

Section ?? – Administrative Review of Minor Projects or Work

[I suggest inserting these as a new Section 8 and moving the other sections accordingly-NS]

A. Findings

Some projects are simple, small in scale, minor, or routine, and such project involve very little activity or alteration in Resource Areas protected by the Bylaw and are not likely to have a significant or cumulative effect on the Resource Area Values protected by the Bylaw. Such projects would not even require a Request for Determination of Applicability and usually may be reviewed and approved by the Conservation Administrator rather than the full Commission.

B. Applicability

If a project meets the criteria in Section 8?? B.(1) or (2) below, the work may be reviewed and approved by the Conservation Administrator. If the Conservation Administrator has any doubt that a project meets these criteria, the Applicant will be required to file a Request for Determination of Applicability or application for a permit.

(1) A project may be approved by the Conservation Administrator if it meets all of the following conditions:

- a. No work is proposed in the Resource Areas listed in Section 2.A.(1), (2), (3), or (4) of these regulations [*Note: these are all RA's except AURA, Riverfront Area and Land Subject to Flooding*];
- b. Work is not proposed within 25 feet from the edge of the Resource Areas listed in Section 2.A.(1), (2), (3), or (4) of these regulations;
- c. No uprooting of non-invasive vegetation and not mowing to the ground or clear-cutting is proposed;
- d. *Other conditions?*

(2) A project may be approved by the Conservation Administrator if it one of the following activities:

- a. Fencing, provided that there are openings along the bottom at least 4 inches high in to allow wildlife movement; a sketch or survey of the property showing the proposed fence location must accompany the application.
- b. Installation of dried laid (not mortared) stone walls and compacted gravel footing, provided they do not constitute a barrier to wildlife movement; a sketch or survey of the property showing the proposed fence location must accompany the application.

- c. Vista pruning of shrubs and trees according to the following guidelines . . . [*See Falmouth's for detailed parameters*]?
 - d. Removal of invasive species by hand on the _____ list within the Buffer Zone and Adjacent Upland Resource Area provided native plants from the ____ list are planted in the same area *?or nearby?*
 - e. Planting of native species of trees, shrubs, or groundcover that are on the _____ list, but excluding planting or expansion of lawn area.
 - f. Not within 50 feet of the Resource Areas listed in Section 2.A.(1), (2), (3), or (4) of these regulations, the conversion of impervious surface to lawn, provided erosion and sedimentation controls are implemented during construction;
 - g. Activities that are temporary in nature, having negligible impacts, and are necessary for planning and design purposes (e.g., installation of monitoring wells, exploratory borings, sediment sampling, and surveying); a sketch or survey of the property showing the proposed locations and resource areas must accompany the application.
 - h. Pervious walkways of no more than four (4) feet in width as long as no trees or shrubs will be removed;
 - i. Filling of less than 1 cubic foot of floodplain ?
 - j. Conversion of existing lawn area to uses accessory to a single-family house, provided that the work is located more than 50 feet from the Resource Areas listed in Section 2.A.(1), (2), (3), or (4) of these regulations and is built on sono tubes, such as: open-slotted decks with crushed stone underneath, above-ground pools, patios under 100 square feet provided there is spacing between patio stones; freestanding (no foundation) sheds with a foot print of less than 15 x 15 feet; steps under 100 square feet; porches under 100 square feet on concrete sono tube footings. The conversion of such accessory uses to lawn is also allowed.
 - k. [*any other specific types of projects?*]
- C. Procedure:
- a. The Applicant shall complete and submit a Form ____ [*create form and name it*] that shall contain sufficient information to determine where the project or work is proposed and whether it meets the requirements set forth in this section.
 - b. The Applicant must provide a complete written description of all the work proposed and protective or mitigation measures proposed
 - c. The Conservation Administrator shall visit the site and the boundaries of Resource Areas must be clearly evident to the Conservation Administrator;

- d. The Conservation Administrator shall determine whether the project or work meets the criteria listed in Section __ (B) above.
- e. The Conservation Administrator shall issue an Administrative Review Decision (Form ____) within 7?? days of receipt of Form ____ that fulfills the information requirements of this section.
- f. The Conservation Administrator may approve the work as proposed, approve it with conditions, or deny the work.
- g. The decision will be filed with the Commission and a copy provided to the Applicant.

[Discussion point: do we want the Commission to be able to appeal to itself/reverse decision?]

D. Appeal

The decision rendered by the Conservation Administrator may be appealed by the person seeking Administrative Review by filing a Request for Determination of Applicability.

[Do we want the following?] Any person aggrieved by a decision rendered by the Conservation Commission under this Section may file an RDA with the Commission within ??? days.

E. x