

2023 Report of the Conservation Commission

The Commission administered the Massachusetts Wetlands Protection Act, the Town Wetland Protection Bylaws, and the Town Stormwater Bylaw. Regular public meetings were generally conducted bi-weekly and numerous site inspections were held by the Conservation Administrator. Meetings were held remotely. Many sites were reviewed and approved for building permit application signoffs by the Conservation Commission Administrator. Major projects that were reviewed and permitted included Governor's Landing residential development and an irrigation pond at Five Fork Farms. The Commission and Sudbury Valey Trustees jointly determined that the irrigation pond was consistent with the Conservation Restriction held on the property. Projects under construction monitored by the Commission in 2023 included: Five Fork Farms irrigation pond, Upton Ridge, the Preserve at Dean Pond subdivision, and Cobbler's Creek Senior housing. Three enforcement orders were issued. The Commission resolved several other violations of the Wetland Protection Act and/or the town wetland bylaw.

Department Specialist Grace Brownell started working in March for the newly created Land Use and Inspectional Services Department. Ten hours of her time is allocated to Conservation.

The Open Space Committee worked on several properties including, parcels off Barbara's Path and the Reed Property on Mechanic St. In June, the MA Department of Agricultural Resources and the Town acquired an Agricultural Preservation Restriction on approximately 28.5 acres at the Town Line Dairy Farm on Williams Street. The Commission funded an appraisal for the Reed Property. See the Open Space report for more details.

The Land Stewardship Committee (LSC) filed a NOI for the installation of a trail bridge and boardwalks at the Robertson Family Conservation Restriction. CPC funding for the trail bridge was approved at the May Annual Town Meeting. An RFP was submitted in September for Engineering design work on the bridge. At the November Special Town meeting additional CPC funding was approved for the repair and upgrade of a trail bridge at the Warren Brook Watershed Conservation Area. The Commission and LSC worked with Sudbury Valley Trustees (SVT) to draft the Mechanic St. Conservation Restriction (CR). In December, SVT submitted the CR to the Division of Conservation Services for their review. The LSC scouted and mapped trails at the Mechanic St. property and identified parking areas on Fowler St. and Mechanic St.. SVT obtained an anonymous donation to fund construction of the trails and parking areas in 2024. LSC started the process of coordinating with the Planning Board for potential change of use filing for the construction of these parking lots. Lastly, the LSC has been working to improve the trail network at the Center Brook Conservation Area behind the Dogwood Drive Subdivision. See the Land Stewardship report for more details.

Applications/Requests received:

- Notice of Intent (NOI) = 6
- Requests for Determination (RDA) = 12
- Abbreviated Notice of Resource Area Delineation (ANRAD) = 0
- Request for Certificate of Compliance (COC) = 8
- Order of Conditions (OOC) Extensions = 0
- Emergency Permit Request = 6
- Stormwater Management Permit Application = 0
- Erosion Control Permit Application = 3

Decisions/Actions issued by the Commission:

- Order of Conditions (OOC) issued = 8
- Determinations = 11
- Order of Resource Area Delineation (ORAD) = 1
- Certificate of Compliance = 8 (including 2 partial)
- Order of Conditions Extension = 0
- Enforcement Orders = 3
- Emergency Certifications = 6
- Erosion Control Permits = 3
- Stormwater Management Permits = 0
- Minor Modifications to plans for OOC = 2

In October, the Conservation Commission held a public hearing for the proposed modifications to the Town of Upton Wetlands Protection Bylaw Chapter 280 Sections 4 & 5. Proposed amendments included dropping the limits on filing fees, clarifying the abutter notification requirement for a Request for Determination of Applicability (RDA) and allowing permit extensions for three years. The amendments were approved at the November Special Town Meeting.

The Commission with the Board of Health administered town funds allocated for beaver control. The Board of Health oversaw trapping beavers at River St. near Pratt Pond, in a wetland behind Depot St., Glen Ave. and Walker Dr. New this year is that some of the trapping is done in house by the Animal Control Officer.

The Commission has been monitoring Pratt Pond Ice-Out as an indicator of climate change since 2010. Pratt Pond Ice out is defined as first day in winter or spring when no ice is visible in the pond from a vantage point near the intersection of School Street and North Main Street. In 2023, the pond was ice free on Jan 5 and intermittently until March 3 when the final ice-out occurred. Ice-In, defined as first day in fall or winter when Pratt Pond is entirely ice covered from a vantage point near the intersection of School Street and North Main Street, occurred on December 12.

General

- Office is located in Town Hall, **Room 201** Monday, Wednesday, & Thursday: 8:00 a.m.- 4:00p.m.; Tuesday: 8:00 a.m.-6:00p.m. Phone number: (508)-529-6286 or (508)-603-0128
- E-Mail: concomm@uptonma.gov, moverholt@uptonma.gov, or gbrownell@uptonma.gov

The Conservation Commission meetings are held on the second and fourth Wednesday each month at 7:00 pm; meetings are held virtually via Zoom.

We would like to thank the various Town Boards, Commissions, Departments, and the citizens of Upton for their continued cooperation, participation and support during the year.

Respectfully Submitted,
Conservation Commission

Christine Scott, Chairperson
Mike Penko, Vice-Chairperson
Sandra Lajoie, Treasurer
Thomas Jango, Member

Alan Miano, Member

Marcella Stasa, Member

David Szczebak, Member

Mary Overholt, Conservation Administrator

Grace Brownell, Administrative Assistant