

§ 170-52. Scenic road designation.**A. Procedure.**

- (1) Any person or group of persons may submit an application to the Town Administrator to request that a public road be designated as a scenic road. Such application shall be accompanied by a written description of the characteristics of the road that qualify it for protection afforded by this chapter.
- (2) The Town Administrator shall refer all such applications to the Planning Board, the Conservation Commission and the Historical Commission within 15 days of the date of receipt of the application.
- (3) Within 45 days of receipt of an application thereunder, the Planning Board, the Conservation Commission and the Historical Commission may make a recommendation or request in writing that the road described in the application be designated a scenic road.
- (4) Designation is by majority vote of the Town Council amending § 170-54 of the Town Code based upon the findings enumerated below.

B. Findings. One or more of the following findings shall be made by the Town Council prior to designating a public road a scenic road:

- (1) Historic significance of affected trees and stone walls.
- (2) Contribution of trees and stone walls to scenic beauty.
- (3) Exceptional qualities of trees in terms of age, spread, species or specimen size.
- (4) Protection of natural resources as well as scenic and aesthetic quality of area.
- (5) Bordering land uses, present and prospective, and how they impact the importance of retaining trees and walls.
- (6) Feasibility of accomplishing the intent of the Scenic Roads Act in light of road design and use.

C. Nonqualifying roads. Numbered routes and state highways may not be designated scenic roads.**§ 170-53. Review procedures for work within designated scenic roads.**

- A. Scenic road work permit. The Planning Board shall issue a scenic road work permit in accordance with the following review procedures. The Planning Board shall advertise, notify abutters and hold a public hearing on all work permit applications filed hereunder.
- B. Activities requiring approval. Within a public road which has been designated a scenic road, the following activities shall require approval of the Planning Board in accordance with the provisions of this article: The cutting or removal of trees and/or the tearing down or destruction of stone walls or portions thereof, in connection with repair, maintenance, reconstruction or paving work within a public road.

- C. Imminent threats to public safety. In cases where an imminent threat to public safety newly arises and does not allow sufficient time to obtain advance approval of the Planning Board as required by this chapter, the Planning Board must be notified within five business days of any action taken which, had such threat not arisen, would have been a violation of this article.
- D. Application contents.
- (1) A notice identifying the location of the proposed activity which enables readers to reasonably locate it on the ground, without need for additional references, describing the proposed changes to tree(s) and/or stone wall(s).
 - (2) A list of the owners of land which is both abutting and within 300 feet of the affected scenic road location.
 - (3) A plan, describing the proposed activity and mitigation measures, including restoration and any compensatory efforts.
 - (4) A certificate by the petitioner attesting to the marking of all trees and walls to be affected, sufficient to enable the Board and all interested parties to identify those trees and walls.
 - (5) Photographs of all stone walls and trees within the proposed work area.
- E. Fees. Actual advertising costs for a scenic roads work permit shall be borne by the petitioner and shall be billed directly to the petitioner. A scenic roads work permit fee may be established in Chapter 82 of the Town Code to cover the Town's administrative costs.
- F. Compensatory actions.
- (1) Since the purpose of this chapter is to protect the scenic quality and character of designated scenic roads, the Planning Board shall approve the proposed work only upon finding that adequate compensatory actions have been included in the applicant's proposed plan. The Planning Board shall consider the value of compensatory actions, such as the planting of new replacement trees or the reconstruction of stone walls, in making its decision.
 - (2) Limited review standards.
 - (a) Replacement trees.

[1] Trees destroyed shall be replaced with nursery grade trees on the following basis:

Tree Removed

Up to 12 inches dbh

12 inches to 24 inches dbh

Over 24 inches dbh

Replacement

1 tree minimum, 4-inch caliper

3 trees minimum, 4-inch caliper

4 trees at minimum, 4-inch caliper

- [2] The Planning Board shall approve the final specimen and replanting location selected with a preference for replacement tree(s) planted within the outer edge of the right-of-way.
- (b) Stones walls shall be replaced so as to reconnect with undisturbed walls wherever physically possible.
 - (c) Reasonable measures should be taken in road widening and traffic safety projects on scenic roads so as to minimize tree removal and destruction of any portion of a stone wall. All feasible measures should be employed in the construction of sidewalks, private driveways and other such construction to minimize the removal of trees, stone walls and the grade of adjacent lands.
- G. General. The Planning Board, after a public hearing consistent with the provisions of § 4-15 of the Town Code, may adopt additional regulations for carrying out provisions hereof.

§ 170-54. Fines.

The Department of Public Works shall enforce the provisions of this chapter. Anyone who violates the provisions of this chapter may be fined through noncriminal disposition in accordance with MGL c. 40, § 21D, as follows:

- A. First offense: fine of \$100 per violation.
- B. Second offense: fine of \$200 per violation.
- C. Third and all subsequent offenses: \$300 per violation.
- D. Each day's failure to comply shall constitute a separate and distinct offense.

§ 170-55. Designated roads.

The following are designated as scenic roads:

Daniels Street [Added 10-27-1999 by Bylaw Amendment 99-422]
 Forest Street [Added 10-27-1999 by Bylaw Amendment 99-422]
 Jordan Road [Added 10-27-1999 by Bylaw Amendment 99-422]
 Mount Street [Added 10-27-1999 by Bylaw Amendment 99-422]
 Partridge Street [Added 10-27-1999 by Bylaw Amendment 99-422]
 Prospect Street from Town line to Washington Street
 South Street [Added 10-27-1999 by Bylaw Amendment 99-422]
 Spring Street [Added 10-27-1999 by Bylaw Amendment 99-422]
 Upper Union Street from King Street to Wrentham Town line [Added 6-3-1998 by Bylaw Amendment 98-363]