

# **Town of Medway, Massachusetts**

## **Planning Board Rules and Regulations**

### **Chapter 400 – Scenic Roads**

*(Adopted Pursuant to the Scenic Roads Act, Chapter 40, Section 15C, M.G.L.)*

### ***Rules and Regulations for the Review and Issuance of Scenic Road Work Permits***

***Adopted:*** July 16, 2002

### **Medway Planning Board**

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**Town of Medway, Massachusetts**  
**Planning Board Rules and Regulations**  
**Chapter 400 – Scenic Roads**  
*Rules and Regulations for the Review and Issuance of*  
*Scenic Road Work Permits*

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# **Town of Medway, Massachusetts Planning Board Rules and Regulations**

## **Chapter 400 – Scenic Roads (Adopted Pursuant to the Scenic Roads Act, Chapter 40, Section 15C, M.G.L.)**

### ***Rules and Regulations for the Review and Issuance of Scenic Road Work Permits***

#### **ARTICLE I                      AUTHORITY**

s. 401 – 1        **STATUTORY AUTHORITY** – M.G.L. Chapter 40, Section 15C, passed in 1973, amended in 1989.

“Upon recommendation or request of the Planning Board, Conservation Commission, or Historical Commission of any city or town, such city or town may designate any road in said city or town other than a numbered route or state highway, as a scenic road; provided, however, that a numbered route may be designated by a city or town as a if its entire length is contained within the boundaries of said city or town, and no part of said route is owned or maintained by the Commonwealth.

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 prior written consent of the Planning Board, or if there is no planning board, the Selectmen of a town, or the city council of a city, after a public hearing duly advertised twice in a newspaper of general circulation in the area, as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing; provided, however, that when a public hearing must be held under the provisions of this section and under Section three of Chapter eighty-seven prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the Tree Warden and the Planning Board, or if there is no planning board, the Selectmen of a town, or the city council of a city, and notice of such consolidated public hearing shall be given by the Tree Warden or his deputy as provided in said Section three of Chapter eighty-seven. Any city or town making said designation may make an ordinance or by-law establishing that a violation of this paragraph shall be punished by a fine not to exceed three hundred dollars. (*Amended by 1989 360 eff. 12-17-89.*) Designation of a road as a Scenic Road shall not affect the eligibility of a city or town to receive construction or reconstruction aid for such road pursuant to the provisions of Chapter 90.”

*s. 401 - 2*      **ADOPTION** – The Medway Planning Board hereby adopts these *Rules and Regulations* governing the administration of the Scenic Roads Act pursuant to a vote on Article 5 of the Medway Town Meeting on May 14, 2001. Said adoption of these *Rules and Regulations* was by a unanimous vote taken by the Medway Planning Board on July 16, 2002 which became effective immediately.

*s. 401 - 3*      **REVISIONS** – These *Rules and Regulations* shall be controlling and may be amended from time to time by action of the Medway Planning Board following a duly called and advertised public hearing.

*s. 401 - 4*      **APPLICABILITY** - The Planning Board’s authority and jurisdiction shall be consistent with M.G.L. Chapter 40, Sec. 15C.

*s. 401 - 5*      **OTHER APPLICABLE STATE LAW** – Laws pertaining to Tree Wardens, specifically M.G.L., Chapter 87.

## **ARTICLE II      GENERAL PROVISIONS**

*s. 402 – 1*      **PURPOSE** - The Medway Planning Board has adopted these *Rules and Regulations* with the ultimate purpose of further protecting the natural beauty that currently exists within the *right-of-ways* of select *roads* in the Town of Medway by:

- A.      Providing criteria for Scenic Road designation within the Town;
- B.      Creating and defining a *Scenic Road Work Permit* and providing a process for making a determination of need for such a permit;
- C.      Outlining the considerations that guide the Planning Board when acting on an accepted application for a *Scenic Road Work Permit*;
- D.      Providing the Planning Board with restoration processes, compensatory actions and enforcement mechanisms related to the review and issuance of *Scenic Road Work Permits* applications.

