



## Town of Upton Massachusetts

# Wetland Bylaw Regulations

*Information  
Flyer*

Please join us at the Annual Town Meeting to vote on the Bylaw Regulations.

Date: May 7th, 2009 at 7:30 PM  
Place: Nipmuc High School

### *Did you know?*

Upton Wetland By-Law was accepted by the Town in May of 2004

### Why do we need Wetlands Protection Bylaw Regulations and what do they do?

The regulations are needed to help protect Upton's water quality and natural resources. They are prepared by the Conservation Commission to:

- 1) Identify resource area standards;
- 2) Create procedural guidelines;
- 3) Levy fees to defray the costs of administering the Massachusetts Wetlands Protection Act.

These costs include a part-time agent who assists in the administration of the Wetlands Protection act, and an administrative assistant who is available for regular office hours to assist the public.

Section 8 of the Upton Wetland Bylaw requires the Conservation Commission to establish wetland regulations. Local wetland bylaws provide communities the opportunity to strengthen protection of wetlands and streams beyond State law. A majority of towns in Central Eastern Massachusetts have local wetland bylaws.

### Who would be affected by Wetland Bylaw Regulations?

The regulations will benefit all Upton citizens by protecting surface water quality, drinking water quality and natural resources within Upton while the costs of administering both the Massachusetts Wetlands Protection Act and Bylaw will be the responsibility of those proposing new projects in Town, not the Upton Taxpayer. **All single-family house lots with a house constructed prior to May 2004 are exempt from the Bylaw and its regulations.**

In addition, minor activities such as most landscaping activities including mowing and cutting of dead/dying trees as well as the conversion of upland lawn to uses such as decks, sheds, patios and pools are generally exempt from the Bylaw as is most utility work.

### How will the collected filing fees be used?

The fees will be used to offset the cost of the Conservation Commission's administrative assistant and agent. Including the state wetland funds that we receive, we anticipate that these fees will allow the commission to eventually be totally self-sufficient and not require additional tax dollars from the town.

Our administrative assistant is available during posted office hours to help answer questions that residents may have about their projects and the wetland resources that may be impacted. Questions about whether you need to file, what state or local forms should be filed, and the process that is followed can be answered by our assistant.

Our conservation agent is responsible for ensuring the project is following the plan that was agreed upon by the developer and commission. Our agent spends time in the field verifying wetland delineations, reviewing plans with developers, and preventing possible erosion events from occurring during construction. Regardless of the project scope, our agent is available to inspect the beginning and end of the project.

These fees will allow the commission to have the necessary work force that will help protect Upton's valuable wetland resources.

### **How were the regulations written?**

Regulations were written by reviewing examples of regulations from other towns such as Hopkinton, Sutton, Sturbridge, Framingham, Holliston and Grafton. Sections of the existing regulations were incorporated into drafting and these regulations had to match details in the Upton Wetland By-Law. Regulations were reviewed by Town Counsel and found to be well written and in conformation with the bylaw.

### **How do the Upton regulations compare to other towns?**

When the Upton Wetlands By-Law and associated regulations were compared to Hopkinton and Sutton, the set-backs from the wetlands were less restrictive. Hopkinton listed a 25 ft no disturbance setback from the wetlands, Framingham listed 30 ft, Acton and Holliston listed 50 ft, Grafton listed 25 ft and Upton lists 30ft. Upton's regulations included more exemptions for minor activities in the buffer zone to a wetland or resource area. Activities which are exempt, not found in other towns' regulations include unpaved pedestrian walkways, plantings of native vegetation, fences and stone walls, vista pruning, and construction of patios within 100ft of a wetland.

The Upton regulations were compared to Hopkinton and Sutton with regards to the filing fees and Upton was significantly lower. When Upton's regulations were compared to Grafton, the filing fees were comparable.

#### ***Questions?***

Contact The Conservation Assistant at:  
***[dsexton@upton.ma.us](mailto:dsexton@upton.ma.us)***  
Phone: 508.529.6286

Office Hours: Tuesday - Thursday: 1:00 - 3:00pm

### **What happens if the regulations are not approved?**

Without by-law regulations the Commission will continue to implement the state Wetlands Protection Act and our local by-law but without a clear set of regulations for applicants to use when filing for their projects. Developers frequently call asking for local regulations regarding fees, setback requirements, and other local process requirements as well as inquiring as to which type of filing is required (Notice of Intent or Request for Determination).

The Commission will continue to give verbal explanation to each applicant. If these regulations are not approved, the commission will rewrite the bylaw regulations, post public notice and hold two public hearings, and then bring the regulations to a vote again.

### **What happens if they are approved?**

If these regulations are passed they will be effective immediately and future applicants will have a clear set of guidelines with which to file their projects. The Commission will be able to amend if needed. The commission will collect additional revenues to help defray the costs of administering the act. Developers will have guidelines for filing their projects that will save their time and money as well as the Commission's.