



TOWN OF HINGHAM

Planning Board

NOTICE OF DECISION SCENIC ROAD PERMIT

IN THE MATTER OF:

Applicant: Town of Hingham
25 Bare Cove Park Drive
Hingham, MA 02043

Agents: Randy Sylvester, Tree Warden
Town of Hingham
25 Bare Cove Park Drive
Hingham, MA 02043



Premises/Property: Lazell Street Right-of-Way, Hingham, MA 02043

SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of the Town of Hingham for permits to remove a public shade tree, consisting of a 18"-24" twin maple, on Lazell Street, which is a Scenic Road, pursuant to MGL c. 40, § 15C and the Rules and Regulations of the Planning Board Adopted Under the Scenic Road Act.

The Board opened a duly noticed public hearing on the application at a public meeting held remotely on July 11, 2022 via Zoom as an alternate means of public access pursuant to pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. The Tree Warden simultaneously opened a hearing held pursuant to MGL c. 87. The Board panel consisted of regular members Judith Sneath, Chair, Gordon Carr, Kevin Ellis, and Gary Tondorf-Dick. Randy Sylvester, Hingham Tree Warden, appeared to present the application to the Board. At the conclusion of the review, the Board voted unanimously to grant the requested Scenic Road Permit.

Throughout its deliberations, the Board was mindful of the statements of the Applicant, its representative, and the comments of the general public, all as made or received at the public hearing.

BACKGROUND

The Hingham Tree Department recently completed an evaluation of a public shade tree approximate to 168 Lazell Street and made a determination that the 18"-24" twin maple requires removal.

Under the Shade Tree Act (MGL c. 87, s. 5), a Tree Warden may, without hearing, remove any tree that endangers those traveling the right of way. The Scenic Roads Act (MGL c. 40, s. 15C) does not include a similar exemption. Any cutting or removal of public trees from a scenic road requires the consent of the Planning Board through a public hearing process that must be consolidated with any required hearing before the Tree Warden.

The Hingham Tree Warden considers this particular tree to be a public safety hazard due to the degree of decay found at its base. The structure of the tree, with a low V-shaped crotch, may also increase the risk of failure. Removal eliminates the potential safety hazard. The Tree Warden also indicated that he intends to replace the tree within a two-year period to mitigate impact on the natural, environmental, and scenic qualities of the streetscape.

During the course of the hearing, the Board both noted the poor condition of the tree and expressed support for its replacement. No public comment was provided prior to or during the hearing.

FINDINGS

Based on the information submitted and presented during the review /and the deliberations and discussions of the Board during the meeting, the Board made the following findings under the Rules and Regulations of the Planning Board Adopted under the Scenic Road Act:

- 1. Preservation of natural resources:** The subject tree is failing and cannot be preserved; however, the Tree Warden intends to replace the resource within 12–24 months.
- 2. Environmental values:** Since the tree will be replaced, impacts to environmental values will be mitigated.
- 3. Historical values:** Removal of the twin maple tree will not affect historical values.
- 4. Scenic and aesthetic characteristics:** The subject tree suffers from significant rot. Due to its deteriorated condition, the tree offers limited canopy. Its removal and replacement will improve the scenic and aesthetic characteristics of Lazell Street.
- 5. Public safety:** Removal of the dying twin maple tree will improve public safety by eliminating a hazardous tree.

6. **Compensatory actions proposed, such as replacement of trees or walls:** As conditioned by this decision, the Tree Warden will replace the tree within 12-24 months.

7. **Other sound planning considerations:** Not applicable.

DECISION

Upon a motion made by Judith Sneath and seconded by Gary Tondorf-Dick, the Board voted unanimously to GRANT the application of the Town of Hingham for a Scenic Road Permit to remove a public shade tree, consisting of a 18"-24" twin maple, on Lazell Street, which is a scenic road, pursuant to MGL c. 87; MGL c. 40 § 15C; and the Rules and Regulations of the Planning Board Adopted Under the Scenic Road Act. The Board's consent is conditioned upon the following:

1. No work shall commence until all applicable provisions of the Public Shade Tree Law, MGL Chapter 87, have been complied with.
2. A deciduous tree with a minimum 3" caliper shall be planted in the right of way approximate to 168 Lazell Street within a 2 year period.

For the Planning Board,



Judith Sneath
July 20, 2022

In Favor: Judith Sneath, Gordon Carr, Kevin Ellis, and Gary Tondorf-Dick

Opposed: None

