

**TOWN OF REDDING**  
**SCENIC ROADS ORDINANCE**

Approved by Town Meeting  
January 17, 1986  
Effective January 30, 1986  
Revised by Town Meeting  
March 12, 2003  
Effective March 20, 2003

# **TOWN OF REDDING**

## Scenic Roads Ordinance

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## PREAMBLE

The scenic and rural roads of the Town of Redding are an irreplaceable resource. In the words of John Mitchell, author of the 1984 Open Space Plan, they are “pieces of the frame we call our country atmosphere. We must find a way to preserve them.” As stated in the Town Plan of Conservation and Development of 1998, “much of Redding’s charm and character derives from its picturesque, narrow, winding roads and lanes, both paved and unpaved.”

The scenic values of some rural roads in Redding have been destroyed or are in danger of destruction because of past or potential alterations to their rights-of-way. Such alterations have had, and could continue to have, a significant adverse impact on the quality of the Town’s environment in general, and, in particular, on aesthetic and historic values that are of great and immeasurable benefit to residents and visitors alike.

As explicitly expressed by Section 7-149a of the Connecticut General Statutes, the preservation and protection of the scenic or historic values of rural roads is essential to the welfare of the people of Connecticut. It is the purpose of this Ordinance to balance that need in Redding with the need to provide public safety.

Therefore, be it ordained by the Town of Redding that, pursuant to the authority granted by Section 7-149a of the Connecticut General Statutes, the Town of Redding provide for the designation of highways, as defined by Section 13a-1(a) of the Connecticut General Statutes,<sup>1</sup> or portions thereof as scenic roads, and further, in order to maintain the scenic nature of highways

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<sup>1</sup> As used in title 13a of the General Statutes, “‘highway’ includes streets and roads; ... [and] ‘state highway’ means a highway, bridge or appurtenance to a highway or bridge designated as part of the state highway system within the provisions of chapter 237, or a highway, bridge or appurtenance to a highway or bridge specifically included in the state highway system by statute.”

or portions thereof so designated, the Town of Redding is authorized to regulate, in accordance with this Ordinance, the future alteration or improvement of highways or portions thereof so designated, including, but not limited to, widening of the existing traveled portion of the highway, paving, changes of grade, straightening, removal of stone walls, and removal of mature trees within the road right-of-way to be determined by deeds and maps. See Section VI D of this Ordinance.

### Section I

#### AUTHORITY

The authority to designate any highway or portion thereof as a “Scenic Road” is hereby delegated to the Planning Commission of the Town of Redding.

### Section II

#### DESIGNATION CRITERIA

A. No highway or portion thereof shall be designated as a Scenic Road if the abutting property contains intensive commercial development or if the highway itself has intensive vehicular traffic. Prior to designating a highway or portion thereof as a Scenic Road, the Planning Commission must first specifically find that at least one of the following criteria is met:

- (1) the highway is unpaved;
- (2) the highway is bordered by mature trees or stone walls;
- (3) the traveled portion of the highway is no more than 20 feet in width;
- (4) the highway offers scenic views;

- (5) the highway blends naturally into the surrounding terrain; or
  - (6) the highway parallels or crosses over brooks, streams, lakes, or ponds.
- B. No highway or portion thereof may be designated as a Scenic Road by the Planning Commission pursuant to this Ordinance unless the owners of the majority of the lot frontage abutting the highway or portion thereof agree to the designation of the highway as a Scenic Road by filing a written statement of approval with the Town Clerk of the Town of Redding.

### Section III

#### PROCEDURE FOR DESIGNATION

- A. The Planning Commission on its own initiative may consider a highway or portion thereof for designation as a Scenic Road. Property owners through an initiator may petition the Planning Commission for a designation of a highway or portion thereof as a Scenic Road.

The petition, in such form as the Planning Commission shall provide, shall state what highway or portion thereof is requested to be designated as a Scenic Road and describe those characteristics of the highway which qualify it for Scenic Road status, as well as other characteristics which enhance the scenic character of the highway.

A documentary photographic record showing the status of the highway's edges at the time of the application shall be submitted with the petition.

In cases where the Planning Commission is the initiator, the petition must contain the signature of the Planning Commission Chair. In cases where property owners, through

an initiator, submit a petition, the petition must contain the name, address, and signature of the initiator, who must be a resident of Redding.

Schedule A of the petition shall be signed by the owners of a majority of lot frontage abutting the highway or portion thereof in question, stating their address and indicating that they approve of designating the highway or portion thereof as a Scenic Road. The initiator shall determine the lot frontage along the highway or portion thereof in question and enter this information on Schedule A. Such ownership shall be verified by the Town Assessor.

Each page of signatures in the petition shall also have a signed statement by the circulator of the petition that the circulator either knows each individual who signed the petition or that the signer satisfactorily identified himself or herself to the circulator

Schedule B of the petition shall show the names and addresses of owners of lot frontage abutting the highway or portion thereof in question who did not sign the petition.

An original and one copy of the petition shall be filed with the Town Clerk, who shall retain the copy and forward the original to the Planning Commission.

