

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

### **Regulation Policy**

The Conservation Commission has adopted new restrictive buffers as of February 2021. Projects proposing to alter within these buffers must adhere to certain regulatory performance standards and waiver requirements. More information on these requirements can be found in Section 3 of the Commission's Regulations.

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#### ***Definitions***

35' No-Disturb Zone: 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: 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.

*As defined above, the 50' No-Build Zone encompasses the 35' the No-Disturb Zone, and both are measured from the edge of the resource area.*

#### ***Restrictions***

The following is prohibited 0'-35' from the edge of the wetland resource (*No-Disturb Zone*)

- Grading, landscaping, shading, vegetation clearing, mowing, cutting, filling, depositing/dumping of yard waste, excavating, road construction, and driveway construction.

The following is prohibited 0'-50' from the edge of the wetland resource (*No-Build Zone*)

- Buildings/structures that require a building permit
- Structures or other fixtures that may not require a building permit including but not limited to fences, retaining walls, decks, patios, porches, sheds, and the like.

#### ***Waiver Requirements***

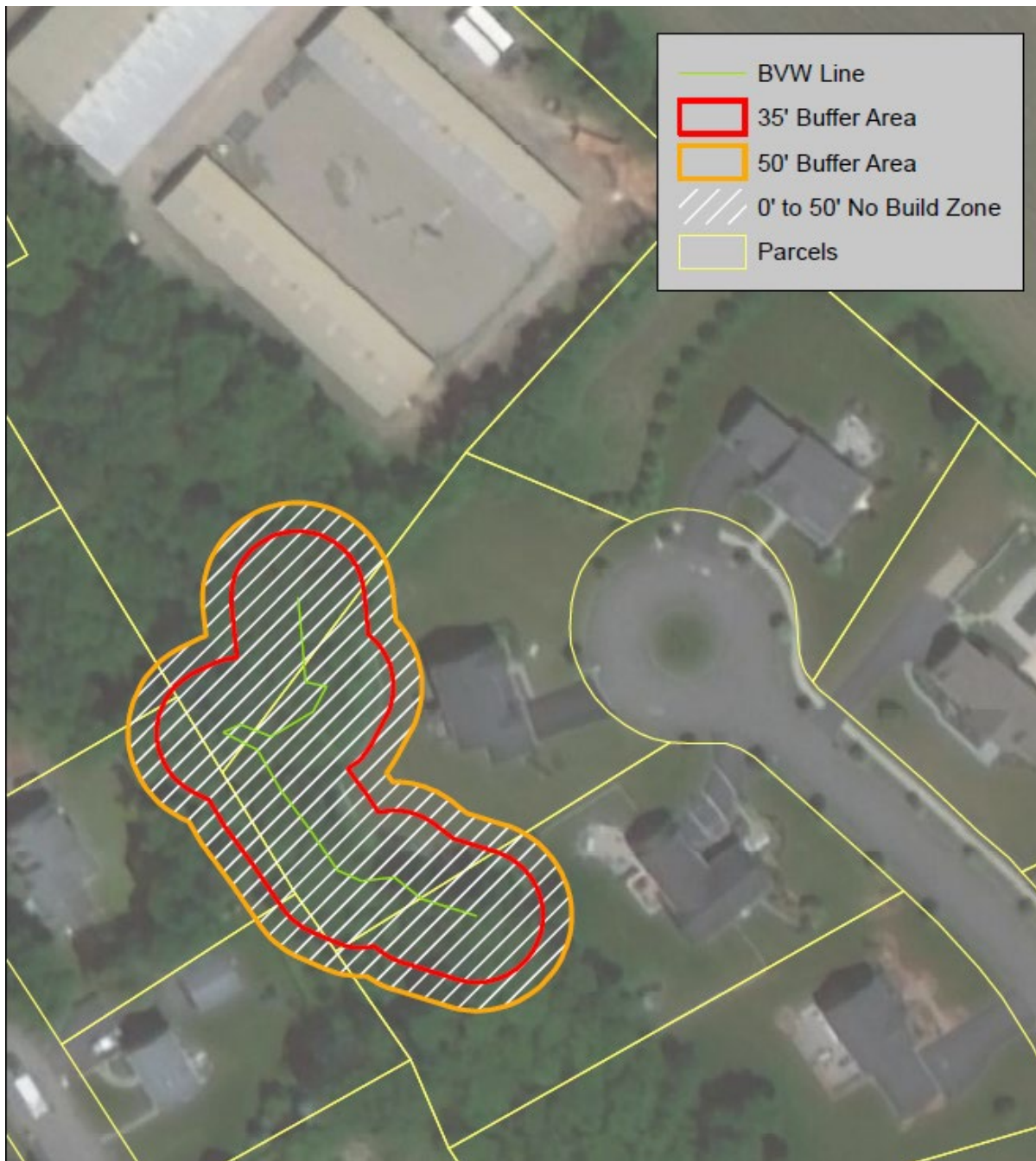
Projects proposing alteration within the 35' No-Disturb Zone and/or the 50' No-Build Zone must submit a waiver request as defined in Section 5 of the Regulations, alongside the NOI application.

