

# Danvers Conservation Commission

## 35' No-Disturb / 50' No-Build

### Regulation Policy

In February 2021, the Danvers Conservation Commission adopted new regulations which place a percentage limit on the amount of alteration permitted in the area 0'- 50' from a wetland resource area. The Commission cannot waive or increase the percentage limit; therefore, applicants are encouraged to be mindful when proposing to work within these restrictive buffers. Projects proposing to alter within the No-Disturb and No-Build buffer zones must adhere to certain regulatory performance standards and waiver requirements. More information on these requirements can be found in Section 3 and Section 5 of the Commission's Regulations.

#### **Definitions**

**35' No-Disturb Zone (NDZ):** The portion of the restrictive buffer zone extending thirty-five (35) linear feet from the edge of any wetland resource defined in Section 2.1(a) of the Bylaw.

**50' No-Build Zone (NBZ):** The portion of the restrictive buffer zone extending fifty (50) linear feet from the edge of any wetland resource defined in Section 2.1(a) of the Bylaw.

*Section 2.1(a) wetland resources:* any freshwater or coastal wetland; salt marsh; wet meadow; bog; swamp; vernal pool; spring; bank; reservoir; lake; pond; river or stream; beach; dune; estuary; coastal bank; lands under any water body; land subject to flooding or inundation by groundwater or surface water; land subject to tidal action; coastal storm flowage or flooding.

#### **Percentage Calculation Requirements**

Any project proposing alteration in the 0'-50' must show impact percentage calculations in a detailed table. This table will be used to confirm that the maximum allowable alteration percentages are not being exceeded.

- The maximum allowable alteration in the 0'-35' No-Disturb Zone cannot exceed 10% of the total land area of the No-Disturb Zone present on the lot.
- The maximum allowable alteration in the 0'-50' No-Build Zone cannot exceed 20% of the total land area of the No-Build Zone present on the lot.
- If proposing alteration in both restrictive buffer zones, the alteration amount proposed in the 0'-35' No-Disturb Zone (which cannot exceed 10%) must be subtracted from the allowable alteration amount for the 0'-50' No-Build Zone.
- Reduction of existing impervious within the 0' – 50' does not count towards/increase the allowable alteration percentage for the lot.
- Proposed mitigation measures will not increase the allowable alteration percentage for the lot.

**SEE NEXT PAGE FOR TABLE EXAMPLES**

**Example 1: Compliant project proposing impacts in both restrictive buffer zones.**

<b>ZONE</b>	<b>AREA ON THE LOT*</b>	<b>MAX. IMPACT ALLOWED</b>	<b>PROPOSED IMPACTS**</b>	<b>IMPACTS % COMPLAINT?</b>
0-35 No-Disturb Zone	20,000 S.F.	$20,000 \times 0.1 = 2,000$ S.F.	1,000 S.F.	YES – 5% OF NDZ
0-50 No-Build Zone	25,000 S.F.	$25,000 \times 0.2 = 5,000$ S.F. MINUS 1,000 S.F. (SUBSTRACT IMPACTS PROPOSED IN THE 0'-35') = 4,000 S.F.	2,000 S.F.	YES – 8% OF THE NBZ
TOTALS:		$2,000$ S.F. + $4,000$ S.F. = $6,000$ S.F. MAX IMPACT ALLOWED	$1,000$ S.F. + $2,000$ S.F. = $3,000$ S.F. IMPACTS PROPOSED	YES - $3,000 < 6,000$

**Example 2: Compliant project proposing impacts in only one restrictive buffer zones**

<b>ZONE</b>	<b>AREA ON THE LOT*</b>	<b>MAX. IMPACT ALLOWED</b>	<b>PROPOSED IMPACTS**</b>	<b>IMPACTS % COMPLAINT?</b>
0-35 No-Disturb Zone	20,000 S.F.	$20,000 \times 0.1 = 2,000$ S.F.	0	YES - 0 % OF THE NDZ
0-50 No-Build Zone	25,000 S.F.	$25,000 \times 0.2 = 5,000$ S.F.	2,000 S.F.	YES – 8% OF THE NBZ
TOTALS:		$2,000$ S.F. + $5,000$ S.F. = $7,000$ S.F. MAX IMPACT ALLOWED	$2,000$ S.F. IMPACTS PROPOSED	YES - $2,000 < 7,000$

**\*AREA ON THE LOT =** The total square footage of present land area, including areas of existing impervious coverage such as buildings, porches, sheds, etc. that is within the 0'-35' and the 0'-50'.

**\*\*PROPOSED IMPACTS =** The total square footage of *new and permanent* impervious coverage that is being proposed.