



# TOWN OF UPTON, MASSACHUSETTS

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## Code Enforcement Department Zoning Board of Appeals

### **Minutes from ZBA meeting May 18, 2022**

#### **In-person and Remote meeting (Microsoft Teams)**

Members present: Bill Andrews

Associate Members present: Robert Humes and Eric Reustle

Town Planner: Paul Dell'Aquila

Administrative Clerk: Denise Smith

#### **Meeting opened at 6:30 pm**

Application for 0 Glenview St – presentation given by Marshall Gould, Attorney for the current property owner, Joseph Keany. Mr. Gould presented documentation (original variance could not be located) from a variance granted in 1974 for the 2 lots between 121 and 127 Glenview St. Both lots had short frontage, one of the lots had a house built on it within a year of the variance being issued.

Fiske Mill Rd abutters asked for property lines to be staked.

Paul Dell'Aquila made the following comments: 1) no minutes were found for ZBA; and 2) at one time a cart path went through to Fiske Mill Rd adjacent to this lot.

Proposed new owner was present.

Motion was made to grant a variance to Joseph Keany for reduction of frontage to 232.40 feet for the property located at 0 Glenview St (Assessors Map 22 Lot 13); motion was 2nd & approved by roll call vote: BA-Y, BH-Y and ER-Y.

64 Warren St – Application of Alycia Miller for a special permit for an in-law apartment and a variance for a new garage. Will be removing an existing shed and the new structure will be further from the property line than the shed. A letter from the neighbor, David Grossman, was received in support of the project.

Motion was made to grant a special permit for the in-law apartment and a variance for the garage; 2<sup>nd</sup> and approved by roll call vote: BA-Y, BH-Y and ER-Y

7:00 pm opened the public hearing for a Comprehensive Permit at 27 James Rd, Vineyard Point Ventures Inc is the applicant; Dean Harrison representing.

Mr. Harrison explained 40B process and the need for waivers from town bylaws not exempt from State Code. Discussed the 2022 income requirements: 80% of median income which breaks down to 1 person - \$62,600; 2 person - \$71,500; 3 person - \$80,500 and 4 person- \$89,400. Unit price cost today is \$225,000. Affordable units will stay in perpetuity. Two of the eight units are affordable.

Received the Site Approval letter from Mass Housing Partnership.

Paul Haverty from Mass Housing Partnership is the consultant representing the Town/ZBA. He stated that revised plans and a waiver list are needed. Dean Harrison is working on engineered plans and technical details.

ZBA has 15 days to notify the applicant of “safe harbors”; failure to provide notice makes them null and void. Paul Dell’Aquila stated that safe harbors don’t come into play.

Bill Andrews said we would engage comment from other town boards and departments – Planning Board, Conservation & others. Also, peer review (engineering) would be required. Other board members expressed the need for plans and more information.

Abutter questions:

Sue Briggs, 24 James Rd - Do the affordable units had to have 3 bedrooms?

Is this project for the elderly as plans state so? DH stated no

Linda Mongiat, 33 James Rd – stated concerns regarding water. She noted that for years they have had water in their basement but for the last several years they have not had a water problem. Concern for how adding more houses will affect existing wells. Tow houses on the street have already had issues.

Bill Andrews asked the applicant if they considered connecting to town water which is at the lower end of James Rd. Also, by doing so they could put in a fire hydrant.

Linda Mongiat also expressed concerns with the existing road which is very narrow. Can’t have a car & truck pass.

Marth Burns, 23 Westboro Rd but also owns 11 James Rd stated that the road is also being undercut by water runoff; has concerns about construction vehicles traveling this road; need signage. Asked if there would be parking allotment for each unit and for visitors; also deed restrictions for parking or limit the number of vehicles per unit. This is a condo unit with 8 units – how large is the septic system/tank? She stated that she owns the large field between 11 James Rd and Westboro Rd which has a dirt road that cuts through but it is not a public road. Will post signage stating private property.

Another resident asked about power consumption and phone service.

Linda Mongiat stated she would like a fence along the property line.

Peer Review – motion to have Denise Smith reach out to Stantec or DGT to see if they are available for peer review of this project; 2<sup>nd</sup> and approved by roll call vote: BA-Y, BH-Y and ER-Y.

Question about wells – how are they tested are they drilled? Dean Harrison stated they must provide evidence that they meet requirements.

John Simon, 40 Westboro Rd stated concerns with maxed-out use of this property in this neighborhood. Concern for his well location to the proximity of the proposed septic; # of units being built on the steep grade; concerns with runoff from this project to his property. Feels like this is insulting to the abutters.

Mass Housing Partnership letter gives a 2-year period and can be extended.

Board stated peer review will be conducted and additional information must be provided.

Motion to continue the hearing to June 15<sup>th</sup>; 2<sup>nd</sup> and approved by roll call vote: BA-Y, BH-Y and ER-Y

Discussion regarding 3 Centennial Court – David Click, Attorney representing the owner. Mr. Click presented overview of potential development on this property. There is an existing 5 bay garage that is not being used; there used to be a 13-car garage and another for 3 cars and an 8-car garage.

Would like to rebuild a 2-story structure for multi-unit townhouse/garden apartment above a multi-car garage. This requires a special permit as is in the C&I Zone. Potential residential but possibly commercial use. Would tie into Town water & sewer.

The preexisting, nonconforming structure; variances would be needed for setbacks and open space requirement.

Will need to speak with the Historical Commission.

Motion to approve meeting minutes from April 20th meeting; 2<sup>nd</sup> & approved BA-Y & ER-Y

Meeting adjourned at 8:25 pm