

Lisa Tomyl

From: Dean Charter
Sent: Tuesday, April 01, 2014 4:11 PM
To: Manager Department
Cc: Andrea Ristine; Biff Macgregor
Subject: Tree Removals on Taylor Road
Attachments: 14-01 - Taylor Road Public Shade Trees.pdf; comments from Mr. Hendrie.pdf; Fwd Taylor by Barker.pollice comments.htm; Taylor by Barker reschedule.doc; RE Taylor by Barker fire comments.htm; photo (29).JPG; photo (30).JPG; photo (31).JPG; photo (32).JPG

I would like to schedule some time at a Selectman Meeting after things settle down after Town meeting to conclude the hearing process regarding the removal of two trees on Taylor Road. The two trees in question, located between Conant School and Barker Road, are right at the edge of pavement, and lean over the street. One tree has been hit both at the base and at about 11 feet up (probably by a bus or box truck). The other has not been hit yet, but would be in the path of travel if the first were removed.

As Taylor Road is a Scenic Road and the trees are currently healthy, we held a combined Scenic roads and Tree Warden hearing in March. One abutter, Mr. Hendrie, came in and objected to the planned removal. The Planning Board voted to approve the removal on safety reasons, but under MGL 87, if any objection is lodged, the Tree Warden decision is deferred to the Selectmen.

I have attached photos of the trees, copies of the postings, the decision, comments from the PD & FD, and Mr. Hendrie's comments.

Under MGL 87 this just has to go on a regular BOS agenda and does not require additional notice, although as a courtesy I will inform Mr. Hendrie. The BOS decision is final unless an aggrieved party wants to pursue a court injunction.

If you need any more information, please let me know.

Regards,

Dean A. Charter, MCA, MCPPO
Municipal Properties Director & Tree Warden

4/28/14 8:00



TOWN OF ACTON
Municipal Properties Department
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-7744
MP@acton-ma.gov

LEGAL NOTICE - Public Shade Tree Removal

In accordance with MGL Chapter 87, Section 3, and MGL Chapter 40, Section 15C notice is hereby given that the Acton Tree Warden and the Acton Planning Board will hold a combined Tree Removal and Scenic Roads hearing at 7:45 PM on Tuesday, March 18, 2014, in the Faulkner Hearing Room, Acton Town Hall, relative to the removal of the following Public Shade Trees:

33" DBH Oak, located near 87 Taylor Road

27" DBH Oak, located near 87 Taylor Road

These trees are to be removed to provide safe roadway width. The trees have been posted in the field

Objection to the proposed removal may be made in writing prior to, or verbally at the hearing.

Dean A. Charter
Tree Warden



Planning Board

MAR 19 2014

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
Planning@acton-ma.gov

DECISION

14-01

Scenic Road Hearing

Public Shade Tree Removal – Taylor Road

March 18, 2014

Decision of the Acton Planning Board (hereinafter the Board) on the proposed removal of two public shade trees located on Taylor Road, a scenic road under Chapter J of the Bylaws of the Town of Acton.

The Board and the Tree Warden held a duly advertised joint public hearing on March 18, 2014. Board members Jeff Clymer (Chair), Roland Bourdon, Rob Bukowski, Michael Dube, Derrick Chin, and Ray Yacouby were present. Also present was the Acton Tree Warden, Dean Charter. The minutes of the hearing and submissions on which this decision is based upon may be viewed in the Planning Department or the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- 1.1 Legal notice;
- 1.2 Email and photographs from Town of Acton Tree Warden, Dean Charter, dated 01/13/14;
- 1.3 Email from Chief of Police, Frank J. Widmayer, Acton Police Department, dated 01/13/14;
- 1.4 Email from Fire Chief, Patrick J. Futterer dated 01/14/14;
- 1.5 Email from Officer Jon Stackhouse, Acton Police Department dated 01/15/14;
- 1.6 Memo submitted by resident Robert Hendrie, dated 08/07/13.

2 FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The trees proposed for removal on Taylor Road are a 33" DBH Oak and 27" DBH Oak located near 87 Taylor Road.
- 2.2 Robert Hendrie of 89 Taylor Road objected to the proposed tree removal request.
- 2.3 The two trees constitute a hazard to traffic and impinge upon the roadway width.

3 BOARD ACTION

The Board hereby consents to the removal of the subject trees.

Signed on behalf of the Acton Planning Board

Roland Bartl, Planning Director

Copies furnished:

Engineering Department
Tree Warden
Town Clerk

Town Manager
Historical Commission

3/18/14 Public Hearing
Shade Tree
Taylor Rd.

Case against removing the posted trees on Taylor Rd

The trees are among the largest in the area and provide significant beauty, animal habitat, shade, and water control over the adjacent swamp.

The trees (tree1 and tree2) are by no means the closet objects to the traveled lanes of Taylor Rd. In an informal survey one Sunday I counted the following:

Thirteen large objects closer to the traveled surface than tree1 including eight telephone poles, three sections of stone wall, two other trees, and a guard rail fence.

