



# TOWN OF HINGHAM CONSERVATION COMMISSION

## Buffer Zone Mitigation Policy

**Purpose.** The Buffer Zone is the area within 100 horizontal feet of wetland Resource Areas specified in the Hingham Wetland Regulations (HWR) Section 2.0 (1-4). The Buffer Zone is presumed to be significant to the following wetland values in accordance with HWR 22.0 (b): protection of public or private water supply; protection of groundwater; flood control; erosion and sedimentation control; storm damage prevention, including coastal storm flowage; prevention of water pollution; protection of fisheries, protection of wildlife and wildlife habitat; protection of rare species habitat, including rare plant and animal species; protection of recreation; and protection of aesthetics. These presumptions and the importance of naturally vegetated buffers are further supported by well-documented science in the MACC Wetlands Buffer Zone Guidebook (2019).

This policy is intended to ensure that permitted work meets the performance standards for the Buffer Zone in HWR 22.0 (d)(1-5). The policy also supports the General Provisions in 310 CMR 10.24(1) and 10.53(1) for work in the Buffer Zone, and imposing conditions for the preservation and restoration of natural vegetation.

**Policy.** The Commission requires mitigation plantings and/or restoration of the Buffer Zone for permitted activities resulting in new impervious surfaces and/or structures. Mitigation is required where existing conditions are maintained areas, such as lawn and landscape beds, areas with bare soil or naturally occurring rocks, naturally vegetated areas, and other pervious surfaces and structures, as defined in the table below. Mitigation is not required where existing conditions are impervious surfaces or structures, as defined in the table below. Mitigation is not typically required for fences. Mitigation shall be required as follows:

Work Location	Proposed Conditions**	Mitigation Required
Within 100 foot Buffer Zone <i>(50-100 feet from Resource Area, not a Vernal Pool)</i>	Impervious surfaces/structures	One to one (1:1) mitigation area to altered area
	Pervious surfaces/structures	No mitigation required
Within 100 foot Buffer Zone <i>(0-100 feet from Vernal Pool*)</i>	Impervious surfaces/structures and pervious surfaces/structures (all alterations)	Two to one (2:1) mitigation area to altered area
Within 50 foot Buffer Zone <i>(0-50 feet from Resource Area, not a Vernal Pool)</i>	Impervious surfaces/structures	Two to one (2:1) mitigation area to altered area
	Pervious surfaces/structures	One to one (1:1) mitigation area to altered area

\*Vernal Pool is defined in HWR 19.1 (c).

\*\*Impervious surfaces/structures shall include, but not be limited to, buildings, houses, additions, covered porches, garages, sheds, pavilions, swimming pools, hot tubs, walls, and driveways, patios, and walkways (depending on type). Pervious structures/surfaces shall include, but not be limited to, decks (with gaps between planks and pervious surface beneath), pergolas (with open roof), patios (depending on type), and outdoor showers. Applicants should provide summary calculations of the existing and proposed conditions by surface/structure type, within the 50 foot and 100 foot Buffer Zones.

1. Prior to permitting Buffer Zone alteration, the Commission may require applicants to demonstrate that impacts have been avoided and/or minimized, and that there are no feasible alternatives with less impact to the Buffer Zone and/or Resource Areas.
2. Mitigation planting plans shall be submitted in advance for review and approval by the Commission and shall include a minimum square feet of mitigation area, including a mix of trees, shrubs, and herbaceous species, as specified by the Commission. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed. The Commission may require minimum plant sizing.
3. Locations closest to Resource Areas shall be prioritized for mitigation areas. Mitigation areas shall be located in previously altered or developed areas, such as existing lawn, yard waste disposal/composting areas, or areas where structures or impervious surfaces are being removed. At the discretion of the Commission, restoration of degraded, naturally vegetated areas may be allowed as mitigation; for example, removing non-native invasive species and planting with native species, or planting sparsely vegetated areas.
4. Mitigation shall include preparing the area for planting by removing any debris and existing lawn or vegetation if applicable, minor grading and coverage by topsoil if necessary, planting woody and herbaceous species, and seeding the remaining area with a conservation/wildlife seed mix or similar, unless other methods are approved or specified by the Commission. Mulch shall generally only be allowed around individual plants that are still establishing roots. The Commission may require mitigation or restoration to be overseen by a wetland scientist or other appropriate professional.
5. Mitigation area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant. The Commission may require monitoring reports at the end of each growing season. Mitigation planting areas are intended to remain as naturally revegetated following planting and seeding, or be maintained with native plantings, as specified by the Commission.

**Exemptions.** At the discretion of the Commission, projects may be fully or partially exempt from this policy based on lot constraints (e.g., insufficient area to install mitigation plantings as required by this policy) or scope of work, or the Commission may allow mitigation outside of the Buffer Zone, or alternative forms of mitigation.