

Frequently Asked Questions

When is a Buffer Management Plan required?

Any development activity (human action that results in disturbance to land, natural vegetation, or a structure) on land that has frontage on a tidal waterway, a tidal wetland, or a stream, or any disturbance to the Buffer or expanded Buffer will require a Buffer Management Plan. The Buffer Management Plan must be submitted to and approved by the local government, usually the planning office.

Can I prepare my own Buffer Management Plan?

Yes. A property owner can prepare a Buffer Management Plan for removal of individual trees, riparian access paths to the water, pruning, and most small construction projects. The Buffer Garden Plans in Chapter 6 of this book can be submitted for projects that require submission of a Minor Buffer Management Plan. If your required Buffer planting is 5,000 square feet or greater, you may want to hire a professional to assist in developing a plan that addresses conditions on your site and meets your specific needs.

Will my Buffer Management Plan require that I replant areas where I remove vegetation?

Yes. When vegetation, including invasive species, is removed in the Buffer, it must be replaced. The only exception is when a dead tree is removed. In that case, the area of the stump must be stabilized with native groundcover or other native vegetation as may be necessary.

Do I need a Buffer Management Plan to plant trees, shrubs, or a garden in the Buffer?

In general, a Buffer Management Plan is not required to plant voluntarily in the Buffer. A garden may be planted in the Buffer; however, it should not involve the removal of existing trees and shrubs or grading. Check with your local planning office before starting work.

If I am building a house or an addition outside the Buffer, is Buffer planting still required?

Generally yes. In many situations, planting is required unless the Buffer is already fully forested. The area of planting required depends on the type of project proposed, when the lot was recorded, and the area of existing forest in the Buffer.

What is the difference between "Buffer establishment" and "Buffer mitigation"?

"Buffer establishment" is required on certain properties when construction or development takes place outside the Buffer. "Buffer mitigation" is required when construction or development takes place in the Buffer.

I have a lot of poison ivy, vines, and brush in my Buffer. Can I "bush hog" it?

No. Bush hogging is not permitted in the Buffer because it is potentially damaging to this sensitive area. Poison ivy can be sprayed with an herbicide and removed by hand (gloves are strongly recommended). Vines and brush can be cut or grubbed by hand. Some brush species may actually be native shrubs. Manual removal will ensure that desirable native species can be maintained. Mulching or planting with native groundcover species is strongly recommended to stabilize that area after removing noxious or invasive species.

What size plants do I need to satisfy a Buffer planting requirement?

The minimum size for a canopy tree is $\frac{3}{4}$ -inch caliper (trunk diameter measured six inches from the ground) in order to receive 100 square feet of credit. A $\frac{3}{4}$ -inch understory tree is worth 75 square feet of credit. Large shrub species should be at least three feet high for 50 square feet of credit and small shrubs at least 18 inches high for 25 square feet of credit. Smaller planting materials or natural regeneration may be acceptable for large planting requirements. Check with your local planning office for detailed requirements.



New York Ironweed

How do I arrange the plants in my garden to make sure they have enough room to grow?

The Buffer Garden Plans in Chapter 6 show how trees, shrubs and herbaceous plants can be arranged so that they can grow to maturity and provide optimum water quality and habitat benefits. If your site requires modification of a garden plan so that it will work, the following standards should be used:

- Canopy trees (using the trunk as the planting location) should be planted 14 to 20 feet apart.
- Understory trees can be planted under canopy trees, but should be spaced at least eight to ten feet away from the trunk of a canopy tree or another understory tree.
- Large shrubs can be planted under canopy trees and understory trees, but should be planted at least five to seven feet away from trees or other large shrubs.
- Small shrubs can be planted under canopy trees and understory trees, but should be planted at least three to five feet away from trees, large shrubs, or other small shrubs.
- Herbaceous plants can be planted under and around trees and shrubs. It is important to consider how much sun the plants need. Herbaceous plants may be easier to maintain when they are planted in groups, with individual plants spaced at least 1½ to 2 feet apart.

Can I cut trees in the Buffer that are less than four inches in diameter without a Buffer Management Plan approved by the County or Town?

No. The cutting and removal of any trees, shrubs, and natural vegetation in the Buffer require the homeowner to file a Buffer Management Plan.

Can I remove a tree or natural vegetation that blocks my view?