*s. 402 – 2*      **DESIGNATED SCENIC ROADS** - The twenty-four (24) *roads* designated as Scenic Roads at the Town Meeting of December 30, 1975 and an additional one (1) *road* designated as a Scenic Road at the Town Meeting of May 14, 2001 shall retain their status as Scenic for the purposes of these *Rules and Regulations*. See **Appendix A** for listing of Medway Scenic Roads.

*s. 402 – 3*      **DEFINITIONS** - In the absence of contrary meaning established through legislation or judicial action pursuant to M.G.L. Chapter 40, Sec. 15C, these terms contained in that statute shall be construed as follows:

**Abutter:**      Owners of land sharing property lines to the proposed *disturbance area* land and owners of land directly opposite the proposed *disturbance area* land on any public or private

street or way, as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, and the Planning Board of every abutting city or town.

***Cutting or Removal of Trees:*** The removal of one or more *trees*, trimming of major branches, or cutting of roots sufficient in the Tree Warden's written opinion to cause eventual destruction of a *tree*. However, this shall not be construed to include clearing of nuisance growth, routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks or roots and dead whole trees, or thinning out of overcrowded trees as determined by the Tree Warden, but shall include such cutting or removal done in contemplation of, or following the *repair, maintenance, reconstruction or paving work* for a road.

***Disturbance Area:*** An area of land within the *right-of-way* of a Scenic Road where work is proposed or is currently occurring with or without the issuance of a *Scenic Road Work Permit*; such work may involve the *cutting or removal of trees*, or the *tearing down or destruction of stone walls*, or portions thereof.

***Posting:*** The marking of a *tree* or *stone wall* on the *right-of-way* on a Scenic Road for the purpose of a Scenic Road public hearing. For *trees*, such marking as described in M.G.L. Ch. 87 S. 3. For *stone walls*, a ribbon or other appropriate "flagging" material temporarily affixed to the *stone wall* at issue in a Scenic Road hearing and viewable from the paved *road*.

***Repair, Maintenance, Reconstruction, or Paving Work:*** Any such work done within the *right-of-way* by any person or agency, public or private. Construction of new driveways or alterations of existing ones is also included to the extent such work takes place within the *right of-way*. Construction or alteration of water, sewer, electric, telephone, cable TV, or other utilities within the *right-of-way* is also included. Except as allowed in the definition of *cutting or removal of trees* as included herein, roadside cutting for clearance for vehicles or for improvement of line-of-sight shall also be included within this definition.

***Right-of-way:*** The area on and within the boundaries of the public way. If the boundaries are unknown, any affected *trees* or *stone walls* shall be presumed to be within the public *right-of-way* until shown to be otherwise.

***Road:*** The entire *right-of-way* of a vehicular traveled way plus its necessary appurtenances including bridge structures, drainage systems, retaining walls, traffic control devices, sidewalks, pedestrian facilities, and the air space above them, but not intersecting streets or driveways.

***Scenic Road Work Permit:*** A document issued, or not, by the Planning Board after a duly called Scenic Road public hearing. In the case of an issued *Permit*, such *Permit* may authorize and specify work allowed in a proposed *disturbance area* by an applicant on the *right-of-way* of a Scenic Road and include all required conditions and compensatory actions as outlined herein.

***Stone Wall:*** A contiguous arrangement of stone, cut or otherwise, involving at least five (5) square face feet (height x length of stone wall "face"). A *stone wall* shall include any of its

appurtenances including but not limited to gates, terminuses, cut granite stone or large individual stones. All *stone walls* within the entire *right-of-way* of a Scenic Road or on the boundaries thereof shall be subject to these *Rules and Regulations*. If for whatever reason, an issue arises as to whether a *stone wall* is within the *right-of-way*, then the *stone wall* shall be presumed to be within the *right-of-way* until the contrary is shown.