- B. In order to designate a highway or portion thereof a Scenic Road, the Planning Commission shall first hold a public hearing regarding the designation of such highway as a Scenic Road. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town of Redding at least twice in intervals of not less than two days, the first not more than 15 days, nor less than 10 days, and the last not less than two days prior to the date of such hearing. Simultaneously, with the first

publication, a copy of the notice shall be sent by the initiator by certified mail, return receipt requested, to the owners of all lots fronting the highway or portion thereof to be designated as a Scenic Road. Proof of mailings and receipts shall be provided to the Planning Commission.

The Planning Commission shall act upon the designation within the period of time permitted under Section 8-26d of the Connecticut General Statutes, as amended. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town of Redding within 15 days after such decision has been rendered. Such notice shall be a simple statement that the highway or a portion thereof was or was not designated as a Scenic Road by the Planning Commission, together with the date of such action. The grounds for the designation or non-designation shall be stated in the records of the Commission and shall include in as much detail as possible the special features which make the highway so designated scenic, or the reasons for denying designation.

#### Section IV

#### RESCISSION AND APPEAL

- A. The designation of a highway or a portion thereof as a Scenic Road may be rescinded by the Planning Commission, using the above procedures and provided that the owners of the majority of the lot frontage abutting the highway or portion thereof concur with such rescission as set forth in this Ordinance.

- B. Any person aggrieved by a designation or refusal to designate a highway or portion thereof as a Scenic Road pursuant to this section or by any alteration or improvement of such highway may appeal such designation in the manner and utilizing the same standards of review provided for appeals from the decisions of the Planning Commission under Section 8-28 of the Connecticut General Statutes, as amended.

### Section V

#### APPLICATION FOR ALTERATIONS

- A. Preservation Objective. No alteration shall be made to a Scenic Road without application to the Planning Commission. Routine maintenance and the regulation of future alterations and improvements of Scenic Roads shall be carried out so as to preserve to the highest degree possible the scenic characteristics that are indicated in the records of the Planning Commission as the basis for the designation.
- B. Hearing and Decision Responsibility. Any application for alteration or improvement to a Scenic Road, whether by public or private applicant, shall be submitted to the Planning Commission, which may hold a public hearing and shall submit findings of fact and a recommendation to the Board of Selectmen. Should the Planning Commission vote to maintain a Scenic Road without change, the Board of Selectmen may overturn that vote only by a unanimous vote of its own. The determination by the Board of Selectmen shall be based on the findings of fact of the Planning Commission and shall give important weight to the Commission's recommendation.

- C. Routine Road Maintenance. Such maintenance shall include removal of dead and seriously diseased or damaged trees and branches of trees; trimming of the tree branches that encroach on the traveled portion of the Scenic Road below the height needed to allow school buses and emergency vehicles to pass; trimming or removal of brush and removal of boulders or other obstacles that encroach on the traveled portion of the Scenic Road; necessary trimming for utility lines; trimming of brush to enhance and protect scenic views, stone walls, mature trees, and other characteristics of the Scenic Road set forth in the decision designating it a Scenic Road; correction of drainage problems; and graveling, retreatment, and repair of existing roadway surfaces.
- D. Natural Disasters. In the case of a natural disaster in which a Scenic Road becomes impassable or unsafe for public travel and access must be provided, emergency repairs may be made as needed. Restoration of the Scenic Road shall be made in a manner that will restore it to its scenic character prior to the natural disaster.
- E. Any action under Section 5, subparagraphs A, B, C and D, shall be taken in a manner which will avoid or reduce adverse effects on the characteristics of the Scenic Road that the Planning Commission specified in its decision designating the Scenic Road. Any reconstruction of a Scenic Road shall be done in similar manner with a view to restoring it to its scenic character at the time of designation.

## Section VI

### STANDARDS FOR ALTERATION

When contemplating alterations to a Scenic Road for safety reasons and Fire and Police considerations, the following procedures shall be followed:

- A. Review of a suitable map, showing all work and the manner in which the road's scenic features will be preserved, and where deemed necessary by the Planning Commission, of a technical report documenting the cited hazard and offering alternative solutions.
- B. Public hearing to allow full public participation when deemed appropriate by the Planning Commission.
- C. A decision-making process that not only reviews the specific safety features, but also takes into account the overall impact of the possible change in a Scenic Road, as well as the public response to the change.
- D. The final decision shall minimize damage to the character of the Scenic Road. Stone walls that are removed or damaged without approval by the Planning Commission shall be rebuilt to replicate the appearance of the remaining adjacent or nearby walls. The removal or damage of mature trees or other distinctive environmental or historical features without the approval of the Planning Commission shall be subject to the imposition of appropriate measures intended to mitigate the removal or damage, as the Planning Commission may determine within the reasonable exercise of its discretion under this Ordinance.

