

ATTACHMENT ____

VEGETATED BUFFER REQUIREMENTS

1. Buffer will be planted and permanently maintained in the following cover: _____

2. Buffer will be indicated by permanent, free-standing markers at the buffer's upland edge, with a design and text approved by municipal and CLFLWD staff in writing. A marker will be placed and maintained at each lot line, with additional markers as necessary so that there is a marker at least every 200 feet. The monumentation requirement will apply to each lot of record.

3. The following activities are prohibited within buffer:

(a) Creating impervious cover.

(b) Excavation or placing fill or debris, except for approved bank stabilization activity and temporary placement of fill or debris as a part of work under a CLFLWD permit in the associated wetland/lake, provided it complies with all conditions of the permit and with Section 4, below.

(c) Altering vegetation, except for (i) vegetative enhancements, as approved in writing by CLFLWD staff; and (ii) the removal of invasive exotic species, trees for disease control, or safety hazards; or revegetation. A tree larger than six inches in diameter 54 inches above the ground may be removed only on written authorization from CLFLWD staff on its determination that buffer function will not be diminished.

(d) Applying phosphorus-containing fertilizers, except on written authorization from CLFLWD staff on its determination that phosphorus application is appropriate and will not injure the wetland/lake.

(e) Locating roads or utilities, except pursuant to a crossing of the associated waterbody that complies with Sections 4 and 5, below, and with the terms of any applicable CLFLWD permit. Structures and appurtenances associated with the road or utility may not be located within the buffer unless the CLFLWD determines that no feasible alternative exists.

(f) Outlet, flood control and stormwater treatment facilities may be located within the buffer in conformance with applicable CLFLWD rules.

4. Buffer may be altered temporarily in accordance with the following conditions:

(a) CLFLWD approval of an erosion control plan;

(b) Buffer and the location and extent of vegetation disturbance are delineated on the erosion control plan;

(c) Alterations are designed and conducted to ensure only the smallest amount of disturbed ground is exposed for the shortest time possible. Mulches or similar materials must be used for temporary soil coverage and permanent natural vegetation established as soon as possible; and

(d) Fill or excavated material is not placed to create an unstable slope.

5. A structure, impervious cover or right-of-way maintained permanently in conjunction with a crossing of the wetland/lake must minimize the area of permanent vegetative disturbance to the degree feasible. Minimization includes, but is not limited to, approach roads and rights-of-way that are perpendicular to the crossing and of a minimum width consistent with use and maintenance access needs. All work must comply with Section 4, above.

6. Access to an associated wetland/lake for a lawful private or public use of the resource may be created and maintained. All access surfaces within the buffer zone must be pervious and permanent vegetative disturbance shall be limited to that necessary for access in light of the nature and extent of the permitted use. No facility, other than a footpath or bank stabilization or a facility accessory to a permitted use of the wetland/lake and required by its nature to be adjacent to the water, may be located within the buffer zone. The access area must not exceed 30 feet or 50 percent of the width along the bank, whichever is less. The access area width should be only as wide as that needed for the intended purpose.

7. The buffer may enclose a trail or a water quality facility on a demonstration that doing so will not significantly reduce the protection afforded the wetland/lake. A trail no more than 10 feet in width bordered by a pervious buffer of at least five feet on each side is deemed to meet this requirement. Conformance to the buffer width requirement is determined exclusive of any such feature.