



TOWN OF COHASSET

CONSERVATION COMMISSION

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COHASSET

WETLANDS

RULES +

REGULATIONS

Cohasset Wetlands Regulations

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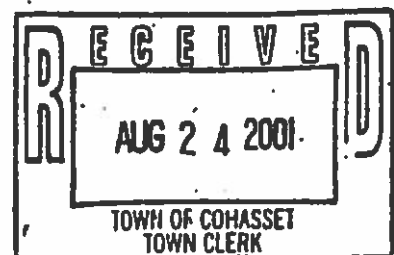
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COHASSET WETLANDS REGULATIONS

EFFECTIVE DATE June 21, 2001

These regulations, known as the Cohasset Wetlands Regulations (CWR), are promulgated under the authority of the Cohasset Wetlands Bylaw (Bylaw). These regulations supplement the State Regulations issued under the State Wetlands Protection Act, MGL ch. 131, s. 40 (Act), found at 310 Code of Mass. Regs. (CMR) 10.00 et seq., as amended from time to time.

PART I – GENERAL REGULATIONS FOR ALL WETLANDS

SECTION 1. JURISDICTION

(State Regs. 310 CMR 10.01, 10.02)

The jurisdiction of the Conservation Commission extends over all activities, within the Resource Areas and the One Hundred Foot (100') Buffer Zone which is comprised of a Fifty foot (50') Inner Buffer Zone and, Fifty foot (50') Outer Buffer Zone (see **Part IV of these Regulations for descriptions of these areas and zones**) that, in the judgment of the Commission, may or will remove, fill, dredge or alter a Resource Area, Inner Buffer Zone or Outer Buffer Zone, or which may or will adversely impact or alter a Protected Interest. Such activities require the filing of a Permit Application.

UNDER THE BYLAW, THE COMMISSION HAS THE SAME GEOGRAPHIC AND SUBJECT MATTER JURISDICTION AS IT HAS UNDER THE STATE WETLANDS PROTECTION ACT ("STATE ACT") AND REGULATIONS ("STATE REGULATIONS"), AS IN FORCE FROM TIME TO TIME, WITH THE FOLLOWING ADDITIONS

A. Additional Resource Areas

Additional Resource Areas under the Bylaw are (i) isolated land subject to flooding and isolated, vegetated wetlands, of any size as to each, and (ii) vernal pools, whether or not state-certified, and whether or not they are within a regulated resource area.

B. Additional Protected Interests

Additional Protected Interests under the Bylaw are

- (1) Protection of groundwater and surface water quality
- (2) Prevention of erosion
- (3) Protection of aesthetics

(Aesthetics means those natural and natively scenic impressions of our shores, ponds, streams, rivers, and the lands bordering them. It means preservation of a perception of the land which is most

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conductive to a continued wildlife habitat, a natural aquatic system and a protective buffer between our Resource Areas and human development activities.)

- (4) Protection of recreational interests
Recreational Interests mean the use and enjoyment of our natural surroundings by all in a manner consistent with their preservation.
- (5) Protection of wildlife habitat
- (6) Protection of agricultural values
- (7) Protection of vernal pool habitat [including isolated vernal pools which are not in a resource area]
- (8) Protection of riverfront areas (Two Hundred foot [200'] Riverfront area)

C. Inner Buffer Zone and Outer Buffer Zone

The Commission has jurisdiction over the area within One Hundred (100) feet from the edge of a Resource Area (the **Buffer Zone**). The area of jurisdiction within the first Fifty Feet (50') of the edge of a Resource Area is the **Inner Buffer Zone**, the remaining Fifty Feet (50') is the **Outer Buffer Zone**. All Resource Areas, except isolated land subject to flooding and isolated, vegetated wetlands have a One Hundred Foot (100 ') Buffer Zone. The Isolated Land Subject to Flooding (ILSF) and Isolated Vegetated Wetlands have a Twenty-Five Foot (25') Buffer Zone. The 100 year Flood Plain does not have a buffer zone.

D. Activities Regulated

(1) Activities within Resource Areas

Any activity proposed or undertaken within a Resource Area as herein defined which, in the judgment of the Commission will remove, fill, dredge or alter an Area Subject to protection under the Bylaw is subject to regulation under the Bylaws and requires the filing of a **Notice of Intent**.

(2) Activities within the Inner Buffer Zone

Any activity proposed or undertaken within Fifty Feet (50') of a Resource Area, as herein defined which, in the judgment of the Commission will remove, fill, dredge or alter an Area Subject to protection under the Bylaw is subject to regulation under the Bylaws and requires the filing of a Notice of Intent. If the applicant is in doubt as to whether a hearing shall be required by the Commission, a **Request for Determination of Applicability** should be filed.

(3) Activities within the Buffer Zone

Any activity proposed or undertaken within One Hundred Feet (100') of a Resource Area, as herein defined which, in the judgment of the Commission will remove, fill, dredge or alter an Area Subject to protection under the Bylaw is subject to regulation under the Bylaws and requires the filing of a Notice of Intent. If the applicant is in doubt as to whether a hearing shall be required by the Commission, a **Request for Determination of Applicability** should be filed.

ALTER:

To alter means to change the condition of any area subject to protection under the State Act and/or the Bylaw. Examples of alterations include but are not limited to, the following

- (a) The changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood retention areas;
- (b) The lowering of the water level or water table;
- (c) The destruction, removal or any temporary or permanent change of vegetation;
- (d) The changing of water temperature, biochemical oxygen demand (BOD), and other physical, biological or chemical characteristics of the receiving water.

Provided that when the provisions of 310 CMR 10.03(6) and 10.05(3) or 333 CMR 11.03(9) have been met, the application of herbicides in the Buffer Zone in accordance with such plans as are required by the Department of Food and Agriculture pursuant to 333 CMR 11.00 *Right of Way Management*, effective

July 10, 1987, is not an alteration of any area subject to protection under the State Act or the Bylaw. **310 CMR 10.04**

Alter has the same broad definition found in the State Regulations. In addition to its definition in the State Regulations, "alter" shall also include any exploratory and monitoring activities (ex. perc testing).

E. Jurisdiction Outside the Buffer Zone

The Commission's jurisdiction may extend to activities conducted beyond the Buffer Zone, but not "unless and until" such activity is adversely impacting upon or altering either a Resource Area or Protected Interest.

SECTION 2. PERMIT APPLICATIONS

There are five types of permit applications to conduct work that the Commission reviews. The various permit applications differ in the degree of detail needed in their preparation and in the degree of scrutiny applied to them. Which application is to be used will depend on the scope and location of the proposed project. Prospective applicants are urged to check with the Commission or its agent to determine which application is needed. Emergency Certifications are available only in true emergency circumstances as defined herein, where the usual public hearing procedures and timelines need not be followed.

Permit Applications under the Bylaw and State Act shall be on one form. This form can be obtained from the Commission.

A. Application Types

(1) Abbreviated Notice of Resource Area Delineation (ANRAD)

An Abbreviated Notice of Resource Area Delineation is an application used solely to verify wetland resource boundaries, according to the accepted and current standards of the Massachusetts DEP.

(2) Request for Determination of Applicability (RDA)

A Request for Determination of Applicability is the application used;

- (a)** To seek determination as to whether particular work will come under the jurisdiction of the State Act and/or Bylaws;
- (b)** To identify the scope of alternatives required by 310 CMR 10.58(4)(c)(2) relative to River front Areas;
- (c)** To seek permission for work to be performed solely in the Buffer Zone (although depending upon the nature and scale of the project, the Commission may require a Notice of Intent, particularly if the work is to be performed in the Inner Buffer Zone);
- (d)** To permit application of herbicides in a Buffer Zone (a Vegetation

Management Plan pursuant to 333 CMR 11.00 will also be required); and

- (e) To allow someone other than the subject property owner to seek a determination that an activity on a subject property is within the jurisdiction of the State Act and/or Bylaw and requires a permit.

(3) Notice of Intent (NOI)

(State Regs. 310 CMR 10.05(4))

A Notice of Intent is a more detailed application and permitting process than an RDA. It will be required:

- (a) With respect to any work conducted in, or that will remove, fill, dredge or alter, a resource area;
- (b) Depending upon the nature of the proposed project, an NOI may be required for work conducted solely in the Buffer Zone.

(4) Request for Emergency Certification

(State Regs. 310 CMR 10.06).

Emergency work is that which is immediately necessary for the protection of public health, for the safety, repair or restoration of property and/or existing lawfully-located structures, or for the protection of the Resource Areas and Protected Interests. The situation must constitute an immediate and substantial threat to one or more of the above to a degree sufficient to warrant action outside the normal application process.

An Emergency Certification request shall be submitted in writing, unless conditions warrant immediate on-site review and action.

The Commission is not bound by the emergency certification of another town board. Only that work which is necessary to abate the emergency will be permitted under this certification. Notwithstanding the issuance of an emergency certification, for any subsequent work beyond that which is necessary to abate the emergency, applicant shall be required to proceed with the regular filing of a RDA or an NOI, as appropriate.

(5) Extension Permit

(State Regs. 310 CMR 10.05 (8))

If a permitted project is not completed within the 3 year effective period, the Commission may issue an Extension Permit for no more than three periods of one (1) year each. Any project not completed after three extensions is presumed to be abandoned.

A request for an Extension Permit shall be made in writing no earlier than ninety days but no later than thirty days prior to expiration of the permit sought to be extended. The request should set out fully the reasons for the extension.

