Bourne Conservation Commission Policy 10-1

Landscaping & Yard Work

(small projects not requiring heavy equipment)

The Bourne Conservation Commission has prepared this **guidance policy** to assist the landowner and the professional landscaper with their responsibilities pursuant to the Massachusetts Wetlands Protection Act (MGL C. 131, s. 40) and the Town of Bourne Wetlands Protection Bylaws, Article 3.7. The jurisdiction of the Commission under these laws is 100' from the boundary of the resource area (wetland resource area), within any A or V flood zones and within 200' of any river (freshwater or tidal and/or in an Area of Critical Environmental Concern). **BEFORE ANY WORK COMMENCES IT IS ADVISABLE TO CALL OUR CONSERVATION OFFICE AT 759-0615 ext. 344.**

Through the many years of review and on-site inspection the Commission has prepared this guidance policy to clarify which activities can proceed WITHOUT a filing with the Commission and those activities likely to require a filing.

The maintenance of **EXISTING landscaped areas and gardens** which occur within the *Buffer Zone* (Area upgradient of the Wetland Resource Area) or within the *A or V flood zones* or within the *Riverfront (existing landscaped areas only)* are Not likely to Require Conservation Commission filing or review.
Activities such as:

1) Lawn mowing, trimming (bushes & trees), cutting down dead/damaged trees, rototilling the existing garden, top dressing the existing lawn, placement of patio bricks, repair of walkways (with gravel, stonedust, brick, rock, slate or other materials), replacing landscape timbers, plantings of various landscape stock (trees, bushes, flowers, etc.) **Placing of leaves, grass, clippings, brush, etc. within a wetland is considered filling and it is illegal.**

NOTE: These permitted activities are for **EXISTING landscaped areas.** THESE ACTIVITIES MAY NOT OCCUR WITHIN A WETLAND RESOURCE AREA without at least the filing of a Request for A Determination of Applicability (except in flood zones and riverfront).

2) If your project includes tree cutting and removal of understory brush the Commission would not consider the area to be an **"EXISTING LANDSCAPED AREA."**

3) The Conservation Agent is available to conduct a site visit and make an "*Administrative Decision*" as to whether or not a particular situation might require the filing of a Request For a Determination of Applicability and/or a Notice of Intent.

Projects proposed for the Buffer Zone, flood zones A & V or riverfront that **Likely Will Require the filing of a Request For Determination of Applicability and/or a Notice of Intent** are the following:

Projects that substantially change (change in elevation of more than 6" over a period of time) the existing topography of the parcel, projects that require heavy equipment (backhoes, bulldozers, etc.), projects requiring excavation of more than 2 cubic yards of soil, projects that will entail filling that changes elevations more than 6", constructing fixed structures (deck, shed, gazebo, etc.), clearing trees and/or brush from areas not presently landscaped and major "make-over" landscape jobs.

Adopted: April 5, 1998; Reviewed & Revised on 3/18/2010