

k. *Topsfield Conservation Commission Administrator Permit (TCCAP) for Limited Buffer Zone Activity*

Projects and activities in the Buffer Zone associated with the maintenance and improvement of existing residential properties, and that conform to the limitations listed in subsection (c), below, will be deemed to have a negligible impact, or no impact, on the wetland values protected by the General Wetlands Bylaw if conducted under the supervision of the Conservation Administrator through the issuance of an Administrator Permit ("TCCAP") in the manner described in this section. Any project or activity for which a TCCAP is issued shall not require an Order of Conditions under the Town of Topsfield Wetlands General Bylaw.

(a) Submission requirements: Any landowner may seek an Administrator Permit by submitting the following:

- (1) A \$50 filing fee.
- (2) An application, on a form to be provided by the Administrator, containing a brief description of the project. Photographs of the site with discernible stakes in the ground delineating the locus of the proposed project will expedite the permitting process.
- (3) A sketch of the proposed site and the footprint of the proposed work.

(b) Site Inspection: The Administrator shall be permitted to inspect the worksite before issuing the TCCAP and before, during, and after the project or activity is conducted to ensure compliance with the permit, including any conditions attached thereto. If the Administrator is satisfied that the proposed activity will conform to the requirements of subsection (c), the Administrator shall endorse the application, with any additional conditions the Administrator deems appropriate, and provide a copy to the Applicant. If the Administrator concludes that a Request for Determination of Applicability or Notice of Intent is required, the Administrator shall so notify the Applicant. The decision whether to issue a TCCAP is solely within the Administrator's discretion.

(c) Approval Criteria: A project or activity shall be eligible for a TCCAP if it meets the following limitations and conditions:

1. **Locus**. The locus of permitted work shall be confined to the Buffer Zone, as defined in Section R: 10-2 of these Regulations.
2. **Slope** of worksite. The grade of the worksite shall not exceed 10% unless the slope is in the direction away from any resource area.
3. **Condition of site**. The worksite shall be limited to previously and lawfully altered Buffer Zone areas such as those that have been converted to lawn, cultivated, or cleared of trees and shrubs.
4. **Worksite area**. The total area of proposed worksite shall not exceed 3,000 square feet. The "worksite area" includes all proposed improvements such as driveways, patios, structures, etc. in addition to the area required for access of construction personnel, equipment, material, and siltation fences/other sedimentation controls.
5. **Structures**. Structures that may be erected pursuant to a TCCAP are limited to those that would be constructed either on a concrete slab or semi-pervious material or on concrete piers such as Sonotube piers in general usage, except that pre-existing structures built on a foundation may be repaired or reconstructed provided, however, that the footprint of

the structure is not enlarged. All new structures shall be located no closer than 25 feet from the nearest edge of a Wetlands Resource Area.

6. **Trees.** No trees greater than 6 (six) inches in diameter shall be removed in the Buffer Zone unless these are dead, diseased, or pose an imminent threat to persons or property in the judgment of the Administrator. Invasive species may also be removed in accordance with subparagraph (d), below.
7. **Access.** The worksite shall not be accessed over any resource area except that a part of the outer Buffer Zone area contiguous with the worksite may be used for access.
8. **Mechanized equipment.** Mechanized equipment used in the proposed construction/activities shall not be moved over or into any contiguous Wetlands Resource Area.
9. **Excavation.** The extent of the proposed work shall be limited to the placement of no more than eight 8 12-inch diameter (diameter as approved by the Building Inspector) Sonotubes that are hand-dug and no deeper than 4 (four) feet.
10. **Driveways.** The Commission prefers the use of semi-pervious driveways such as gravel or paver brick surfaced ways that can be laid on a course of leveling sand to mitigate frost heaves. In the event, however, that a bituminous surface is proposed, the driveway shall be designed to allow storm-water infiltration into the adjacent ground. No stormwater runoff shall be directed onto a public way.

(d) **Removal of invasive species.** New England is host to a great number of exo-biotic plant species that thrive unchecked and are therefore considered to be "invasive." Removal of invasive species pursuant to the protocols approved by the Commission and in accordance with all relevant Federal, State, and Topsfield laws and regulations may also be approved pursuant to this section.

(e) **Conditions.** The Administrator may add conditions to the issuance of the permit to ensure that contiguous resource areas are properly protected from any adverse effects of the construction activity. In addition, ongoing conditions may be attached that continue to be in effect after the construction is completed where such are deemed to be required by the Administrator.

1. **Tree removal.** Tree stumps shall be left in the ground but may be ground and treated with herbicides, fungicides, and/or insecticides in accordance with all relevant laws and regulations and as necessary to kill any re-growth, fungus, or destructive insects such as pine bark beetles, and borers.
2. **Removal of soil.** Topsoil, loam, or grass turf may be removed only from the area within the footprint of a proposed structure, laid brick patios, walkways, driveways, or similar appurtenances. Soil shall not be stockpiled within the Buffer Zone at any time. Any temporary stockpiling of soil must be on and covered, e.g. with polyethylene sheeting or nylon tarp when not being used. The covering shall be surrounded by hay bales or siltation socks and secured with rocks at night or during inclement weather or if left unattended for longer than 10 hours.
3. **Restoration after Construction.** All areas that have been stripped of vegetation or resulted in soil disturbance during the construction phase and that are not otherwise covered

by structures, driveways, or paved surfaces shall be stabilized with grass and/or native plantings, and no siltation fence may be removed until the grass/other vegetation has been well established in the seeded/planted areas.

(f) **Not to supersede State Law.** This authorization is intended to be consistent with, but does not supersede, the requirements of the Wetlands Protection Act and 310 CMR 10.00.

**Editor's Notes:** Section R: 10-5.2.a. was amended and Section R: 10-5.2.a.4. was added by the Topsfield Conservation Commission at a Public Hearing on April 9, 2008. Section R:10-5.2.k., Topsfield Conservation Commission Administrator Permit (TCCAP) was added by the Topsfield Conservation Commission at Public Hearing on January 27, 2010, to be effective on February 1, 2010.