***Tearing Down or Destruction of Stone Walls:*** The defacing, removal, physical covering (other than naturally occurring plant covering) or rearrangement of a *stone wall* as defined herein. The temporary removal of a *stone wall* is permitted without Planning Board approval if the Medway Department of Public Services – Highway Division (DPS) is notified before the work begins. The DPS may inspect the work upon completion of restoration to confirm proper replacement at the same location with the same materials in a contiguous and consistent arrangement to the adjoining *stone walls*. Repair of a *stone wall*, not involving the *tearing down or destruction of the stone wall*, is not covered by these *Rules and Regulations*.

***Tree:*** For the purposes of these Scenic Road *Rules and Regulations* only, a living tree whose trunk has a diameter of four (4) inches or more as measured one (1) foot from the ground. All *trees* so defined within the *right-of-way* of a Scenic Road or on the boundaries thereof shall be subject to these *Rules and Regulations*. If, for whatever reason, it is uncertain whether the *tree* is within the *right-of-way* of a Scenic Road, it shall be taken to be within the coverage of the Scenic Road Act and these *Rules and Regulations* until the contrary is shown. Nothing in this definition shall be construed to permit a person, other than the Tree Warden or his deputy, to trim, cut down or remove a Public Shade Tree. See ***Appendix B***.

***NOTE:*** Throughout this document, words in *italic* are defined herein and their meaning shall be as defined.

## **ARTICLE III      PROCEDURE FOR DESIGNATING SCENIC ROADS**

***s. 403 – 1      TOWN MEETING WARRANT*** - The Planning Board, the Board of Selectmen, the Conservation Commission, the Historical Commission, or by petition of ten (10) registered voters, in the case of the annual town meeting, and one-hundred (100) registered voters in the case of a special town meeting, may propose Scenic Road designation for any Medway *road* other than a numbered route or state highway.

***s. 403 – 2      PUBLIC HEARING*** - The Planning Board shall hold a Public Hearing on the petition for Scenic Road designation by notifying the Town Clerk, the Board of Selectmen, the Tree Warden, the Director of the Department of Public Services, the Conservation Commission, the Historical Commission, and the Building Inspector, and advertising twice in a newspaper of general circulation, the first advertisement at least fourteen (14) days prior to the date of the public hearing. At the conclusion of the public hearing, the Planning Board shall make a recommendation to the Town Meeting on the merits of designating a way as a Scenic Road.

***s. 403 – 3      CRITERIA FOR DESIGNATION*** – One or more the following characteristics of the proposed Scenic Road shall be included in the Planning Board’s written recommendation to the Town Meeting:

- A. Age and historic significance of affected roads, *trees* and *stone walls*;
- B. Contribution of *trees* and *stone walls* to scenic beauty;
- C. Exceptional qualities of *trees* in terms of age, spread, species or specimen;
- D. Protection of natural resources as well as scenic and aesthetic quality of area;
- E. Bordering land uses, nearby architectural features, present and prospective, and how they impact the importance of retaining *trees* and *stone wall*.

**s. 403 – 4      *REQUIRED VOTE*** - A majority vote of Town Meeting is required for Scenic Road designation. Such designation shall be effective as of the date of Town Meeting action. Any work on any portion of the *right-of-way* of which was not physically commenced at the time the road was designated as a Scenic Road shall conform to these *Rules and Regulations*.

**s. 403 – 5      *NOTIFICATION*** - Following the designation of any way as a Scenic Road by Town Meeting, the Planning Board shall notify:

- A. All municipal departments that may take any action with respect to such Scenic Road and request that such Scenic Road designation be included on any town produced or sponsored maps;
- B. the Massachusetts Highway Department;
- C. the Commissioners of Norfolk County;
- D. all utility companies or other such parties which may be working on the border of such Scenic Roads; and
- C. all property owners along the Scenic Road via the next tax bill mailing following designation.

#### ***ARTICLE IV - DETERMINATION OF NEED FOR SCENIC ROAD WORK PERMIT***

**s. 404 – 1      *STONE WALLS*** - Where any *repair, maintenance, reconstruction or paving work* is occurring or is proposed in the *right-of-way* of a Scenic Road that may involve the *tearing down or destruction of stone walls*, through a Street Opening Permit application or otherwise, the Director of the Department of Public Services (DPS) or his designee, shall review the site. This review will serve to determine whether an application for a *Scenic Road Work Permit* and the subsequent Scenic Road public hearing is required. The Director of the DPS may order that all related *repair, maintenance, reconstruction or paving work* be terminated until such determination is made. A Scenic Road public hearing and subsequent issuance of a *Scenic Road*

*Work Permit* may be required to complete an application for a Street Opening Permit on a designated Scenic Road.

