



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

October 18, 2023

To: Upton Zoning Board of Appeals

Ref: 47 Main St.

Attn: Members

This **revised** comment letter was developed based on the review of the "47 Main St. Upton MA, Preliminary Residential Development Plans, Comprehensive Permit Application Upton Zoning Board of Appeals" dated Sept 13, 2023 by D & L Design Group. An analysis of relevant GIS data sets was also conducted, in addition to a site visit.

Comments:

1. An ANRAD was filed with the town April 19, 2022. The wetland line was reviewed by Dave Pickart Conservation Agent at the time. Nearby wetlands off property (next to 13 Whitney) were identified and included on the plans. The applicant was asked to evaluate a pooled area in the wetland to determine if it was a vernal pool (i.e. a pool that provides breeding habitat for obligate vernal pool species such as wood frog and mole salamanders). The pool was evaluated in the spring of 2022 and determined not to be a vernal pool. Many of the residents in the neighborhood were present at the hearing and had a lot of questions. An ORAD was issued 6/30/2022 which establishes the validity of the wetland line for 3 years. The wetland line is good until 6/30/2025.
2. The land is not shown on any MA National Heritage and Endangered Species Program maps or FEMA flood maps.
3. The property is part of a ca. 14 acre wooded area bound on all sides by streets and dense residential development. It is not adjacent to any public or privately owned protected open space. It is not mapped as BioMap (2023) habitat by The Nature Conservancy.
4. Some of the drainage from the property flows through a culvert under Rt 140 and eventually reaches Center Brook. All of the runoff from this site eventually flows into Center Brook a cold-water resource which is important for fish such as brook trout.
5. This project will be subject to review under the Mass. Wetlands Protection Act and the applicant will submit an NOI. The Conservation Commission will look at placement of bounds, erosion controls and other details such as snow storage areas and location of stockpiles during this review.
6. This lot would be subject to the Town of Upton Wetland Bylaw if it were not a 40 B Project. Some inconsistencies with the local bylaw are as follows. (The ZBA should be aware of how this project would typically be treated)

- a. The local bylaw requires a 30 ft. no disturb zone for all projects. Encroachments into the 30 ft. no disturb zone are limited to the access rd. The road crosses into the 30 ft. zone right where it accesses Main St. and then as it hugs the western property line. The access road has kept as far as possible from the wetlands.
 - b. The local bylaw requires a 50 ft. no build for residential projects. The 50 ft. no build buffer has not been delineated on the plans and has not been honored. A portion of the parking lot is within the 50 no build and the detention basins both hug the 30 ft. no disturb within the 50 ft. no build. If the applicant had honored the 50 ft. no build buffers, it is likely that this project would have a smaller scope.
7. Temporary wetland disturbance – There is a temporary wetland disturbance for the installation of sewer service. This route through upland should be moved slightly if necessary in order to avoid any existing large trees. (This could be included in an Order of Conditions)
 8. A Peer review Engineer should be hired to ensure compliance with state stormwater standards. Calculations should be done using more recent numbers which reflect the change in weather patterns and precipitation.
 9. The Commission recommends that the applicant provide a detailed sequencing plan of the construction including temporary storm water management to ensure that neighbors are not impacted by any increase in stormwater during or after construction.
 10. The Commission recommends the ZBA require the applicant to consider and implement opportunities to enhance climate change resilience. The Upton Wetland Bylaw has a section (H) on Climate Change Resilience which requires applicants to integrate considerations of adaptation planning to promote climate change resilience. These considerations are especially important regarding stormwater management. Planning for climate change resilience relative to flood control is a component of Upton's 2021 MVP planning report. From the report "Climate change may increase the frequency of high-volume precipitation events, forcing Upton's infrastructure to handle more significant stormwater amounts than it has had to in the past." New infrastructure should be designed and maintained to meet climate change challenges.
 11. Landscaping design should also consider climate change resilience. Tree and shrub species planted should be tolerant of a warmer climate, native and noninvasive, and resilient as much as possible to known or emerging diseases and insect pests.

Thank you for your consideration of these comments.

Sincerely,

Christine Scott msco

Christine Scott, Chairperson
Upton Conservation Commission