



WEST BROOKFIELD HISTORICAL COMMISSION
P.O. BOX 372 WEST BROOKFIELD, MASSACHUSETTS 01585

Congratulations! Your home is on a designated Scenic Road. Currently there are 16 roads in West Brookfield that have been designated Scenic Roads by the Town of West Brookfield. Many of West Brookfield's roads date back to the 18th and 19th century when inroads into the interior of the state were seeing early village life becoming established. In fact, one of the roads dates to 1673.

Scenic Road Bylaws (MGL Ch 40, Sec. 15C- Scenic Road Act)

Most towns in Massachusetts use the Scenic Roads Bylaw to protect the unique character and historic value of select roadways by means of limiting the cutting of healthy trees, avoiding the destruction of stone walls, and guiding road and driveway construction.

After a road receives a "Scenic" designation, the Planning Board is delegated certain limited powers by the statute. Any repair, maintenance, reconstruction, or paving work done with respect to a Scenic Road that entails cutting or removal of trees, or alteration of stone walls is subject to Planning Board review and mandatory public hearing. The hearing provides an opportunity for objection and consideration of alternative plans. Strict notice requirements must be met, with fines not to exceed \$300.00 if not adhered to.

While many of West Brookfield's roadways would qualify as being "scenic" in the broad sense of the term, the Town has formally designated 16 roads as scenic at this time.

Beaman Road	Lyon Road
Coy Hill Road	New Braintree Road
Davis Road	Pierce Road
Devil's Elbow (discontinued road)	Ragged Hill Road
Foster Hill Road	Richardson Road
Holmes Road (discontinued road)	Tucker Road
John Gilbert Road	Wickaboag Valley Road
Kennedy Road	Wigwam Road

References: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/Section15c>
<https://www.mass.gov/doc/terra-firma-3-identifying-and-protecting-historic-roads/download>

Please see the Scenic Road map on our website: https://westbrookfield.org/?page_id=61
We hope you find this information helpful in guiding any work you may be planning for your property on our towns Scenic Road.

Sincerely,
The West Brookfield Historical Commission

What criteria are used to determine if a road should be designated a scenic road?

- Overall scenic beauty (and view from the roadside)
- Contributions of trees to scenic beauty
- Contributions of stone walls to scenic beauty
- Prevalence of historic stone walls along the right-of-way
- Age and historic significance of road, trees, and stone walls

What kind of work requires a permit from the Planning Board?

Any work on the public right-of-way of a scenic road that involves:

- Cutting or removing a healthy living tree that has a diameter of 4" or more at 4.5' from the ground.
- Cutting or removing a healthy living branch that has a diameter of 3" or more 12" from where it joins the tree.
- Any permanent destruction or tearing down of a stone wall, which is defined as any assemblage of stone that has one cubic foot of stone or more per linear foot and that is more than 5' long. You must notify the Planning Board that the wall is being restored and complete the work within 90 days.
- For the purposes of the bylaw, and this is true for trees subject to the Public Shade Tree law, if there is any question about whether a tree or stone wall is on the public right-of-way, it is considered to be in the public right-of-way until the contrary is shown.

Work on private property does not require a permit.

How do I know if a tree or stone wall is in the public right-of-way?

You can check with the Highway Department.

What kind of work does not require a permit from the Planning Board?

No permit is required to:

- Cut or remove trees or branches that the Tree Warden certifies in writing as diseased, dying, or dead
- Renovate a stone wall so long as it is renovated using the *same type of materials*, it is in the same location, and it has the *same general character* as the original wall.
- Conduct emergency work. If a stone wall is destroyed during an emergency, it must be repaired as soon as practicable.

How does the Scenic Road Bylaw work?

The Scenic Road Bylaw determines how the town administers the state's Scenic Road law (MGL Chapter 40, Section 15C). Here are the relevant sections of the law:

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- Upon recommendation or request of the Planning Board, Conservation Commission or Historical Commission, the town can designate any road, other than a numbered route or state highway, as a scenic road.
 - After a road has been designated as a scenic road any repair, maintenance, reconstruction, or paving work done on the scenic road 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.
 - The public hearing must be advertised twice in a paper of general circulation, the last publication to occur at least seven days prior to the hearing.
 - If a public hearing must be held under both the Scenic Road law and the Public Shade Tree law, then the hearings will be consolidated.
 - The town can make a bylaw establishing fines not to exceed \$300.00 for violations. The proposed Scenic Road Bylaw establishes the process and criteria for designating roads as scenic roads, what work on trees and stone walls will require hearings, the process for conducting hearings, the criteria for approving proposed work, and how the bylaw will be enforced.