

PART VIII BUFFER ZONES

8.01 Buffer Zone Set Backs

1) The Commission, based on its experience, has devised **NO DISTURB** zones (see 1.04) for applicants to use in designing their projects to achieve the resource protection sought by the by-law.

2) Dimensions for NO DISTURB areas:

a) Single family homes, including decks, porches, garages, asphalt or bituminous concrete parking areas

i) from top of bank of a water body: **50 feet**

ii) from edge of a vegetated wetland: **50 feet**

b) Multiple dwelling structures, including utility buildings and ancillary structures and devices.

i) from top of bank of a water body: **50 feet**

ii) from edge of a Vegetated wetland: **50 feet**

c) Commercial and Industrial Structures

i) from top of bank of a water body: **50 feet**

ii) from edge of a Vegetated wetland: **50 feet**

iii) Areas paved with asphalt or bituminous concrete or for parking, storage or repair of motor vehicles or motorized equipment: **95 feet**

d) Structures for storing petroleum distillates, fertilizers, pesticides or solid or liquid chemicals deemed hazardous by the Town Health Department: **95 feet**

e) Permanent or temporary structures or devices for storing or receiving trash or garbage: **50 feet with a fence to prevent material from spreading**

f) All dumpsters will be the self-contained and liquid type with no drains.

4) Buffer Strip

a) Goal:

The goal of the Commission is to maintain a strip of dense, vegetative cover between the development activity and the resource plant materials suitable for the maintenance of wildlife, both flora and fauna.

b) Function

A Buffer Strip serves to provide wildlife habitat, improve water recharge, reduce pollution and erosion and to maintain the natural appearance of our freshwater shorelines.

c) Size of Buffer Strip

1) Such a strip shall be a minimum of fifty feet (50) in width running along the resource area boundary, unless such width is unreasonable in view of the lot size. Placement of an existing structure or such placement of an existing structure or such other factors as the Commission may consider.

d) Elements of a Buffer Strip

Such a strip may consist of field grasses or wildflower meadow plantings, mowed once or twice per year of dense plantings of indigenous species such as Rosa rugosa, bayberry, etc.. In this case, plantings may be kept at a two to three foot height where necessary for view preservation, either by annual pruning to that height or by clear cutting to the ground once every three years, or as otherwise conditioned to permit re-growth from the plant's base.

1) Where new plantings are permitted in the Order of Conditions, slow release fertilizer may be required. The use of pesticides should be limited but if needed, I.P.M. (Integrated Pest Management) or best management practices should be utilized. Consult Plymouth County Extension Service for further details of I.P.M.

2) Plantings which require heavy watering will not be permitted, particularly adjacent to banks where such watering may result in runoff and erosion.

3) An access path, not more than four feet (4') wide through the strip may be maintained by such mowing as is required.

4) Permissible work in the Buffer Strip: While it is the Commission's intent that no work shall occur in this strip, any work which is proposed must meet a higher performance standard than work proposed elsewhere in the Buffer Zone, and will generally be limited to pruning and lifting as defined below:

d) Mitigation

The Commission may require that a buffer strip be created where none presently exists to mitigate past or present construction impacts.

5) Pruning, Cutting & Clearing

1) Filing Requirements

All proposed cutting, pruning, clearing or other vegetation removal projects require the filing of a Request for Determination of Applicability, a Notice of Intent, or and Administrative Review. Such filings should use the definitions below. All such proposed work shall be done in consultation with and under the supervision of the Conservation Commission or its designated agent.

b) Alterations within a resource area or Buffer Strip by cutting, removal or other destruction of above-ground vegetation within a Resource Area as defined in Section 1.02 of these regulations or within a Buffer Strip as defined above will be limited to Vista Cutting and Pruning. If a Buffer Strip is to be maintained in grasses or as a wild flower meadow, other appropriate vegetation removal may be approved.

c) Identification of a specific view

View clearing in the buffer zone or vista cutting and pruning in the Buffer Strip or resource area will be limited until construction is completed and/or a specific view identified. Applicants are encouraged to consult with the Commission before submitting the appropriate filing and when planning projects that involve the removal or replacement of vegetation in the Buffer Zone, Buffer Strip or Resource Area.

d) Definitions

- 1) Pruning: Removal of dead, diseased, obstruction, and weak branches, as well as selective thinning of branches to lessen wind resistance.
- 2) Selective Pruning: Limited pruning of tree branches and brush and the removal of dead trees.
- 3) Lifting: Lifting of the canopy by removing lower limbs from the main trunk.

- 4) Cutting: The removal of vegetation.
- 5) Selective Cutting: The removal of small, weaker trees and less desirable tree species, leaving the more vigorous trees.
- 6) Vista Cutting: The removal of vegetation that blocks a view.
- 7) Clear Cutting: Removal to the ground of all woody vegetation, including mowing of the under-story brush down to a minimum height of two inches (2").

Land Subject to Flooding or Inundation by Groundwater or Surface Water: This section 310 CMR 10.57 is incorporated subject to the changes below:

e) Docks (Piers)

- 1) Preamble: For the most part, docks provide private, not public access to resources which are, themselves, public and upon which dock construction and use impacts are adverse. Docks and piers are also subject to Hanson Zoning By-laws.

These adverse impacts cover a broad range. Turbulence and prop dredging generated by boat traffic to and from docks significantly increase turbidity levels which block sunlight necessary for the photosynthetic processes upon which the productivity of our waters depend. Suspended sediments, shellfish and altering the quality of the sand bottom essential for spat (mollusk larvae) settlement. Dock structures alter the circulation patterns which affect shellfish settlement. Prop dredging in near shore areas destroys shellfish habitat. Boat traffic generated from docks adds to this disruption and causes erosion of banks and marshes.

2) Presumptions

Docks are one of the few activities which come before the Commission for regulation which occur entirely within resource areas. ie: beaches, flats, and freshwater wetlands, land under freshwater bodies, to flooding. Collectively, these resource areas are presumed significant to all the interest protected under both the Wetlands Protection Act and the Hanson Wetlands Protection By-law [Article 3-13](#).