

TCC POLICY #2005-1B SOIL TESTING IN BUFFER ZONE AND/OR RIVERFRONT AREA

EFFECTIVE APRIL 1, 2013

Any person proposing to conduct soil testing within 50 to 100 feet of a Wetland Resource Area (i.e. within Buffer Zone) OR within 200 feet of a Perennial Stream (i.e. within Riverfront Area) in association with a repair to a sanitary disposal system or upgrade from an existing cesspool, with the same design flow, on a developed lot shall contact the Topsfield Conservation Commission (TCC) office for authorization to proceed without the filing of a Request for Determination of applicability (RDA) or Notice of Intent (NoI). If the Conservation Commission Administrator/TCC finds that insufficient information has been provided to assess potential impact of the proposed soil testing, or if the potential for alteration of Wetlands Resource Areas is significant (e.g., due to proximity of wetland, slope, lack of vegetation, etc.), the Administrator/TCC shall require the filing of a RDA or NoI.

The following conditions shall apply in all cases where the filing of a RDA or NoI is not required:

- **A fee for review shall apply, as specified in the Wetlands General Bylaw Regulations, currently \$50.**
- **No wetlands shall be crossed to reach the upland soil testing location.**
- **Any soil stockpiled overnight shall be surrounded by a sediment control barrier consisting of silt sock or entrenched silt fence and covered.**
- **No trees shall be cut, damaged, or removed.**
- **There shall be no sediment discharge into Wetlands Resource Areas.**
- **The surface of the affected area shall be returned to the original conditions within one growing season after testing. This condition may be waived if a filing of a RDA or NoI is made and if approval for the project is granted by the TCC.**

Where proposed soil testing in upland is accessible only by crossing through a Buffer Zone, the above conditions shall apply. Where a Wetlands Resource Area must be crossed in order to access the upland area for soil testing, a NoI under the Bylaw, at a minimum, shall be required.

Since work, including construction of a septic system, within 100-feet of a Wetland Resource Area (i.e. within Buffer Zone) is not permitted, except following a vote of four members of TCC to grant a waiver, there should be no request to do soil testing in the Buffer Zone for new construction.

Any person proposing to conduct soil testing within Buffer Zone to determine the structural integrity of an existing structure for renovations or additions shall contact the TCC office for authorization to proceed without the filing of a RDA. If the Conservation Commission Administrator/TCC finds that insufficient information has been provided to assess potential impact of the proposed soil testing, or if the potential for alteration of Wetlands Resource Areas is significant (e.g., due to proximity of wetland, slope, lack of vegetation, etc.), the Administrator/TCC shall require the filing of a RDA.

Any person proposing to conduct soil testing for any purpose within 50 feet of a Wetland Resource Area or within a Wetland Resource Area shall file a Notice of Intent (NoI) and receive an Order of Conditions prior to commencement of any testing activity. The boundaries of the Wetland Resource Area(s) must be delineated prior to filing the NoI. The wetland delineation, the associated 100-foot Buffer Zone, the approximate location of proposed soil test pits and the access route must be shown on the plan submitted with the NoI.

The Topsfield Conservation Commission voted to accept this amended policy at its meeting on March 27, 2013.