

Framingham Planning Board

Memorial Building • Room B-37 • 150 Concord Street
Framingham, MA 01702-8373
(508) 532-5450 • planning.board@framinghamma.gov



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2015 NOV 20 A 9:07
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Town Clerk Stamp

Planning Board Members:

Christine Long, Chair
Stephanie Mercandetti, Vice Chair
Lewis Colten, Clerk
Thomas F. Mahoney
Victor A. Ortiz

Planning Board Staff:

Amanda L. Loomis, Planning Board Administrator
Alexander C. Mello, Associate Program Planner

**TOWN OF FRAMINGHAM
PLANNING BOARD**

Notice of Decision

**Regarding the Application of the Town of Framingham
Property located across the Street from 753 and 769 Edgell Road, Framingham MA**

On November 2, 2015, the Applicant, Town of Framingham, filed with the Planning Board, and on November 2, 2015, the Planning Board filed with the Town Clerk and Town Departments, an application for a Modification to a Scenic Roadway. The application was filed for the removal of two trees, which include a 26" white pine located across the street from 753 Edgell Road and a 21" white pine located across the street from 769 Edgell Road and depicted on a rendering entitled "Tree Removal Plan" dated November 2, 2015 prepared by the Town of Framingham Department of Public Works. The property is owned by the Commonwealth of Massachusetts and is listed as Framingham Assessor's Parcel ID: 047-33-0381-000.

After the notice of the public hearing was published in "The MetroWest Daily News" on November 5, 2015 and November 12, 2015 and mailed to parties of interest pursuant to the Framingham Zoning By-law and M.G.L. Chapter 40A, the Planning Board opened the public hearing on November 19, 2015 at 7:00 pm in Nevins Hall, Memorial Building, Framingham.

On November 19, 2015 the Planning Board **APPROVED** with conditions said Application for the Modification to a Scenic Roadway the property located across the street from 753 and 769 Edgell Road, and a **DECISION** was filed in the office of the Town Clerk on November 20, 2015.

Christine Long, Chair
FRAMINGHAM PLANNING BOARD

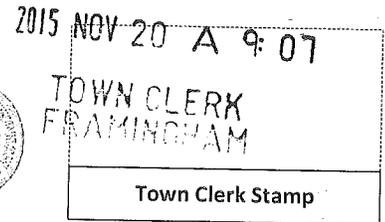
Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

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PLANNING BOARD MEMBERS:

CHRISTINE LONG, CHAIR
STEPHANIE MERCANDETTI, VICE CHAIR
LEWIS COLTEN, CLERK
THOMAS F. MAHONEY
VICTOR A. ORTIZ

**DECISION OF THE FRAMINGHAM PLANNING BOARD
FOR THE PROPERTY LOCATED ACROSS THE STREET FROM 753 AND 769 EDGELL ROAD
DECISION DATED NOVEMBER 19, 2015**

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 FRAMINGHAM ZONING BY-LAW

General Property Information

Property Address: Property across the street from 753 and 769 Edgell Road
Assessor's Information: 047-33-0381-000 Project Number: PB-016-15
Zoning District/Overlay District: Single Family Residential (R-4)

Application Information

Application(s): Scenic Roadway Modification
Sections of the General By-law Under Review: Scenic Roadway Modification (Article VI, Section 10)
Date application(s) were filed with the Planning Board: November 2, 2015
Date application(s) were filed with the Town Clerk: November 2, 2015

General Project Contact Information

Applicant Name: Town of Framingham - Highway & Sanitation
Applicant Address: 100 Western Avenue, Framingham, MA 01702
Landowner Name: Commonwealth of Massachusetts
Landowner Address:
Project Contact Name: Francis Pawluczzonek - Tree Warden
Engineer Name: Town of Framingham - Department of Public Works
Engineer Company: 100 Western Avenue, Framingham MA 01702

Legal Ad & Public Hearing Information

Run dates of the Legal Ad: (14 days prior) November 5, 2015 and (7 days prior) November 12, 2015
Date of abutter/7 Abutting municipality/parties of interest mailing: November 10, 2015
Date of opening public hearing: November 19, 2015
Applicant's Representatives in attendance at the Public Hearing(s): Francis Pawluczzonek, Framingham Tree Warden
Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Stephanie Mercandetti, Vice-Chair, Lewis Colten, Clerk, Thomas Mahoney, and Victor Ortiz

Other Information Regarding the Project

Posting of the Trees: The notice signs were posted on the tree on or about November 3, 2015

Planning Board Approval Information

Date of Plan Approved by the Planning Board November 2, 2015

DESCRIPTION OF THE PROJECT

The project will include the removal of two trees within the public right-of-way of a scenic roadway. The trees that are proposed to be removed include a 26" white pine across the street from 753 Edgell Road and a 21" white pine across the street from 769 Edgell Road. Edgell Road is classified as a Scenic Roadway in accordance with Article VI, Section 10 of the Framingham General By-Laws. The Town proposes to remove the two mentioned trees for the construction of a public sidewalk, to provide access to the Weston Aqueduct.

HEARING

The Framingham Planning Board held a total of one public hearing during the review of the Project on November 19, 2015. Framingham Planning Board Members present during the public hearing held for the Project were Christine Long, Chair, Stephanie Mercandetti Vice-chair, Lewis Colten, Clerk, Thomas Mahoney, and Victor Ortiz. The following individuals appeared on behalf of the Applicant during the public hearing process: Dan Nau, Director of Highway & Sanitation, and Francis Pawlucone, Framingham Tree Warden.