SECTION 3. APPLICATION PROCEDURE

For RDA's, NOI's, and Amended Order of Conditions, Applicants must submit nine copies of the appropriate forms to the Commission Office at Town Hall, in addition to the copy sent to the State DEP. An Abbreviated NOI may be used under the same conditions as set forth in the State Regulations, but not if the proposed work is located within an ACEC.

- (1) Applicant must first apply for all other permits required at the local level.
- (2) Applicant must complete all information on the application form. If a variance request is also being made, the appropriate variance request form should also be submitted.
- (3) The applicant shall submit to the Commission all environmental information provided to any other approving board in the Town. The applicant shall also submit to the Commission all permits received from any other approving board in the Town relative to the proposal.
- (4) Applicant must complete all information on the Notice of Intent Form.

SECTION 4. ENGINEERING, PLAN AND SITE REQUIREMENTS

A. Request For Determination

For RDAs, professional preparation of plans is not required. At minimum, the location of the work to be performed should be shown on a plan of the land and/or topographical maps. Boundaries of Resource Areas and Buffer Zones should be shown, along with the exact location of proposed structure or work and its distance from Resource Areas. If the project involves Pruning or Cutting (see Section 27 below), the location of vegetation to be removed should also be shown on the plan and delineated in the field.

B. Notice of Intent

PLANS: For NOI's, professionally prepared data and plans are required. The plans must include Cohasset and USGS topography maps, and be prepared and stamped by an engineer or other appropriate professional and include scale of 1" = 40'; lot area; assessors' map reference; title box indication of true north; contours and drainage patterns (before and after)- indication of amt. of fill (incl. retaining structures), MA-DEP wetland data forms, delineation of Resource

Areas, Buffer Zones, Inner Buffer Zones, wetlands restriction areas, easements, conservation restrictions, wildlife habitat easements, conservation easements, construction restriction areas, and/or c. 91 jurisdictional limits; distances between work areas and/or structures to Resource Areas & Buffer Zones; location of existing and proposed structures; delineation of limit of work and erosion control measures, location of septic systems, cesspools, wells (if relevant); cross-sections of structures, where appropriate; location and identification of vegetation being removed; and direction of groundwater flow (if relevant). All resource areas within the subject property must be shown on the site plans. All other permits must be applied for prior to the public hearing with the Conservation Commission, except for the local building permit.

SITES: For all NOI projects, the work area and location of proposed structures should be flagged or staked, and any vegetation to be removed should be flagged. Resource Area, Inner Buffer Zone, Outer Buffer Zone and Buffer Strip boundaries should be flagged. All wetland delineations must comply with then-current MA-DEP methodology. All site requirements are to be in place at least five (5) business days before the hearing. Site requirements may be imposed for RDAs and Emergency Certifications if deemed necessary.

C. Emergency Certification

For an Emergency Certification, the Applicant should provide as much detail about the project, and as much of the engineering, plan and on-site requirements otherwise required, as is possible.

D. Additional Requirements

(1) Applications to other Town Boards

If a project is before other town boards for permits, all plans submitted to the Commission must be identical or consistent with those submitted to other boards. Applications to all other applicable town boards must be made prior to the opening of the public hearing before the Conservation Commission.

(2) Work within 100 ft. of abutting properties

For work within 100 ft. of an abutting property, a portion of that abutting property should be included on the plan, and all Resource Areas, Buffer Zones, contour lines and drainage patterns must be shown as they extend into that abutting property,

(3) Siting of project on location map.

The applicant must provide nine (9) copies of an 8 1/2" x 11" map which

shows the lot, provides directions (road map) and describes the proposed activity on the ground (i.e., a house and septic system, a dock, etc.) and sketches the proposed work on the locus map.

(4) Erosion and Stabilization Plan.

This plan will detail erosion control methods to be followed during construction and the methods proposed (plantings, etc.) to stabilize the scarified areas after construction.

E. Additional Studies

If necessary, the Commission may require submission of additional studies and data, such as erosion control and soil stabilization plans, drainage and stormwater control plans, planting plans, wildlife habitat and wetland evaluations, wetland enhancement plans, vernal pool evaluations, operations and maintenance plans, etc. and an analysis of alternatives which lessen or avoid impacts. The Commission, in its discretion, may reject and decline to accept any study or data that is more than two years old, and require that same be updated.

F. Inspection Rights

On all projects for which a permit Application has been filed, on all projects for which a permit has been issued, and in all enforcement situations where the Commission has probable cause to believe that a Violation of the Act or Bylaw has occurred or is occurring, the Commission members and its agent(s) have the right to enter upon the subject property to inspect and investigate. A site inspection is deemed to be part of the Commission's investigatory duties and is not a proceeding requiring compliance with the open Meeting Law.

G. Waiver

The Commission may waive strict compliance with any or all procedural submission requirements.

SECTION 5. HEARINGS

(State Regs. 310 CMR 10.05(5))

NOIs, RDAs and requests for Extension Permits shall be reviewed within a noticed public hearing.

A. Notice

Notice of hearings is to be provided by publication in a newspaper of general circulation (usually the *Patriot Ledger*) and notice to abutters. Notice by these means shall be given for all matters requiring public hearings.

(1) Notice By Publication

Notice by publication will be undertaken by the Commission. The cost will be borne by the Applicant. The notice must appear in the newspaper at least five (5) business days before the hearing.

(2) Notice To Abutters

Notice to abutters shall be given to all those who meet the definition of abutters in the State Regulations, as modified below. The method of giving notice shall be the same as under the State Regulations. The form of such notice shall be substantially similar as the form of state notice, except that the notice should also note that the Application is also being made pursuant to the Bylaw, and shall specify the date and time of the hearing. At the outset of the hearing, the Applicant shall produce proof that notice to all abutters was given. Failure to give notice will require continuation of the hearing. The definition of Abutters includes property owners within One Hundred Feet (100') of the subject property

(a) Definition of Abutter

The definition of abutter shall also include, for any project involving a water body, any property owner who abuts that water body and is within 300' feet of the subject property, measured from the low-water line both across the water body and along the same shoreline of the water body as is the subject property. Additionally, if the water body is subject to the jurisdiction of the Harbormaster, notice shall be given to the Harbormaster.

(b) Common Ownership

For purposes of all definitions of abutter, if an abutting property is in common ownership, same-family ownership, or in ownership by different entities with common principals, with the subject property, then the definitions of abutters shall be extended to the first property of someone whom is not the Applicant, a same-family owner or same-principal owner.

(3) Notice Given at First Session only

Notice need only be given of the first session of a hearing, unless further notice is requested or required by the Commission or State Regulations.

(4) Requirement of Written Consent of Owner

Any work proposed on the land of another, even if the Applicant has a legal right of way or easement, must have the written consent on the application of the subject property owner.

(5) Notification to Owner regarding RDA filed by Non-owner

In the case of a RDA filed by someone other than the owner or agent of the owner of the subject property, the Applicant shall promptly notify the owner of the subject property of the filing and allow that owner to be heard.

B. Continuances

In addition to the itemized methods of continuing hearings set forth in the State Regulations, hearings may be continued by the Commission of its own accord at any time. All continuances must be to a specified date. If a continuance is granted due to amendments to the project proposal, revised site plans shall be submitted, and revised site requirements put in place, 7 days prior to the next hearing.

C. Burden Of Proof

The Applicant has the burden of proving that the project or activity is in compliance with the Bylaw. It is the Applicant's responsibility to be aware of and meet the requirements of the State Act, State Regulations, Bylaw and CWR.

D. Quorum And Votes

Quorum Simple majority Votes (See 310 CMR 10.05(2)) The Commission need not vote on the merits of a Permit Application immediately upon conclusion of a public hearing, and may take the matter under advisement. The Commission may appoint one or more of its members or agents to draft a decision for presentation, vote and signature at a later date.

E. Concurrent Proceedings

All Permit Applications are made and all public hearings are conducted concurrently under both the State Act and Bylaw. [Unless the application is filed under the Bylaw only or under the State law only]. All Commission actions are usually taken concurrently under the State Act and Bylaw. Notwithstanding these combined procedures, and notwithstanding any similarities between the State Act and State Regulations to the Bylaw and CWR, the substance of the Bylaw and CWR differ in many respects from state law, and the decisions and actions of the Commission under the Bylaw may differ in words and in effect from its actions and decisions under the Act. No error of state law interpretation, or difference in terminology, or use of a concurrent form in decisions shall be deemed to be a waiver of the unique and differing provisions or interpretations of the Bylaw and CWR.

SECTION 6. DECISIONS & REVIEW

After the close of a public hearing, the Commission shall issue a decision within twenty-one (21) days. This time period may be extended by agreement. In most cases, a single decision shall be made by the Commission simultaneously under the Massachusetts Wetlands Protection Act and the Cohasset Wetlands Bylaw. The Commission may impose conditions on a Negative Determination (RDA decision) to insure compliance with the goals of the Act and Bylaw.

A. RDAs

The Commission will review the RDA and issue a Determination within twenty-one (21) days of the hearing on the RDA. Any determination, positive or negative, is valid for three years.

(1) Positive Determination

If a **Positive Determination** is issued, the applicant must file a Notice of Intent to go forward with the project as presented.

(2) Negative Determination

If a **Negative Determination** is issued, it means the proposed project was approved as presented or with written conditions.

(3) Incomplete RDA

If the RDA is **Incomplete**, a Positive Determination may be issued due to a lack of sufficient information.

(4) Moving Party is Non-Owner of Subject Property

In the case of an RDA filed by one who is neither an owner of the subject property nor who is acting on behalf of such owner, the Commission may waive compliance with any and all of the submission requirements and the requirement of staking the boundaries of the project on site at least four (4) business days before the hearing. Upon making a determination on such RDA, the Commission shall promptly notify the owner of the subject property of its determination and shall take such further action as is necessary.

