

CHAPTER LV

TOPSFIELD SCENIC ROAD BY-LAW

55-1. In accordance with this bylaw and the Scenic Roads Act, G.L.c.40, §15C, alterations or improvements along a designated scenic road shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the Planning Board. Furthermore, public shade trees shall not be cut, trimmed or removed, in whole or in part, by any person without the expressed permission of the Tree Warden or his designee.

55-2. Permit Granting Authority

A. For purposes of this Bylaw, the Planning Board shall be the Permit Granting Authority. The Permit Granting Authority shall have the authority to review and render decisions on applications for special permits for a alterations or improvements along a designated scenic road.

55-3. Permits for the alteration and/or relocation of stone walls or of trees along Topsfield's scenic roads may be granted by the Planning Board after a public hearing. Applicants for such permits shall apply to the Planning Board in writing. A plan demonstrating the scope of the proposed work and plans to reconstruct the wall(s) and replant trees along with the written approval of the Tree Warden shall be provided with the application. A public hearing shall be held following notification of abutters and advertising of said hearing twice in a local newspaper, as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing.

55-4. All permit granting authorities shall notify the Planning Board of any application to perform work adjacent to a scenic road, and the Planning Board shall determine whether a permit under this by-law is required.

55-5. Without waiving any other enforcement authority, violations of the Scenic Road By-law may be subject to a penalty and punishable by a fine of up to \$300 for the initial violation in accordance with a notice of violation sent by the Planning Board. In addition, the property owner or whoever is responsible for the violation shall be required within a reasonable amount of time but not less than sixty days to:

- a) restore any altered stone walls to the condition they were in prior to the alterations, and
- b) plant new trees of similar species to those which may have been cut or removed, or
- c) implement other mitigating measures to the satisfaction of the Planning Board.

The failure of the property owner to restore or mitigate as directed by the Planning Board shall be deemed a subsequent violation for which the Planning Board may assess further penalties of up to \$300 for each subsequent violation. Each day that a subsequent violation continues shall constitute a subsequent and separate violation.

55-6. This bylaw may be enforced by the Planning Board, its agent, or any Police Officer of the Town of Topsfield, by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to M.G.L. Chapter 40, §21D. Each day a violation exists shall constitute a separate violation. When enforced through non-criminal disposition, unless otherwise specifically provided for by bylaw, rule or regulation, the penalties shall be as follows:

First violation:	\$25.00
Second violation:	\$50.00
Third violation:	\$100.00
Fourth and subsequent violations:	\$200.00 "

(Art. 28, 5/4/2010 ~ 6)

55-7. All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.

(Art. 27, 5/4/04)

Editor's Note:

A listing of Topsfield roads designated scenic roads may be found in the document entitled **Town Ways**, which is on file in the Office of The Town Clerk.