

Newton Conservation Commission

25-Foot Naturally Vegetated Buffer (NVB) Policy

Adopted by the Conservation Commission on June 20, 2019

- I. **GOAL of this POLICY:** To fully protect the vital functions and values of Newton's wetland resource areas by protecting and/or re-establishing a naturally vegetated buffer around all wetlands, waterbodies, and waterways jurisdictional under the State Wetlands Protection Act.
- II. **REASON for this POLICY:** The Newton Conservation Commission recognizes the importance of the buffer zone to wetland resource areas (as defined in the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and associated regulations 310 CMR 10.00 et seq.). Buffer zones provide functions vital to the health of their associated wetlands including but not limited to:
- Shade that moderates water temperature
 - Infiltration and slow release of precipitation
 - Flood water storage
 - Uptake and breakdown of pollutants and excess nutrients
 - Light and sound buffering
 - Upland habitat for wetland-dependent species, including mammals, amphibians, reptiles, birds, and insects.

By providing these functions, buffer zones support environmental health, aid in carbon capture and storage, and provide lifecycle wildlife and pollinator habitat. (Jennifer)

In the Commission's experience, activities undertaken within 25 feet of the edge of a wetland resource area have a high likelihood of having an adverse impact upon the protected resource area, either as a direct consequence of construction activity or the daily use and operation of the completed project.

- III. **REQUIREMENT of this POLICY:** To fully protect Newton's wetland resources, it is the policy of the Newton Conservation Commission to ensure that a 25-foot Naturally Vegetated Buffer (25-foot NVB) of native trees, shrubs, and low-growing vegetation is maintained or established to the maximum extent feasible immediately upgradient of the edge of a resource area subject to protection under the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40.
- IV. **BURDEN OF PROOF:** If an applicant proposes a project that requires an exemption to the 25-foot NVB, the burden shall be upon the applicant to prove that:
- The proposed project is the only reasonable alternative that complies with the Wetlands Protection Act, or
 - The proposed project will further an overriding public interest, or
 - The proposed project is the only available alternative that does not constitute an unconstitutional taking of private property without just compensation.
- V. **EXEMPTIONS:** If the Commission accepts and allows an exemption to this policy, it may require the applicant to:
- Restore more natural vegetation elsewhere that will result in a net ecological benefit;
 - Remove or reduce existing disturbances adversely affecting the wetland resource area; and/or
 - Meet other conditions, safeguards, and limitations that the Commission determines will result in improved protection of the wetland resource area.