B. NOIs

(1) Order of Conditions

A decision upon an NOI application is known as an **Order of Conditions**. The Order may deny or permit the work to go forward, and if the latter, it is designed to permit the proposed activity while, ensuring that valuable wetlands resources will be protected from either deliberate or accidental damage. Resource Area protection is achieved by a combination of design elements within the approved plan and by additional conditions imposed by the Commission. All construction activities must be completed in compliance with the existing Order of Conditions. The Commission will hold the permit recipient to strict accountability for the

conditions contained in the Order.

Compliance may be monitored by periodic visits by Commission members. In addition, at the time it issues the Order, the Commission may strictly control construction activities by outlining stages of work and by requiring periodic inspections and proving compliance of each separate stage.

C. Emergencies

Decisions shall be made via an Emergency Certification, which may have conditions added to it. If necessary, a decision to authorize emergency work can be made on-site by less than a quorum of voting members or the Agent; however, such a decision must be ratified by the full Commission at its next meeting and reduced to a written decision.

D. Extensions

The grant of an Extension Permit is discretionary. The Commission may deny the request and require the filing of a new RDA or NOI (1) where no work has begun on the project, except where such failure is due to an unavoidable delay, such as appeals, in the obtaining of other necessary permits, (ii) where new information, not available at the time the original permit or prior extension was issued, has become available, and indicates that the original decision or any prior extension is not adequate to protect the Resource Areas, Inner Buffer Zone, Outer Buffer Zones or Protected Interests involved by the project; (iii) where, in the time since the original decision or prior extension was issued, changes have occurred to the Act or Bylaw or their respective regulations, and which indicate that the original decision or any prior extension is not adequate to protect the Resource Areas, Inner Buffer Zone, Outer Buffer Zones or Protected Interests involved by the project; (iv) where incomplete work is causing damage to a Resource Area, Outer Buffer Zone or Protected Interest; or (v) where work has been done in violation of the original decision or any conditioned prior extension, or of the Act or Bylaw. An Extension Permit may be granted with modifications or additions to the conditions of the original permit. Economic or tactical decisions to delay proceeding with a project, by themselves, are not sufficient bases to justify the granting of an extension.

E. Effective Period

A Negative Determination or an Order of Conditions is effective for three years. If there has been no action, or only partial action, on the work permitted within that time frame, and an Extension Permit has not been granted, then the Determination or Order expires and any further work will require a new RDA or NOI filing, subject to then-current law and regulations.

F. Supplemented Decisions

At the Commission's discretion, any decision may be supplemented with an administrative opinion, which opinion becomes part of the decision.

G. Decisions "Run With the Land"

All permits, decisions and actions with respect to a property "run with the land" and are binding upon subsequent property owners.

H. Commencement of Work

An Applicant shall notify the Commission or its agent in writing to request a site inspection of erosion controls prior to beginning any construction activity. Photographs of the installed erosion controls must be submitted to the Commission prior to the commencement of any construction activities. A five-day work notification form must be completed and submitted to the Conservation Commission.

SECTION 7. DENIALS

A RDA is "Denied" by issuance of a **Positive Determination**. [See Section 6.] For other permit applications, there are two forms of denials to a project the Commission can make, the two differing in substantive impact.

A. Procedural Denial

A **Procedural Denial** can be made when the supporting submissions or site requirements of a Permit Application are found incomplete, inaccurate or missing, if an Applicant fails to attend a hearing without having obtained a continuance, if an Applicant fails to give proper notice of a public hearing, or when a proper filing fee has not been paid. The denial is without prejudice, and reapplication for a permit may be made at any time. In lieu of a Procedural Denial, the Commission may grant continuances.

B. Substantive Denial

A **Substantive Denial** is a denial of a project on its merits, with prejudice, which decisions are appealable.

The Commission may deny permission for any activity within areas under its jurisdiction if, in its judgment, such denial is necessary to preserve the environmental quality of the affected area and uphold the goals and interests of the Bylaw. The Commission will base its judgment on the best information available to it at the time and the environmental principles stated herein, and in all cases will act to protect the Resource Areas, Inner Buffer Zones, Outer Buffer Zones and Protected Interests first. Lack of sufficient information upon which to base a reasoned decision is at the risk of the Applicant.

Where appropriate, consideration will be given to demonstrated hardship on the Applicant caused by a denial, although a claim of or the existence of hardship does not create an inherent right to have a project approved. Hardship shall mean an unreasonable or excessive economic, engineering or logistical burden placed upon the project as a consequence of the application of the State Act and/or Bylaw. However, some degree of such burden is presumed to be a reasonable requirement necessary to protect Resource Areas, Inner Buffer Zones and Protected Interests. To demonstrate hardship, the Applicant must show that the burden is unreasonable or excessive, that the project is necessary and that the goals of the State Act and Bylaw can be equally met by some other means. Hardship does not exist if caused by the Applicant.

SECTION 8. AMENDMENTS

If during the permitting process or during construction changes are required in the plans, specifications or conditions applicable to the project, the following criteria shall be applied to determine what degree of approval is needed from the Commission.

A. Minor Changes

Minor Changes are those which will have no likelihood of additional impact on any Resource Area, Inner Buffer Zone, Outer Buffer Zone or Protected Interest. No amended filing or amended decision is required, but a letter explaining the change is required for the record and, a revised site plan is required.

B. Moderate Changes

Moderate Changes are those which may or will have an impact upon a Resource Area, Inner Buffer Zone, Outer Buffer Zone and Protected Interest, but which do not significantly change the nature of the project or impact. An Amended RDA or NOI will be required. Moderate changes to a project within the RDA procedure may require the filing of an NOI. Examples of moderate changes decrease in distance to a Resource Area; increase in potential for erosion or pollution in a Resource Area, Inner Buffer Zone or Outer Buffer Zone; alteration of land form, drainage patterns or hydrology; alteration of wildlife habitat; change in size and location of structures and appurtenances; increase in amount of vegetation removed; activity beyond the limit of work; and increases in the proximity to a Resource Area of light, sound and human activity. A revised site plan is required.

C. Substantial Changes

Substantial Changes are those which are not related to the activity originally proposed or permitted, or which significantly change the nature or impact of the project. A new RDA or NOI must be filed, with any work begun immediately ceasing until a new decision is issued. Substantial changes to a

project within the RDA procedure will likely require the filing of an NOI. A revised site plan is required.

D. Amendment Procedures

Amendment procedures may be instigated by the Commission during the application process or after a project is permitted, if new information not presented or available during the application process comes to the Commission's attention, or if the Commission determines that the permitted activity as implemented is insufficient to protect the interests under the Bylaw.

SECTION 9. APPEALS

(State Regs. 310 CMR 10.05(7))

Any Applicant, owner, abutter, any person aggrieved, or any ten residents of Cohasset, may appeal an order or decision of the Commission under the Bylaw to the Superior Court of Norfolk County within sixty (60) days following the date of issuance of the order or decision pursuant to Massachusetts General Laws Chapter 249, Section 4.

NOTE: Appeals under the State Act must be made to the DEP within ten (10) days following the date of issuance of the order or decision.

The Commission may enter into negotiations to settle matters on appeal before final determination by the appellate authority. All resolutions of appealed matters, whether arrived at by a subcommittee or the full Commission, must be voted on at a regular public meeting of the Commission, noted as an agenda item for that meeting, unless appropriate for executive session. All discussions undertaken and materials submitted during a negotiation by the Applicant or the Commission are without prejudice, and are not to be considered as evidence by either side in subsequent appellate proceedings.

SECTION 10. COMPLIANCE

(State Regs. 310 CMR 10.05(9)) All projects for which an Order of Conditions has been issued shall require a Certificate of Compliance upon completion.

A. Procedure

The Applicant shall request in writing that a Certificate of Compliance be issued, certifying that the work has been satisfactorily completed. The request must either be signed by Applicant's engineer who signed and stamped the plans or other appropriate professional. If certification cannot be given as to certain conditions or activities relative to the project, the request should so state with explanation.

Upon receipt of a request, a site inspection shall be made by the Commission. A public hearing is usually not required, but if so, the Applicant will be so notified. If services of a consultant are required by the Commission, the Applicant will be so notified and will be billed directly by the consultant for his or her services.

B. Decisions

If the Commission finds that the work is in compliance, a Certificate of Compliance will be issued within twenty-one (21) days of receipt of the Applicant's written request. This period may be extended by agreement. If the Commission determines that the work has not been performed in compliance with the Order of Conditions, it shall refuse to issue a Certificate of Compliance, and shall specify the reasons for denial.

The Certificate of Compliance may contain conditions which continue in force past the completion of the work, such as for maintenance or monitoring. Failure to designate a continuing condition in an Order of Conditions does not constitute a waiver of the Commission's power to include a continuing condition in the Certificate of Compliance, nor does failure to include a continuing condition from the Order of Conditions in the Certificate of Compliance likewise waive the enforceability of the continuing condition.

C. Partial Certificates

Partial certificates are generally disfavored and unavailable, unless a project involves discrete and well-defined phases or stages. The grant of a partial certificate in one or more phases does not bind the Commission to give later partial or final certificates if those are not warranted.

SECTION 11. FEES

(State Regs. 310 CMR 10.03(7))

In addition to the filing fees required to be paid under the State Regulations, there are separate Town Filing Fees under the Bylaw. The Commission shall not act on any matter involving a fee unless that fee has been paid. The Commission reserves the right to waive all or a portion of these Town Fees. No Town Fee shall be required of any Town department or board.