**s. 404 – 2 TREES** - Where any *repair, maintenance, reconstruction or paving work* is occurring or is proposed in the *right-of-way* of a Scenic Road that may involve the *cutting or removal of a tree(s)*, the Tree Warden or his designee, shall review the site. This review will serve to determine whether an application for a *Scenic Road Work Permit* and the subsequent Scenic Road public hearing is required. The Tree Warden may order that all related *repair, maintenance, reconstruction or paving work* be terminated until such determination is made.

## **ARTICLE V – REVIEW PROCEDURE**

**s. 405 – 1 FILING INSTRUCTIONS** – If, upon determination that a *Scenic Road Work Permit* is required, any person, organization, state or municipal agency seeking the consent of the Planning Board under M.G.L. Chapter 40, Sec. 15C (the Scenic Roads Act) regarding the *cutting or removal of a tree(s)* or the *tearing down or destruction of stone walls*, or portions thereof, in connection with the *repair, maintenance, reconstruction or paving work* on Scenic Roads shall submit a request for a *Scenic Road Work Permit* to the Planning Board, on an application form supplied by the Planning Board, together with the following:

- 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)* 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, certified by the Assessor's office, of *abutters*, as defined herein;
- E. Except in the case of town agencies, a *Scenic Road Work Permit* fee as specified in the Planning Board's Fee and Bond Schedule, sufficient for the cost of processing the application and *abutter* notification, is required and shall be made payable to the Town of Medway;
- 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 Planning Board and Tree Warden prior to the public hearing.

**s. 405 - 2 POSTING OF TREE(S) AND STONE WALLS** - A *posting*, as outlined in M.G.L. Chapter 87, Sec.3, by the Tree Warden on the *tree(s)* in the proposed *disturbance area*, or a *posting* by the applicant on the *stone wall* in the proposed *disturbance area*, or both, is required at least seven (7) days prior to a Scenic Road public hearing.

**s. 405 - 3 NOTIFICATION OF OTHER TOWN DEPARTMENTS** - Notice of submittal of an application for a *Scenic Road Work Permit* shall be filed by the Planning Board with the Town Clerk and a copy of the submittal transmitted to the Tree Warden, the Building Inspector, the Department of Public Services, the Board of Selectmen, the Historical Commission and the Conservation Commission. The Planning Board may request a written opinion from these respective departments prior to the Scenic Road public hearing.

**s. 405 - 4 PUBLIC HEARING** - The Planning Board shall hold a public hearing as soon as practical but in no event later than forty-five (45) days from the date on which the application for a *Scenic Road Work Permit* is received by the Planning Board unless a longer time is agreed to by the applicant. The public hearing may be continued.

**s. 405 - 5 COORDINATION WITH TREE WARDEN** - As stated in the Scenic Road Act and whenever feasible, the Planning Board hearing shall be held in conjunction with that held by the Tree Warden acting under M.G.L. Chapter 87, the Public Shade Tree Act. In the event that the Planning Board holds a joint hearing with the Tree Warden, the advertisement shall be made by the Tree Warden or his deputy. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden or the reverse, nor shall execution of these *Rules and Regulations* in any way lessen the Tree Warden's duties under M.G.L. Chapter 87.

**s. 405 - 6 LEGAL NOTICE**

A. The Planning Board shall, as required by statute, give notice of the Scenic Road public hearing by advertising twice in a newspaper of general circulation in the area, the last publication at least seven days prior to the public hearing.