Removal of healthy trees and natural vegetation in the Buffer is not permitted solely for the purpose of creating a view. However, trees and shrubs can be pruned and limbed up to create openings that provide a view. The removal of invasive species and vines is permitted and can also improve a view.

What can I do about trees that are damaged by storms?

If a tree is diseased, dying, invasive, or considered a hazardous tree (likely to fall and cause damage or injury), a property owner can remove the tree by obtaining approval of a Simplified Buffer Management Plan. Each tree removed must be replaced with a ¾-inch caliper nursery stock tree. If the tree removal involves more than five trees, a local government may require a site visit, additional documentation, or a Minor Buffer Management Plan at its discretion. The removal of dead trees does not require replacement, but the area should be stabilized with native vegetation.

Can I preserve my view of the water?

Yes. The Critical Area regulations for the Buffer do not include standards for creating or maintaining a view of the water; however, a Buffer Management Plan can be used for this purpose. A view can be addressed through thoughtful design in selecting the type and location of plants in the Buffer, careful pruning of existing trees and shrubs, and a thorough approach to removing invasives and planting groundcover.

Can I apply herbicides in the Buffer?

Yes. You can manually apply herbicides in the Buffer for the removal of invasive species. Targeted spraying to eradicate individual plants or treat small areas, using an herbicide appropriate for application near waterways, is recommended. You may need to cover or protect desirable native species so they are not destroyed.

Can I remove invasive or noxious plants such as English Ivy, Japanese Honeysuckle, or Phragmites in the Buffer?

Yes. Removal of invasive or noxious species in the Buffer and replacing them with desirable native species is encouraged. However, a Simplified Buffer Management Plan is required. Also, the removal of invasive species must be done by hand or by using a backpack sprayer. Mowing or bush hogging is not permitted.

Can I trim shrubs and prune trees within the Buffer?

Yes. You can trim shrubs and prune trees within the Buffer using hand tools as long as the pruning and trimming does not affect the water quality and habitat functions of the Buffer. Depending on the number of trees and shrubs to be trimmed or pruned and the size of the area of the Buffer affected, a Simplified or Minor Buffer Management Plan may be required. Check with local planning staff before starting work.

Do I need a Buffer Management Plan to trim or prune trees and shrubs within the Buffer?

A Buffer Management Plan may be required depending on the scope of the work and the size of the area. In general, if live branches are to be pruned or invasive species are to be removed, and three or more trees will be affected, you should contact your local planning office to determine what, if any, authorization is needed. In many cases, a Simplified Buffer Management Plan (see Chapter 5) may be sufficient.

Do I have to plant in the Buffer when I am doing a shore erosion control project?

Yes. Generally planting in the Buffer will be required at a one-to-one ratio for the square footage of shoreline disturbance associated with the project and for the replacement of any canopy trees that are removed. This is usually calculated as the linear feet of shoreline multiplied by the work area along the shoreline or 15 feet, whichever is greater, plus the area of canopy coverage removed.

Why is planting required for shore erosion control projects when the project is being installed to help the Bay by reducing sedimentation?

Planting is necessary to restore the functions of the Buffer after disturbing the sensitive intertidal zone along the shoreline. Planting offsets the temporary impacts on habitat and water quality associated with the construction activity itself and helps to rapidly stabilize the disturbed shoreline area. Mitigation by planting in the Buffer also improves the habitat and water quality benefits of most shore erosion control practices by stabilizing soils, promoting infiltration, building natural resilience, and enhancing nutrient uptake.

Is mitigation required for access to the shoreline and for stockpile areas created when you do a shore erosion control project?

No. As long as the access and stockpile areas do not involve clearing of natural vegetation, grading, or the installation of an access road, mitigation is not required. If natural vegetation is cleared, it must be replaced at a one-to-one ratio. If a temporary road is installed, the road must be removed and the area fully restored.

Can I mow my lawn in the Buffer?

Yes. Mowing an existing lawn in the Buffer is permitted. Mowing of shrub scrub vegetation, marsh vegetation, or forest understory vegetation is not permitted. New areas of lawn cannot be created in the Buffer.

Is mitigation required for trimming and pruning trees within the Buffer?

No. Mitigation is not required as long as the pruning and trimming does not remove more than 25 percent of the living canopy and limbing up of lower branches is limited to the lower one-third of the height of the tree.