Cohasset Wetlands Regulations

A. General Schedule

RDA:	\$50.00
NOI: ¹	
Category 1A projects:	\$110.00
Category 1B projects:	\$400.00
Category 1C projects:	\$400.00
Category 2 projects:	\$500.00
Category 3 projects:	\$1,050.00
Category 4 projects:	\$1,450.00
Category 5 projects:	\$4.00 per linear ft.
Emergency Certification:	Same fee as project would normally incur
Extension Permits:	\$100.00
Certificates of Compliance:	\$75.00 (partial or full)
Amended Orders of Conditions or Determinations:	\$100.00
Variance Requests:	\$100.00
"After-the-Fact" Surcharge:	Double the applicable Town Fee

B. Consultant Advisory Fee

As part of the filing fees under the Bylaw, the Commission is authorized to retain an expert to assist it on all projects at any procedural stage (permit review, compliance review, monitoring, enforcement and corrective action) where it feels independent and/or expert advice and review is needed, and to require the posting of a Consultant Advisory Fee by an Applicant to pay for the expert. The decision of whom to hire and at what terms belongs solely to the Commission. Failure to cooperate in the selection and payment of the Consultant may be grounds for a Procedural Denial. Failure to pay the Consultant after work has commenced may result in immediate enforcement action.

C. Recording Fees

The following documents must be recorded in the Registry of Deeds or Land Court in Dedham in the chain of title of the subject property in order for work permitted to legally commence: Positive Determinations, Orders of Conditions & any amendments, incl. Denials, Emergency Certifications & accompanying Order of Conditions, Extension Permits, Variance Decisions, Certificates of Compliance. Failure to record means the project cannot legally move forward, and if it does absent recording, the Commission may undertake enforcement activity, including revocation of the permit granted.

¹Category 1A projects = any additions, modifications, alterations, landscaping, driveways, patios, decks, etc. to an existing single or two-family house, which project occurs completely in the Buffer Zone.

Category 1B projects = a) any additions, modifications, alterations, landscaping, driveways, patios, decks, etc. to an existing single or two-family house, which project occurs in whole or in part in a Resource Area; b) all septic system repairs for a single or two-family house using non-innovative, non-alternative (i.e. "traditional") technology.

Category 1C projects = a) all new septic systems, of any type, size or proposed use; b) all septic system repairs using innovative or alternative technology; c) all septic system repairs using any technology for uses other than a single or two-family house; and d) all activities involving monitoring wells.

Category 2, 3, 4 and 5 projects are the same as those set forth in the corresponding categories under the State Regulations Fees at 310 CMR 10.03(7).

SECTION 12. ENFORCEMENT, VIOLATIONS AND FINES

(State Regs. 310 CMR 10.08)

The Commission's enforcement powers include, but are not limited to, the power to revoke permits granted, to issue cease and desist orders, enforcement orders and notices of violation or non-compliance, to issue fines, to seek injunctive relief and other enforcement in the courts, and to record enforcement orders in a property's chain of title. The Commission may utilize any of its enforcement powers in the first instance as circumstances warrant. The Commission may approve immediate corrective measures prior to conducting any formal enforcement process.

A. Procedures

(1) Orders

Any enforcement order shall be issued in writing, and shall issue upon a vote of the Commission. However, in a circumstance of a violation in progress, an Enforcement Order can be issued orally on-site by less than a quorum of voting members of the Commission or by the Commission's Agent. Any such on-site enforcement action taken has the full force and effect of the Commission's authority until the next scheduled meeting of the Commission. At that next meeting, however, such an action must be ratified by a vote of the Commission if it is to continue in effect beyond that date. At that time, any oral enforcement directives that were issued on site shall be reduced to a written Enforcement Order. The ratification vote may affirm, modify, add to or rescind the action taken, without prejudice to the Commission.

(2) Show Cause Hearings

While the Commission has full authority to exercise any of its enforcement powers in the first instance, except in cases of immediate, ongoing violations the Commission will usually conduct a show-cause hearing prior to taking any enforcement action. A notice to show cause will be delivered to the suspected violator in writing, and a hearing will be conducted in open session at a Commission meeting as a scheduled agenda item.

(3) Fines

Fines may only be imposed upon a Commission vote. Any person who violates any provision of the Bylaw, these CWR, or orders, decisions or permits issued by the Commission, may be punished by the imposition of a fine of up to \$300 per day per each provision of the Bylaw, CWR, order, decision or permit violated for as long as the violation continues. These fines are in addition to any fines assessed by state and federal authorities.

Any fine or other enforcement action may be imposed upon or pursued against an offending contractor, in addition to the property owner.

SECTION 13. VARIANCES

The Conservation Commission may, in its discretion, grant variances from the operation of one or more of the substantive regulations pursuant to this Section. Variances are to be granted only in extenuating cases, and shall be granted only in rare and unusual circumstances and in accordance with the provisions of this section.

A variance request shall explain specifically from which provisions of the Bylaw or CWR the variance is sought and why it should be granted. The review of the variance request will be held concurrently with the review of the underlying permit application. A variance may be granted only for the following reasons and upon the following conditions (i) upon a clear and convincing showing by the Applicant that any proposed work, or its natural and consequential impacts and effects, will not have any adverse effect upon any of the interests protected in the Bylaw.; or (ii) when it is necessary to avoid so restricting the use of the property as to constitute an unconstitutional taking without compensation under Massachusetts law.

The burden of proof is on the applicant that the proposed work will have no adverse effect upon the interests protected and the request must be submitted on the Conservation Commission form available at the Conservation Commission office.

SECTION 14. MISCELLANEOUS PROVISIONS

A. Performance Guarantee

The Commission may require a guarantee as additional security for the prompt and proper performance of a permit, in any number of forms, such as a cash escrow account, letter of credit, performance bond, liability insurance or a holdback from the proceeds of a sale of property. The amount of the guarantee shall equal a minimum of 110% of the cost of the work as can be best determined at the time. The Commission has the authority to use any such funds held under this section for the purposes stated by a vote of the Commission. If resort to the guarantee becomes necessary, and the amount later proves to be insufficient to complete or correct the work, the Applicant remains liable for any shortfall.

B. Incorporation

All of the procedures and requirements set forth in the State Regulations are hereby incorporated and made a part of these regulations except where they differ from or depart from these regulations. Where these regulations differ from the State Regulations, they shall take precedence over the State Regulations.

C. Savings

Should any portion of these regulations be declared invalid by a decision of a court, the legislature or other body having Jurisdiction, the remainder of these regulations shall remain in full force and effect.

D. Reservation

These regulations should not be construed to limit the Commission's authority under Bylaw. The Commission reserves the right to act in a manner consistent with the Bylaw upon any matter within its jurisdiction, and to impose such conditions on a project as are necessary to protect the Resource Areas, Inner Buffer Zones, Outer Buffer Zones and Protected Interests.

E. Amendments

Amendments to these regulations shall be made in the same manner as they were promulgated.

F. Effective Date

The effective date of these regulations shall be the date on which these regulations are approved by a majority of the Commission (see top of page 1). These regulations apply to all applications or enforcement actions made or commenced on or after the effective date.

G. Definitions of Terms

Unless differing definitions of terms are set forth or otherwise suggested in these CWR, the Commission adopts the definitions set forth in the State Regulations at 310 CMR 10.04, 10.23 and elsewhere, as if they were set forth here. Other terms not specifically defined are to be given their plain and ordinary meaning.

PART II - ADDITIONAL REGULATIONS FOR COASTAL WETLANDS

The following Parts II and III of the CWR are intended to correspond to Parts II and III of the State Regulations, which provide specific regulations and performance standards for work in or impacting upon certain defined coastal and inland areas. In general, these CWR adopt and incorporate by reference all of the State Regulations, including definitions and preambles, for each of the defined Resource Areas in these Parts, with the exception of the added Protected Interests protected under the Bylaw that may be applicable to these Areas, and with the exception of the specific differences that follow in these Parts or in Part IV below

SECTION 15. LAND UNDER THE OCEAN & NEAR SHORE AREAS

(State Regs. 310 CMR 10.25)

- A.** Notwithstanding any implication to the contrary given by 310 CMR 10.25(5)&(6), all dredging projects, are subject to regulation under the Bylaw and shall meet the performance standards set forth in 310 CMR 10.25.
- B.** Aquaculture projects, if permitted, shall be undertaken so as to have the least possible adverse effect on wildlife habitat, erosion control, storm damage prevention, flood control, recreational interests or public access. No destruction of existing finfish or shellfish habitat, and no change in water quality or circulation in any manner which adversely affects productivity of marine fisheries or shellfish beds, shall be permitted.

SECTION 16. COASTAL BEACHES & TIDAL FLATS (State Regs. 310 CMR 10.27) & ROCKY INTERTIDAL SHORES (State Regs. 310 CMR 10.31)

A. Dredging on or in Coastal Beaches, Tidal Flats and Rocky Intertidal Shores

Dredging on or in Coastal Beaches, Tidal Flats and Rocky Intertidal Shores shall not be permitted.

B. Access or Use of Adjacent Water Body

Any activity on a Coastal Beach, Tidal Flat or Rocky Intertidal Shore which does not involve access or use of the adjacent water body shall be permitted by the Commission.

C. Fill

No fill shall be placed on a Coastal Beach, Tidal Flat or Rocky Intertidal Shore. If a project involves access or use of the adjacent water body, the Commission may allow limited placement of fill after making a written finding that there is no feasible way to

avoid filling the beach or flat or within 100 feet of it. All possible mitigation measures shall be taken as determined by the Commission to limit the adverse effects of the fill.

D. Removal of Cobble Stones

No cobble stones shall be removed from a Coastal Beach or Rocky Intertidal Shore (or other Resource Area).

