

**From:** [Seth Engelbourg](#)  
**To:** [Jeff Carlson](#)  
**Subject:** Regs Update  
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Hi Jeff,

Some follow up about AURA/buffer zones.

In my markup of the regs that I sent in, I included the desire for a definition of 'Great Pond' and an associated 200' buffer. Sutton has this same 200' buffer so I believe this would be feasible/backed by science/consistent with other municipalities.

Also, Arlington has two great sections that I'd be willing to add to our regs almost verbatim, concerning impervious surface and prohibited activities:

F. Impervious surface.

(1) The total area of impervious surface within the Adjacent Upland Resource Area shall not increase over existing total area unless mitigation is provided and there is no impact on Resource Area values.

(2) Impervious surfaces shall not intrude farther into the Adjacent Upland Resource Area than pre-project conditions unless the Commission in its sole discretion determines that the total area of impervious surface is significantly decreased or other mitigation is provided that serves to protect the resource area values. Impervious surface shall be kept as close as possible to the outer (upland) boundary of the Adjacent Upland Resource Area.

G. The following activities may not be conducted in any portion of the Adjacent Upland Resource Area: changing of oil, refueling, or damage to other vegetation not scheduled for removal.

Additionally, I like this bit about clearing from Hamilton:

PERFORMANCE STANDARD for work in the AURA.

Applicants proposing work in an AURA shall design their projects so that the AURA remains undisturbed or as minimally disturbed as possible. To that end Applicants shall:

- Characterize the existing AURA vegetation by type and location both in the Narrative in the Application and on all filed Plans.
- State the intent, location and total area, in exact square footage, of any proposed clearing of existing vegetation.
- All clearing proposed must be accompanied by a mitigation plan. Mitigation may include, but is not limited to, planting of native landscaping or wildflower meadows in preference to lawns, and removal or control of invasive species.
- Provide adequate erosion control.
- Describe the method of vegetation cutting and disposal of all debris.

And this one sentence about waivers from Hamilton as well: Waivers are not favored, and will not be granted, except in the most rare and unusual circumstances.

Lastly, Groton made their 'no disturb area' 50ft instead of 25, worth considering. Also, 50-100 is only temporary disturbance:

(1) No-disturbance area. This is any area within the first 50 feet of any freshwater wetland. No activities or work, other than passive (foot or nonmotorized vehicle) passage, is permitted except for removal of invasive vegetation if done in compliance with standards provided in these regulations. No vegetation may be disturbed, and leaf litter and natural debris remains in place. The no-disturbance area should remain unchanged from its pre-project state.

(2) Temporary disturbance area. This is an area in the adjacent upland resource, outside the fifty-foot no-disturbance area, where temporary disturbance for a limited period of time is permitted, such as for regrading or travel by heavy machinery. Once the activity is completed, however, the area will be allowed to return to natural vegetation and function. Any subsequent disturbance or activity shall require a new filing. The Conservation Commission shall establish specific time frames and conditions for allowing temporary disturbances, as well as setting criteria for assessing the successful return of the adjacent upland resource to natural functions.

And some flexibility for significant wildlife:

(e) But indirect impacts, the effects of human activities near wildlife habitat, can have equally harmful effects. Therefore, the Commission shall take into account indirect effects on a project-by-project basis. So, for example, no work within resource areas shall be permitted within 100 feet of existing beaver, mink or otter dens or within 200 feet of existing osprey or great blue heron nests.

That's all for now.

Best,  
Seth

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