



Town of Carlisle

MASSACHUSETTS 01741

FRANK E. HANNAFORD, Clerk
201 Prospect St.
CARLISLE, MASS. 01741

Office of
PLANNING BOARD

MINUTES

SCENIC WAYS HEARING
April 12, 1976
8:30 p.m.

PLANNING BOARD MEMBERS PRESENT: Hannaford, Kulmala, Sauer, Santomenna, Bridges, and Zielinski; Long Range Planning Sub-committee - Badger; Selectmen - Peckham, Penhune; Department of Public Works - Roger Davis; The hearing was attended by approximately 15 town residents.

Mr. Hannaford read the Scenic Road By-Law, Chapter 40, Section 15C, adopted in 1973. He also stated that the Planning Board received a memo from the Selectmen along with a copy of a letter from Roger Davis.

Acton Street was discussed first. Roger Davis showed two pictures of the trees and shoulder involved. The DPW would like to cut three trees near #125 Acton Street in order to try to solve drainage problems from there to Heald Road. There are smaller trees in back of the trees to come down that would grow. Mr. Koning of Acton Street was concerned about a telephone pole in the same area and wondered if it could be moved back. Roger Davis said they could ask the phone company to move it but it would be on private property and an easement would be required. Mr. Zielinski felt that two trees near Heald Road were too close to the road and should come down also. Mr. Koning also felt that in addition to the three marked by DPW there were other trees that should come down. Mr. Davis asked if it would be acceptable if they take any tree that is within one foot of the pavement and on a corner which was agreed to. He also said that they will try to keep the paving at 16 feet wide. Mr. Davis said that the DPW would like to cut back into the shoulder near #307 Acton Street because of hazardous conditions. Mrs. Phyllis Hughes of Acton Street showed a drawing of

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the section of Acton Street from Paines to Konings with measurements of the width of paving at various spots, telephone poles, driveways, and marked trees. She felt that near Paines driveway and mailbox is another problem that should be considered. It was asked if telephone pole #31 could be moved across the street; but Mr. Koning said that because of the curve in the road, three poles would have to be moved. The pole cannot be moved back because there is a stone-wall and it would be on private property. Mrs. Hughes was told that the DPW would ask that any tree within one foot of the pavement and on a corner be removed. The DPW plans to re-surface three sections of Acton Street .

Mr. Peckham noted that this is the first of many roads that will be improved.

Mr. Davis described work to be done on River Road. Just past Warren's drive towards Concord there are 12 trees to come down and a pole to move for safety. Some trees are less than one foot from the road and two are dead enough to come down without a hearing. One tree has roots in the pavement and a few are partially dead. Mr. Peckham asked what the average width of the road was. Mr. Davis answered that the improved part is 22 feet wide and the unimproved part is 20 feet plus the overlay. Miss Gretchen Anderegg of Bedford Road said that State roads like Routes 3, 4, and 128 are nine feet wide per land. Mrs. Anderegg checked measurements and River Road is 20 feet at the narrowest point and 22 feet in many spots. Miss Anderegg feels a bus and a truck can pass with no problems. She said Chief Hersey has reported no bike accidents. Mr. Davis, however, said he has been told there have been two accidents. She also said that some trees are very old and feels that all are not dead. Mr. Wallerstein of River Road spoke to Mrs. Elliot and Mr. Hosmer both of River Road who don't want to see the trees come down unless they are diseased. Mrs. Campbell of River Road was also concerned about the trees opposite Hosmers and wondered if the width on Hosmers

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side could compensate for the opposite side. She was also concerned about a tree in front of her property. Mr. Davis told her that tree was not coming down but they would cut into the banking.

Mr. Davis said that River Road is a Chapter 90 road. Mr. Peckham stated that when the first part of River Road was improved, they had to sign with the state and take responsibility for not following state codes. A Chapter 90 road means that 24 feet is required plus a 5 foot shoulder. Mr. Santomenna asked if not following state codes meant the town would not receive aid; but Mr. Peckham replied that by accepting responsibility, the town still received aid. Mr. Davis said that this road is a bond issue and won't effect getting Chapter 90 aid.

Mr. Wallerstein feels the trees should not be cut as the road is wide enough and asked if there were a problem with snow removal. Mr. Davis said there is no problem except by Campbells and further towards Concord which does not involve any trees, only banking. Mr. Davis said he would request any tree within one foot of the pavement be removed.

Mr. Miskolczy of Cross Street stated the town has 56 miles of road, approximately 6 miles maintained by the state and 50 maintained by the town. If all roads were redone for safety, the town would look very different. Aesthetics and character of trees haven't been discussed. He doesn't want trees to come down that will take 60 years to grow.

Mr. Bridges wondered if someone could tell how long these trees have to live either because they are diseased or the species has a short life. Miss Anderegg felt the oaks should be saved. Mr. Bridges suggested the Planning Board members should see the trees. Mr. Zielinski noted that on Acton Street, residents wanted more trees down but on River Road there is a different feeling. We have the option of preserving old trees on River Road and Mr. Zielinski feels we should

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respond on a tree-by-tree basis. Mr. Sauer suggested voting on the issue at the next meeting allowing time for members to see the trees possibly with Roger Davis so he can explain why each tree should come down.