E. Low and High water

The definition of Tidal Flat shall also mean to include the area between mean low and mean high water.

**SECTION 17. COASTAL DUNES (State Regs.- 310 CMR 10.28) and
BARRIER BEACHES (State Regs. 310 CMR 10.29)**

A. New Structures

No new structures shall be permitted on a Coastal Dune or Barrier Beach.

B. Removal or Destruction of Vegetation

No vegetation on a Coastal Dune or Barrier Beach shall be removed or destroyed. Revegetation or added vegetation projects that promote dune development are encouraged.

C. Fill

No fill shall be placed on a Coastal Dune or Barrier Beach. If a project involves access or use of the adjacent water body, the Commission may allow limited placement of fill after making a written finding that there is no feasible way to avoid filling the beach or within 100 feet of it. All possible mitigation measures shall be taken as determined by the Commission to limit the adverse effects of the fill.

SECTION 18. COASTAL BANKS

(State Regs. 310 CMR 10.30)

The top of the Coastal Bank is defined as the first major break in slope above the 100-year storm event contour on elevated land forms which have a slope greater than 15 degrees.

A. Presumption

A Coastal Bank subject to regular wave action and showing exposed (unvegetated) sand or soils shall be presumed to be a significant sediment source to coastal beaches, which presumption may be overcome by evidence from a competent source.

B. Bank Height/Bank Stability

All projects shall be restricted to activity having no adverse effect on bank height, bank stability, or the use of a bank as a sediment source.

SECTION 19. SALT MARSHES

(State Regs. 310 CMR 10.32)

A. Fill/alteration/destruction

Salt Marshes shall not be filled, altered or otherwise destroyed, in any circumstances.

B. Salt Hay

Salt hay may be harvested from a Salt Marsh only if performed in a manner which does not disturb the marsh substrate.

C. Burning of Salt Marsh

Burning of Salt Marsh may be allowed but shall require a permit and a full permit from the Town of Cohasset Fire Chief.

SECTION 20. LAND UNDER SALT PONDS

(State Regs. 310 CMR 10.33)

For purposes of the Act and Bylaw, Little Harbor is defined as a Salt Pond.

Any project proposing the removal, destruction or prevention of algae blooms shall be subject to the Commission's jurisdiction. Harvesting or removal shall be done in such a manner that minimizes bottom dredging, suspension and disturbance of sediments, destruction of favorable vegetation and disturbance or destruction of fisheries, shellfish or wildlife habitat. Harvested material shall not be placed upon any marsh or other Resource Area, Inner Buffer Zone or Outer Buffer Zone, but shall be removed from the area as quickly as possible.

SECTION 21. SHELLFISH & FISHERIES RESOURCES

(State Regs. 310 CMR 10.34 & 10.35)

A. Shellfish/Fin Fish

In any Resource Area deemed significant to the protection of shellfish and finfish resources and habitat, a detailed analysis of the resources and habitat, and of the impact of the project on them, must be submitted. All shellfish beds and fisheries

resources within a project's limit of work or within 100 feet of the limit of work, even if not designated or identified by the State Division of Marine Fisheries, must be identified on all plans. The goal of these CWR is to give strong protection to these resources, and/or to allow recovery and re-establishment of shellfish beds and fisheries resources for commercial and recreational use.

B. Dredging Projects

All dredging projects should be performed in such a way that the newly dredged bottom and side slopes will be amenable to rehabilitation by shellfish displaced during dredging process.

C. Pollutants

If the source(s) of pollutants which are degrading shellfish beds and fisheries are identified, the Commission may, pursuant to its usual or "unless and until" jurisdiction, place such restrictions as are necessary upon those sources to protect these resources and allow for their recovery, including closing or removing the pollutant source. Any incidents involving hazardous materials impacting resource areas must be reported immediately to the Town of Cohasset Fire Chief.

PART III - ADDITIONAL REGULATIONS FOR INLAND WETLANDS

SECTION 22. "LIMITED PROJECTS"

(State Regs. 310 CMR 10.53(3))

Notwithstanding any implication to the contrary given by 310 CMR 10.53, under the Bylaw no project is entitled to any lesser degree of review and/or automatic approval. The economic, infrastructure and social values identified in 310 CMR 10.53 will be duly weighed under these CWR in reviewing a project, but they shall not necessarily be determinative with respect to whether approval will be given. As an exception, however, these CWR shall adopt the provisions of 310 CMR 10-53(3)(q) relating to the release of oil or hazardous material.

SECTION 23. INLAND BANKS & BEACHES

(State Regs.-. 310 CMR 10.54)

(1) An Inland Bank, in proximity to a Beach subject to regular erosion and showing exposed (unvegetated) sand or soils, shall be presumed to be a significant sediment source for that Beach, which presumption may be overcome by evidence from a competent source.

(2) No activity on a Bank or Beach which does not involve access or use of the adjacent water body shall be permitted by the Commission.

(3) All projects shall be restricted to activity having no adverse effect on bank height, bank stability, or the use of a bank as a sediment source.

(4) No fill shall be placed on a Bank or Beach. If a project involves access or use of the adjacent water body, the Commission may allow limited placement of fill after making a written finding that there is no feasible way to avoid filling the bank or beach or within 100 feet of it. All possible mitigation measures shall be taken as determined by the Commission to limit the adverse effects of the fill.

SECTION 24. BORDERING VEGETATED WETLANDS (BVW)

(State Regs., 310 CMR 10.55)

A. The Commission may in its discretion permit the loss of up to One Thousand (1,000) square feet. In the instance where the Commission exercises its discretion to allow any loss, a 2:1 ratio of wetland replication is required. [See Part IV Section 32 of these Regulations for replication requirements.]

- B.** The portion of 310 CMR 10.55(4)(b), which allows the Commission to permit loss of up to 5000 square feet of BVW, is specifically *not* adopted in these CWR. Instead, Section 24 of these CWR govern. Subsection (1) of 310 CMR 10.55(4)(b) is also *not* adopted herein. See Section 24 again. The remaining subsections (2) through (7) inclusive of 310 CMR 10.55(4)(b) are adopted to the extent they are not inconsistent with the CWR as adopted.
- C.** 310 CMR 10.55(4)(e)(2)-(4) inclusive are also specifically *not* adopted in these CWR to the extent they imply exemption of certain activities from regulation or provide these activities with a lesser degree of review or an automatic approval. Such projects will require the usual degree of scrutiny and justification applied to any project.
- D.** Projects shall not significantly change the rate of water flow through wetlands by channelization or other means.
- E.** Where a proposal intends to make use of BVW as a receiving point for pollutants, siltation, stormwater or other potentially harmful substances, the Commission may require the proposal to include (i) an analysis of the impact of those substances upon the BVW, (ii) the quantity of those substances to be introduced and the rate at which they are introduced; and (iii) an analysis of whether there exists a point where too much of those substances can be introduced into that BVW, where that "overload" point is and whether the proposal exceeds that point. The rebuttable presumption of these Cohasset Wetlands Regulations is that such an "overload" point exists and that there must be balance in the amount of harmful substances introduced into a wetland if it is to dissipate those substances as intended.
- F.** Enhancement of BVW and of the buffer zones of BVW is encouraged.

SECTION 25. LAND UNDER INLAND WATER BODIES

(State Regs.- 310 CMR 10.56)

- A.** The regulations of Section 15 [Land Under the Ocean & Near Shore Areas] shall also apply to Land Under Inland Water Bodies.
- B.** All the text after the first sentence of 310 CMR 10.56(4)(a)(4), and the presumption therein, is specifically not adopted in these CWR. Section 28 below shall govern alterations where wildlife habitat interests are involved.

SECTION 26. VERNAL POOLS

(References throughout Part III of State Regs.)

- A.** Regulatory protection hereunder may be extended to any Vernal Pool identified, whether or not it has yet been certified under state certification procedures, and

whether or not the vernal pool is located in a resource area. Vernal pools can be isolated, features not contained within another resource area. Identification and certification of Vernal Pools may occur at any time during an application process.

- B.** It is presumed that Vernal Pools are significant to wildlife habitat interests. The performance standard of "no adverse impact whatsoever" that is applied to ACECs shall also be applied to any project within 100 feet of a Vernal Pool.
- C.** No Vernal Pool may be filled, altered or otherwise destroyed, and no work of any kind may be performed in a Vernal Pool.
- D.** A minimum natural vegetative Buffer Strip of 100 feet must be maintained around all Vernal Pools. Structures within 100 feet of a Vernal Pool which preexist identification or certification of the Vernal Pool may be maintained, but not expanded closer to the Pool. For such structures, restrictions with respect to the stormwater runoff and other pollution sources from that add to the protection of the Vernal Pool may be imposed. Likewise, preexisting landscaping may be maintained, but if necessary, the Commission may require that lawn area be replaced with a vegetative buffer of indigenous species to the Vernal Pool, or within the surrounding environment of the vernal pool. Enhancement of the 100' Buffer Zone of vernal pools is encouraged

PART IV - REGULATIONS FOR BUFFER ZONES & OTHER SPECIFIC AREAS AND ACTIVITIES

SECTION 27. BUFFER ZONES

A. 100' Buffer Zone

The commission may find that activities within the One Hundred Foot (100') Buffer Zone are significant to protection of the Resource Area and, therefore, may regulate activities within One Hundred Feet (100') of the Resource Area. The One Hundred Foot Buffer Zone is comprised of the Fifty Foot (50') Inner Buffer Zone and the Fifty Foot (50') Outer Buffer Zone.

