



Stonewall along Green Street, Ashland, MA

# **Preserving Ashland's Scenic Roads: A Primer for Residents**

**Prepared by the  
Ashland Historical Commission**

**For the Spring Town Meeting,  
Warrant Article III: Scenic Roads**

**May 2012**

## **Dear Ashland residents,**

The Ashland Historical Commission has put together this **scenic road primer** so you can make an educated decision about **Article III on Scenic Roads** at the spring Town Meeting, Wednesday May 2, 2012.

Currently, Ashland has ten scenic roads under Ashland's scenic road bylaw (Chapter 249-15), adopted in 1974. The last time the bylaw was updated was in 2004.

The Historical Commission proposes designating an additional seven Ashland roads as scenic under Chapter 249:

- Cherry Street
- Concord Street
- Eliot Street
- Green Street
- Main Street
- Myrtle Street and
- Water Street.

These are among the oldest, most historical roads in Ashland. Most of the roads pre-date 1854, with Green Street dating back to 1825 and Myrtle Street to 1781.

The Planning Board has held two public hearings: one in November and one in February. Owners of property on those streets were sent a public hearing notice. The Planning Board supports the Historical Commission's recommendation to add the seven scenic roads. The Open Space Committee Support's The Historical Commission's recommendation to add the seven scenic roads.

## **What scenic roads does Ashland currently have?**

The town voted to designate ten roads scenic between 1974 and 2004, when the last roads were added. The Historical Commission proposes designating seven more to enhance the historic and rural character of Ashland.

The current designated scenic roads are:

- Cedar Street, entire length [Added 5-12-2004 ATM, Art. 17]
- Chestnut Street, from Main Street to Holliston town line [Added 5-12-2004 ATM, Art. 17]
- Cross Street
- Fountain Street
- Frankland Road
- High Street
- Howe Street, from Boulder Hill Lane to Town line [Added 5-12-2004 ATM, Art. 17]
- Olive Street
- Spring Street
- Winter Street

## **What is the purpose of Ashland’s scenic road bylaw?**

The purpose of the scenic road bylaw is to keep the public right of way, the public area in front of a home, looking historic, rural and scenic.

Ashland’s bylaw, Chapter 249 Streets and Sidewalks, Article III, Scenic Roads, was adopted in 1974, over 35 years ago. The purpose of this bylaw is to maintain the rural, natural, historic and scenic character of the town's roadways.

It’s considered to be “low-impact” to the residents of these streets, since it is a bylaw that *preserves* valuable community assets – trees, stonewalls, views, charm, character, beauty. The scenic road bylaw will maintain the current appearance of these streets and roads.

It’s a simple, straightforward by-law that enhances Ashland’s beauty.

## **What does the scenic road bylaw protect?**

The scenic road bylaw is a beautification measure. It ensures that trees and stonewalls within the public right of way or the layout of all designated scenic town roads will not be altered without first having the Planning Board hold a public hearing to give residents the opportunity to listen to the proposal and to comment on it.

## **How does Ashland compare to other towns?**

All of the towns around Ashland have designated many roads scenic. Ashland has the smallest number of scenic roads in the Metrowest area.

The Town of Southborough has designated scenic all its non-numbered roads: 125+ roads. Barnstable has designated 63 scenic roads. Marlborough has 28. Driving through neighboring Holliston, their street signs proudly display which of their roads are designated scenic, as does Concord and many other towns.

## **Are there any costs or complaints associated with the bylaw?**

The Planning Board has no record of complaints or significant costs associated with the bylaw since it’s been on the books in Ashland [1974].

The Massachusetts Historical Commission reports the same.

