



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SCENIC ROAD PERMIT

#### IN THE MATTER OF:

**Applicant:** Falconeiri Construction, Inc.  
c/o Matthew Falconeiri  
45 Industrial Park Road, Suite 3  
Hingham, MA 02043

**Agent:** Brendan Sullivan, P.E., P.L.S.  
Merrill Engineers & Land Surveyors  
687 Main Street  
Norwell, MA 02061

**Premises/Property:** Right-of-Way in front of 28 Union Street, Hingham, MA 02043



#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Falconeiri Construction, Inc. (the "Applicant") for a Scenic Road Permit pursuant to MGL c. 40, § 15C and the Rules and Regulations of the Planning Board Adopted Under the Scenic Road Act to remove two Eastern red cedar trees with diameters of 19 and 27 caliper inches from the right of way in front of 28 Union Street in Residence District A.

The Board opened a duly noticed public hearing on the application at a public meeting held remotely on May 15, 2023 via Zoom as an alternate means of public access pursuant to pursuant to Chapter 2 of the Acts of 2023 temporarily suspending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, and Rita DaSilva. Brendan Sullivan, P.E., P.L.S., Merrill Engineers & Land Surveyors, 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 Applicant has an active Site Plan Review application with the Board which includes the removal of two Eastern red cedar trees with diameters of 19 and 27 caliper inches from the right of way in front of 28 Union Street. These trees were included in a Tree Risk Assessment from the Applicant's certified arborist and are noted as dead and at high risk of failure and impact.

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) and related local regulations do not provide this exemption to the Planning Board. Any cutting or removal of public trees from a scenic road requires the consent of the Planning Board through a public hearing process. The Board heard a similar application in July 2022 for tree removal along Lazell Street (a Scenic Road).

During the course of the hearing, the Board noted the poor condition of the tree. No public comment was provided prior to or during the hearing.

## **FINDINGS**

Based on the information submitted prior to and presented during the hearing, 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 cedar trees are dead and at high risk of failure.
- 2. Environmental values:** There no impacts to environmental values.
- 3. Historical values:** Removal of the cedar trees will not affect historical values.
- 4. Scenic and aesthetic characteristics:** The subject trees are dead. Due to their deteriorated condition, the trees offer limited canopy. Their removal will improve the scenic and aesthetic characteristics of Union Street.
- 5. Public safety:** Removal of the dead cedar trees will improve public safety by eliminating hazardous trees.
- 6. Compensatory actions proposed, such as replacement of trees or walls:** Not applicable.
- 7. Other sound planning considerations:** Not applicable.

**DECISION**

Upon a motion made by Kevin Ellis and seconded by Gordon Carr, the Board voted unanimously to GRANT the application of the Falconeiri Construction, Inc. for a Scenic Road Permit pursuant to MGL c. 40, § 15C and the Rules and Regulations of the Planning Board Adopted Under the Scenic Road Act to remove two Eastern red cedar trees with diameters of 19 and 27 caliper inches from the right of way in front of 28 Union Street in Residence District A.

For the Planning Board,



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Kevin Ellis  
May 18, 2023

**In Favor:** Kevin Ellis, Gordon Carr, and Tracy Shriver

**Opposed:** None