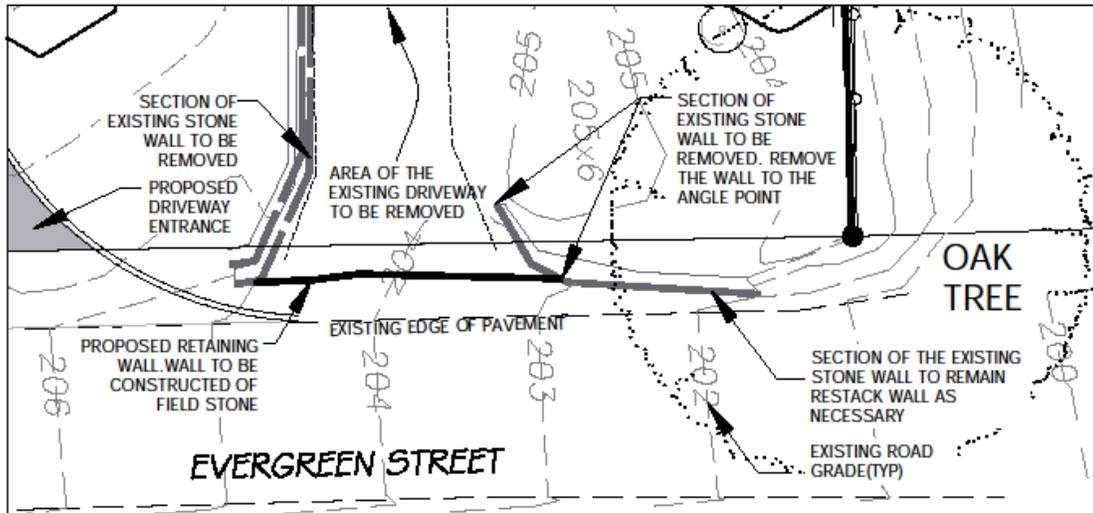
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- removal of two existing driveway curb cuts into the property from Evergreen Street totaling approximately 50 linear feet and the creation of one new 22' wide curb cut, with additional space for roundings, for the construction of a new permanent private road to be known as Balsam Way.
- removal of two sections of existing stone walls in the area of the existing westerly curb cut (approximately 18 linear feet) and construction of approximately 26 linear feet of new stone wall.
- use of the removed field stone to construct the new stone wall.

See drawing below to illustrate the planned work.



DATE OF APPLICATION – The Scenic Road Work Permit application was filed with the Board on September 4, 2019.

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 October 8, 2020 in conjunction with the site plan and special permit public hearing.

POSTED NOTICE - The public hearing notice was posted with the Medway Town Clerk on September 17, 2019

ABUTTER NOTICE - The public hearing notice was sent by first class mail to all abutters on October 1, 2019 as part of the notice for the special permit and major site plan.

ADVERTISEMENT – The public hearing notice was published in the *Milford Daily News* on September 23 and October 1, 2019.

PUBLIC HEARING - Other than the applicant, there were no citizen, residents or abutters in attendance at the scenic road public hearing.

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 Evergreen Village condominium community has approximately 171 linear feet of frontage on Evergreen Street, a Medway scenic road.
- 2. There is one 32” oak tree located in the Town’s right of way on Evergreen Street. As part of the Board’s special permit and site plan review process, Safety Officer Jeff Watson expressed concern that the tree’s large size and location limits acceptable sight visibility for egressing traffic from the development and recommended its removal. The Board, Tree Warden and Applicant wish to preserve the tree. The noted parties have come to a resolution which is detailed in the permit’s conditions.

DECISION – On May 26, 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 22 Evergreen Street subject to the following conditions:

- 1. **Stone Wall** - The approximately 18 linear feet of removed fieldstone will be used to fabricate the new, 26 linear foot infill field stone wall in a manner that shall replicate the rustic quality and character of the existing stone wall. This standard also applies to any additional field stone to be used for construction of the new wall. The construction shall be as specified on Sheet L-3 of the endorsed Evergreen Village site plan dated September 2, 2019, last revised April 3, 2020.
- 2. **32” Oak Tree** – The 32” oak tree shall not be removed. Instead, tree pruning, and grading shall occur to improve sight lines for exiting traffic from the development. The

tree pruning shall be conducted under the guidance of both Medway Tree Warden Steve Carew and Medway Safety Officer Jeff Watson, who shall be present, on site, for the pruning work. It is the Applicant's responsibility to ensure that this occurs.

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 26th day of May 2020

IN FAVOR:

Robert Tucker
Thomas Gay
Matthew Hayes, P.E.
Richard Di Iulio

ABSTAIN: *Andy Rodenhiser*

NOT PRESENT: *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
Maria Varicchione, Sampson Pond, LLC
Ron Tiberi, P.E.
John and Cynthia Shea

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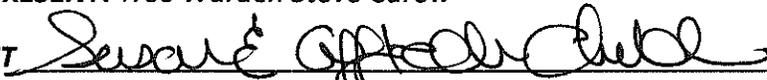
IN FAVOR:

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ABSTAIN: Andy Rodenhiser

NOT PRESENT: Tree Warden Steve Carew

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