(1) Inner Buffer Zones (RBA)

Inner Buffer Zones (RBA) (consists of not less than 50') serve a number of important functions in relation to protection of Resource Areas. These include providing a protective buffer between human activity and development and Resource Areas; providing an area to absorb, capture, or dissipate eroded material or pollutants coming from sources further upland and thus preventing or mitigating their impact upon Resource Areas; providing flood and storm damage control via water absorption capabilities of, and protective barriers provided by, trees and other vegetation; acting as a groundwater recharge area and a protection area for water quality; providing wildlife habitat areas, travel corridors and protection zones; providing aesthetic values; and providing recreational values. The concern regarding activity within a Buffer Zone is the ultimate impact on the adjacent Resource Area during construction and subsequent use of the project. Thus, maximizing setbacks from Resource Areas and close regulation of activities in the Buffer Zone is desirable and necessary to meet the goals of the Act and Bylaw. There will be no alterations in the 50' Inner Buffer Zone except as necessary to access a crossing over a Resource Area if such crossing is permitted pursuant to Section 32(B) and unless a variance is issued by the Conservation Commission.

If the RBA is already disturbed the Conservation Commission may require that it be revegetated with indigenous vegetative species of habitat value.

Notwithstanding the above, the Conservation Commission may grant a waiver or variance only upon a clear showing that the proposed activity will have no adverse impact on the Resource Area and the protected interests.

B. Landscaping & Clearing Vegetation

It is not the intent of these CWR to bring any and all landscaping projects within its jurisdiction. For example, routine, non-clearing maintenance of existing landscaping is not subject to Commission review but are subject to review by the Conservation Commission Agent. Nevertheless, landscaping activities often involve clearing,

cutting and "re-engineering" of vegetation, and regulation and guidelines are required to insure that these well-intentioned projects do not adversely impact upon Resource Areas or Protected Interests.

(1) Pruning

For purposes of these CWR, **Pruning** means the removal of a limited number of dead, diseased, obstructing, and weak branches and trees and removal of branches and trees which constitute a danger to persons or property, as well as selective thinning of branches to lessen wind resistance.

(2) Lifting

Lifting means the removal of lower limbs and vegetation from trees and bushes to elevate the bottom level of the canopy.

(3) Clear Cutting

Clear Cutting refers to the complete removal of ground vegetation or underbrush down to a height of 2" or less, and the removal of any tree canopy.

(4) Vista Pruning

Vista Cutting, or **Vista Pruning**, means the selective removal of vegetation that blocks a view. Per DEP regulations, Ninety Percent (90%) of the existing canopy must be maintained. No more than Twenty Percent (20%) of vegetation in the view corridor can be removed. Removal of live vegetation in the Fifty Foot (50') Inner Buffer Zone is not allowed unless approved by the Conservation Commission or its Agent.

(5) Corridor Cutting

Corridor Cutting means the selective clearing of a travel corridor area to allow access to another portion of the property or to a water body.

- (a)** Because pruning and clearing of vegetation may, depending on the type of vegetation, the area in which the work is to be done, the extent of the work to be done and the particular Resource Area or Buffer Zone involved, adversely affect a Resource Area or Protected Interest or the functions of the Buffer Zone, the cutting, removal or other destruction of vegetation within a Resource Area and within the required or existing Buffer Zone will be regulated and restricted to limited pruning, and limited vista and corridor clearing. The extent of pruning and clearing allowed will be determined on a case by case basis. Complete clear-cutting of all natural vegetation in a Resource Area, Inner Buffer Zone or Outer Buffer Zone, and "property line to property line" vista cutting is prohibited.

- (b) Because turf lawns can be a significant source of excess nutrient from fertilization, they can pose a substantial risk to the health of Resource Areas, wildlife habitat and surface water and groundwater quality. Thus, the creation of new lawns or the expansion of existing lawns may be prohibited depending on the particular facts of the proposal. If circumstances warrant, the Commission may order the removal of existing lawn as part of its approval of a proposed landscaping project, opting for non-turf ground covers or other appropriate vegetation, but otherwise it is not the intent of this regulation to reach existing lawns that are not before the Commission as part of a project proposal.

SECTION 28. WILDLIFE HABITAT PROTECTION

(State Regs. 310 CMR 10.60)

A. Definition

Wildlife includes all non-domesticated mammals, birds, reptiles, amphibians, shellfish and finfish, from the common to the rare and endangered. This definition also encompasses all vertebrate and invertebrate species listed by state and federal agencies as endangered, threatened, or of special concern. Wildlife habitat means the land, pond, pool, stream or sea area and its vegetative and geographic characteristics that provide feeding, breeding, nesting, resting, hibernating, travel and protective cover areas for wildlife, both resident and migratory wildlife species, including game and non-game wildlife species.

B. Presumptions, Characteristics and Protected Interests

As with the State Regulations, the protection afforded by these CWR runs to protection and preservation of habitat areas only, not to individual animals. It may be presumed, however, that the death of individual or groups of animals or fish from pollution or other human activity is evidence of an alteration of those animals' habitat, subject to regulation and/or enforcement action.

It is further presumed that wildlife having a habitat in a Resource Area make habitat use of the adjoining upland, at least to the geographical limit of the Inner Buffer Zone, Outer Buffer Zone, and vice versa. Consequently, these CWR apply equally to all habitat areas, whether totally or partially within a Resource Area, Inner Buffer Zone or Outer Buffer Zone.

It is further presumed that Wildlife Habitat will be protected when sufficient open space is preserved to support the indigenous populations of mammals, birds, reptiles, amphibians, and fish.

C. Habitat Analysis

If required by the Commission on a given project, a habitat analysis include the following (i) identification of all habitat areas present on, and habitat values presented by, the site; (ii) identification of all wildlife species, both resident and migratory, likely to use the site as feeding, breeding, shelter or travel habitat; (iii) for all such wildlife identified in (ii), a brief summary of their feeding, breeding, shelter and travel habits; (iv) a detailed review of the impact of the proposed project on the habitat areas, habitat values and users of the habitat; (v) an analysis of what, if any, adjacent or nearby habitat areas suited to identified actual or potential wildlife users are available; (vi) discussion of all alternatives to alteration of the habitat and mitigation measures, and (vii) a detailed plan for replication of any lost habitat, which must include an analysis of whether residents of the lost or altered habitat will make use of the replicated habitat. This analysis shall be prepared by a competent professional.

D. No Pre Approved Threshold of Habitat Alteration

310 CMR 10.60(1)(a), to the extent it accepts a threshold level of impact upon Wildlife Habitat, is *not* adopted herein, nor are any of the acceptable threshold habitat impacts of other regulations cited in 10.60(1)(a). For these CWR, there is no pre-approved acceptable threshold of habitat alteration - all projects must be fully reviewed and justified on their own merits within the "no adverse impact" mandate further set forth in that same section 10.60(1)(a). 310 CMR 10.60(3)(a) and (e) are also *not* adopted herein. See Section 32 below, The remainder of 310 CMR 10.60 is adopted and incorporated by reference herein to the extent not inconsistent with this Section.

SECTION 29. RARE & ENDANGERED SPECIES

Where a rare and endangered species habitat is suspected, the Commission and/or Applicant shall undertake the necessary study to determine whether the area is, in fact, such a habitat, at the Applicant's expense. The proceedings before the Commission will be suspended and no work may proceed pending this study. If such a habitat is identified, it will be recommended for inclusion in the state's identified rare and endangered species habitat lists and maps. Whether or not the state adds the area to its list, the area will be presumed to be a rare and endangered species habitat until compelling competent evidence to the contrary is submitted. For any such identified area, and any area already on the state's list and maps, the performance standards and regulations of Section 26 [Vernal Pools] above shall be applied, whether or not the vernal pool is within a regulated resource area. The Natural Heritage Program and Endangered Species Program (Massachusetts Division of Fisheries and Wildlife) must be contacted for a review and comment of any rare and endangered species, and any priority habitat area.

SECTION 30. SEPTIC SYSTEMS, CESSPOOLS & SEWAGE DISPOSAL

(State Regs. 310 CMR 10.03(3))

Because of the differing jurisdictions of the Commission and the Board of Health, the approval of a proposed septic system by the Board of Health, while it shall be accorded its due weight, does not in and of itself meet an Applicant's burden of proof hereunder.

A. Septic System & Sewage Treatment Facility Location

- (1) No component of any new, upgraded, expanded or repaired septic system or other individual or shared sewage disposal facility, or sewage treatment facility, shall be located in any Resource Area, with the following exceptions:
 - (a) Any component of a septic system or sewerage treatment facility may be located within the 100-year Flood Plain, but only upon proof that there is no suitable location outside the Flood Plain available. Suitability shall be determined by soil, engineering and/or cost factors, not by personal preference.
 - (b) Pipes serving a septic system or sewerage treatment facility may be located within or traverse a Resource Area upon proper permitting hereunder and on the condition that no permanent filling, destruction or alteration of the Resource Area occur.
- (2) No components of any new, upgraded, expanded or repaired septic system or other individual or shared sewage disposal facility, or sewage treatment facility, shall be located closer to the edge of any Resource Area than the distance permitted by the then-applicable Board of Health or Title V wetlands or drinking water supply setback requirements, whichever applicable. The setback requirement from Resource Areas will be strictly required for the replacement of a system damaged by floodwaters.
- (3) If the above restrictions are not met, a Variance under these CWR and from the Board of Health under its regulations will be required. The Applicant must show that the proposed system or facility will cause no more damage to the interests of the Bylaw than one which would have met the setback requirement.

