

D. SCENIC ROADS

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ARTICLE IX. SCENIC ROAD REGULATIONS

9.1 General. After a road has been designated as a scenic road, any repair, maintenance, reconstruction, or paving work performed 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 Board after a public hearing according to Chapter 40, Section 15C of the Mass. General Laws. To schedule a public hearing, submit an application, including the following information:

1. A plan and description of proposed alterations
2. A certified list of abutters
3. Fee of \$150

9.2 List of Roads. A list of Scenic Roads is available for inspection in the Town Clerk's Office and is provided in Appendix A. Scenic Roads are regulated by Chapter 40, Section 15C and Chapter 87, Section 3 of Mass. General Laws.

9.3 Planning Board Performance Standards. The Planning Board is committed to maintaining and enhancing the scenic qualities of Holliston's designated scenic roads. The Board seeks to minimize the removal of healthy trees in or near the right-of-way of designated scenic roads, and to preserve existing stone walls. The Board regulates work performed on all trees and stone walls on the right-of-way, as well as others that contribute significantly to the scenic qualities of the road. The Board does recognize the right of property owners to alter and enhance their properties, and seeks to accommodate all reasonable proposals. Serious conflicts seldom arise during Scenic Road Hearings, since it is typically to the owner's benefit to maintain an attractive road frontage.

Basic standards:

- a) Any tree(s) removed shall be replaced with trees of a species, size, and at a location approved by the Board.
- b) Any stone wall removed shall be replaced at a location approved by the Board within the scenic road. Excess stone shall be used to upgrade adjacent stone walls. In no case shall stones be disposed of without the prior consent of the Board.

The Holliston Highway Department will not issue a permit for a driveway opening along a scenic road unless it can be demonstrated that the Applicant has obtained, or definitely does not require, approval from the Planning Board for the work to be performed. Persons performing work, within or along the right-of-way of a designated scenic road, that does not include either the cutting of trees, or the removal of any portion of a stone wall, should provide a letter to the Highway Department stating that the work will not include either of these activities.

9.4 Shade Trees. Persons planning to cut trees should also consider whether their actions might be governed by Massachusetts's Shade Tree Act (Chapter 87, Section 3), which protects any tree that shades any public way. A Public Shade tree is any tree, shrub or growth within the right of way of a local public way. If it is doubtful whether the tree is within the public way, it shall be taken to be in within the public way until the contrary is shown. If a Shade Tree Hearing is required, it shall be in conjunction with a Scenic Road Hearing. To determine whether a Shade Tree Hearing is necessary, contact the Tree Warden, through the Town Clerk's office. Note that a dead or diseased tree can be removed, without a public hearing, if the Town Tree Warden condemns the tree. In addition, the legal notice as published in the newspaper shall also be posted on the tree to be removed at least fourteen days in advance of the Public Hearing. This is the responsibility of the applicant. A copy of the legal notice will be provided the applicant for this purpose. Notice will also be posted in two other locations in Town by the Planning Board.

9.5 Application Information.

9.5.1 The applicant should provide the Board with accurate and understandable descriptions of the work being proposed and the areas to be affected. Typically, an Applicant will present a combination of scale drawings and photographs showing the areas affected. The scale drawings should clearly mark the location of any existing trees and stone walls, along with sketches of the alterations being proposed. Any materials presented by the Applicant, other than photographs, will need to be visible to the Board and to the audience. The Applicant should bring either a large copy of the materials, or several smaller copies to be distributed. The Planning Board will ask to keep at least one copy of these materials, for their records.

9.5.2 The Board will ask the Applicant to describe the work being proposed, including the purpose of the work, the current state of the area being altered, and the expected final results. The primary considerations are any trees or portions of stone walls that are to be disturbed. The Board may ask questions of the Applicant during or after the presentation. The audience will also be invited to ask questions or make comments. When all issues have been identified and questions answered, the hearing will be closed.

9.6 Enforcement

9.6.1 Failure to file with the Planning Board for permission to cut or remove trees or for destruction of any portion of a stone wall within the layout of a scenic road will require an immediate filing as detailed above and shall be subject to restoration of the features or will result in a penalty under the provisions of the General By-Law, Article XXIV. Unless waived, this restoration shall consist of replacing the stone wall on a square-foot per square-foot basis as necessary and replacing the trees cut on a diameter-inch per diameter-inch basis at locations specified by the Planning Board.

9.6.2 Failure to comply with the duly issued decision of the Planning Board shall be subject to restoration as detailed above and other remedial measures the Planning Board deems necessary, including but not limited to fines as established in the General Bylaw, Article XXIV.

Appendix A
List of Scenic Roads
(Amended ATM 5/2021)

Adams Street	Gorwin Drive	Mellen Street
Brook Street	Hanlon Road	Mill Street
Bullard Lane	High Street	Norfolk Street
Bullard Street	Highland Street	Oak Street
Central Street	Hill Street	Prentice Street
Courtland Street	Jennings Road	Rockland Street
Fisher Street	Kampersal Road	South Street
Fiske Street	Linden Street	Underwood Street
	Locust Street	Wilson Street
	Marshall Street	Winter Street