

SCENIC ROADS

ACCEPTANCE OF SECTION 15-C OF CHAPTER 40 (Town Meetings, April 19, 1977 and November 20, 2000)

That the town designate the following listed streets as Scenic Roads in accordance with the provisions of Section 15-C of Chapter 40 of the General Laws: Bay Road, Bullard Street, Cedar Street, Deborah Sampson Street, East Foxboro Street, Everett Street, Gunhouse Street, Mann's Hill Road, Maskwonicut Street, Mohawk Street, Moose Hill Parkway, Mountain Street, Pine Grove Avenue, Richards Avenue, Upland Road, Wolomolopoag Street, Billings Street, Canton Street, East Street, Edge Hill Road, Furnace Street, Lakeview Street, Mansfield Street, Massapoag Avenue, Mont Fern Avenue, Moose Hill Street, Morse Street, Old Post Road, Pine Street, South Walpole Street, Walpole Street, except sections of the above named streets which may be specifically exempted by statute.

SCENIC ROADS REGULATIONS

ADOPTED BY THE PLANNING BOARD

JUNE 8, 1977, Revised OCTOBER 6, 2011

1. PROCEDURES

1.1 Filing

Any person seeking the consent of the Planning Board under M.G.L. ch 40, Section 15-C (The Scenic Roads Act), regarding the cutting or removal of a tree or trees, or the tearing down or destruction of a stone wall or stone walls or a portion thereof, in connection with the repair, maintenance, reconstruction, or paving work on a Scenic Road, shall

(1) inform the Tree Warden, and

(2) submit a request to the Planning Board, together with the following:

a. The text of a legal notice identifying the location of the proposed action in terms enabling readers to reasonably locate it on the ground without need for additional plots or references, and describing the proposed changes to trees and stone walls;

b. A list of the owners of land abutting the Scenic Road on which the proposed work is to be performed, and, if the proposed work is only for a section of a Scenic Road, a list of the owners of land abutting and within 100 feet of the section;

c. Except in the case of town agencies, a deposit sufficient for the cost of advertising and notification;

d. A plan and explanatory material found adequate by the Town Engineer to inform the Planning Board prior to the public hearing.

Notice of submittal shall be concurrently filed with the Town Clerk.

1.2 Notice

The Planning Board shall, as required by statute, give notice of its public hearing by twice advertising in a newspaper of general circulation in the area. The Board shall also send copies of that notice to the Selectmen, Conservation Commission, Historical Commission, Town Engineer, Tree Warden, Department of Public Works, and owners of property within 100 feet of the proposed action.

1.3 Timing

The Planning Board shall hold a hearing within thirty days from the date on which notice of submittal is received by the Town Clerk, and shall make a decision within forty-five days of that receipt, unless a longer time is agreed to by the applicant.

1.4 Tree Warden

Whenever feasible, Planning Board hearings shall be held in conjunction with those to be held by the Tree Warden pursuant to M.G.L. ch. 87. Consent to an action by the Planning Board shall not be construed as implying consent by the Tree Warden, or vice versa.

2. DEFINITIONS

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L. ch. 40, Section 15-C, the following terms shall be construed as follows:

“Person” shall mean an individual or individuals, a partnership, a corporation, a public utility, a trust, a foundation, or a governmental agency.

“Road” shall mean a vehicular traveled way plus its necessary appurtenances within the right-of-way including bridge structures, drainage system, retaining walls, traffic control devices, and sidewalks, but not intersecting streets or driveways.

“Cutting or removal of trees” shall mean the removal of one or more trees, trimming of major branches, or cutting of roots sufficient in the Tree Warden’s opinion to cause the eventual destruction of a tree with a trunk of four inches or more in diameter measured one foot from the ground.

“Tearing down or destruction of stone walls” shall mean the destruction of a stone wall or stone walls or

a portion thereof, but shall not be construed to include temporary removal and replacement at the same location with the same materials.

“Violation” shall mean cutting or removing a tree, or trimming of major branches or cutting of roots sufficient in the Tree Warden’s opinion to cause the eventual destruction of a tree, with a trunk of diameter four inches or more measured one foot from the ground; or tearing down or destroying a stone wall or a portion thereof, on a Scenic Road, including its right-of-way, without the prior written permission of the Planning Board after a public hearing.

3. CONSIDERATIONS

In acting on an application under the Scenic Roads Regulations, the Planning Board may take into consideration the following:

1. Preservation of natural resources;
2. Environmental and historical values;
3. Scenic and aesthetic characteristics;
4. Public safety;
5. Traffic volume and congestion;
6. Relationship of road design to the standards of the Planning Board's Subdivision Regulations and of the Massachusetts Department of Public Works;
7. Compensatory actions proposed, such as replacement trees or walls;
8. Functional urgency of the repair, maintenance, reconstruction, or paving;
9. Financial and other consequences of design revision to avoid or reduce damage to trees or stone walls;
10. Evidence contributed by abutters, town agencies, and other interested parties;
11. Other sound planning considerations.

4. PENALTIES

Each violation of these regulations shall be punishable by a fine as may be specified in Article 11, "by-law, rule or regulation" number 14, of the General By-laws of the Town. Each violation shall constitute a separate offense.