

Chapter LV – Topsfield Scenic Road By-Law Rules and Regulations

1. Fees: The application fee for a Special Permit to change or alter a part of a wall on a designated Scenic Road shall be \$75.00. The application fee for a Special Permit to remove or significantly alter a tree on a designated Scenic Road shall be \$75.00. The cost of mailings and advertising as described below will be born by the applicant.

2. Application Procedures:

- a. The applicant shall apply using the Scenic Road Application Form. A clear and legible plan demonstrating the scope of the proposed work shall be submitted with the application. The plan shall include all proposed changes including any alteration and/or removal of trees, modifications to sections of stone wall(s) on the scenic road, reconstruction of walls and replanting of trees. Written approval of the proposed changes by the Highway Superintendent and the Tree Warden shall accompany the application.
- b. Under the direction of the Permit Granting Authority, notification of a public hearing shall be advertised in local papers on two successive weeks prior to the date of the hearing. The last notification shall be at least seven days prior to the public hearing. The cost of advertising shall be born by the applicant.
- c. The applicant shall follow the general filing procedures as outlined in the Topsfield Planning Board Rules And Procedures.
- d. The applicant shall be the owner of the property. The applicant shall appear before the Planning Board at said public hearing and present the plan for changes on the scenic road.
- e. The Planning Board reserves the right to continue the Public Hearing if the application is incomplete, additional information is deemed necessary or corrective action needs to be taken by the applicant.

3. Action of the Permit Granting Authority. The Permit Granting Authority may approve, approve with modifications, or disapprove an application filed under the Scenic Road By-law. The decision of the Permit Granting Authority shall be filed with the Town Clerk. Upon approval by the Board and filing decision with the Town Clerk, there shall be a 60-day appeal period after which time the Town Clerk shall issue a Certificate of No Appeal. Approved changes to the scenic road shall then commence. Should the Board disapprove the application the Highway Superintendent and Tree Warden shall be notified.

4. Further relief of a decision by the Planning board made under these Regulations shall be reviewable in the Superior Court in a action filed within 60 days thereof, in accordance with M.G.L. Chapter 249, Section 4.

5. Enforcement Authority. The enforcing authority for all actions within the scope of the Scenic Road By-law shall be the Planning Board and/or its agents, i.e. the Highway Superintendent and the Tree Warden or any police officer of the Town of Topsfield.

6. Fines for violations of the Scenic Road By-law shall be as cited in the By-law.

Adopted by the Planning Board on August 7, 2012.