Approved as written on 24 JAN 2018

David Roberson
Robin W. Reed
Joann M. Brown
Douglas Wilson

Planning Board Meeting on November 29, 2017

Planning Board continued their meeting at 8:10, and the audience had left. Those in attendance were David Roberson, Dan Burke, Robin Reed, Jodi Brown, and Doug Wilson, scribe.

David said that there was no correspondence of any consequence.

The minutes of the meetings for August 30, September 27, and October 27, with some minor corrections, were approved unanimously. The rest of the agenda was deferred to a future meeting.

The next meeting will be Wednesday, January 24, at 7 pm.

The meeting was adjourned at 8:45.

Town of Rowe

Record of Decision

Joint Tree Hearing: Planning Board and Tree Warden

At the joint tree hearing held on November 29, 2017 by the Rowe Planning Board and Rowe Tree Warden, the tree cutting plan proposed by Rowe Municipal Light plant as outlined in documents provided by the applicant and referenced in the Public Hearing notice was approved, subject to the following conditions:

- Work will be completed by November 29, 2018
- Work will be done between the hours of 7:00 a.m. and 5:00 p.m.
- No trees will be "topped"
- Stumps will be cut as low as practicable, and shall have a maximum height of ten inches
- Chips and logs will be disposed of subject to the authority of the Rowe Selectmen

Chairman, Rowe Planning Board — (date) 11/29/17

Rowe Tree Warden — (date) 11/29/17

Rules and Regulations of the Rowe Planning Board

Concerning Scenic Roads and Public Shade Trees

Section 1: Definitions

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L. Chapter 40, Section 15C, the following terms contained in that statute shall be defined as follows:

1.1 "Cutting or Removal of Trees"

"Cutting or removal of trees" shall mean the removal of one or more trees, trimming of major branches or cutting of roots, or any other groundwork within the drip line of any tree.

1.2 "Repair, Maintenance, Reconstruction, or Paving Work"

"Repair, maintenance, reconstruction, or paving work" shall mean any work or installation done within the right-of-way by any person or agency, public or private. Within this definition is any work on any portion of the right-of-way which was not physically commenced at the time the road was designated as a scenic road. Construction of new driveways or alteration of existing ones is also included, insofar as it takes place within the right-of-way.

1.3 "Road"

"Road" shall mean a right-of-way or any way used and maintained as a public way including the vehicular travelled way plus necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks, but not intersecting streets or driveways. When the boundary of the right-of-way is in issue so that a dispute arises as to whether or not certain trees or stone walls or portions thereof are within or without the way, the trees or stone walls shall be presumed to be within the way until the contrary is shown.

1.4 "Tearing Down or Destruction of Stone Walls"

"Tearing down of destruction of stone walls" shall mean the destruction of any portion of stone wall involving more than one cubic foot of wall material per linear foot above existing grade, but shall not be construed to include temporary removal and replacement at the same location with the same materials.

1.5 "Trees"

"Trees" shall include a tree whose trunk has a diameter of four inches or more as measured one foot above the ground.

Section 2: Purpose

These regulations are intended to ensure that:

1. Scenic ways within the Town of Rowe are protected,

2. ways so designated will not be altered without following proper procedures and without adherence to proper considerations; and,

3. ways so designated will not be altered by the decision of any person, organization, or agency other than the Planning Board.

Section 3: Criteria for Designation as a Scenic Road

By vote of the Town Meeting all Town roads have been declared Scenic Roads under Section 15C of Chapter 40 of the General Laws.

Section 4: Procedures

4.1 Filing

Any person, organization, state or municipal agency seeking the written consent of the Planning Board, regarding the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof on a scenic road, shall file a request with the Planning Board, together with the following:

1. the text of a legal notice identifying the location of the proposed action in terms enabling readers to locate it with reasonable specificity on the ground without need for additional plats or references, and describing in reasonable detail the proposed changes to trees and stone walls;

2. a statement of the purpose, or purposes, for the changes proposed;

3. a list of property owners located in or adjacent to the project area.

4. except in the case of town agencies, a deposit sufficient to cover the cost of advertising and notification;

5. any further explanatory material useful to adequately inform the Planning Board.

4.2 Notice

The Planning Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area. This notice shall contain a statement as to the time, date, place, and purpose of the hearing with a reasonable description of the action proposed by the applicant. Copies of this notice shall also be sent to the Selectmen, the Conservation Commission, the

Historical Commission, the Highway Department, the Tree Warden, and the owners of property within 300 ft. of the location of the proposed alteration.

4.3 Timing of Notice

The first publication of the notice shall be as soon as feasible after the Planning Board receives the request from the applicant, and shall in all cases be at least 14 days before the hearing. The last publication shall occur, as required by statute, at least seven days prior to the hearing.

4.4 Timing of Hearing

The Planning Board shall hold a public hearing within 65 days of the Planning Board meeting at which a properly filed request is received.

4.5 Timing of Decision

The Planning Board shall make a decision on the request within 30 days of the public hearing.

4.6 Public Shade Tree Act

Whenever feasible, notice shall be given and Planning Board hearings shall be held in conjunction with those held by the Tree Warden acting under M.G.L. Chapter 87. The consent of the Planning Board to a proposed action shall not be regarded as inferring consent by the Tree Warden, or vice versa. The Planning Board decision shall contain a condition that no work should be done until all applicable provisions of the Public Shade Tree Law, M.G.L. Chapter 87, have been complied with.

Section 5: Consideration

The Planning Board's decision on any application for proposed action effecting scenic roads shall be based on consideration of the following:

1. preservation of natural resources;
2. environmental values;
3. historical values;
4. scenic and aesthetic characteristics;
5. public safety;
6. compensatory actions proposed, such as replacement of trees or walls;
7. other sound planning considerations;
8. considerations of other town officials or department heads.