B. The notice shall contain a statement as to the time, date, place and purpose of the hearing with a description of the proposed *cutting or removal of a tree(s)* and/or the *tearing down or destruction of stone walls*, or portions thereof, by the applicant in the proposed *disturbance area*. The Planning Board shall provide copies of this notice to the applicant, the Board of Selectmen, the Tree Warden, the Department of Public Services, the Conservation Commission, the Historical Commission, the Town Clerk, and shall send, by regular mail, this notice to all *abutters* as defined herein.

C. All expenses relating to the advertising and public hearing notification shall be borne by the applicant unless otherwise waived.

**s. 405 - 7 CONSIDERATIONS** In acting in regard to an application for a *Scenic Road Work Permit* and upon a Scenic Road public hearing, the Planning Board shall consider the following in making its determination:

- A. Public safety;
- B. Scenic and aesthetic characteristics and quality of the area;
- C. Quality and extent of shade and *tree* canopy;
- D. Accident history within five hundred (500) feet of *tree(s)* and *stone walls* at issue;
- E. Commentary contributed by the Tree Warden, town agencies, *abutters* and other interested parties;
- F. Preservation of natural resources and environmental systems;
- G. Preservation of historical and cultural resources values;
- H. Compatibility with surrounding neighborhood;
- I. Recreational uses of the proposed Scenic Road, taking into account the nature and extent of such uses;
- J. Relationship of the *road* design to the standards of the Planning Board's *Subdivision Rules and Regulations* but recognizing that a variance from the standards should be allowed when a way has been designated as a Scenic Road by the Town Meeting;
- K. Adequacy and value of compensatory actions proposed, such as replacement of *trees* or *stone walls* or restoration of the same;
- L. Traffic patterns, volume, congestion and posted speed limit;
- M. Consistency with articulated Town policies and the Medway Master Plan;
- N. Feasibility for avoiding disturbance to *trees* or *stone walls* by proposing a safe location for a walkway, driveway or *road* elsewhere; and
- O. Other sound planning principles and considerations.

**s. 405 – 8      *RESTORATION***

A. *Stone Walls* – Unless waived, restoration shall consist of replacing the *stone wall* on a square face foot per square face foot basis, as and where necessary, within one (1) year of issuance of a *Scenic Road Work Permit*. *Stone walls* shall be replaced so as to reconnect in a consistent manner with undisturbed walls wherever physically possible. Where feasible and appropriate, any unused removed stones from such *stone walls* shall be used to repair other sections of the *stone wall* along the *right-of-way* of the Scenic Road. No *stone wall* shall be cut without construction of an appropriate stone terminus – i.e. stone piers or granite posts.

B. *Trees* – Unless waived, restoration shall consist of replacing the removed *trees* with nursery grade trees on a one (1) square inch per two (2) square inch replacement basis, at locations specified by the Planning Board and the Tree Warden, within (1) year after a *Scenic Road Work Permit* has been issued. A one (1) square inch per two (2) square inch replacement is calculated by finding the diameter of a *tree* in question at one (1) foot above the ground and determining its trunk area (3.14 x tree radius squared). The resulting figure is halved and that square inch total becomes the equal to the square inch total of the replacement tree(s). See **Appendix C**. The restoration shall be verified by the Tree Warden as fully and skillfully performed. The species of replacement tree(s) will be determined by the Tree Warden, or otherwise will be consistent with the species of the removed *tree(s)*. The Tree Warden may determine a compensatory value for which the applicant shall be responsible, in lieu of replacement tree plantings, which is equal to the value for nursery grade tree stock and installation. Such value and subsequent payment due the Town of Medway shall be outlined in the final *Scenic Road Work Permit*.

#### **s. 405- 9        *DECISION***

A. The Planning Board shall make a decision to issue or deny a *Scenic Road Work Permit* as soon as practical but in no event later than sixty (60) days after receipt of a properly filed application for a *Scenic Road Work Permit*.

B. In rendering its decision, the Planning Board shall consider the application based on compliance with the Scenic Roads Act and the considerations listed in s. 405 - 6 of these *Rules and Regulations*.

