

# Amend Town Code: SCENIC ROADS

#2 Warrant Article



# SCENIC ROAD DESIGNATION MGL, CHAPTER 40, SECTION 15C

“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 written consent of the Planning Board.....after a public hearing”



# RECOMMENDATION FOR SCENIC DESIGNATION

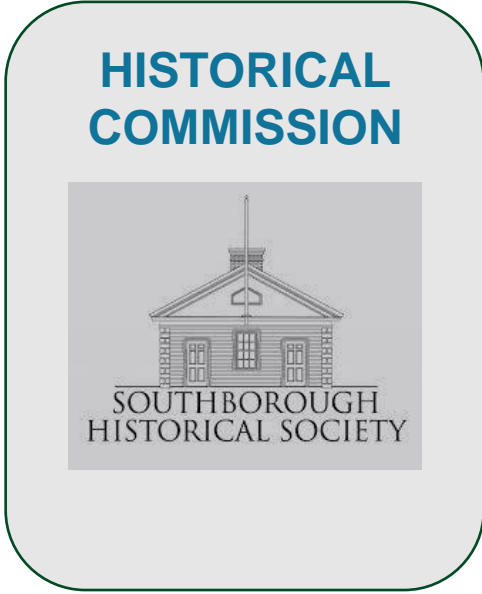
Any one or any combination below can request scenic:



OR



OR



# DESIGNATION: MGL, Chapter 40, Section 15C

A town may *designate* Scenic Roads and Southborough has designated all but 68 streets as Scenic

## Town Meeting

- Designated
- 10 scenic roads

1975

CONSERVATION  
COMMISSION



## Town Meeting

- Designated
- 8 scenic roads

1976

CONSERVATION  
COMMISSION



## Town Meeting

- Designated "all remaining Town roads"
- 97 scenic roads

1978

CONSERVATION  
COMMISSION



## Special Town Meeting

- Designate
- **68** scenic roads

2022

PLANNING BOARD



# GUIDELINES

- The Scenic Roads Act has no guidelines or criteria for what constitutes a “scenic” road.
- Southborough currently has no guidelines for what constitutes a “scenic” road.
- Precedent was set in 1978 when “all remaining roads” were adopted by town to be scenic

# DILIGENCE CONDUCTED TO ASSESS “SCENIC”

## Part 1: Research

Neighboring Cities and Towns of Ashland, Hopkinton, Marlborough, Northborough, Sudbury and Wayland have defined “Scenic”

1. Trees in the public right of way
2. Stone walls in the public right of way
3. Natural / Manmade border: Orchard , Field, Etc
4. Alteration planned or likely in the future
5. Alteration would lessen value
6. Age and historic significance of roads, trees, stone walls
7. Built features such as buildings, monuments, burial grounds, fencing
8. Road Features such as historic layout, width, use restrictions, non-historic bridges

## Part 2: Driving and Rating Streets according to these 8 criteria



# FINDINGS AND RECOMMENDATIONS

- Most of the 68 remaining streets had at least two criteria
- Since the 1978 designation, “Scenic” related to road designation in Southborough **DOES NOT MEAN** bucolic, picturesque, quaint, beautiful, etc.
- **Scenic = Supplemental Protection of trees and stone walls on public right of way**
- Designate all streets (except highways and numbered streets (9,85,30 per MGL) as SCENIC



# Planning Board Recommendation

Scenic is not a designation of “bucolic, beauty, picturesque, etc” rather it is an **administrative designation** to help the Town manage expectations that **scenic roads require joint Tree Warden and Planning Board hearings for any modifications/changes to the trees and /or stone walls in the public right of way.**

1. The impact is ZERO on residents- it simplifies how the town manages trees and stone walls; process to request hearing does not change
2. While all streets would be designated “scenic” it helps the town manage the logistics specific to tree management and stone wall issues.
3. Scenic = Protected
4. The Southborough Hazzard Mitigation Plan of 2021; Scenic Road designation was specifically identified to “make it more relevant to stakeholders- review town wide trees for vulnerabilities and strengths”





# Language in Warrant

To see if the Town will vote, pursuant to the recommendation of the Planning Board to designate ***the following*** Town roads not currently designated as "scenic roads", other than those specifically excluded by State Statute, as "scenic roads" under provisions of the Commonwealth of Massachusetts General Laws Chapter 40, Section 15C and to instruct the Planning Board, in exercising responsibilities thereunder, to take into consideration **simplification of town administrative and logistical scenic road management**, sound planning principles, aesthetics, and preservation of natural resources as well as public safety, or do or act anything in relation thereto.



