



**TOWN OF WEST NEWBURY
OFFICE OF THE PLANNING BOARD
381 MAIN STREET
WEST NEWBURY MA 01985
978-363-1100 X 125**

APPLICATION, CHECKLIST AND PROCEDURES FOR A HEARING UNDER THE WEST NEWBURY SCENIC ROAD BYLAW, XXXII; MASS GENERAL LAW CHAPTER 40 SECTION 15C, THE SCENIC ROAD ACT, AND MASS GENERAL LAW CHAPTER 87 SECTION 3, SHADE TREES

The West Newbury 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 tree ten inches in diameter one foot from the ground, or larger, 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.

Five (5) copies and a digital copy of the application, checklist, abutters list, accompanying plans and statements along with a check for payment for mailings postage (made out to the Postmaster) shall be submitted to the Planning Board/Town Planner.

Applicant's Name:

Mailing Address:

Phone #:

Property Owner's Name:

Mailing Address:

Phone #:

Location of Subject Property:

Assessor's Map#:

Lot #:

Deed Recorded in the Southern Essex Registry of Deeds in:

Book:

Page:

or Certificate:



Town of West Newbury

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Type of approval sought (check all that apply):

_____ Scenic Road

_____ Shade Tree

_____ Stone Wall

What type of project is proposed:

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)

For each tree affected, please identify the type of tree and the trunk diameter at one foot from the ground.

2) Does the project require the removal or alteration of a stone wall? _____ Yes, or _____ No

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

3) Will any Public Shade Tree 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 or Representatives 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 and submitted by the Applicant:

- _____ 1. 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.
- _____ 2. A statement explaining the purpose and need for the cutting or removal of a trees (s) and the identification of said trees(s) or the removal or alteration of stone walls, or portions thereof, in the proposed disturbance area.
- _____ 3. A statement outlining possible alternatives, proposed compensatory actions, and mitigation measures including restoration to the proposed cutting or removal of a trees(s) or the removal or alteration of stone walls, or portions thereof.
- _____ 4. A list of abutters certified by the Assessors' office.
- _____ 5. Photographs of all stone walls and trees within and adjacent to the proposed disturbance area prior to any work.
- _____ 6. Any other explanatory material useful to adequately inform the Board and Tree Warden prior to the public hearing.
- _____ 7. Except in the case of Town agencies, payment for postage for abutter mailings (as computed by Town Planner)

I have completed and submitted each numbered item checked above.

Signature: _____

Date: _____



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Prior to submittal of this application, it is recommended that you do the following:

- a. Read the Scenic Roads by-law (XXXII of the Town's General Bylaws) and familiarize yourself with its terms and conditions.
- b. Meet with Planning Board staff to determine if your proposed project falls under the Scenic Roads bylaw.

PROCEDURES

Step 1: SUBMIT COMPLETED APPLICATION

The applicant submits a completed application, with accompanying support documents to the Town Clerk and the Town Planner. Five copies are required; each will be stamped by the Town Clerk certifying the time and date of filing. One copy will be retained by the Town Clerk. The applicant will submit four copies to the Planning Board.

Step 2: SCHEDULING OF HEARING AND PREPARATION OF LEGAL NOTICE AND POSTINGS

The Planning Board Administrator will:

- a. Set date for Public Hearing
- b. Prepare Legal Notice
- c. Submit Legal Notice to Daily News, to run 2 consecutive weeks, the first at least 14 days prior to Hearing date, at Applicants expense. The applicant will be invoiced for the Legal Notice and will pay the Daily News directly.
- d. Post the Legal Notice with the Town Clerk.
- e. Mail Legal Notice by Certified Mail to abutters, and abutting cities and towns (Certified mail not required for abutting towns). The postage will be calculated, and a check made out to "Postmaster" must be submitted with the Application. Notice must be mailed at least 2 weeks prior to the Public Hearing date.
- f. Distribute submittal package to Planning Board members.
- g. Distribute submittal package to Tree Warden for notification of Hearing, tree posting, and input.
 - If a Shade Tree is to be removed the Tree Warden will post the tree with the hearing notice at least 7 days in advance of the hearing.

Step 3: PUBLIC HEARING

The Planning Board will hold a hearing where the applicants should appear on their own behalf, or be represented by an agent authorized to present their interests.

Following consideration of the application and testimony, the Planning Board will close the hearing and vote on the application. A hearing may also be continued if necessary. A simple majority vote is required for a decision.

- a. A Certificate of Vote will be prepared, signed by the Chair and filed with the Town Clerk.
- b. Notice of Decisions will be mailed to the Applicant and the DPW, and to all abutters as indicated on the Certified Abutters List.
- c. Note that the Certificate does not need to be recorded.

CONSOLIDATED PUBLIC HEARING

- a. If a Consolidated Hearing is required under the provisions of M.G.L. Chapter 87, Section 3, the Hearing Notice will be written to include the Consolidated Public Hearing.
- b. The Planning Board will consult with the Tree Warden as to the details of the Public Hearing.
- c. A Consolidated Certificate of Vote may be prepared.