C. Since the purpose of these *Rules and Regulations* is to protect the scenic quality and character of Medway's Scenic Roads, the Planning Board shall approve the proposed *cutting or removal of a tree(s)* or the *tearing down or destruction of stone walls*, or portions thereof, only upon finding that adequate compensatory actions (restoration, etc.) have been included in the applicant's proposed plan including the value of compensatory actions such as the planting of new replacement trees or the reconstruction of *stone walls* and terminus'.

D. The decision of the Planning Board shall be filed with the Town Clerk within fifteen (15) days of the close of the public hearing unless an extension is agreed upon by the applicant. Copies of the decision shall be sent to the applicant, the Board of Selectmen, the Tree Warden, the Department of Public Services, the Building Inspector, the Conservation Commission and the Historical Commission.

E. The approval of a *Scenic Road Work Permit* by the Planning Board under these *Rules and Regulations* shall be valid for one (1) year. Any work outlined in the issuance of a *Scenic Road Work Permit* not completed within one (1) year after issuance will necessitate a new and separate filing for a *Scenic Road Work Permit*.

### ***ARTICLE VI – ENFORCEMENT***

**s. 406 – 1        *REMEDY FOR FAILURE TO FILE*** – A person's failure to file with the

Planning Board for a *Scenic Road Work Permit* for the *cutting or removal of a tree(s)* or the *tearing down or destruction of stone walls*, or portions thereof within the *right-of-way* on a Scenic Road will necessitate that person's immediate filing as detailed above. Restoration measures, as determined by the Planning Board after a Scenic Road public hearing, may be required.

**s. 406 – 2 COMPLIANCE** – The failure by an applicant to comply with the duly issued decision of the Planning Board in a *Scenic Road Work Permit* after one (1) year from issuance may necessitate the enforcement of remedial measures which the Planning Board deems necessary, including, but not limited to enforcement through non criminal disposition and additional restoration measures.

**s. 406 – 3 ENFORCEMENT** – The Planning Board, the Building Inspector, the Tree Warden, the Department of Public Services or others designated by the Town Administrator may issue a citation for the violation of these *Rules and Regulations*.

**s. 406 – 4 FINES** - Anyone who violates the provisions of these *Rules and Regulations* may be fined through non criminal disposition in accordance with M.G.L., Chapter 40, Section 21D, as follows:

- A. First offense: fine of \$100 per violation;
- B. Second offense: fine of \$500 per violation;
- C. Third and all subsequent offenses: fine of \$1,000 per violation;
- D. Each day’s failure to comply shall constitute a separate and distinct offense.

**ARTICLE VII – VALIDITY**

If, in any respect, any provision of these *Rules and Regulations*, in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be held invalid and in all other respects, these *Rules and Regulations* shall stand.

###

**ADOPTED:** Medway Planning Board - July 16, 2002

**ATTEST:**

Susan E. Affleck-Childs, Administrative Secretary	Date
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**A TRUE COPY ATTEST:**

Maryjane White, Town Clerk	Date
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## ***APPENDIX A***

### ***Town of Medway Scenic Roads Rules & Regulations July 2002***

## **Town of Medway Scenic Roads**

The following ways were designated as Scenic Roads at the Annual Town Meetings held on December 20, 1975 and May 14, 2001:

1. Adams Street from Winthrop to Summer Street
2. Brigham Lane (now Country Lane) from Main Street to Village Street
3. Causeway Street from Holliston Street to the Millis town line
4. Charles River Road from Village Street to the Charles River
5. Ellis Street from Coffee Street to Holliston Street
6. Elm Street from Main Street to Evergreen Street
7. Evergreen Street from Main Street to Elm Street
8. Farm Street from Village Street to the Millis town line
9. Fisher Street from West Street to the Holliston town line
10. Franklin Street from Main Street to Village Street
11. Granite Street from West Street to the end
12. Guernsey Street from Cottage Street to Lincoln Street
13. High Street from Main Street to Village Street
14. Highland Street from Main Street to Summer Street
15. Hill Street from Winthrop Street to the Holliston town line
16. Lincoln Street from Main Street to Village Street
17. Lovering Street from Winthrop Street to Summer Street
18. Oakland Street from Main Street to Village Street
19. Partridge Street from Ward's Lane to Winthrop Street
20. Pearl Street from Walker Street to the end
21. Populatic Street from Village Street to the Franklin town line
22. Village Street in its entirety
23. Walker Street from Populatic Street to the Franklin town line
24. Wellington Street from Cottage Street to High Street
25. Winthrop Street from Main Street to the Holliston Town line