# WHICH 68 ROADS WOULD THIS IMPACT?

## 68 town public ways to the list of Southborough Scenic Roads

<u>Street</u>	<u>TM Date</u>	<u>Street</u>	<u>TM Date</u>	<u>Street</u>	<u>TM Date</u>	<u>Street</u>	<u>TM Date</u>
Adams Circle	4/8/1996	Country Lane	4/8/1996	Kidder Lane	4/14/2003	Skylar Drive	4/13/1987
Alexandra Circle	9/12/1994	Darlene Drive	2/13/1995	Killam Farm Lane	4/9/2001	Southwood Drive	9/11/2000
Andrews Way	9/12/1994	Davis Road	4/12/1993	Ledge Hill Road	4/10/2000	Stockwell Lane	4/10/2000
Angelica Lane	4/12/2004	Eastbrook Farm Lane	4/8/1996	Liberty Drive	4/8/1996	Stub Toe Lane	4/8/1996
Asaree Drive	9/12/1994	Fiddleneck Lane	4/11/2005	Maple Street Ext.	4/16/2014	Summit Road	4/13/1987
Ashley Road	4/12/1993	Fitzgerald Lane	4/10/2000	Metacomet Lane	4/8/2002	Sunrise Drive	4/8/1991
Austin Kelly Lane	4/8/2002	Foxhill Drive	4/11/2016	Metcalf Lane	4/13/2015	Thayer Lane	4/13/2015
Banfill Lane	4/12/2004	Garrison Lane	4/13/1987	Michael Circle	2/13/1995	Vale Terrace	4/9/2001
Barn Lane	10/7/2013	Glenwood Road	9/12/1994	Moore Road	4/11/1994	Vickery Hill Lane	4/14/2008
Beechwood Lane	11/13/2000	Heather Lane	2/13/1995	Nathan Stone Road	5/18/1999	Wells Lane	4/13/2010
Blendon Woods Dr.	10/7/2013	Hidden Meadow Ln.	4/10/2000	Nipmuc Lane	10/7/2013	Wentworth Drive	4/8/1996
Boswell Lane	4/13/1998	High Ridge Road	4/14/1980	Orchard Road	4/14/92&4/14/08	Whistler Lane	4/10/2000
Brookside Road	4/12/2004	Hillside Avenue Ext.	4/14/2003	Powder Mill Lane	4/13/1987	Wildwood Drive	4/10/2000
Burnett Road	4/14/1997	Hubley Lane	4/9/2001	Presidential Drive	2/13/1995	William Colleary Ln	4/11/2016
Candlewood Lane	9/11/2000	Independence Drive	4/8/1996	Sadie Hutt Lane	4/23/1990	William Onthank Ln.	4/14/2008
Constitution Drive	4/8/1996	Joslin Lane	4/11/2005	Sarsen Stone Way	4/8/1991	Witherbee Lane	4/11/2005
Coslin Drive (portion)	2018	Kallander Drive	4/11/2005	Schipper Farm Lane	4/8/2002	Wyeth Circle	2/13/1995

# On Warrant Article #2, Please VOTE



# BACK UP

# Neighboring Cities and Towns Have Defined Scenic

- Example language adopted into neighboring towns

Attribute	Example Definition	Referenced Town
Trees	Bordering trees of exceptional quality in terms of type, age, specimen size or spread, density of stand or related flora	Hopkinton, Northborough
Historic designation	<ul style="list-style-type: none"> <li>• The road appears on the 1830 or 1875 maps of the Town of Sudbury</li> <li>• Age and historic significant of roads, trees, and stone walls;</li> <li>• Built features such as historic buildings, historic monuments, historic burial grounds, historic structures, farm buildings and fencing;</li> <li>• Road features such as historic layout, surface, carriage width, use restrictions, non-historic bridges</li> </ul>	Ashland, Wayland, and Sudbury
Bordering vegetation or other features to consider	<ul style="list-style-type: none"> <li>• Ways bordered by any other natural or manmade features of aesthetic value; e.g., orchards, fields and forests.</li> <li>• Ways for which alteration is being planned or is likely to be planned in the future.</li> <li>• Ways for which any alteration would lessen the aesthetic value of natural or manmade features bordering them</li> </ul>	Northborough

