



# FOXBOROUGH HISTORICAL COMMISSION

## Scenic Roads



Illustration: Baker Street from an old post card

Allen's Way

Baker Street

Granite Street

Lakeview Road

Mill Street

North High Street

Post Road

Prospect Street

Rockhill Street

Stratton Lane

Union Street

Walnut Street

Water Street

Woodland Road

---

## ARTICLE V - TOWN REGULATIONS

---

### **Section 11 Scenic Road By-Law<sup>1</sup>**

A. Purpose: The purpose of this by-law is to increase environmental protection, maintain aesthetic qualities and preserve the historical values of designated roads in the town. The by-law regulates certain roadway repair, maintenance and reconstruction activities in order to help achieve these objectives.

B. Identification of Scenic Roads: The following roads are designated as scenic roadways as provided for in Massachusetts General Laws, Chapter 40, Section 15C. The entire length of each road on the list is protected under this by-law unless more specific limits are defined.

Allen's Way

Granite Street

Mill Street

Post Road

Rockhill Street

Union Street

Water Street

Baker Street

Lakeview Road

North High Street

Prospect Street

Stratton Lane

Walnut Street

Woodland Road

### C. Definitions

1. Road: a public and/or private way, with all necessary appurtenances within its right-of-way boundaries including bridge structures, drainage systems, retaining walls, traffic control devices and sidewalks, but not including intersecting streets or driveways.

2. Tree: a perennial plant having a permanent, woody, self-supporting main stem or trunk. For the purposes of this by-law, the trunk must be a least four (4) inches in diameter when measured one (1) foot above the ground.

3. Stone Wall: a man-made set of carefully placed rocks at least eight (8) feet long and eighteen (18) inches high.

### D. Procedure

1. 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 prior written consent of the planning board, after a public hearing duly advertised twice in a newspaper of general

---

<sup>1</sup> STM November 27, 1989, Article #15. Outline format re-structured, November, 1991.



---

## ARTICLE V - TOWN REGULATIONS

---

circulation in the area, as to time, date, place and purpose, the last publication to occur at least seven (7) days prior to such hearing.

2. The project proponent shall, through the board of selectmen, submit a request to the planning board, copied to the town clerk, identifying the affected road(s) with the following information:

- a. A written description of the proposed changes to trees and stone walls, for the purpose of publication in a local newspaper as part of the public hearing announcement.
- b. A list of the owners of land abutting the scenic road(s) 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 one hundred (100) feet of the section.
- c. All trees and walls proposed for removal or alteration must be posted no more than thirty (30) days prior to submittal of the request to the board of selectmen. Posting must be completed at least fourteen (14) days prior to the public hearing.
- d. A plan and explanatory material must be provided to the planning board at least fourteen (14) days prior to the public hearing. Prior to submission to the planning board, this material must be judged adequate by the tree warden. It shall also specify the dates on which the subject trees and walls were posted.
- e. A deposit sufficient to cover the expense of advertising and notification.

3. The planning board shall hold a public hearing within thirty (30) days from the date the notice of submittal is received by the town clerk, and will make a decision within fifteen (15) days after the hearing is initiated. Lack of a decision will be deemed to be approval of the plan.

---

## ARTICLE V - TOWN REGULATIONS

---

### E. Review Guidelines

1. The following elements shall be considered by the planning board when reviewing proposed projects on Scenic Roads:

- a. impact on natural, environmental and historic resources;
- b. safety to the public and urgency of proposed roadwork;
- c. existing and future traffic volume and congestion;
- d. difference in standards, if any, between Planning Board Subdivision Regulations and those of the highway department;
- e. compensatory or mitigatory measures proposed;
- f. design or construction alternatives to proposed actions, and the financial or visual consequences of avoiding trees and stone walls; and
- g. testimony of abutters.

2. Trees on road boundaries are protected under this by-law. Where boundaries are uncertain, it is presumed that a tree is within the road and on public property until the contrary is shown.

3. Each tree removed shall be replaced under the direction of the tree warden. Replacement trees should be planted within twenty (20) feet of that road when feasible.

F. Exceptions: Removal of diseased trees declared to be public nuisances under Massachusetts General Laws, Chapter 132, Section 11, emergency maintenance, broken limb removal and brush clearing are exempted from the provision of this by-law.