

## Truro Conservation Commission Regulations – Chapter 5

### Administrative Review

#### 5-1. Purpose.

Some proposed projects that fall within the jurisdiction of the Commission are of such small scale as to cause no threat to any of the interests of the Massachusetts Wetlands Protection Act or the Truro Conservation By-law. Such projects should not undergo the scrutiny of a formal hearing before the Conservation Commission and can be adequately reviewed by the Conservation Agent.

This process is intended to expedite review and permitting of such projects.

#### 5-2. Applicability.

If a project meets ALL of the conditions below, the work may be approved by the Conservation Agent without the filing of a Request for Determination of Applicability (RDA) or a Notice of Intent (NOI). Each approval must be ratified by the Conservation Commission prior to commencement of work.

If the Agent or the Commission has any doubt that the project meets the requirements, then the applicant will be required to file a formal application (RDA or NOI) and request a hearing.

#### 5-3. Project Criteria.

##### A. Vegetation Projects:

1. No removal of vegetation within any inland or coastal wetland resource.
2. No uprooting of vegetation.
3. No mowing to the ground or clear cutting.
4. Any proposed tree removal is demonstrated to be necessary, e.g., to protect existing structures, public safety, traffic visibility, etc.
5. Mitigation may be required, i.e., an area to be planted with native species of trees or shrubs.
6. Trees for removal must be tagged for inspection.
7. No excavation by machinery is required or proposed.

##### B. Sheds and Other Construction Projects:

1. No construction *within* any wetland resource.

2. Any proposed new construction is more than 50 feet from the edge of the resource area.
3. No excavation by machinery is required or proposed.
4. Foundation for structure will only consist of concrete blocks or sono tubes
5. Repairs or replacement of existing structures remain within the same footprint.
6. New structures must be less than 160 square feet.

5-4. Procedure.

1. The Property Owner (or contractor acting with owner's written permission) shall submit the Administrative Review Application, containing sufficient information to determine where the project is located and whether it meets the criteria set forth above.
2. The fee as set in the Wetlands Fee Schedule must be submitted with the Administrative Review Application.
3. Following receipt of a completed Application, the Agent or her designee will conduct a site visit, at which time the proposed project must be clearly defined in the field with stakes and appropriate marking or tagging.
4. If the Agent determines that all of the conditions of this Policy are met, then the Agent may approve the Application. If the Agent finds that the conditions of this policy are not met, or that the application is not complete, or that the identification in the field is not adequate, then the Agent shall deny the Application.
5. If the Agent approves the Application, such Approval must be ratified by the Truro Conservation Commission prior to the issuance of any permit and *prior to the commencement of any work*.
6. Any Property Owner, contractor or other agent of the owner performing any work pursuant to an Administrative Review permit shall have a copy of the permit available at the site at all times during the period that the work is being performed.

5-5. General Provisions Applicable to All Administrative Review Applications

1. Once the Agent's Review Permit is ratified by the Commission, it shall be filed as a permanent record with the Commission.
2. Upon approval and ratification by the Commission, an Administrative Permit shall issue.
3. The applicant is required to notify the Commission prior to the start of the work, and must complete the work within thirty (30) days of issuance of the permit, unless otherwise permitted by the Commission.
4. If the request for Administrative Review is denied, the applicant may file a RDA.
5. The Conservation Agent or her designee shall inspect the property to verify that the work completed is within the scope of the Approved Application.
6. Any work beyond the scope of the approved Administrative Review shall be subject to enforcement action.