- E. If the Planning Commission decides that alterations to a Scenic Road are required, then they shall be planned with due regard to the following parameters:
1. Speed limits. Scenic values are correlated with lower speeds and are therefore encouraged. The lower speed shall be posted and suitably enforced.
  2. Curves. Scenic values are correlated with the existence of curves, which allow a constant unfolding of new and changing views. Curves shall not be eliminated unless they are found to constitute a hazard on the specific Scenic Road.
  3. Grades. Hills and valleys are correlated with scenic values. They shall not be destroyed by cuts and fills unless absolutely essential for safety.
  4. Widths. A narrow highway is correlated with high scenic beauty. Scenic Roads should not be widened unless the amount of traffic, as determined by a factual study specific to the Scenic Road, is a threat to safety. For some Scenic Roads, the amount of traffic that can be handled can be greatly increased by turn-outs and by-passes constructed at intervals where they do least damage to scenic and other values.
  5. Side slopes. Existing steepness and vegetation of side-slopes are preferable to a reduction of gradient by extensive removal of soil and rock. This is especially true where the slope is fully stabilized and where it is rich with existing ground cover, shrubs and trees.

6. Vistas. Vistas of distant landscapes shall be preserved by suitable vegetation management techniques.
7. Utility lines. Wherever possible, utility lines should be put underground. Where they are overhead, the responsible public utility shall be requested to implement suitable vegetation management techniques which preserve wild flowers and shrubs within the utility's right-of-way or easement.
8. Vegetation. Vegetation on the side of the Scenic Road shall be managed in such a way as to preserve wild flowers, shrubs of ornamental and wildlife value, and trees. Overarching isolated trees and the canopy of a closed forest can have extremely high scenic value.
9. No application may be made for billboards, sand, gravel and salt piles, refuse disposal, and other unsightly structures or situations. They shall be forbidden.
10. Where possible, scenic and preservation easements should be acquired from adjacent owners to insure the continuance of natural relief, desirable features, and scenic and historic values in the public interest.

## Section VII

### PAVING CRITERIA

Paving of the unpaved traveled portion of a Scenic Road shall be permitted only if the owners of a majority of lot frontage along its unpaved portion indicate their approval of the paving by signing a written statement agreeing to the paving and filing it with the Town Clerk.

## Section VIII

### RIGHTS OF LANDOWNERS

Nothing in this Ordinance shall be deemed to prohibit owners of land abutting the Scenic Road (1) from maintaining and repairing their land abutting the right-of-way of the Scenic Road or (2) from accessing their property by driveway or subdivision road by encroachment within the Town right-of-way, provided that such encroachment is constructed so as to safeguard the scenic features of the Scenic Road that were identified by the Planning Commission. Nothing herein shall prohibit landowners from permanently removing a portion of a stone wall in order to construct or improve a driveway or, in the case of a subdivision, to connect a subdivision road with a Scenic Road.

## Section IX

### ENFORCEMENT

Pursuant to Connecticut General Statutes Section 87-148(c)(10), the provisions of this Ordinance shall be enforced by, citation issued by the Redding Zoning Enforcement Officer. In

carrying out these duties, the Zoning Enforcement Officer may seek the advice and assistance of the Redding Planning Commission.

Violation of this Ordinance shall be subject to a fine as prescribed by statute and/or such other legal remedies as may be available to the Town.

### Section X

#### EFFECTIVE DATE

This Ordinance shall become effective upon publication in a newspaper of general circulation in the Town of Redding.

## Historic Stone Walls in Redding

Stone walls are a key feature of Redding's rural character and a hallmark of its long agrarian history.



When building or repairing a wall in Redding, especially those with high visibility, the guidelines below should be followed. In the case of walls bordering a Designated Scenic Road, these guidelines *must* be followed, and a sample section must be approved by the Redding Planning Commission prior to beginning such wall construction. The walls shown here lie along Umpawaug Road, and show the attributes typical of the historic stone walls of Redding.

Redding's geological history has left our landscape comprised of glacial deposits between and atop ledge outcroppings. These two sources of wall-building stones affect the appearance of walls found in different parts of town. The steeper, ledge-dominated slopes give rise to wall building materials that are more angular since the rocks there come from fractures of exposed ledge. The rocks in flatter areas are rounded in shape due to the action of glacial and watercourse tumbling wear. Where possible, care should be taken to use the type of rocks already found on the site and in any pre-existing historic walls.



### The important features of a traditional wall:

1. The lack of mortar in its construction.
2. The uneven top course, which is comprised of stones that only approximate a uniform surface.
3. A batter (the backwards slope of the wall's faces) of from 10 to 15 degrees, which gives a dry stacked (no mortar) wall its stability.
4. Use of occasional smaller stones to fill in chinks, but no overuse of these stones, and very few are smaller than a tennis ball.
5. The face of the wall is not uniformly flat or true, and the stones protrude varying amounts from it.
6. Undulations in the top generally follow the ground's contours rather than staying level. The use of guide strings in building the wall is therefore not recommended, since the original wall builders did not care for such perfection. They were simply clearing their fields of stones, creating property markers and containing cattle. In short, avoid the chip-shaped, geometrically precise, squared-off look of walls that are more suburban in nature, using local or similar fieldstones where possible.