Miss Anderegg was very concerned that removal of these trees changes the character of the road and will increase the speed which will be disturbing to residents especially at night and make the road more dangerous for bikes and horses.

Mrs. Penhune pointed out that East Street was improved but the speed was not increased while the safety was. Mr. Wallerstein thought that it might be valuable if the roads were posted. Mrs. Penhune explained why that and many other roads in Carlisle are not posted.

Mrs. Peckham made the comment that she is one who uses the road and has never been threatened by the trees. She feels the only people threatened are speeders.

The Planning Board will make a judgement at their April 26, 1976, meeting and will write a letter as to what the findings are. It was suggested that Gary Freiberg also see the trees with the Planning Board. Mr. Hannaford will call Mr. Freiberg.

The hearing closed at 9:35 p.m.

Respectfully submitted,



Susan Chisholm
Secretary

1969 Amendment. St.1969, c. 555, § 1, approved July 24, 1969, added second paragraph. Section 2 provided: "The provisions of section fifteen of chapter forty of the General Laws shall not be deemed to apply or to have applied to sales, ex-

changes, leases, permits, licenses or agreements made or granted in accordance with section fifteen B of said chapter forty as in effect immediately prior to the effective date of this act."

SCENIC ROADS

Caption editorially supplied.

§ 15C. Designation and improvement of scenic roads

Upon recommendation or request of the planning board, conservation commission, or historical commission of any city or town, such city or town may designate any road in said city or town, other than a numbered route or state highway, as a scenic road.

After a road has been designated as a scenic road any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, or if there is no planning board, the selectmen of a town, or the city council of a city, after a public hearing duly advertised twice in a newspaper of general circulation in the area, as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing.

Designation of a road as a scenic road shall not affect the eligibility of a city or town to receive construction or reconstruction aid for such road pursuant to the provisions of chapter ninety.

Added by St.1973, c. 67.

1973 Enactment. St.1973, c. 67, was approved March 6, 1973.

Library references
Highways §18.
C.J.S. Highways §§ 1, 2.

ORDINANCES, BY-LAWS AND REGULATIONS

§ 21. By-laws of towns; purposes

Towns may, for the purposes hereinafter named, make such orders and by-laws not repugnant to law, as they may judge most conducive to their welfare, which shall be binding upon all inhabitants thereof and all persons within their limits. They may, except as herein provided, affix penalties for breaches thereof, not exceeding fifty dollars for each offence, which may be recovered by indictment or on complaint before a district court, and shall enure to the town or to such uses as it may direct: As amended St.1965, c. 316.

1965 Amendment. Approved April 14, 1965. In second sentence of first paragraph, increased penalty from \$20 to \$50.

[See main volume for text of clauses (1) to (13)]

(14) For prohibiting or regulating the leaving of vehicles unattended within the limits of private ways furnishing means of access for fire apparatus to any building. As amended St.1961, c. 383.

1961 Amendment. Approved April 17, 1961. In cl. (14) substituted word "building" in lieu of "part of a tenement house or apartment house as defined in section two of chapter one hundred and forty-five."

[See main volume for text of clauses (15) and (16)]

(16A) For authorizing the board or officer having charge of the collection of garbage and refuse, for the purpose of facilitating such collection, to remove, or cause

to be removed, to some convenient public garage, from any portion of therein open to public use any vehicle feet banning parking at such time of such removal, and of the storage owner of such vehicle.
Added by St.1971, c. 83.

1971 Amendment. St.1971, c. 83, proved March 8, 1971, inserted cl. (16A).

(16B) For designating areas upon for establishing a noncriminal ticket and a schedule of fines for breach offense.

Added by St.1973, c. 806, § 1. Am

1973 Amendment. St.1973, c. 806, § proved Sept. 21, 1973, inserted clause

1974 Amendment. St.1974, c. 424, § emergency act, approved June 27, 197

(17) For prohibiting or regulatin land not in public use in the who requiring the erection of a fence grading of the same. The pena made hereunder shall be as foll the second offence, one hundred hundred dollars. Any order or b not apply to any soil, loam, sand license issued under the authorit board of such town or by the boe pliance with the requirements of board.

Amended by St.1959, c. 220; St.196

1959 Amendment. Approved Apr 1959. In cl. (17) inserted second s relative to jurisdiction of superior

1967 Amendment. St.1967, c. 8 proved Jan. 4, 1968, inserted fourt tence of cl. (17).

[See main v

(19) For requiring any perso such excavation and for requir erect barriers or take other suita been notified in writing by the m men or the building inspector, of in their opinion such excavation alty for violation of any ordinar hundred dollars per day for eve commencing with the fourth day tion in equity to compel complia provisions of this clause. Notwi guilty of a violation of such a ravelled in equity to comply ther excavation constitutes a hazard.
Amended by St.1970, c. 470.

1970 Amendment. St.1970, c. proved June 24, 1970, rewrote cla

[See main volu