

Town of Upton



Massachusetts

WETLAND PROTECTION BYLAW
Accepted by the Town in May of 2004

Why do we still need a Wetlands Bylaw?

The wetlands in Upton form a complex system that provides and protects the water used by the Town's citizens. These wetland areas provide temporary storage for floodwaters, filter out pollution, and allow the filtered water to recharge our groundwater resources. Wetlands also provide habitat and food for aquatic life, and act as corridors for the movement of animals from one area to another. Many of the town's rarest plants and animals, including wood turtle, blue spotted salamander, and marbled salamander need wetlands to survive.

Upton is growing rapidly. The population of the town has increased by 55% since 1990 and is expected to double in the coming decades. More than half of the town (7200 acres) is vulnerable to development. The bylaw is needed to strengthen wetlands protection during this period of unprecedented growth.

Many of the Upton's original wetlands have been lost to development although no data is available for the town; nearly 30 % of Massachusetts's original wetlands have been lost to development. Today just 12.7 % of the town of Upton is wetland. Remaining wetlands must be protected for future generations.

Doesn't the State Protect Wetlands?

Wetlands, river, and streams in Massachusetts are protected by the state's Wetlands Protection and River Protection Act. Although these laws provide important protection to wetlands throughout the commonwealth, many Massachusetts towns, including Hopkinton, Grafton, and Northbridge, have enacted bylaws to provide added safeguards. Most towns east of Route 495 have enacted wetland bylaws or other measures to enhance wetland protection.

History of the Bylaw

The Bylaw was drafted by the Upton Conservation Commission, a 7 member board appointed by the Board of Selectmen. The Commission based the town bylaw on a "model" wetland bylaw" written by the Massachusetts Association of Conservation Commissions. The Commission solicited comments on the draft bylaw from the Selectmen, other town boards, and the public. During this process some changes were made to the Bylaw to minimize its impact on homeowners. These include exemptions for routine landscaping and other activities on existing lots. The Bylaw was approved by majority vote at the May 2004 Annual Town Meeting and approved by the MA Attorney General a few months later. It is currently in effect. The Commission approved Bylaw regulations in the spring of 2009.

How does the Wetlands Bylaw Strengthen Wetlands Protection?

The Bylaw strengthens protection of isolated wetlands, intermittent streams, vernal pools and the "buffer zone" around wetland resource areas. Cutbacks in the State budget undermine the ability of the Department of Environmental Protection to enforce the Wetlands Protection Act, increasing the need for local protection.

The bylaw strengthens wetlands protection in 4 main ways” 1) provide added protection to resources with no or limited protection by state law (isolated wetlands and vernal pools), 2) allow the Commission to establish a no-disturb zone to protect wetlands from new development, 3) allow the Commission to fine developers who ignore orders issued by the commission; and 4) allow the town to charge reasonable application fees to defray cost of administering the act.

What is a Vernal Pool?

Vernal pools are isolated wetlands that hold water in the spring long enough to provide critical breeding habitat for frogs, salamanders and other aquatic life. Vernal pools are rare in the landscape – there are perhaps no more 25 per square mile in town. Many vernal pools have no protection or limited protection under the Massachusetts Wetland Protection Act.

How Does the Wetlands Bylaw affect the citizens of Upton?

Exemptions in the Wetlands Protection Bylaw mean it does not apply to homes, businesses, and landscaping, as they currently exist. Lots with houses in existence prior to May of 2004 are entirely **exempt** from the Bylaw. For all properties, maintenance of existing lawns, paths, and docks, pruning of vegetation, removal of hazardous trees, and other minor activities near wetlands does not require a permit. Virtually all new construction projects are reviewed jointly under the Massachusetts Wetlands Protection so there is no added administrative burden on applicants. There is no additional cost to the Upton taxpayer for administering the Bylaw. The Bylaw allows the Conservation Commission to generate regulations that will protect wetlands and to levy fees to defray the cost of administering the Bylaw.

Who Administers the Bylaw?

The Bylaw came into full effect after its approval by the State Attorney General. It is administered by the Conservation Commission and is protecting Upton’s resources. Commission members are appointed by and accountable to the Upton Board of Selectmen.

Once the Bylaw was enacted, the Conservation Commission hired a part-time agent to help administer the Bylaw and state Wetlands Protection Act. This position is funded solely from application fees collected under the Bylaw and Wetlands Protection Act.

Pursuant to Section 8 of the Bylaw, the Conservation Commission prepared regulations to administer the Bylaw. Drafting of the regulations was subject to full and open public review and comment during two public hearings.

What Else is being done to Protect the Upton's Natural Resources?

The Bylaw is one of many recent initiatives to protect Upton’s resources for future generations. The Historical Commission led the way to acquire the Elm Street “Chamber” Park using Community Preservation Act (CPA) Funds. The town acquired open space through the Glen Echo project and through a generous private donation by the Snow Family. The Conservation Commission established a Land Stewardship Committee, which prepared and is implementing a stewardship plan for the Former Stefans Farm. The Dodson Open Space Study funded by the CPA inventoried the town’s resources and will guide future open space planning.

Please see the town’s web page and contact the Conservation Commission for more information. The Commission and its Open Space and Land Stewardship Committees welcome new members.

