

Memo

To: Keith Bergman, Town Administrator

From: Jim Clyde Highway, Operations Manager

CC:

Date: June 11, 2009

Re: Tree removal clarification of facts on Goldsmith Street reconstruction project

The Goldsmith Street reconstruction project started with the engineering firm Guertin Elkerton & Associates, Inc. in 1999. Some time later Guertin Elkerton & Associates, Inc. was purchased by SEA Consultants who are the engineering firm on record today. Throughout the design process the actual design engineers have changed 5 different times. We are now dealing with Robert Prud'homme as the design engineer from SEA Consultants. Eric Durling the former Town Engineer/Highway Superintendent was the main contact person on this project, until his full retirement in July 2008.

In 2004 the proposed design of Goldsmith Street required the relocation of approximately 1,141 linear feet of stone wall and at that time the removal of 8 trees. Goldsmith Street is considered a Scenic Road so it requires a public hearing to issue a "Scenic Road Special Permit" from the Planning Board for the "relocation or removal of stone walls and a joint public hearing with the Planning Board and the Tree Warden for the removal of any trees. The Tree warden must post the trees 7 days prior to the joint public hearing. The Planning Board advertises the public hearing in the local newspaper and sends hearing notices in the mail to the entire street.

Goldsmith Street has had 3 public hearings for Scenic Road Special Permits.

The first public hearing was held on July 22, 2004 and requested 1,141 linear feet of stone wall be relocated/repared and the removal of 8 trees. The permit was issued and the trees were removed during the winter of 2004-2005 by the Town Highway Department.

Mass Highway and SEA Consultant continued to revise the plans from comments received during the design phase. The revised plans that were finally approved required the removal of up to 14 additional trees. A public hearing was advertised, notices sent by mail and the trees were posted and the hearing held on December 18, 2008. At the public hearing the additional trees were approved for removal and the Scenic Road Special Permit was issued.

The reconstruction project was started in April 2009. When the Mass Highway surveyor's began to layout the roadway for the reconstruction, it was soon learned that more trees were in the way of construction. The Contractor (P J Albert) provided a list of 17 additional trees that he deemed in the way of construction. These trees were confirmed by the Mass Highway resident engineer. By chance SEA Consultants were in town for a meeting related to Goldsmith Street and they were asked to look at the trees also. From the layout provided by the surveyor's, the SEA engineers agreed that the trees should be removed.

A public hearing was held on May 28, 2009 after it was advertised, notices sent by mail and trees posted. There were approximately 10 residents who attended the public hearing and made comments about these trees. One resident from # 58 Goldsmith Street didn't want the tree removed in front of his house. He stated that the tree was healthy and not in the way of construction. Some residents spoke in favor of the tree removals and several residents were opposed to the amount of trees being removed. A resident from 200 Goldsmith Street questioned the trees near her house. In that area there is a problem with the road layout. The surveyor's are having trouble lining up the road correctly. This is being worked out with SEA Consultant's, the original surveyor and the Mass Highway surveyor. Until the road layout is determined to be correct the trees requested in that area are not to be removed.

The Planning Board approved the removal of 14 trees and issued a scenic road special permit. The trees excluded from the permit were located at # 58, 182, 200 and 238.

When the road layout is deemed correct and if the trees are still considered in the way of construction I am to go before the Planning Board again to get amend the special permit.