

New Marlborough Conservation Commission Frequently Used Terms

The following definitions are presented to help you understand the meanings of words and terms commonly used in wetlands permitting and, yes, to translate the jargon that you may encounter! Words and terms defined elsewhere are italicized.

Abutter – The owner of land sharing a common boundary, or corner, with the site of the proposed activity, in any direction, including land located directly across a street, way, river, or stream.

ACEC – ACEC's, or Areas of Critical Environmental Concern, are places in Massachusetts that receive special recognition because of the quality, uniqueness and significance of their natural and cultural resources. The Department of Conservation and Recreation oversees the program for areas that are designated by the state's Secretary of Environmental Affairs.

Bank – The area which abuts and confines a water body, the upper boundary of which is the first observable break in slope or the mean annual flood level, whichever is lower.

Buffer Zone – An area extending out 100 feet horizontally from *bordering vegetated wetland* and from *banks of lakes, ponds and intermittent streams*. Activities within a buffer zone require a review by the Conservation Commission – usually under a *Request for Determination of Applicability* – to ensure they will not impact the protected wetland.

Bordering Vegetated Wetland – Wetlands that border on *rivers, streams, ponds and lakes*. Because these areas often are not inundated, delineation by a wetland scientist, based on vegetation and soil types, may be required.

Flood Plain – See Land Subject to Flooding (Bordering).

Lake – Any open body of fresh water with a surface area of ten acres or more.

Land Subject to Flooding Bordering – Bordering Land Subject to Flooding, also referred to as BLSF or Flood Plain, is an area presumed to flood from a rise in a bordering waterway or water body from the statistical 100-year frequency storm. Its boundaries are defined by the most recent FEMA (Federal Emergency Management Agency) map of the area.

Land Subject to Flooding, Isolated – Isolated Land Subject to Flooding is an isolated depression or closed basin, without an inlet or outlet, which at least once a year confines standing water to a volume of at least a quarter acre and to an average depth of at least six inches. (Such a depression may also be a *vernal pool*.)

Land Under Water Bodies and Waterways – The land under any *lake, pond, river* or *stream*. Its boundary is the mean annual low water level.

Notice of Intent (NOI) - The application form (Form 3) that, under the Wetlands Protection Act, must be submitted to the Conservation Commission when a proposed activity is likely to impact a protected wetland *resource area*.

Pond – Any open body of fresh water, natural or man-made, with a surface area of at least 10,000 square feet. (Exceptions include impervious containments, such as swimming pools, and excavated gravel pits or quarries that have been active within the past five years.)

Request for Determination of Applicability (RDA) – The application form (Form 1) that, under the Wetlands Protection Act, must be submitted to the Conservation Commission when a proposed activity will occur within a *buffer zone* or within a *resource area* but will not remove, fill, dredge or otherwise alter the protected area. The RDA also may be used to request the Conservation Commission to confirm delineation of a wetland resource area.

Resource Areas – Areas that are protected under the Wetlands Protection Act and its regulations (310 CMR 10). Protected inland “resource areas” are *banks, the land under water bodies, bordering vegetated wetlands, land subject to flooding, and riverfront area*. Each is defined within this section.

Riverfront Area – The area extending out 200 feet horizontally from each *bank* of a *river* or *perennial stream*. The entire “riverfront area” is a protected *resource area*.

Stream, Intermittent – A body of running water which flows in a definite channel in the ground, which flows into or out of a protected wetland, and which flows throughout the year – perennially.

Vernal Pool – A confined basin depression that, in most years, holds water for a minimum of two continuous months during the spring and/or summer, and that is free of adult fish population. Vernal pools provide essential breeding habitat for amphibians, some of which are listed as endangered or threatened. Therefore, they and an area 100 feet surrounding their mean annual boundaries are protected.

Wetland – Generally speaking, you can presume that a marsh, swamp, *river, stream, pond* or *lake* is a protected “wetland.” A wetland that isn’t wet – a stream that doesn’t flow year-round, or a marsh that contains no surface water during dry seasons – continues to be defined as a wetland, based on soil characteristics and vegetation. (There are some exceptions, which a member of the Conservation Commission can explain.)