



DUTCHESS LAND CONSERVANCY

Preserving Open Land in Dutchess County

PO Box 138
Millbrook, New York 12545
www.dutchessland.org
(845) 677-3002
Fax 677-3008

March 8, 2017

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Mr. Gary Ciferri, Town Supervisor
Town of Washington, Town Hall
10 Reservoir Drive
P.O. Box 667
Millbrook, NY 12545

RE: Killearn Road, Scenic Road Status

Dear Supervisor Ciferri:

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As you know, the Town of Washington originally adopted its Scenic Road Law in order to preserve and maintain its scenic roads and protect the town's rural character. Washington was the first town in Dutchess County to adopt a scenic road law. The law provides a means of balancing traditional general and emergency repairs and maintenance of its existing roads and public safety, with the preservation of irreplaceable character, aesthetic and historic features, and the high-quality scenic nature of those roads approved as "Scenic" under the law. The law allows landowners along the road to nominate their road as a Scenic Road, thus giving the landowners a say in what happens to the road and its adjacent right-of-way (typically 25 feet on either side of the road.) In fact, scenic road designation contributes to the very pace of rural life.

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We understand that the objectives of the law are to:

- preserve and protect the present quality and character of certain roads or portions thereof;
- to recognize the town's road system makes a contribution to the rural character, uniqueness and quality of life in the town;
- to recognize that the town's road system is an integral part of the diverse environments of the town and the road can also affect the ecology contiguous to the roads;
- to recognize there are specific unique features that contribute to the beauty and enjoyment of the road system;
- to recognize that town roads should continue to be safe as well as aesthetic;
- to recognize that once fragile components are eliminated or adversely altered, they are irreplaceable; and
- to recognize the important role of the highway superintendent.

And that a road must meet at least one of four criteria in order to be designated as a scenic road. It must be:

- 1) bordered by mature trees or stone walls;
- 2) the traveled portion of the road cannot be more than 20 feet in width;
- 3) the road must offer views of near and distant landscape; and/or
- 4) the road must be compatible with the natural environment and is integrated well with the surrounding terrain.

President
Rebecca E.C. Thornton



In the mid to late 1990's and early 2000's the Dutchess Land Conservancy (DLC) was actively involved in helping landowners with the nominations of their roads as Scenic Roads, to help aid in the retention and preservation of rural quality and scenic beauty. While the DLC didn't work on the Killlearn Road Scenic Road nomination, we did work on a number of others (Tower Hill, North Tower Hill, Short Road, Butts Hollow, Deep Hollow, Fraleigh Hill, Kennels, and Andrew Haight Roads) all of which were declared scenic roads pursuant to Town of Washington Local Law # 2 of 1994 on the basis that these roads were gravel surfaced; they were less than twenty feet in width; that mature trees and stone walls were adjacent to the roads (often within the ROW's); that views from these roads included open fields, adjacent woodlands, wetlands, stone walls, old fences, mature trees, streams and ponds, and varied wildlife habitat which are important natural characteristics which help conserve the scenic and rural qualities; that these roads were used by local residents and others for walking, jogging, hiking, exercising dogs, bicycle riding, and horseback riding; that the designation of these roads as scenic was consistent with the Town and County Master Plans and would contribute to the protection of the town's scenic and environmental resources. I'm assuming that Killlearn Road was approved as a Scenic Road based on these very same attributes, and we don't believe any of the reasons for the original nomination have likely changed.

In addition, the DLC holds conservation easements on some of the properties along Killlearn Road in order to protect the land's important resources. One such easement property is the site of a "buttonbush pool," which is considered to be a significant habitat by Hudsonia. It's possible that any alterations to the road could adversely affect this habitat, as well as others along the road. This should be thoroughly studied before any alterations are considered.

Our understanding of the Town Scenic Road Law is that the Town must submit a proposal to alter or improve a scenic road to the Town Planning Board as per section 6.e. of Local Law 2 of 1994:

"6.e. Any proposal for alteration or improvement not involving routine road maintenance or emergency repairs, whether on behalf of a public or private applicant, shall be submitted to the Planning Board. The Planning Board shall submit such proposal to the CAC and Highway Superintendent for review and comments and shall hold a public hearing in the manner set out in Section 4..."

A public hearing must be set with a public notice published in the newspaper at least 5 days before the hearing, and notice by mail to owners of lots fronting the road.

It is also our understanding, that as part of its review process, the Planning Board must consider alternatives to the proposed improvement, and should review the proposal with regard to its impact on stone walls, speed of vehicular traffic, preservation of curves, hills and valleys, non-widening of the road, scenic views, impact on mature trees and roadside vegetation, signage, sand, gravel, refuse and salt use, as well as considering comments from the CAC, Highway Superintendent, and the public. Sometimes proposed "improvements" such as paving, straightening or widening a road do not take into consideration the scenic and rural qualities and old stone walls and/or mature trees are removed, curves are straightened, roads are widened and paved, significantly changing the rural nature of the road. Alterations must be carried out so as

to preserve to the highest degree possible the aesthetic, historic/or scenic characteristics of the road.

We encourage the Town to give the residents ample opportunity to comment on any changes proposed to the road's Scenic Road status, surface material, and any other potential resulting changes within the right-of-way. We hope that you will thoughtfully consider any impacts these potential changes will have, and take into account alternatives to paving the entire road that may achieve the desired results. As noted above, these roads were nominated and approved as Scenic Roads for a reason.

We also encourage you not to rescind the Scenic Road status of Killlearn Road, no matter what your final decision is with regard to the surfacing of the road. It's our understanding that the adoption of a road as a Scenic Road in the Town of Washington does not mean that a dirt road will never be paved, but that the landowners have the opportunity to have their say before any final decisions are made, understanding that major changes, such as paving, require a great deal of consideration in terms of how this change will impact those qualities which make the road special.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rebecca E. C. Thornton', with a long horizontal flourish extending to the right.

Rebecca E. C. Thornton
President