



# TOWN OF UPTON, MASSACHUSETTS

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## Code Enforcement Department

## Zoning Board of Appeals

### Minutes from ZBA meeting January 19, 2022

#### Remote meeting (Microsoft Teams)

Members present: Richard Desjardins and Bill Andrews

Associate Members present: Bob Humes and Eric Reustle

Town Planner: Paul Dell'Aquila

**Meeting opened at 6:30 pm** – Bill Andrews, Acting Chair

Public hearing notice read by Denise Smith, Assistant

**Continued hearing for Governor's Landing – 0 Milford St:** Member Richard Desjardins recused as he is an abutter. Jeff Roelofs and Sean Malone applicant representatives presented updated information. Revised townhouse development concept and reconfigured senior housing based on comments from Conservation and other town Boards specifically regarding the vernal pool and adding a commercial component.

Senior Housing community - Reduced the number of units by 10 so total number is 100; eliminated the cul-de-sac near the vernal pool.

Townhouse development – no change to section near the “rug guy”; added 12 first floor commercial space, about 500 sq. ft, to the front row of residential units. Intent is to have space for in-home office space. This commercial space will have its own entrance and parking; the residential portion will access from the back and each unit has a 2-car garage and driveway. Total units are still 34.

Presented an aerial showing the entrance roads in relation to the existing driveways on Milford St.

Sale price of the senior units is estimated at \$500-600,000 for single family and \$400-500,000 for duplex; Townhouse units are estimated at \$400-500,000 for residential units and \$500-600,000 for mixed res/com units.

Noted that according to research senior housing communities of this type do not have a big impact on Fire/EMS services.

A site walk has been scheduled for Thursday, Jan. 20 with Cathy Taylor and Paul Dell'Aquila to look at potential historic or cultural resources on the property.

Have not yet responded to DGT (Planning Board's reviewing engineer) comments.

Questions from ZBA members:

Eric Reustle – 1) does the mixed use change the footprint of the units? per Sean Malone there will be a slight change. 2) is there a change to the sewer calculations? Sean Malone stated there will be a minor

change and updated calcs will be provided. 3) will there be changes to the landscaping? Sean Malone said they are aware of the requirements in the bylaw.

Bob Humes said he like this layout as it is improvement to the previous plan.

Bill Andrews asked if the abutter questions from the previous meeting have been answered; most were covered at the Planning Board hearing.

No questions or comments from public or abutters.

Motion was made and seconded to continue the public hearing to March 16, 2022 at 6:30 pm. Vote of members: BA-yes, BH-yes and ER-yes.

Richard Desjardins resumed meeting.

**6:55 pm – 64 Lackey Rd** application of Kevin Entwistle and Kevin Hadfield for a special permit for an in-law apartment; proposing to build a riding arena & horse barn. The in-law will be connected to the house with the barn attached at the back. Have over 5 acres of land. Apartment will be one-bedroom. No variances are needed as meets the setbacks. The barn and arena are for their own horses and use. They are aware of the animal regulations and will fully comply. Addition of the apartment meets septic requirements as they are keeping total number of bedrooms to 4 (including the in-law).

Ted Briggs joined the meeting; voting members will be Bill Andrews, Richard Desjardins & Eric Reustle.

Board member questions & comments:

Richard Desjardins asked about size of the structures; also raised issued with access on Lackey Rd from Upton side; currently blocked but stated it is Town-owned. Ted Briggs stated it is not a through street and Bill Andrews confirmed it is not passable by vehicle and is a discontinued road. RD stated it is a burden on the Westborough neighborhood. RD stated someone needs to remove items that are blocking Lackey Rd. Paul Dell'Aquila noted that Lackey is not a public way in Upton thus the Town does not maintain it. RD said the residents at 64 Lackey Rd have the right to use Lackey Rd as access. It was noted that they are not responsible for blocking the road.

RD made a motion to request that we send a letter to the DPW to see about opening Lackey Rd for access from Westboro Rd; motion seconded and made unanimous. Approved by vote of the Board: Bill Andrew-Y, Eric Reustle-Y and Richard Desjardins-Y

Questions from abutters, reminder that special permit is for in-law apartment only:

Nicole Rice – concerns w/ size and scope of the project; construction concerns; burden on the neighborhood; impacts of a 10-stall barn and very large riding arena re: noise, lights and odor. Bill Andrews stated the lot is over 5 acres which allows farm and animals; structures will go through the Building Dept and must meet all requirements.

Question was asked if there is already an in-law apartment in the house.

Jeroen & Laura Veheigen – asked what recourse they have for information on the size of the structures; also suggested that they build to fit the New England style and be acceptable to the neighbors. Kevin Entwistle replied that they do want to be sensitive to the neighbors and neighborhood.

Jonathan Proffitt – asked if it matters if the apartment is connected to the barn; are there any frontage issues regarding this address; asked if the business they currently operate in Mendon is going to be moving to this location. Kevin Entwistle said this project is for personal use only; this property is too small to run the business.

Bill Andrews made a request to continue the hearing to next month in order to see size of the apartment. Kevin Entwistle provided a plan with details on the apartment size. No need to continue to next month.

RD made a motion to grant Kevin Hadfield & Kevin Entwistle, 64 Lackey Rd, a special permit for an addition for an in-law apartment per the plan submitted; motion seconded and made unanimous. Approval per vote of the Board: BA-Y; ER-Y and RD-Y.

**7:45 pm - 3 Dairy Dr** application of Vincent & Moleka Colandra for a special permit for an in-law apartment. Presented a plan showing the proposed addition; no setback issues. Nearest abutter is 40-50 yards from the addition and it is approximately 55 feet from rear easement line. The apartment will be 2-story. No questions from the Board or abutters.

ER made a motion to approve the special permit for an accessory apartment for in-law use to Vincent & Moleka Colandra of 3 Dairy Dr per the proposed plan presented to the Board; seconded and made unanimous. Approved per vote of the Board: BA-Y; ER-Y and RD-Y.

**7:50 pm – 103 Christian Hill Rd** application of Mahendra Vichare, 295 Turnpike Rd, Westborough MA for a special permit for an in-law apartment on the house currently being built at 103 Christian Hill Rd. Apartment will be attached and is behind the garage, not visible from the street. Will have 1 bedroom and complies with the septic plan.

ER made a motion to approve the special permit for an accessory apartment for in-law use to Mahendra Vichare, 295 Turnpike Rd, Westborough MA per the proposed plan presented to the Board; seconded and made unanimous. Approved per vote of the Board: BA-Y; ER-Y and RD-Y.

**7:55 pm – 78 East St** application of John & Brooke DiAnni for a variance to install a pool. Tom Nealon & Jack Nealon, attorneys representing the owners. This is a new house and due to topography, ledge and location of the septic necessary to be closer to the rear property line. Looking to be 30 feet from the line so need a variance of 20 feet. Denise Smith stated only one abutter called and was satisfied that the pool would be away from her property. Ted Briggs confirmed that the setback request is for 20 feet. A 5-foot fence will enclose the pool.

ER made a motion to approve John & Brooke DiAnni of 78 East St a variance setback for the pool per the proposed plan presented asking for 20-foot relief; seconded and made unanimous. Approved per vote of the Board: BA-Y; ER-Y and RD-Y.

Meeting minutes from 11/17/21 read and approved. Motion of ER to approve was seconded and made unanimous. Approved by vote of the Board: BA-Y; ER-Y and RD-Y.

Motion to adjourn at 8:00 pm

Minutes approved \_\_\_\_\_