

February 22, 2023

RE: Revisions to Plympton Wetland Bylaw Regulations

Dear Agents and Prospective Applicants,

Please be advised that the Town of Plympton Wetland Bylaw Regulations, chapter 370, have been revised as of February 21, 2023 (effective February 22, 2023). The changes are primarily found in the regulatory sections on Buffer Zones and Rivers/Streams, but also include multiple Administrative Clarifications or Minor Edits found throughout. This regulatory revision is intended to both clearly articulate the expectations of the Plympton Conservation Commission when reviewing applications and to streamline the permitting process. The highlights of these regulatory changes are summarized below.

**Buffer Zone** – Wetland Regulation section 19 was updated in all three sections – (A) Definition, (B) Presumption of Significance, and (C) Performance Standards - based on information provided within the MACC Buffer Zone Guidebook, dated June 6, 2019. This Guidebook summarizes the accumulated scientific literature on how the immediately adjacent uplands (the buffer zone) functions to protect wetland resource areas and offers guidance on how to objectively review potential project impacts using measurable metrics.

**Presumption of Significance.** Two new presumptions are articulated in section 19.B that stress the importance of the buffer zone to protect the adjacent wetland resource area. First, by expanding s. 19.B(1), the Commission presumes that an activity undertaken in close proximity to a wetland will have a high likelihood of adverse impact, either immediately or as a consequence of the daily operation or existence of the activity. Secondly, in the new section 19.B(3), the Commission presumes that buffers of less than 50 feet are more susceptible to degradation by human disturbance based on the scientific literature. But width is not the sole factor to consider. Other physical factors are listed that can be objectively measured in the field to assist the Commission in its project review. These factors are slope, soil type, vegetative structure, the existing level of disturbance, and the proposed construction and post construction impacts. This presumption becomes the basis for a Baseline Report the Commission may require for work within the Buffer Zone.

**Expand Performance Standard for the Outer 50-foot Buffer Zone at s.19.C(4).** The Commission will consider a multiple-zone approach when reviewing proposed work in the Buffer Zone. The Inner 50-foot Buffer Zone will be followed by an area where limited work and no impervious cover will be allowed. Any impervious structure shall be located as far from the wetland resource area as practicable. No new setback distances are suggested, rather the Commission is giving notice that structures are presumed to have an activity zone around them that has its own potential for cumulative impacts. The Applicant will be required to submit alternative designs and locations and mitigation measures, and may require submission of a baseline report.

**Discretion to request two new reports of existing conditions.** The Applicant may be required to submit a **Baseline Report**, described in the new section 19.C(5), to help the Commission determine what buffer zone width would provide adequate protection given the specific conditions of a project site. The report, to be prepared by a qualified professional environmental scientist, shall describe the physical and biological conditions of the project site as well as an alternative analysis and any mitigation necessary to reduce the potential impact from the proposed project. The following factors, at a minimum, shall be described in both narrative and plan view.

- Vegetative structure and variety - identify the existing vegetation in terms of cover type, density, height (ground cover, mid-story, or canopy), and variety of type and age classes. Note any invasive species and their areal coverage.
- Elevation change - identify the percent slope within the buffer zone between the wetland resource area and proposed limit of work, using a series of transects if the slope varies across the project site. If the slope is less than five percent, the Inner 50' Buffer Zone shall be sufficient to remove pollutants. Slopes five percent or

greater shall increase the width of the buffer zone by a multiplier of 1.3. Slopes fourteen percent or greater shall increase the width of the buffer zone by a multiplier of 1.4.

- Soil structure - identify the type of soils found within the project site. When permeable, moderately coarse soils, such as glacial outwash, are present, the Inner fifty-foot Buffer Zone may be sufficient to filter pollutants. The width of the naturally vegetated buffer zone should be increased to protect water quality where soils have a low filtration rate (such as having high content of clay or are compacted glacial till), or a high filtration rate (such as sandy or coarse textured soils).
- Location - identify the project site in the context to the surrounding area by locating the land uses on and abutting the project site, including potential pollution sources. Locate mapped resources areas, including the adjacent bylaw resource areas, flood zone, core habitat and critical landscape types identified in the BioMap, estimated or priority habitat mapped by the Natural Heritage and Endangered Species Program, and the location within the Groundwater Overlay District (Type 1, Type II, or Type III as referenced in Plympton Zoning Code s. 300-8.3). The landscape context may trigger the need for a wildlife habitat study.
- Proposed activity - describe the proposed construction stages and anticipated long-term operation. Provide an alternative analysis and any mitigation necessary to reduce the potential impact on the wetland values.

As stated in the Plympton wetland bylaw and included in the new section 19.C(6), the Applicant may be required to submit a **wildlife habitat study** by a qualified professional. The Commission will base its decision on its estimation of the importance of the habitat area, considering such factors as proximity to other areas suitable for wildlife, and importance of wildlife corridors in the area. A wildlife habitat study will be required whenever the project site is located in or abuts estimated or priority habitat as mapped by the Natural Heritage and Endangered Species Program, or in or abuts Core Habitat or Critical Natural Landscapes as designated in BioMap, or a waiver is requested in a Vernal Pool or its Buffer Zone. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the state wetland protection regulations at 310 CMR 10.60.

**Stormwater review for new construction.** In a new section 19.C(10), the Commission will require stormwater management review for any new building for residential or commercial use. Stormwater management is often proposed voluntarily to mitigate the impact of new driveways or new buildings proposed within Commission jurisdiction. This performance standard will make that practice more uniform and lowers the standard for when stormwater management is required.

**Stream Performance Standards** – The Plympton Wetland Regulations separate perennial streams from intermittent streams and identify four types of intermittent streams that regularly experience naturally occurring flow interruptions. While all streams are important for flood control and storm damage prevention, the groundwater protection function can vary greatly. The Commission has created a sliding setback distance based on type of stream. These revisions are made in the regulatory sections for streams (s. 14.C), Buffer Zones (s. 19.C), and Riverfront Area (s. 20). Perennial Streams have a 200' Riverfront Area, with performance standards articulated in section 20. The adequate buffer zone width for Intermittent Streams, stated in section 19.C(5), varies based on the Type of Intermittent Stream.

Type I - 75' setback

Type II - 50' setback

Type III - 25' setback

Type IV – Provide an adequate strip of native vegetation based on the terrain and soil types.

The full text of the updated wetland bylaw regulations can be found on the Plympton Conservation Commission website at <https://www.town.plympton.ma.us/conservation-commission>. The Commission appreciates your willingness to

review these updates and prepare your Notice of Intent submissions accordingly. If you have any questions or seek pre-application assistance, do not hesitate to contact Brian Vasa at (781) 317-9317 or [PlymptonConCom@gmail.com](mailto:PlymptonConCom@gmail.com).