B. Point-Source Discharges

Any sewage treatment facility or structure which will have a directed out-source for treated effluent will be subjected to state point-source discharge regulations by the Commission as regulations under the Bylaw. However, the presumption of 310 CMR 10.03(4) is not adopted, and all discharges must independently pass scrutiny under the Bylaw and these CWR. Such facilities will be strictly subject to all other

applicable provisions of these CWR. Data concerning the volume, rate and content of the outflow and their impact on the affected Resource Area, Inner Buffer Zone, Outer Buffer Zone or Protected Interest(s) must be provided with the NOI.

C. "Alternative" or "Innovative" Systems

Any septic system which makes use of mechanical devices to operate must include provisions for long-term maintenance and monitoring in its permit application. All septic systems are subject to final approval by the Cohasset Board of Health and the Massachusetts Department of Water Pollution Control.

SECTION 31. FLOOD PLAINS & LAND SUBJECT TO FLOODING

The term **Flood Plain** refers to the 100-year flood plain, i.e. the landward extent of floodwater during the so-called 100-year storm event. The 100-year Flood Plain of any water body, inland or coastal, is a Resource Area subject to regulation. The boundary of the Flood Plain is the higher elevation between the boundaries as shown on the FEMA maps and the boundaries of the Cohasset Floodplain and Watershed Protection District, as each exist at the time an application is made. The boundary so determined is presumed correct, but may be overcome, and adjusted higher or lower, based on competent evidence.

Also regulated in these CWR (as well as under the State Regulations) are **Bordering Lands Subject to Flooding** and **Isolated Lands Subject to Flooding**. The Commission adopts the definitions of these terms set forth in the State Regulations at 310 CMR 10.57(1)(a) and (b), with the exception that there is no minimum size requirement under these CWR and any such areas are subject to regulation.

A. Characteristics & Protected Interests

Coastal and inland Flood Plains buffer and protect upland areas from severe storm conditions. In addition to the characteristics and Protected Interests described in 310 CMR 10.57, Bordering and Isolated Lands Subject to Flooding also may often act as exchange points between surface water and groundwater. Flood Plains also serve to prevent erosion of further upland areas. Filling a Flood Plain or Lands Subject to Flooding can eliminate its protective qualities and floodwater storage capacity, and thus can increase the area of flooding. Further, the existence of structures within a Flood Plain can lead to damage to persons and other property from debris during a storm. Engineered structures such as seawalls can also have numerous detrimental impacts.

Isolated Lands Subject to Flooding may contain vegetated wetlands areas similar in every respect to a BVW. Such isolated vegetated wetlands areas shall be presumed to involve the same characteristics and Protected Interests as do a BVW, and shall be subject to regulation under Section 24 above and will have a Twenty-Five Foot (25') buffer zone.

Any proposed project that involves removing, filling, construction in, cutting or removal of vegetation in or altering a Flood Plain, Coastal or Inland, Bordering or Isolated, is presumed significant to the protection of the following Protected Interests flood control, erosion control, storm damages prevention, water supply protection, groundwater protection & recharge, fisheries, shellfish, and wildlife habitat.

B. Performance Standards

Any work permitted shall not reduce the protective characteristics of the Flood Plain or Lands Subject to Flooding, or the ability of the land to absorb and store floodwater and to buffer inland areas from flooding and wave damage. Thus, where any filling of, or cutting and removal of vegetation in, a Flood Plain or Lands Subject to Flooding is permitted, compensatory flood storage capacity must be provided to replace lost flood storage volume. For purposes of this regulation, "filling" means not only adding soil to elevate grades, but to place a structure, area of impervious material or any other permanent and displacing feature that detracts from the ability of the area to absorb or store floodwaters.

C. Pollution Sources

Since the Flood Plain and Lands Subject to Flooding contain areas where the water table is close to the surface, no potential sources of pollution, such as any part of a septic system, cesspool, sewage treatment facility or fuel tanks, may be located in a these areas, except as permitted pursuant to Section 30.

SECTION 32. RESOURCE AREA & WILDLIFE HABITAT REPLICATIONS

A. Presumptions

With respect to replications of wetlands or habitat, it is presumed (i) that a natural or existing Resource Area or habitat is better than a replicated area; (ii) consequently, an activity which does not necessitate replication is preferable to one that does, and (iii) however well done a habitat replication may be, wildlife may not use it given their natural affinity to their original habitats. Thus, replication is discouraged, and the need for it must be demonstrated by clear and convincing evidence with no available alternatives. Enhancement of wildlife habitat areas is encouraged.

B. Performance Standards

- (1) The Commission may in its discretion permit the alteration or destruction of up to 1,000 square feet of Resource Area (all Resource Areas, not just BVW, but excluding Vernal Pools for which no alteration or destruction is permitted, whether or not the vernal pool(s) are within a regulated resource area) or of an area within the Buffer Zone found to have Wildlife Habitat value. Alterations to a resource area must be avoided or

minimized, to the maximum extent possible. A minimum 2-to-1 area replication will be required.

- (2) The replication area must be similar to the original area in both physical characteristics and function, and should be physically and hydrologically connected to the original area where possible.
- (3) Where Wildlife Habitat values are at issue, the new habitat area must be demonstrated to be of like quality and suited to the species of wildlife for whom it is intended. Sufficient access and travel corridors between the old and new habitat areas should be provided, and if necessary, new corridors to adjacent Resource Areas should also be provided.
- (4) A replicated Resource Area should include as much of a natural Buffer Zone as is possible, but be at least as far away from human activity and developed land as is the original Resource Area or habitat.
- (5) The development of the new replication area itself shall have no adverse effect on any Resource Area or Protected Interest.
- (6) The replication area must be created before the old area is altered or destroyed, unless material from the existing area is to be used in the creation of the replicated area. Completion shall include at minimum the creation of a natural wetlands soil profile, grading to natural water level and planting of species as conditioned by the Commission. Wetland replication area must be completed prior to the commencement of any construction activities.
- (7) All replicated Resource or Habitat Areas shall be monitored for 2-5 growing seasons, as the Commission may require. The Applicant may be required, at any time, to remedy any deficiencies at the replication site. The risk of replication failure is on the Applicant. Any trees or shrubs which do not survive must be replaced in kind by the applicant and/or property owner.
- (8) Rip-rap, concrete or wood retaining walls or structures are not an appropriate bounding or bank material for replicated wetlands.
- (9) No replication area or retention pond may be constructed within 100 feet of an abutting property, if it creates new Commission jurisdiction over that property, without the abutting owners consent.

C. Application Requirements

A proposal for replication must include the following (i) a complete analysis and survey (hydrological, geological, functional, vegetation and habitat inventory, etc.) of the area being altered, (ii) a complete analysis and survey of suitability of

the area selected for replication; and (iii) a record of the area being replicated and the area being filled. This record shall include, but not necessarily be limited to, photographs, soil profiles, water elevations (monitoring wells), habitat characteristics, and vegetative cover for the area before, during and after replication.

SECTION 33. COASTAL ENGINEERING STRUCTURES

No new bulkheads, filled piers, jetties, groins, seawalls, riprap or other coastal engineering structures shall be permitted in or on any coastal or inland Resource Areas, except as follows

- A.** Existing bulkheads, seawalls or riprap may be repaired or reconstructed in a location similar to the existing location, but only to its original length and if it is protecting an existing house. These structures may be rebuilt only if the Commission determines there is no environmentally better way to control an erosion problem. Repair or reconstruction proposals should include, (i) measurements of the rate of erosion of the bank (with historical photos if available); (ii) calculation of the volume of sediment being removed from the bank in question on an annual basis and an estimation of where that sediment is deposited; (iii) a determination whether this removal is the result of infrequent episodic events or occurs in small, regular losses-, (iv) wave height and storm surge data- and (v) a demonstration of how they will perform against waves and storm surges, and how they improve on the former structure's performance. Dissipation of wave energy should be incorporated into the design, but without adversely increasing wave action and potential wave damage to adjacent properties.
- B.** Proposals for armoring shores with new bulkheads, seawalls or riprap will only be permitted if (i) armoring is necessary to protect a dwelling constructed prior to August 10, 1978; (ii) the structure is designed and constructed to minimize adverse effects on adjacent properties due to loss of sediment or changes in wave action, and (iii) no lesser method of protection, other than the proposed structure, is feasible.

SECTION 34. DOCKS, FLOATS & CATWALKS

A. Definitions

(1) Dock

Dock refers to any permanent or seasonal structure (including without limitation, pier, wharf, bulkhead, etc.) to which boats may be tied while in the water or to which floats are attached, and the associated walkway or gangway leading to the dock.

(2) Float

Float refers to any floating platform in the water to which boats may or may not be tied, whether or not anchored to the bottom of the water body it lies in.

(3) Catwalk

Catwalk refers to any walkway structure that traverses a Resource Area or Buffer Zone, whether or not it provides access to a water body.

B. Characteristics and Protected Interests

Docks and floats are presumed to impact the water body itself, the land under that water body, and any Resource Area or Buffer Zone crossed to access that water body. Further, such structures are presumed to impact upon the following Protected Interests fisheries, shellfish habitat, wildlife habitat, storm damage prevention, prevention of pollution, recreation (including navigation) and aesthetics. Catwalks, whether crossing over a Resource Area or Buffer Zone to access a water body or merely traversing through those areas as a pathway, are presumed to impact the land underneath them by restricting sunlight and impeding passage of water or wildlife, and are further presumed to impact the following Protected Interests wildlife habitat, storm damage prevention, recreation and aesthetics.

C. Performance Standards

(1) Open Water Buffer Zone

Dock and float locations may be required to include a buffer zone of open water between the structure and any nearby Resource Area that is susceptible to erosion from wakes and propeller wash. The size of open water buffer zones shall be determined on a case-by-case basis as required to protect that Resource Area.

