

the department of environmental quality engineering for the department of public health.

The 1990 amendment, effective Aug 7, 1990, in the first paragraph, substituted "protection" for "quality engineering".

Jurisprudence—

56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions §§ 506 et seq.

Annotations—

Power of municipal corporation to exchange its real property. 60 ALR2d 220.

Power of eminent domain as between state and subdivision or agency thereof, or as between different subdivisions or agencies themselves. 35 ALR3d 1293.

Power of municipal corporation to lease or sublet property owned or leased by it. 47 ALR3d 19.

Liability of governmental entity for issuance of permit for construction which caused or accelerated flooding. 62 ALR3d 514.

§ 15C. Designation of Scenic Roads; Maintenance.

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 scenic road 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 the 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

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of chapter eighty-seven. Any city or town making said scenic road 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.

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 ninety.

History—

1973, 67; 1979, 552, § 1; 1985, 384; 1989, 360.

Editorial Note—

The 1979 amendment, in the second paragraph, added a provision for consolidated hearings where removal of trees is involved.

The 1985 amendment, in the first paragraph, provided the exception that a numbered route could be designated a scenic route if its entire length is contained within the boundaries of a city or town, and no part is owned by the commonwealth.

The 1989 amendment added the second sentence to the second paragraph, allowing any city or town to establish an ordinance or by-law which provides for the imposition of a fine not exceeding \$300 for a violation with respect to designated scenic roads.

Treatise References—

Gerrard, *Environmental Law Practice Guide: State and Federal Law* (Matthew Bender) § 63.21.

Mendler, *Massachusetts Conveyancers' Handbook with Forms*, §§ 13:1-13:9, Environmental Controls.

STREET SPRINKLING

§ 16. Sprinkling of Public Ways.

A town may sprinkle or spread upon its public ways, or parts thereof, any liquid or material suitable for laying or preventing dust and preserving the surface of such ways or for sanitary purposes, may appropriate money therefor, and determine that with respect to the whole or any part of such ways the whole or any part of such expense shall be assessed upon the estates abutting thereon.

History—

1890, 365; 1891, 179, §§ 1, 4; 1895, 186; 1897, 419, § 1; RL 1902, 25, § 22; RL 26, § 25; 1908, 452; 1909, 289; 1917, 344, IV, § 6, VIII, § 1.