There are an additional seven large objects closer than tree2 but the same or further than tree1. These are seven telephone poles.

So the question is if the motive is auto safety why are we not starting by moving back this baker's dozen of closer objects, most of which will have much less negative impact to the area, than two trees that will take 20+ years to replace.

And if our goal is safety there are a number of other measures such as speedbumps, or even closing off the crossing at the end of Taylor much as was done at Hosmer.

3/18/14
Public Hearing
Shade Tree
Taylor Rd

points against tree removal:

street has two boomerangs one at the first intersection before school, second, at the first school driveway. This speeds up the water flow into the school zone and as it turns to 89 Taylor Road area.

in front of both play swings are deep, wide puddles. in front of the larger swing set is a sitting swamp, and the kindergarten swing wet area a "mini-lake"

the road to the soccer field is not passable a lot of the time and usu. thick mud.

nb. no swimming pools are allowed in the area.

after the 2013 winter outage storm, the 89 Taylor road property lost three of its largest and oldest trees closer to the street side. This we believe was due to the ten year battle lost by the town to the builder adjacent to the residents, in leveling the property. No trees behind our house resulting in major drainage in the swamp area.

There is already a major mosquito problem. We abate the problem having installed a 50 room bat conservation committee approved bat house.

***Taking two of the largest trees the water will level off higher in the swamp and eventually kill many of the remaining young trees.

This site pools water. It is in front of a sewer drain which I personally shovel off two inches of debris after every storm.

Remedies:

paint bottom half of the trees white (they do this at resorts and it looks great

put small white bulbs over entire tree (also done at resorts)

put in a much needed bump in the road for slowing traffic

put in permanent go slow speed indicator

put up a metal guide rail fence as you do over the Cole stream at the bottom of Taylor'.

the idea is to encourage people to obey the speed zone.

From: Dean Charter [dean_charter@verizon.net]
Sent: Thursday, January 16, 2014 6:12 AM
To: Dean Charter
Subject: Fwd: Taylor by Barker

Sent from my iPad

Begin forwarded message:

From: Frank Widmayer <fwidmayer@acton-ma.gov>
Date: January 15, 2014 at 10:03:16 PM EST
To: Dean Charter <dean_charter@verizon.net>
Subject: Fwd: Taylor by Barker

Sent from my iPad

Begin forwarded message:

From: Jonathan Stackhouse <jstackhouse@acton-ma.gov<<mailto:jstackhouse@acton-ma.gov>>>
Date: January 15, 2014, 21:57:09 EST
To: Frank Widmayer <fwidmayer@acton-ma.gov<<mailto:fwidmayer@acton-ma.gov>>>
Subject: RE: Taylor by Barker

Chief Widmayer,

In reading Dean Charter's Legal Notice regarding the removal of two large oak trees near 87 Taylor Rd, I must agree 100% with his assessment. Taylor Road is a highly traveled road in Acton and the two trees near number 87 Taylor are dangerously close to the roadway. These trees have even played a role in motor vehicle accidents in the past. It would be would be my recommendation to have them removed in order to ensure a safer roadway within our town. Please let me know if I can be of any more assistance on this matter.

Respectfully,
Jon Stackhouse #93
Traffic Division
Acton Police Department

< image003.jpg >

From: Frank Widmayer

Sent: Monday, January 13, 2014 11:31 AM
To: Jonathan Stackhouse
Cc: Dean Cavaretta; Rich Burrows
Subject: FW: Taylor by Barker

Jon, would you take care of this please?

Frank J. Widmayer III
Chief of Police
978-263-2911

From: Dean Charter
Sent: Monday, January 13, 2014 9:52 AM
To: Frank Widmayer; Corey York; Patrick Futterer; JD Head
Cc: Andrea Ristine; Biff Macgregor
Subject: Taylor by Barker

Greetings,

Attached is a legal notice for a Scenic roads hearing to remove two large Oak trees on Taylor road, just to the south of the entrance into Conant School. I feel that both trees impinge upon the roadway width of Taylor Road, and constitute a hazard to traffic. Taylor Road is heavily travelled by school buses, fire trucks, and highway equipment. One tree has already been struck repeatedly.

Any comments, and hopefully letters of support, would be greatly appreciated prior to the hearing on February 18.

Regards,

Dean

From: Patrick Futterer
Sent: Tuesday, January 14, 2014 11:03 AM
To: Dean Charter
Subject: RE: Taylor by Barker

I had taken a look at the trees and they definitely are a problem.

Respectfully,

Patrick J. Futterer, EFO, CFI
Fire Chief
Acton, MA 01720
Phone: 978-929-7411
Fax: 978-266-2885



From: Dean Charter
Sent: Monday, January 13, 2014 9:52 AM
To: Frank Widmayer; Corey York; Patrick Futterer; JD Head
Cc: Andrea Ristine; Biff Macgregor
Subject: Taylor by Barker

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Dean



