

d) Performance Standards.

- (1) The intent of the Conservation Commission is to move all structures and activities as far away as possible from any Resource Area, in order to protect the wetland values of Resource Areas.
- (2) Except as otherwise specified, Resource Area buffers shall be retained and maintained in a naturally vegetated condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required.
- (3) The Commission may require that already-altered buffer zone be restored in order to protect or improve Resource Area values. Restoration means planting native vegetation, grading, correcting site drainage, removing debris, or other measures which will improve, restore and protect the wetland values of the Resource Area.
- (4) Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate and rare plant species, as identified by procedures established under 310 CMR 10.37 for Coastal Resource Areas or 310 CMR 10.59 for Inland Resource Areas.
- (5) The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.

23.0. PROJECT-SPECIFIC PERFORMANCE STANDARDS

The following performance standards shall be applied to projects that are proposed in one or more of the Resource Areas as defined herein. The Conservation Commission has frequently reviewed certain activities and as a result has developed standards that the Commission feels are sufficient in most cases to protect the wetland values of each affected Resource Area. In addition to the following specific performance standards, the Conservation Commission may require a Conservation Restriction on land associated with new projects in any Resource Area defined herein, if the Commission deems it necessary to protect the wetland values of the Resource Area.

23.1. Septic Systems

a) Subsurface Disposal of Sanitary Sewage (Title 5). The State Environmental Code (310 CMR 15.00 et seq.), administered locally by the Town of Duxbury Board of Health, is a minimal public health regulation that may be supplemented at the local level. This code was developed to protect public health against bacteria-caused disease; it was not designed to protect public health from viral contamination nor was it designed to protect environmental quality from septic-derived nutrient and toxic contamination. The use of

septic systems is likely to have a significant or cumulative adverse effect on the protection of public and private water supply; protection of ground water; flood control; erosion and sedimentation control; prevention of water pollution; protection of fisheries; protection of shellfish; protection of wildlife and wildlife habitat; protection of rare species, including rare plant and animal species; protection of recreation; protection of agriculture; protection of aquaculture; and protection of aesthetics.

b) Presumptions concerning Septic Systems.

- 1) A septic system is presumed to protect the wetland values when it is sited according to the provisions of Title 5 and the Duxbury Board of Health regulations and when it meets the Duxbury Conservation Commission standards for setbacks from Resource Areas.
- 2) Any proposed septic system or repair to an existing septic system that does not meet the provisions of Title 5 or the Duxbury Board of Health Regulations or the Duxbury Conservation Commission standards for setbacks from Resource Areas shall be presumed to have a significant or cumulative adverse effect on the wetland values specified in DWR 2.0.
- 3) Septic System Location. A septic system is considered to be properly sited only if all of the following conditions are met:

- a) None of the septic system components is located within any Resource Area as defined in DWR 2.00 (1-6) or within the Inner Riparian Zone of a Riverfront Area.
- b) The leaching field is not located in the V-zone portion of LSCSF.

c) Existing Septic Systems. The minimum 100-foot setback requirement shall not be required for the renovation or routine replacement of septic systems provided that no alternative location is available on the lot or other parcel under the ownership or control of the owner of the system proposed for upgrade, and, where applicable, provided that variance of property line and/or street layout setbacks have been applied for from the Town of Duxbury Board of Health.

The setback requirement from the wetland Resource Areas listed in DWR 23.0 shall be required for any enlargement of a system which accompanies expanded scope of use, or an increase in flow.

d) Presumption Concerning Board of Health Variance. If a proposed septic system requires a variance from the requirements of 310 CMR 15.00 and/or the Duxbury Board of Health regulations, it is presumed that the septic system does not protect the wetland values of the Resource Area. Obtaining all necessary permits from other agencies does not ensure issuance of an approval Order of Conditions.

23.2. Pools and Tennis Courts

- 1) The intent of the Conservation Commission is to move all structures and activities as far away as possible from any Resource Area.
- 2) The Commission may at its discretion allow a proposed pool or tennis courts and all associated structures and facilities if they are at least 50 feet from a Resource Area, as defined in DWR 2.0 (1-5) if it is satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area.
- 3) No mitigation is sufficient to allow a pool or tennis court less than 50 feet to a Resource Area, as defined in DWR 2.0 (1-5)

23.3. Landscaping

No lawns or driveways may be constructed within 25 feet of any Resource Area, as defined in DWR 2.00 (1-5).

23.4. Coverage

1) Total coverage of any type shall not exceed 15% in residential zoned areas in the Buffer Zone to any Resource Area as defined in DWR 2.00(6). Coverage calculations shall include, but not be limited to, all structures, impervious driveways, impervious walkways, impervious roadways, decks, pools, tennis courts, and any other similar surfaces that cover the ground. The Commission may consider greater than 15% coverage on a lot where both the wetlands resource and the Buffer Zone are located substantially outside of the lot.

23.5. Impervious Coverage

1) Beach Front- Gurnet Road Area

a) The Conservation Commission wishes to limit hardened surfaces on the Town of Duxbury's barrier beaches. During coastal flood events, flowing floodwaters move sediment as part of the natural cycle of the barrier beach. The energy in these floodwaters is dissipated by soft relatively flat surfaces. Limiting the amount of hard impervious surfaces is necessary to preserve barrier beach values of flood control, prevention of storm damage, prevention of pollution, and public safety. In light of this, the Commission has established the following regulation. This is a regulation for the installation of impervious driveways and walkways in the Duxbury Beach Area as shown on Town of Duxbury Assessors Maps 210b, 211, and 212. Applicants must file an application with the Commission and obtain approval for the project prior to the commencement of any work.

b) Beachfront Properties in this area – AO zones (as defined herein) along the seawall.

