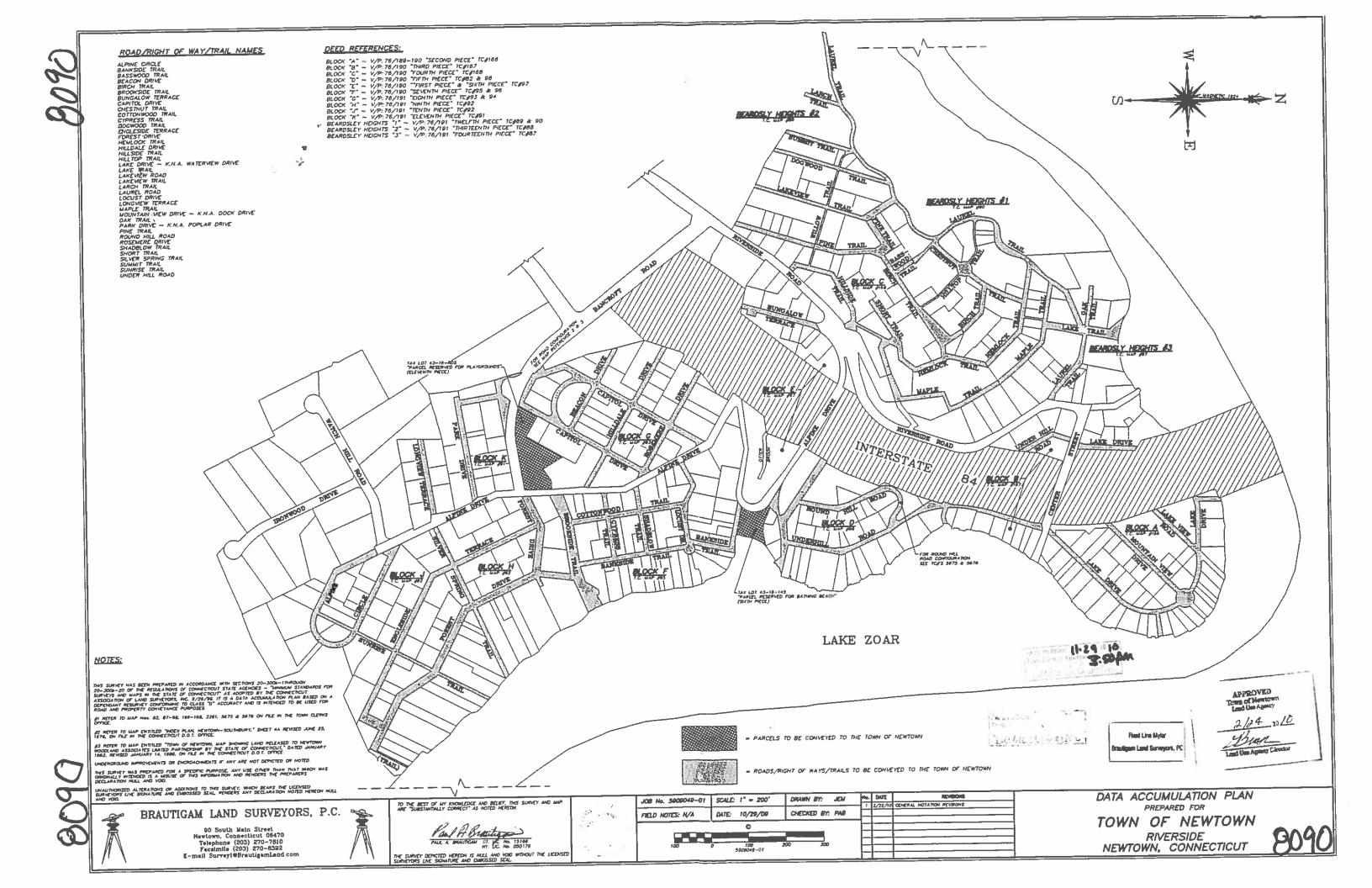


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Town of Newtown, CT Monday, August 17, 2015

# Chapter 191. Scenic Roads

[HISTORY: Adopted by the Legislative Council of the Town of Newtown 6-18-1997 (Ord. No. 76); amended 2-17-1999. Subsequent amendments noted where applicable.]