During the course of the public hearing process, the Planning Board took under advisement all information received from members of the public that provided input during the review of this Project. The Planning Board arrived at this Decision based on the Framingham Zoning By-law, information submitted by the Applicant, comments from town boards and officials, and members of the public. Findings from the application and public hearing process resulted in the development of the conditions contained within this Decision.

FINDINGS

Scenic Roadway Modification, Framingham General By-law, Article IV, Section 10

The purpose of Article VI. Roads, Highway, Bridges, Rubbish Disposal, Water and Sewer, Section 10 Administration of the Scenic Road Act was adopted to maintain the natural beauty and scenic qualities along scenic roads, while encouraging compatibility with existing roadside features. The Town proposes to remove two trees within the public right-of-way for the installation of a public sidewalk to enhance access from the local neighborhoods to the Weston Aqueduct.

Section 10.6.4.c) Tree Removal Limitations

For each tree within a trunk exceeding 6 inches in diameter, one foot above ground level, that is removed, a tree in a species, size, and location, with advice from the Tree Warden and suitable to the Planning Board shall be planted. The two trees that are proposed to be removed include one 26" white pine and one 21" white pine. The removal of the two trees is in conjunction with the Town's existing tree planting program.

Section 10.7.2 Tree Warden

The Tree Warden Held a public hearing as required under MGL ch. 87 on November 19, 2015. Proper notification was filed and sent to the appropriate parties. Notification was given for one 26" white pine tree and one 21" white pine tree. During this portion of the public hearing process no objections were made regarding the removal of two trees within the public right of way. The Tree Warden closed the scenic way public hearing regarding tree removal on November 19, 2015.

Based on the findings as shown in submitted documentation and presented during the public hearing process it can be concluded that the Project does not alter the rural nature of the scenic roadway, but rather enhances access to open space and trails within the area. Therefore, the Planning Board finds that the Project as proposed complies with the requirements of Article VI, Section 10 of the Framingham General By-law.

CONDITIONS OF APPROVAL

The Planning Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the General By-Laws, relevant to this review. Accordingly, the Planning Board votes, pursuant to relevant provisions of the General By-Laws, to approve the Application for a Modification to a Scenic Roadway (Article VI, Section 10) of the Town of Framingham General By-Laws, subject to the following conditions:

General Provisions

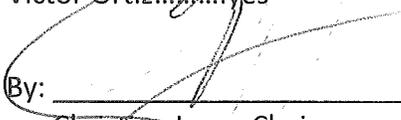
1. Prior to the commencement of authorized site activity, the Planning Board Office shall be given 48 hour written notice.
2. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with MGL, Chapter 40A, Section 17. The Applicant will submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.
3. This approval for a scenic roadway modification shall lapse within two years from the date the Decision is recorded at the Middlesex South Registry of Deeds, not including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.
4. The failure to comply with the By-laws and/or the terms of this Decision may result in revocation of the special permit for land disturbance and a public way access permit issued hereunder. The Planning Board shall by first class mail send the owner written notification of any failure to comply with the By-law and/or the terms of this Decision. If the owner believes that it is not in violation, it may request and will be granted an opportunity to attend a Planning Board meeting to try to resolve the alleged violation. If within 30 days from the date of mailing of said notice, the owner has not resolved the matter with the Planning Board, or remedied the alleged violation, it shall be grounds for revocation of the approvals issued hereunder. At the expiration of the 30 day period, the Planning Board after a duly noticed public hearing, including notice to the owner by first class mail, may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the By-law and/or the terms of this Decision and that the owner has failed to remedy it; alternatively, the Planning Board may continue the public hearing, or by a four-fifth vote extend the time period in which the violation may be corrected.
5. The Applicant shall perform daily cleanup of construction debris, including soil, on Town streets within 200 yards from the entrance of the site driveways, caused by the site construction.

VOTES

Modification to a Scenic Way (Section VI., Article 10 of the Framingham General By-laws)

The Planning Board voted five in favor, zero opposed, and zero abstention to grant approval for a Modification to a Scenic Way Permit pursuant to pursuant to Article VI, Section 10 of the Town of Framingham General By-Laws to allow the Applicant, the Town of Framingham to remove one 26" white pine tree and one 21" white pine tree, as shown on the plan dated November 2, 2015.

- Christine Long.....yes
- Stephanie Mercandetti.....yes
- Lewis Colten.....yes
- Thomas F. Mahoney.....yes
- Victor Ortiz.....yes

By: 

 Christine Long, Chairperson Framingham Planning Board
 Date of Signature: *November 20, 2015*

EXHIBITS

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the General By-Laws. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various Town Departments that reviewed the Project. These plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

1. Form A – Application Cover Letter, Trees located across the street from 753 and 769 Edgell Road, stamped with the Town Clerk on November 2, 2015, Project Number: PB-016-15
2. Form I – Scenic Roadway Modification Application, Trees located across the street from 753 and 769 Edgell Road, stamped with the Town Clerk on November 2, 2015, Project Number: PB-016-15
3. Site Plans for Edgell Road at McAdams Road, prepared for the Town of Framingham, prepared by the Town of Framingham, dated November 2, 2015

The Planning Board received correspondence various Town Departments who review the project. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Framingham Fire Department, correspondence received via ACCELA on November 6, 2015
2. Framingham Police Department, correspondence received via ACCELA on November 7, 2015
3. Department of Building & Wire, correspondence received via ACCELA on November 10, 2015