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Scenic Road Hearing PB 23-2  
87 Hayward Road  
5/16/2023

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Planning Board

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**DECISION**  
23-2

**Scenic Road Hearing**

Removal of Public Shade Trees at 87 Hayward Road

May 16, 2023

GRANTED

Decision of the Acton Planning Board on Hartz Corporation's proposal for the removal of 4 public shade trees along the property frontage of 87 Hayward Road. Hayward Road is a scenic road under Chapter J of the Town of Acton Bylaws.

The Board held an advertised virtual public hearing through zoom, pursuant to Governor Baker's March 12, 2020 Executive Order Suspending Certain Provisions of the Open Meeting Law, on April 18, 2023 and closed the public hearing on May 16, 2023.

Board member Mr. Jon Cappetta (Chair) was present throughout the hearing dates, Mr. Sam Bajwa was present at the May 16 hearings and certified his review of the April 18th hearing under Chapter 79 of the Acton of 2006, Mr. James Fuccione was present throughout the hearing dates, and Mr. Nathan Cookson was at the May 16 hearing and certified his review of the April 18th hearing under Chapter 79 of the Acton of 2006. The minutes of the hearing and submissions on which this decision is based upon may be referred to in the Planning Division 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 Items and documentation required by the Rules consisting of:

- Letter from the Tree Warden dated April 6, 2023;

- Letter from Douglas E. Sieber, Vice President and Chief Operations Officer from the Haartz Corporation;
- Photos;

1.2 Extension Agreements

- Consent and Agreement on Time Extension from April 18, 2023 to May 16, 2023;

1.3 Certification Under Chapter 79

- Mr. Sam Bajwa, signed on May 8<sup>th</sup>, 2023;
- Mr. Nathan Cookson, signed May 16<sup>th</sup>, 2023;

1.4 Public Comments

- Terra Friedrichs, two emails dated April 18, 2023;
- Daniel Malloy, dated May 16, 2023;
- Catherine Usoff, dated May 15, 2023;

Exhibit 1.1 is referred to herein as the Plan.

## **2 FINDINGS and CONCLUSIONS**

After review of the exhibits and the hearing of the matter the Board finds and concludes that:

- 2.1 Hayward Road is designated as a scenic road.
- 2.2 The Applicant is proposing to remove 4 public shade trees along the frontage of 87 Hayward Road. The trees proposed to be removed are 26" caliper Oak, 21" caliper Oak, 21" caliper Oak, and a 23" caliper Oak.
- 2.3 The Applicant is proposing to plant 22 3" caliper trees along the property frontage to replace the removed trees.
- 2.4 The proposed work does not derogate from the purpose of Pope Road's designation as a scenic road.

## **3 PLANNING BOARD ACTION**

The Board consents to the removal of four public shade trees: 26" caliper Oak, 21" caliper Oak, 21" caliper Oak, and a 23" caliper Oak.

Signed on behalf of the Acton Planning Board

  
Kristen Guichard  
 Kristen Guichard, Planning Director and  
 Zoning Enforcement Officer  
 for the Town of Acton Planning Board

Copies furnished:

Applicant - certified mail #	Land Use Department Managers Department Fire	Town Clerk Engineering Department
Owner		