#### **GENERAL REFERENCES**

Road construction — See Ch. 185. Streets and sidewalks — See Ch. 204. Subdivision of land — See Ch. 560.

## § 191-1. Findings.

- A. Connecticut General Statutes § 7-149a, enacted in 1981, states that the protection of scenic and historic resources is essential to the welfare of the people of Connecticut.
- B. The scenic and rural roads of the Town of Newtown are irreplaceable resources. The natural landscape and visual quality of a community provide it with a sense of pride and individuality, setting it apart from other places. The protection and preservation of these resources is of immeasurable benefit to the people of the Town of Newtown. It is the purpose of this chapter to provide a balance between the need to provide safe and convenient public transportation as well as other public safety needs along with preserving the scenic and rural values.

# § 191-2. Authority to designate; applicability.

The authority to designate Town roads as scenic roads rests with the Legislative Council. This chapter does not apply to private, state or federal roads.

## § 191-3. Designation criteria.

- A. In order to apply for this designation, a road must be free of intensive commercial development or an area with intensive vehicular traffic. It also must meet at least one of the next six criteria:
  - (1) The road is unpaved.
  - (2) The road is bordered by mature trees and stone walls.
  - (3) The road is no more than 20 feet in width.
  - (4) The road offers scenic views.
  - (5) The road blends naturally into its surrounding terrain.
  - (6) The road parallels or crosses lakes, ponds, rivers or streams.
- B. Other criteria to consider include whether:
  - (1) The section to be designated should have a minimal length of at least 30% of the length of the entire road.

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(3) The Legislative Council shall render a decision within 45 days of the hearing. Notice of the decision shall be posted in a newspaper having substantial circulation in the Town of Newtown. The Legislative Council is the final authoritative body.

#### § 191-5. Rescission of designation.

The designation of a Town road or portion of a Town road as a scenic road may be rescinded by the Legislative Council using the same procedure required for designation, i.e., written application by owners of a majority of lot frontage and driveway access abutting the roadway, proof of majority, notification of proof, reports from Town agencies, public hearing and Legislative Council vote.

### § 191-6. Maintenance, repair or alterations.

- A. Maintenance, repair and routine alterations.
  - (1) The Town shall maintain the road, or any portion of the road, in good and sufficient repair and in passable condition within the requirements of maintaining public safety.
  - (2) The Town shall maintain the road, or any portion of the road, without alteration, to ensure public safety and preserve the highest degree of scenic characteristics.
  - (3) The Town, in the case of a natural disaster, shall repair the road to its original, pre-emergency condition.
  - (4) Routine care and alterations, to be carried out by the Town, shall include trimming vegetation, removal of dead or diseased trees, correcting drainage problems, minimal widening so the road does not exceed 20 feet, plowing, sanding, sweeping and catch basin cleaning.

#### B. Nonroutine alterations.

- (1) The Public Works Department must seek advance approval from the Legislative Council for any nonroutine alterations. The Board of Selectmen shall review nonroutine alterations to determine if they are in the best interest of the Town and shall pass on its recommendation to the Legislative Council. Improvements or nonroutine alterations such as paving of dirt or gravel roads, widening, change of grade, straightening, removal of structures or mature trees require approval of the Legislative Council. Upon receipt of a request by the Public Works Department to perform nonroutine alterations, the Board of Selectmen shall notify the owners of land with frontage and driveways abutting the road that alterations have been proposed and schedule a public hearing to discuss the alterations. Notification of the hearing also shall be published in a newspaper having a substantial circulation in the Town of Newtown. The Council shall grant such approval if it finds that such alterations are necessary to maintain public safety. Any work performed shall, to the extent possible, be done in a manner to ensure the preservation of the original rural and scenic values.
- (2) Insofar as any alterations are performed, they shall be designed to conform to the following:
  - (a) Speed limits shall be low and posted.
  - (b) Curves shall be correlated with existing curves and would allow for a constant unfolding of new and change in views. Curves should not be eliminated unless unsafe.
  - (c) Grades shall be maintained and only changed if absolutely necessary for safety. The change in grade should not exceed 2°.
  - (d) Widths shall be narrow and preserved. Turnouts and wide sections shall be implemented instead of complete widening to maximize preservation.
  - (e) Side slopes shall be preserved. Existing steep slopes and naturally occurring rock formations are

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