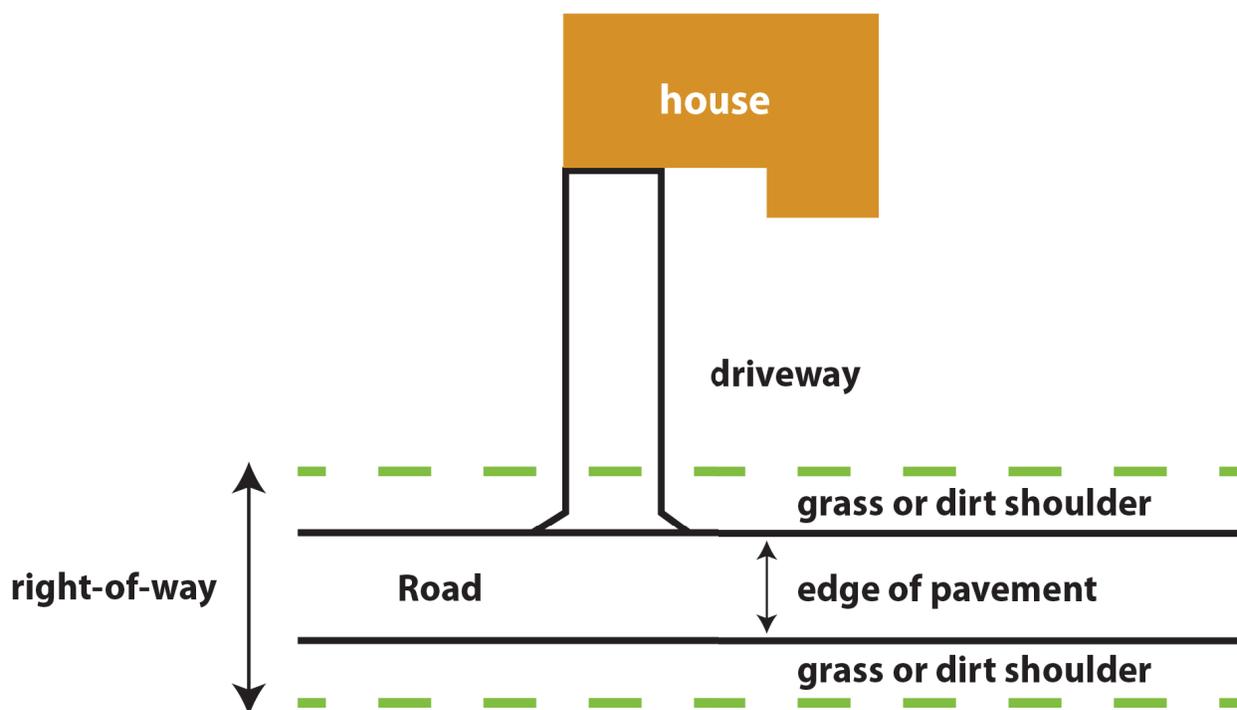
## **What does the bylaw affect?**

The by-law only affects trees and stonewalls in the public right of way.

## What is the public right of way?

The public right of way is the thin strip of land that borders the road and the homeowner's property. It is typically measured as a distance from the roadway's centerline.

### Public Right Of Way



## What is the process for making changes in the public right of way?

If alterations are being considered, such as removal of a stone wall or tree, a homeowner or builder notifies the Planning Board. Depending on the alterations, a homeowner or builder may need the Planning Board's review and approval.

The destruction of more than ten linear feet of stonewall involving more than one cubic foot of wall material per linear foot above existing grade requires notification and approval by the Planning Board.

Temporary removal and replacement at the same location with the same materials is permitted without Planning Board approval if the Department of Public Works is notified before the work begins so that it may confirm that the wall is being properly replaced.

If a resident buys a lot on a scenic road and needs to remove parts of the stonewall to put in the driveway, they can. However, only one cut in the stonewall for a driveway is allowed.

The Planning Board will work with the homeowner to minimize destruction to existing stonewalls and trees in the right of way.

### **Are there many requests from homeowners to remove trees and stonewalls in the right of way?**

It is extremely rare for a homeowner living in an existing home to go to the Planning Board and ask to remove healthy trees or historic stonewalls. The homeowner usually buys the property *because* of the scenic setting.

The Planning Board has few, if any, examples of residents who asked to remove healthy trees 8-inches or greater in diameter or stonewalls.

### **Does the scenic bylaw affect railroad crossing?**

The bylaw does *not* affect railroad crossings. Crossings are privately owned areas exempt from the scenic road bylaw. In addition, crossings do not have stonewalls or trees, so the by-law would not be applicable.

### **How does the scenic bylaw affect trees in the public right of way?**

The bylaw is only applicable for the older and larger trees that are 8-inches in diameter or greater in the right of way. Other towns with scenic roads save trees 4-inches or greater. Ashland's bylaw is less restrictive and gives residents more flexibility.

If a homeowner has an unsafe or sickly tree and it is in the right of way, then they call the Tree Warden at the DPW. The Tree Warden will perform a site visit and make a determination about removing the tree.

### **How does the scenic bylaw affect stonewalls in the public right of way?**

The by-law only affects certain types of stonewalls and those of a certain length: dry laid stones, at least two courses high, at least ten feet long and at least 50 years old. These historic stonewalls look like those that run along Chestnut Street. If the wall is less than 10 feet long, it will not be subject to the scenic byway bylaw.

## **Summary**

### **Facts about the public right of way:**

- It is where mailboxes and utility poles are often located; however, it isn't your private property, though you do pay taxes on it.
- The Town has control over the right of way.
- Your land survey may show that it is "on" your property, but you really share ownership and responsibility with the Town of Ashland.

- If the Town wants to cut down a tree in the right of way (to improve site visibility, for example), then the town pays for it. If you want to cut it down, then you pay for it.
- If there are trees and stonewalls in the right of way and your road is *not* designated scenic, the town can remove the trees and stonewalls if it chooses to.

### **What happens if your road is designated scenic?**

- If your road is designated scenic, the town cannot simply remove healthy trees and stonewalls without prior notification to and approval by the Planning Board.
- If your road is designated scenic, a developer putting in a subdivision also cannot simply remove healthy trees and stonewalls without prior notification to and approval by The Planning Board.
- If your road is designated scenic, any resident of the road who wants to remove a healthy tree or historic stonewall within the right of way, also cannot do so without prior notification to and approval by the Planning Board.
- Abutters who live on your scenic road will be invited to the public hearing where they can express their opinions about your proposal.

### **The bylaw does *not* ...**

- extend beyond the roadway right of way. Your front yard, back yard, or side yard are not affected.
- increase property taxes or homeowner's insurance.
- interfere with emergency tree removal situations or road crews working on the roadway itself.
- interfere with storm-aftermaths. After a storm, a downed or split tree in the right of way that presents a public danger can be removed by the DPW because they are the tree wardens.

### **Scenic roads enhance what remains of the rural and historic character of New England towns**

Many residents complain that Ashland looks homogenized, if not unattractive in places. They'd like to see it look more like the New England town it is. One way to stop further homogenization is to keep the roads beautiful by designating more of Ashland's roads scenic.

Since tourism is the third largest industry in Massachusetts and most tourists come here to see our scenic New England towns, it makes economic sense to keep our towns looking like New England towns are supposed to look.

In the future, it may be possible to obtain a historic grant to create special road signs for Ashland roads designated scenic.