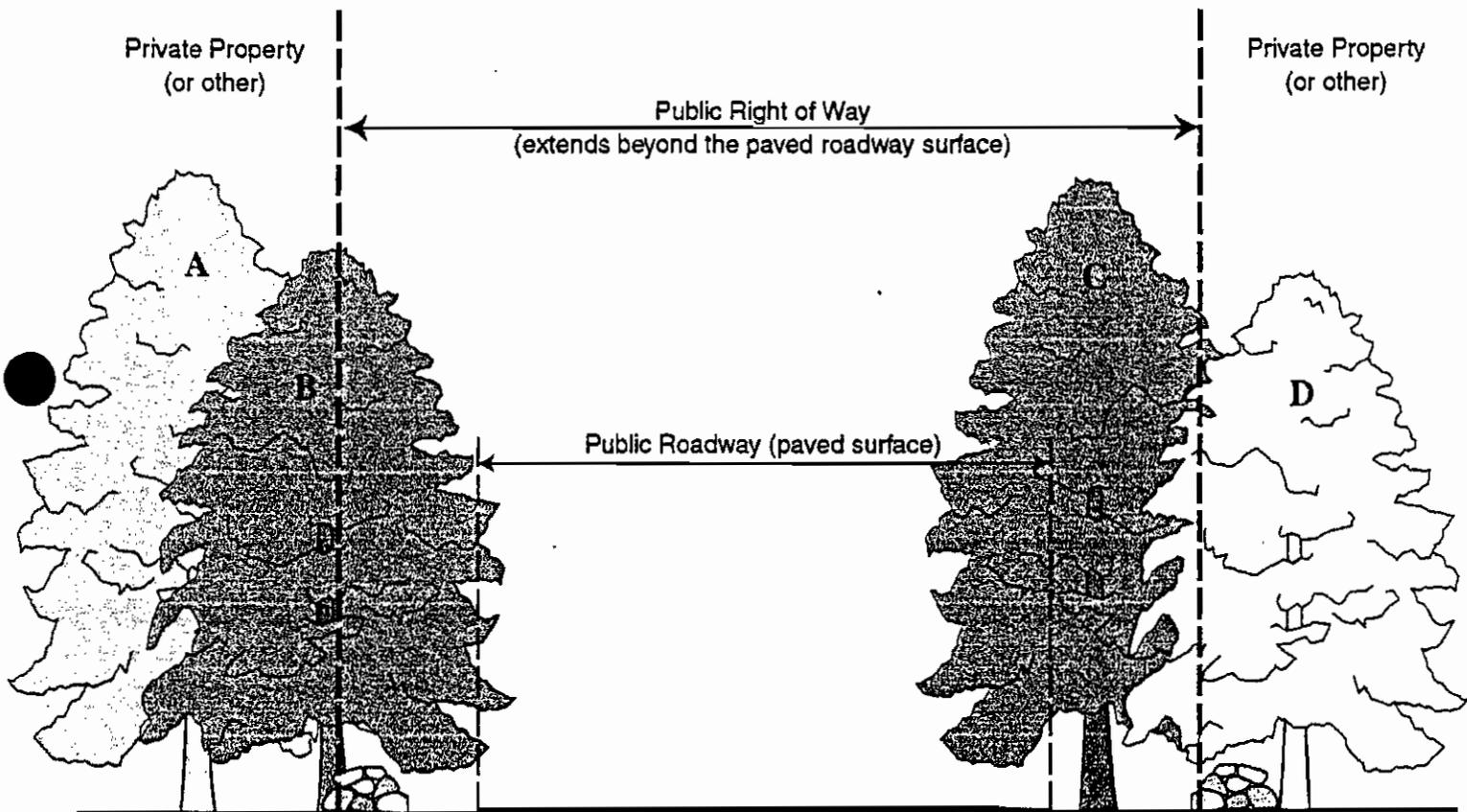
**APPENDIX B -**

***Town of Medway Scenic Roads Rules & Regulations***

***July 2002***

**Public Right of Way on Scenic Roads**

Illustrative example of a Public Right of Way and its applicability to trees & stone walls on designated Scenic Roads