(2) Disturbance of Bottom

Disturbance of the bottom of a water body must be minimal at all times during both construction and use of a dock or float. Bottom moorings for floats must have as short a scope as possible so that anchor chains do not scour the bottom.

(3) Pollutants

Boats at a dock or float must not be allowed to leak oil or other pollutants into the water. Installation of gasoline pumps on docks and floats, storage of fuel on docks and floats, and cleaning out toilet facilities of boats at docks and floats is prohibited, except at duly approved facilities for such functions.

(4) Off-Season Storage

Off-season storage of seasonal docks, floats and catwalks must be in an upland area and not in a Resource Area. When removing these structures, they should not be dragged across or otherwise cause damage to a Resource Area. No

storage of docks and/or floats is allowed on salt marshes and/or coastal wetlands.

(5) Docks and catwalks

Docks and catwalks must not harm vegetation or other characteristics and functions of underlying Resource Areas or Buffer Zones. Planking must be sufficiently spaced to allow for the passage of air and sunlight, and if wildlife habitat is impacted, the structure must be of sufficient height to allow for unimpeded passage underneath by the wildlife impacted.

- (a) No new dock or float will be permitted within any identified shellfish area.
- (b) Docks and floats shall be constructed and located so as not to change shoreline movement of sediments.
- (c) No solid-fill docks, piers or wharves shall be permitted.
- (d) The Conservation Commission may request an Environmental Assessment of impacts to existing vegetation located below the proposed docks and catwalks, including submerged aquatic vegetation (SAV).

D. Application Requirements

In addition to the usual requirements of an RDA or NOI, proposals for docks, floats and catwalks should include the following where applicable (i) length, width, height, location, mean high and low water lines, landside topography, depth of water; (ii) all land forms, structures and moorings with 100 foot radius, (iii) a description of the construction materials, (iv) a description of the construction process; (v) size of pilings and planking, (vi) spacing between planks, (vii) plans for winter storage; (viii) an assessment of fin fish, shellfish and wildlife habitat and resources, impacts upon same and mitigation measures, (ix) a description of impact on navigation; and, (x) if required, analysis of borings from the bottom of the water body. The Applicant must also demonstrate that all other applicable local, state (such as MGL c. 91) and Federal (Army Corps of Eng.) permits have at least been applied for. Any Order or Determination issued will be strictly conditional on successfully obtaining permits at all levels, and submitting all required permits to the Cohasset Conservation Commission.

SECTION 35. EROSION CONTROL & STORMWATER MANAGEMENT

Erosion Control

In any project involving, or likely to result in, the use or movement of soil, sand or fill, the exposure of bare soil, or excavation, adequate erosion control measures must be taken to prevent eroded material from being deposited in a Resource Area. Such methods may include hay bales, silt fences, interceptor trenches, retention ponds, tarps, geotextiles, revegetation or any combination thereof, or

any other method, as approved by the Commission. Controls must be implemented both during construction and to control post-construction erosion possibilities. Erosion control mechanisms must be constantly monitored during construction and kept functioning. Post-construction, the Commission may impose and operations & maintenance plan for erosion control mechanisms and structures.

A. Stormwater Management, New Structures, Changing of Grades & Excavation

All projects involving new structures, changing of grades and excavation must provide:

- ☐ Information regarding topography of the site, surface and Stormwater drainage patterns, and the impacts the project will have on same.
- ☐ All projects should contain provisions for mitigating any adverse impacts caused by the alteration of drainage and flow patterns, and for the management of surface or stormwater "redirected" by roofs, downspouts, drains, regrading, channels or impervious surfaces.

When surface or stormwater is redirected by the proposed development activities into a Resource Area (or to a discharge point within 50 feet of a Resource Area), control measures must be implemented to insure that both the volume and rate of flow to that point is no greater than exists before development takes place.

B. Additional Performance Standards

Erosion control and stormwater management systems shall be designed to meet state "best management practices" requirements as to water quality, flood control and siltation loading, as such requirements exists from time to time, and are applicable to the particular project, site or use. The Commission shall also apply the following performance criteria

- (1) Siltation leaving a site that will be carried into a Resource Area, both during and after construction, should be no greater in quantity or concentration, determined on an annualized basis, than existed before any development of the site, unless any other law or regulation applied hereunder contains a stricter standard.
- (2) Design emphasis should be placed on elimination of sources of erosion, siltation and excessive runoff as opposed to managing these problems.
- (3) The Commission incorporates herein by reference and shall apply, as part of these CWR, any and all performance standards set forth in other environmental laws and regulations of the Commonwealth as may be applicable to a particular project, site or use, and which serve to protect the Resource Areas and Protected Interests of the Act and Bylaw. Examples of such other laws, regulations or performance standards that may be applied

include, but are not limited to, state water quality regulations and state solid waste regulations regarding siltation discharge.

- (4) In addition to performance standards described above, any project involving the use of stormwater retention or detention ponds with a point source or channelized discharge shall design those ponds in such a way to contain all peak flows from any storm of a severity of the 100-yr. design storm or more frequent occurrence completely within such pond(s) or otherwise on site.

C. Drainage Calculations and Impact Analysis

The Applicant should provide drainage calculations and an impact analysis, the latter addressing the impact on the Resource Area resulting from redirected water flow and demonstrating that volume and rate of flow have not increased over pre-development conditions.

SECTION 36. PAVING & IMPERVIOUS SURFACES

Because impervious surfaces accelerate runoff into Resource Areas and eliminate the ability of the ground to absorb water and act as a filter for pollutants, the use of any impervious surface for driveways, walks or patios in a Resource Area or Buffer Zone is prohibited, absent good cause shown. New, impervious areas are discouraged at Little Harbor and Straits Pond due to water quality issues.

SECTION 37. GROUNDWATER & WATER SUPPLY PROTECTION

RESERVED for further recommendation of Water Resources Protection Committee. In the interim, the Commission shall apply state law and regulations relating to groundwater protection and water quality as regulations under the Bylaw. If the source(s) of pollutants which are degrading groundwater or water supply resources or their tributaries are identified, the Commission may, pursuant to its usual or "unless and until" jurisdiction, place such restrictions as are necessary upon those sources to protect these resources and allow for their recovery, including closing or removing the pollutant source.

SECTION 38. ACECs IN COHASSET

The Weir River/Straits Pond Area of Critical Environmental Concern (ACEC) is presumed significant to all the interests of the Bylaw. This presumption is not rebuttable. For purposes of protecting this ACEC, the Commission will extend extra scrutiny to projects along its tributaries, such as Turkey Hill Run, Rattlesnake Run and the Great Swamp. The standard of performance that must be met by proposed development activities in and adjacent to the ACEC is "no adverse effect" (310 CMR

10.24(5)) and to ensure that activities ... are designed and carried out to minimize adverse effects ... on the entire (ACEC) complex." (Policy 2 of the Massachusetts Coastal Zone Management program).

SECTION 39. PESTICIDES, HERBICIDES & FERTILIZERS

- A.** Use of pesticides and herbicides in all Resource Areas and Buffer Zones is prohibited, absent express waiver from the Commission for good cause shown. The presumption of 310 CMR 10.03(6) is *not* adopted. No exemptions granted to any agency or entity by any state or Federal law or regulation are recognized, the intent being that any and all projects or activities proposing pesticide or herbicide use, or potentially leading to such use, be subject to regulation under the Bylaw.
- B.** No fertilizers may be used in any Resource Area. Use of fertilizers in the Buffer Zone, if permitted, will be limited to low-nitrogen varieties.

SECTION 40. RIVERFRONT AREAS

(310 CMR 10.58)

The Riverfront Area, as defined in the State Regulations, is presumed significant to all Protected Interests under the Bylaw. The Commission adopts as regulations hereunder the provisions of 310 CMR 10.58, except that the maximum permitted alteration (310 CMR 10.58(4)(d)(1)) shall be only 1,000 square feet, governed by Section 24 above. The Conservation Commission will require a minimum 100-foot wide undisturbed vegetated area for any new construction which shall be strictly enforced and shall not be waivable.

**Cohasset Conservation Commission
Wetland Variance Application**

- ♦ Are you proposing any activity (including the removal, destruction, or pruning of any vegetation or soil disturbances) on land within Fifty (50) feet of any wetland resource?

- ☐ Yes
- ☐ No

- ♦ If your answer to the question above is yes, you are required to request a variance pursuant to the Cohasset regulations promulgated pursuant to the Cohasset Wetlands Protection By-Law.

On a separate sheet of paper, describe in detail the reasons for the variance and the facts upon which the Conservation Commission should find that the project is rare and unusual and there is a clear and convincing showing that the proposed work and its natural and consequential effects will not have an adverse effect upon any of the interests specified in the By-Law.

- ♦ Describe any impacts the proposed project will have on the following interests:

a. Erosion

Control

b. Water

Quality

**Cohasset Conservation Commission
Wetland Variance Application**

c. Wildlife/Wildlife

Habitat

d. Recreation

e. Aesthetic/Historic

Interests

f. Describe how the project will not have an adverse impact on the regulated resource area.

**Cohasset Conservation Commission
Wetland Varlance Application**

g. Is the lot to be altered by the proposed work located within an Estimated Habitat or a Priority Habitat area as determined by the Massachusetts Division of Fish and Wildlife and Natural Heritage Program?

☐ **Yes**

☐ **No**

If you answered "Yes", have you contacted MA Division of Fish and Wildlife – Natural Heritage Program concerning an official determination and review of the impacts of the proposed project?

☐ **Yes**

☐ **No**