

The Stream Buffer

The Stream Buffer law creates a no-build buffer around streams (permanent and intermittent), lakes, ponds and reservoirs whether naturally occurring or man-made. The minimum buffer is 75 feet. If there's a flood plain adjacent to the waterway, then all of it is included in the buffer. If a steep slope (greater than 15%) is adjacent to the waterway, the entire slope is included. This means the buffer could extend beyond 75 feet. There are some uses permitted within the buffer, such as unpaved hiking, bike and bridle trails, wildlife sanctuaries, nature preserves, etc. Also, buffers may be crossed by recreational trails, roads, sewer and water lines, etc. A Stream Buffer Management mitigation plan and applicable state permits are required for these uses.

Further, portions of lots within the buffer must be permanently restricted by deed or conservation easement. Existing non-conforming structures are grandfathered in. The ordinance provides for waivers, and there is a method to settle disputes about the location of the buffer.