If a waiver is granted for the project:

- The total allowable alteration in the No-Disturb Zone shall not exceed 10% of the total area of the No-Disturb Zone buffer setback for the lot.
- The total allowable alteration in the area 35'-50' from the wetland edge shall not exceed 20% of the total area of the No-Build Zone buffer setback for the lot.
- If proposing alteration in both restrictive buffer zones, the alteration amount proposed in the No-Disturb Zone must be subtracted from the allowable alteration amount for the area 35'-50'.

**SEE NEXT PAGE FOR EXAMPLES**

Zone being altered	Square footage for buffer calculation	How to Calculate Max Impact
0'-35' Only	$\frac{\underline{X}}{\text{sq. ft.}}$ (X = total square footage of area between 0' – 35' on the lot)	$\frac{\underline{X}}{\text{sq. ft.}} \times 0.1 = \underline{\quad}$ (This equation gives you the maximum sq. ft. you may request to alter only in the area 0'-35')
35'-50' Only	$\frac{\underline{X}}{\text{sq. ft.}}$ (X = total square footage of area between 0' – 50' on the lot)	$\frac{\underline{X}}{\text{sq. ft.}} \times 0.2 = \underline{\quad} \text{ sq. ft.}$ (The equation gives you the maximum sq. ft. you may request to alter only in the area 35'-50')
0'-35' AND 35'-50'	$\frac{\underline{X}}{\text{sq. ft.}}$ (X = total square footage of area between 0' – 50' on the lot)	$\frac{\underline{X}}{\text{sq. ft.}} \times 0.2 = \underline{\quad} \text{ sq. ft.} - \underline{\quad}^*$ (This equation gives you the maximum sq. ft. you may request to alter in BOTH zones. *The amount you propose to alter in the 0'-35', must be subtracted from the total allowable alteration for the area 35'-50')



**Example 1: Proposing to alter ONLY in the area 0' – 35'** If you are proposing to work ONLY in the area 0'-35' (No-Disturb Zone) from the wetland line, you may request to alter up to 10% of the total No-Disturb Zone area.

Zone	Sq. Ft. for buffer calculation	Max Impact Allowed	Proposed Impact
0'-50'	400 sq. ft.	$400 \text{ sq. ft.} \times 0.2 = 80 \text{ sq. ft.}$	20 sq. ft.
0'-35'	200 sq. ft.	$200 \text{ sq. ft.} \times 0.1 = 20 \text{ sq. ft.}$	20 sq. ft. (10%)
35'-50'	400 sq. ft.	$400 \text{ sq. ft.} \times 0.2 = 80 - 20 = 60 \text{ sq. ft.}$	0

**Example 2: Proposing to alter ONLY in the area 35' – 50'** If you are proposing to work ONLY in the area 35'-50' from the wetland line, you may request to alter up to 20% of the total area 0'-50' (No-Build Zone) from the wetland line.

Zone	Sq. ft. for buffer calculation	Max Impact Allowed	Proposed Impact
0'-50'	400 sq. ft.	$400 \times 0.2 = 80 \text{ sq. ft.}$	80 sq. ft.
0'-35'	200 sq. ft.	$200 \times 0.1 = 20 \text{ sq. ft.}$	0 sq. ft.
35'-50'	400 sq. ft.	$400 \times 0.2 = 80 \text{ sq. ft.}$	80 sq. ft. (20%)

**Example 3: Proposing to alter in BOTH areas from 0' – 50'** If you are proposing to work in BOTH areas, the total square footage you alter in the 0'-35' (up to 10%), must be subtracted from the maximum square footage you may alter in the 35'-50'.

Zone	Total Area on Lot	Max Impact Allowed	Proposed Impact
0'-50'	400 sq. ft.	$400 \times 0.2 = 80 \text{ sq. ft.}$	80 sq. ft.
0'-35'	200 sq. ft.	$200 \times 0.1 = 20 \text{ sq. ft.}$	20 sq. ft. (10%)
35'-50'	400 sq. ft.	$400 \times 0.2 = 80 - 20 = 60 \text{ sq. ft.}$	60 sq. ft.