# Neighboring Towns: Scenic Road Definitions

Town	Criteria for Designation of “Scenic”
Hopkinton	<p>In determining which roads should be recommended for designation as scenic roads, the Planning Board shall consider whether the road contains or is characterized by any of the following:</p> <ol style="list-style-type: none"> <li>(1) Bordering trees of exceptional quality in terms of type, age, specimen size or spread, density of stand or related flora.</li> <li>(2) Bordering trees which themselves constitute, or are a significant part of, natural or manmade features of aesthetic value, including by way of illustration, trees having spring flowering or high fall color potential; trees which are part of vistas paralleling roadways or which create a frame of reference for more distant views; and trees whose presence contributes substantially to the rural or woodland character of a roadway, particularly in comparison to more developed or urbanized adjacent areas.</li> <li>(3) Bordering stone walls.</li> </ol>
Ashland	<p>In determining which roads should be recommended to Town Meeting for designation as scenic roads, the following criteria must apply:</p> <ol style="list-style-type: none"> <li>A. Overall scenic beauty</li> <li>B. Contribution of trees to scenic beauty;</li> <li>C. Contribution of stone walls to scenic beauty;</li> <li>D. Age and historic significant of roads, trees, and stone walls;</li> <li>E. Built features such as historic buildings, historic monuments, historic burial grounds, historic structures, farm buildings and fencing; and</li> <li>F. Road features such as historic layout, surface, carriage width, use restrictions, non-historic bridges.</li> </ol>

# Neighboring Towns: Scenic Road Definitions

Town	Criteria for Designation of “Scenic”
<p><b>Northborough</b></p>	<p>The planning board, conservation commission or historic commission shall, in determining which roads or portions of roads should be designated as scenic roads, consider the following criteria:</p> <ul style="list-style-type: none"> <li>A. Ways bordered by trees of exceptional quality.</li> <li>B. Ways bordered by stone walls.</li> <li>C. Ways bordered by any other natural or manmade features of aesthetic value; e.g., orchards, fields and forests.</li> <li>D. Ways for which alteration is being planned or is likely to be planned in the future.</li> <li>E. Ways for which any alteration would lessen the aesthetic value of natural or manmade features bordering them</li> </ul>
<p><b>Marlborough</b> Provide clarity to trees, roads and stone walls with no other additions to MGL c.40 15C</p>	<p>As used in this chapter, the following terms shall have the meanings indicated: In the absence of contrary meaning established through legislative or judicial action pursuant to MGL c. 40, § 15C, these terms contained in that statute and herein shall be construed as follows:</p> <p><b><u>CUTTING OR REMOVAL OF TREES</u></b>The destruction of more than one tree having a trunk diameter four inches or more measured one foot from the ground. Trimming of roots sufficient in the Tree Warden's opinion to cause eventual destruction of a tree is included in this definition.</p> <p><b><u>ROAD</u></b>The entire right-of-way of a vehicular traveled way plus its necessary appurtenances, including bridge structures, drainage systems, retaining walks, traffic control devices and sidewalks, but not intersecting streets or driveways. The right-of-way includes the area on and within the boundaries of the public way. If the boundaries are not officially known, any affected tree or stone wall shall be presumed to be within the public right-of-way until shown otherwise.</p> <p><b><u>TEARING DOWN OR DESTRUCTION OF STONE WALLS</u></b>The destruction of more than 10 linear feet of stone wall involving more than one cubic foot of wall material per linear foot, but shall not be construed to include temporary removal and replacement at the same location with the same materials.</p>

# Neighboring Towns: Scenic Road Definitions

Town	Criteria for Designation of “Scenic”
<b>Sudbury</b>	<p>In determining which roads or portions of roads should be recommended to Town Meeting for designation as scenic roads, the following criteria should be considered:</p> <ul style="list-style-type: none"> <li>a) The road appears on the 1830 or 1875 maps of the Town of Sudbury;</li> <li>b) Overall scenic beauty and view from the roadside;</li> <li>c) Contribution of stone walls to scenic beauty;</li> <li>d) Age and historical significance of roads, trees and stone walls;</li> <li>e) Built features such as historic buildings, structures and sites, historic monuments, historic burial grounds, agricultural buildings and fencing;</li> <li>f) Location in an historic district, or use restrictions on properties in the area; and</li> <li>g) Road features such as historic layout, surface, carriage width, and non-historic bridges.</li> </ul>
<b>Wayland</b>	<p><b>A.</b> In determining which roads or portions of roads should be recommended to Town meeting for designation as scenic roads, the following criteria shall be considered:</p> <ul style="list-style-type: none"> <li>(1) Overall scenic beauty.</li> <li>(2) Contribution of trees to scenic beauty.</li> <li>(3) Contribution of stone walls to scenic beauty.</li> <li>(4) Age and historic significance of roads, trees and stone walls.</li> <li>(5) Built features, such as historic buildings, historic monuments, historic burial grounds, historic structures, farm buildings and fencing.</li> <li>(6) Features of the road, such as historic right-of-way, surface, carriage width, use restrictions and non historic bridges.</li> </ul> <p><b>B.</b> Roads that have previously been designated as scenic roads may be reevaluated using the foregoing criteria.</p>