Stone walls and trees inside the public right of way of a designated Scenic Road are impacted by the Scenic Roads Act. In this illustration, trees B & C are in the public right of way. Tree C is clearly in the right of way while tree B has a trunk straddling the right of way line. As such, the provisions of the Act would apply to tree B.

The same is true for stone walls that straddle, in whole or in part, the public right of way on a designated Scenic Road, as is the case with both of the stone walls illustrated on this page.

## APPENDIX C -

### Town of Medway Scenic Roads Rules & Regulations

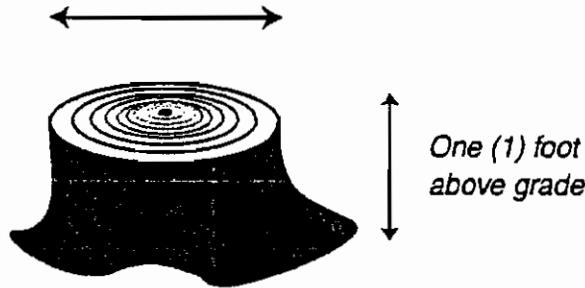
July 2002

## Tree Replacement Calculations

The measurements and calculations for tree replacement(s) resulting from tree removal(s) on a Scenic Road

### 1 Existing Tree

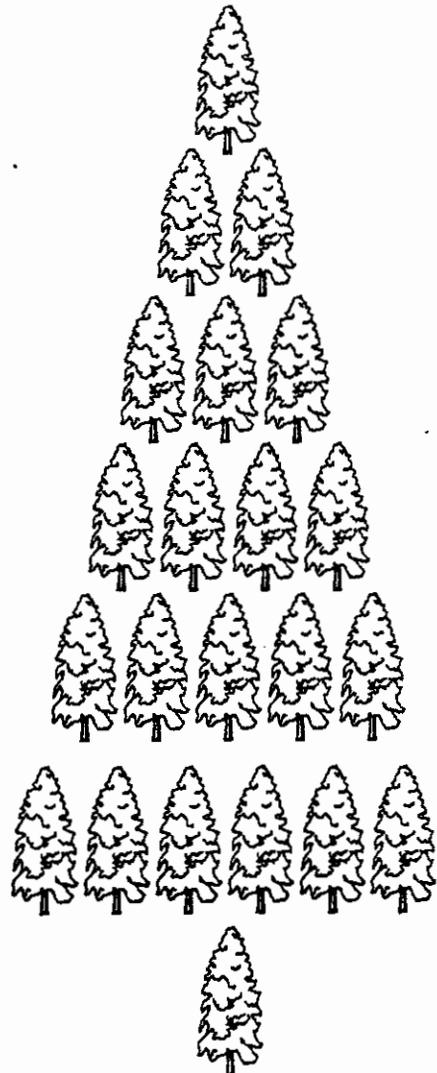
With a twenty (20)  
inch trunk diameter



=

### 22 Replacement Trees

Each @ three (3) inch trunk diameter



To find out how many replacement trees at a given size will be required upon the cutting of a tree on the right of way of a Scenic Road, first calculate the trunk area of the existing tree: square the radius of a tree (radius equals half the diameter; ex. above, radius = 10 inches; so  $10 \times 10 = 100$ ), then multiply by 3.14 (total above = 314 square inches). Half the square inches. The resulting figure (157) equals the total square inch area for replacement tree diameters (also referred to as "tree calipers").

As an example, a 3 inch diameter trunk replacement tree would have an area of approx. 7 square inches. To calculate the replacement of an existing 20 inch diameter trunk tree with 3 inch diameter trunk trees, divide the 157 by 7. The resulting number (22) would reflect the total number of replacement trees.