



TOWN OF LANCASTER

PLANNING BOARD

701 Main Street Suite 6
Lancaster, MA 01523

Tel: (978) 365-3326 ext. 1310
Fax: (978) 368-4009

APPLICATION & CHECKLIST FOR A HEARING UNDER THE SCENIC ROAD BYLAW, CHAPTER 157 OF THE TOWN OF LANCASTER & M.G.L CHAPTER 40 SECTION 15C, THE SCENIC ROAD ACT

The Scenic Road Bylaw provides that any repair, maintenance, reconstruction or paving work done with respect to any road designated as a Scenic Road shall not involve or include the cutting or removal of trees, or the tearing down, destruction, or alteration of stone walls, or portions thereof within the right-of-way of such road, except with prior written consent of the Planning Board after a public hearing.

Ten (10) copies of the application, checklist, abutters list, accompanying plans and statements along with a filing fee of \$100.00 shall be submitted to the Planning Board. In addition, the applicant shall pay an advertising fee of \$50 for providing notification.

Applicant's Name: _____

Mailing Address: _____ Phone#: _____

Property Owner's Name: _____

Mailing Address: _____ Phone #: _____

Location of Subject Property: _____

Assessor's Map: _____ Parcel: _____

Deed Recorded in the Worcester Registry of Deeds in:

Book: _____ Page: _____ Or Certificate #: _____

Representative's Name: _____

Mailing Address: _____ Phone#: _____



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Type of approval sought as required by the Tree Warden or DPW Superintendent (check all that apply):

☐ Scenic Road ☐ Shade Tree

Date of determination by Tree Warden : _____, or DPW Superintendent: _____

Description of the proposed project: _____

With regard to work proposed within the right of way of a designated Scenic Road,

1. Does the project require the cutting or removal of trees? ☐ Yes, or ☐ No.

If yes, how many trees will be affected? _____ (quantity)

2. Does the project require the removal or destruction of a stone wall? ☐ Yes, or ☐ No

If yes, what is the length of the proposed alteration? _____ (feet)

3. Will any Public Shade Trees as defined by MGL Ch. 87, Sec. 1 be removed or significantly impacted?

☐ Yes, or ☐ No.

If yes, how many trees will be affected? _____ (quantity)

Applicant's Signature: _____ Date: _____

Or

Representative's Signature: _____ Date: _____

NOTE: If applicant is not the owner of the property please attach written consent from the owner.

A Representative may sign on behalf of the applicant with written consent.



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SCENIC ROAD APPLICATION CHECKLIST

The following checklist is a part of the Scenic Road Application Form to be completed by the Applicant. For more information see Section 157-8 of the Scenic Road Bylaw, titled "Procedures".

- a) A written description and plans or drawings showing the location and the nature of the proposed disturbance area. The location description should enable readers to locate it with reasonable specificity on the ground without the need for additional plans or references.
- b) A statement explaining the purpose and need for the cutting or removal of a tree(s) and the identification of said tree(s) or the tearing down or destruction of stone walls, or portions thereof, in the proposed disturbance area.
- c) A statement outlining possible alternatives, proposed compensatory actions, and mitigation measures including restoration, to the proposed cutting or removal of a tree(s) or the tearing down or destruction of stone walls, or portions thereof.
- d) A list of abutters certified by the Assessors' office.
- e) Except in the case of Town agencies, a scenic road consent fee as specified on the Board's application form made payable to the Town of Lancaster.
- f) Photographs of all stone walls and trees within and adjacent to the proposed disturbance area prior to any work.
- g) Any other explanatory material useful to adequately inform the Board and Tree Warden prior to the public hearing.

Failure to file an application as required by the Town's Scenic Roads Bylaw may result in enforcement actions and/or fines. Violators shall be subject to a fine of \$150 per violation for the first offense and \$300 per violation for all subsequent offenses as allowed by MGL C. 40, S 15C.

Debra Dennis

From: Carol Jackson <planbrd68@gmail.com>
Sent: Thursday, March 4, 2021 6:47 AM
To: Russ Williston; Debra Dennis
Subject: I meant to add the explanation for the changes to the application

1. The first line on p. 2 is confusing and can probably be removed. This is an application for scenic road approval so there is no need to have a check box on p. 2 to confirm this. Likewise, detail regarding the proposed removal of trees and/or stone walls is requested below on p. 2, which should be sufficient to explain what approval is being sought.

The check boxes at the top of page 2 provide a quick reference for the Planning Board with regard to what type of consent is sought by the Applicant. Additional details are provided in the questions that follow them.

The "stone wall" checkbox has been removed, because it would be part of a "scenic roads" approval.

The Tree Warden determines when a scenic roads consent is needed for tree cutting or removal while the DPW Superintendent determines when approval is required for stone wall removal or modification.

It is possible that a scenic roads project could require both tree and stone wall approvals.

The Tree Warden may also determine when a joint hearing is required to satisfy provisions of the Shade Tree Act. So, it would be helpful to inform the Planning Board in that case.

To clarify what is being asked for, "*as required by the Tree Warden or DPW Superintendent*" has been added to the instruction above the check boxes.

2. I realize that the application tracks the bylaw in requiring an abutters list, but I note that neither the bylaw nor the application form (nor the statute) require abutter notification. This information may be unnecessary.

Amendment of section 157-8 B. of the bylaw, "Notification", has been proposed to require notification of abutters, which should correct this oversight. The application checklist on page 3 is consistent with the filing requirements provided in section 157-8 A. of the bylaw, "Process".

3. The application does not provide any place for indicating what approval has been sought and obtained from either the DPW superintendent or the Tree Warden. The bylaw provides in Section 157-6 that the Tree Warden and the DPW Superintendent must first determine if approval under the Scenic Roads bylaw is required before an application is filed. The application should indicate, in my opinion, that the Tree Warden and/or DPW superintendent have required application, as applicable.

To address this concern, the date of determination by the Tree Warden or DPW Superintendent has been added to the application near the top of page 2 for reference. In addition, the act of filing of the application is an affirmation that the Tree Warden or DPW Superintendent has directed the applicant to do so.

In most cases, except where stated in Section 157-5 of the bylaw, approval should not be provided by the Tree Warden or the DPW Superintendent until the Planning Board has held a public hearing and made their determination.

Rather, the Tree Warden or the DPW Superintendent determines whether or not an application and public hearing are required. Their written approval may not be available until after the hearing.