

Ware's Scenic Roads Bylaw – Frequently Asked Questions

The Ware Historical Commission has prepared this FAQ to answer a few commonly asked questions about Ware's Scenic Roads Bylaw for this public forum.

1. What is a Scenic Roads Bylaw?

Massachusetts General Laws allow towns and cities to designate certain roads as scenic: roads which feature trees and stone walls in the right of way that contribute to the town's scenic beauty and historic value. The Scenic Road statute applies to all public and private entities.

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

2. Which roads did Ware designate as scenic roads?

Babcock Tavern Road
Bacon Road
Campbell Road
Chestnut Street
Doane Road
Fisherdick Road
Greenwich Plains Road
Greenwich Road
Hardwick Pond Road
Kelly Road
Monson Turnpike Road
Old Belchertown Road
Old Gilbertville Road
Old Greenwich Plains Road
River Road
South Street
Sczygiel Road
Upper Church Street
Walker Road
West Warren Road
Webster Road

3. Who determines the public right of way?

The DPW director is able to define the right of way for each property. The GPS maps of the town also contain this information, according to the Planning Board.

4. How does the Scenic Roads Bylaw benefit our town?

Once designated as scenic, no changes may be made to the right of way without a review and approval process including public hearings and resident input. Homeowners benefit by having a voice in what changes may be made to the road, and its stone walls and trees which contribute to the aesthetic and historic value of their properties. No additional tax burden is applied to properties located on scenic roads.

5. Does the Scenic Bylaw restrict what I can do on my private property?

No - The Scenic Roads Bylaw only pertains to the public right of way. If an additional driveway or alteration of the roadway such as a new street is planned, the application process would be triggered. Most driveway modifications can be done unless the alteration involves stone walls or trees in the public right of way. Alteration or removal of trees or stone walls in the public right of way, without prior approval, may result in a fine.

6. How is a scenic road designated?

The designation process – initiated by any Town resident or entity -- involves the following:

- The road is recommended to the Planning Board, Conservation or Historical Commissions.
- A public hearing is held to discuss the proposed designation.
- Residents vote on the road in an annual or a special Town Meeting.

7. What kind of work requires 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 do you obtain a permit?

- Applicant submits description of proposed work to the Planning Board
- Planning Board schedules a public hearing
- Applicant pays to advertise the hearing in the newspaper
- Applicant notifies the abutters (properties within 300 feet of the corners of the affected property)
- Planning Board and, if required, Tree Warden holds the hearing
- Planning Board approves work as submitted, approves work with conditions, or does not approve the work

8. *How are changes to scenic roads made?*

The applicant must submit a written request to the Planning Board and they will determine if any trees or stone walls are located within the right of way. If the bylaw is applicable, a public hearing will be held by the Planning Board and the application will be approved, modified or disapproved.

9. *What if there is a disagreement with the application?*

The applicant can appeal any decision of the Planning Board to the Board of Selectmen.

10. *Have more questions?*

Please visit the Ware Planning Board Webpages for the full bylaw. It will be posted after the public hearing.