

REVISED ORDINANCE CONCERNING THE DESIGNATION OF SCENIC ROADS

BE IT ORDAINED by the electors of the Town of Lebanon at a duly warned meeting:

SECTION 1

Pursuant to the provisions of Section 7-149a of Connecticut General Statutes (P.A. 81-401), the Planning and Zoning Commission may designate town highways or portions of highways as scenic roads. No state highway or portion thereof may be designated as a scenic road under this ordinance.

SECTION 2

The Planning and Zoning Commission shall consider designating as a scenic road only those town roads which are free of intensive commercial development and intensive vehicular traffic and meet at least one of the following criteria:

- (1) It offers scenic views;
- (2) It is bordered by mature trees or stone walls;
- (3) The traveled portion is no more than 20 feet in width;
- (4) It is unpaved;
- (5) It blends naturally into the surrounding terrain, or
- (6) It parallels or crosses over brooks, streams, lakes or ponds.

SECTION 3

(a) When a highway is to be considered for designation as a scenic road, the Planning & Zoning Commission shall schedule a public hearing on the proposal. Hearing notices and deadlines shall be in accordance with the provisions of Section 8-26d and 8-26e of the Connecticut General Statutes.

An application of the designation of a scenic road shall be made to the Planning and Zoning Commission on a form provided for that purpose. This application shall be accompanied by the following:

- (1) A filing fee for a public hearing to be held by the Planning and Zoning Commission unless said roadway is recommended for Scenic Road designation in the most recent Plan of Conservation and Development.
- (2) An accurate description of the road or section of road to be considered with the total front footage being considered.
- (3) A list of property owners on this road or section of road along with a statement indicating the amount of frontage each owns.
- (4) Letters or statements from the owners of a majority of this frontage certifying that they favor the designation of this road as a scenic road.

The Planning and Zoning Commission shall notify the Board of Selectmen and owners of lot frontage abutting the highway or portion of a highway of the proposed designation and scheduled public hearing.

(b) Following the public hearing, the Planning and Zoning Commission shall vote on the proposed designation. No highway or portion of a highway may be designated as a scenic road under this section unless the owners of a majority of lot frontage abutting the highway or portion of the highway agree to the designation by filing a written statement of approval with the Town Clerk of the Town of Lebanon. The designation shall become effective upon such date as the Planning and Zoning Commission shall establish.

(c) The scenic road designation may be rescinded by the Planning and Zoning Commission using the same procedures in having the written concurrence of the owners of a majority of lot frontage abutting the highway.

(d) Any person aggrieved by a designation of a highway or portion of a highway as a scenic road pursuant to this section by the Planning and Zoning Commission may appeal such designation in the manner and utilizing the same standards of review provided for appeals from the decisions of Planning and Zoning Commissions under Section 8-28.

SECTION 4

(a) No road which has been designated as a scenic road under this ordinance shall be altered or improved, including but not limited to, widening of the right-of-way or of the traveled portion of the highway, paving, changes of grade, straightening, removal of stone walls and removal of mature trees, except for good cause determined by the Planning and Zoning Commission.

The Planning and Zoning Commission, at their option, may schedule a public hearing to consider such changes and may require engineering or other technical reports documenting the need for the alteration and offering potential alternative solutions. The Planning and Zoning Commission shall state the reasons for such future alterations and improvements in its minutes.

(b) Any highway or portion of any highway designated as a scenic road shall be maintained by the Town, in good and sufficient repair and in passable condition. Nothing in this section shall be deemed to prohibit a person owning or occupying land abutting a scenic road from maintaining and repairing land which abuts the scenic road if the maintenance or repair occurs on land not within the right-of-way, paved or unpaved, of the scenic road.

This ordinance shall take effect Fifteen (15) days after publication in accordance with General Statutes.

Dated at Lebanon Connecticut this 3rd day of May 2011

Susan C. Coutu
Town Clerk

Effective the 19th day of May 2011