Only pervious driveways and walkways may be permitted for the beachfront properties along the seawall – in overwash zones, they may be installed from the roadway to the house only.

- i) The total combined area of the impervious driveway and walkways shall not be more than exceed 500 square feet.
- ii) Pervious walkways shall be no more than 36 inches wide.
- iii) The area between the house and seawall shall be pervious material.

c) Non-Beach Front Properties in this area – A zone (as defined herein) - Still Water Flood Zones

- i. Impervious driveways and walkways may be installed on the lot.
- ii. The total combined area of the impervious driveway and walkways shall not be more than 500 square feet.
- iii. Impervious walkways shall be no more than 36 inches wide.

23.6. Piers

- (1) The intent of the Commission is to have the size of all piers as small and low as possible to avoid or minimize adverse effects and cumulative adverse effects upon the wetland values.
- (2) No pier (dock or walkway) may cause an adverse effect or cumulative adverse effect to any Resource Area, except as permitted below.
- (3) No more than one pier (dock or walkway) shall be permitted to be constructed or located on any residential property or parcel of land at any time.
- (4) In addition to meeting performance standards for Resource Areas, construction of piers (docks or elevated walkways) shall not adversely affect the following: shoreline movement of sediments, shellfish habitat, fisheries and fish habitat, water quality, nor shall it obstruct shellfishing or obstruct the reserved public rights of fishing, fowling, navigation, or passage, or significantly destroy a public view or degrade aesthetic value. No solid fill piers (docks or walkways) shall be permitted. No creosote wood or CCA-treated wood (i.e., copper-chromium-arsenate-treated wood) shall be permitted.
- (5) Any pilings permitted shall be driven, not washed or jetted, into any salt marsh.
- (6) No pier (dock or walkway) shall extend any greater distance than necessary to reach just beyond vegetated salt marsh.

- (7) The Commission may allow at its discretion, a pier (dock or walkway) no greater than 4 feet wide at any point; 200 feet long; a platform no greater than 6 feet by 8 feet including the walkway; and only one float no greater than 10 feet by 20 feet, if satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area.
- (8) Railings and walkways shall be unobtrusive as possible and their construction shall be of such material, color, shade or tone as to blend in with the natural surroundings.
- (9) No floats may be stored in a wetland resource area.
- (10) Piers (docks or walkways) shall be constructed using procedures determined by the Commission to be the best available measures to minimize adverse effects and cumulative adverse effects on wetland values of the Bylaw.

23.7. Underground Storage Tanks

No underground storage tank for oil or hazardous material is permitted in any Resource Area as described in DWR 2.00 (1-5, 7) or within the Inner or Outer Riparian Zone.

23.8. Filling

- (1) No fill shall be placed in any Resource Area or any buffer zone so as to alter the flow of surface water in a way that the Conservation Commission feels will adversely affect the wetland values of the Resource Area(s).
- (2) No filling or excavation or other alteration of salt marshes shall be permitted.
- (3) The Commission at its discretion may allow the filling of up to 2,500 square feet of Vegetated Wetland for a limited project, if satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area. If filling is allowed, the Commission may require replication of the wetland at a ratio of at least 2:1, in an area that is hydrologically suitable for supporting wetland functions, hydrologically connected to the altered wetland and must be accomplished by using wetland soils and by using native wetland plant species removed from the area to be filled. The replicated wetland must be established prior to commencing the upland activity. The replicated wetland must be monitored for at least two growing seasons and must be maintained as a functional wetland with wetland values at least equaling those of the filled wetland for at least five years following the completion of the main project.
- (4) A bridge covering a Resource Area is considered fill.
- (5) Compatible fill shall be used for beach and dune nourishment projects. Compatible fill means clean sediment of a grain size that is approximately the same as the area being nourished (e.g., if the area being nourished consists of

gravel, sand, silt or clay, then the fill brought in for nourishment should be gravel, sand, silt or clay). Clean means the sediment does not contain contaminants and is free of debris.

- (6) Dumping of lawn wastes, brush or leaves or other materials or debris is not permitted in any Resource Area.
- (7) The Commission is authorized to deny any filling of any Resource Area in order to protect the wetland values of the Resource Area.

23.9. Structures

- (1) The intent of the Conservation Commission is to move all structures and activities as far away as possible from any Resource Area.
- (2) The Commission may at its discretion allow a proposed structure on a wall-type foundation within 100 to 50 feet of the Resource Area, as defined in DWR 2.0 (1-5), if satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area.
- (3) No mitigation is sufficient to allow a structure on a wall-type foundation less than 50 feet to a Resource Area, as defined in DWR 2.0 (1-5).
- (4) The Commission may at its discretion allow a structure on an open pile foundation within 100 to 35 feet of a Resource Area, as defined in DWR 2.0 (1-5).
- (5) No mitigation is sufficient to allow a structure on an open pile foundation less than 35 feet to a Resource Area, as defined in DWR 2.0 (1-5).
- (6) New structures and substantially renovated or reconstructed structures on any barrier beach are required to be constructed on an open pile-type foundation.

23.10. Sheds

Sheds up to 192 square feet built on open-sonotube foundations and located 75 feet or more from the edge of bordering vegetated wetlands (BVW) do not require a permit under this Bylaw.

23.11. Decks

Reconstruction of an existing deck on an open-pile foundation that is located 75 feet or more from bordering vegetated wetlands (BVW) does not require a permit under this Bylaw.

23.12. Other – RESERVE