



# TOWN OF UPTON, MASSACHUSETTS

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## Code Enforcement Department Zoning Board of Appeals

**January 20, 2021 @ 6:30 PM -- Remote meeting (gotomeeting.com)**

Members participating: Bill Andrews, Ted Briggs and Richard Desjardins  
Associate Member participating: Eric Reustle

Minutes transcribed from hand-written notes taken by Denise Smith, Department Assistant.

6:30 PM: Meeting opened; Denise Smith read the following:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.*

Ted Briggs, Chair, read hearing notice.

Ted Briggs asked for a motion to approve minutes from previous meetings. Bill Andrews made a motion to approve the minutes as written for the meetings on July 17, 2020 and November 18, 2020 with a couple spelling corrections; Richard Desjardins seconded; Ted Briggs made the motion unanimous. Approved by roll call vote: BA-Y, RD-Y & TB-Y.

**138 Milford St** - Application of Timothy and Rose Cornu, 1 McHugh Ln, Hopkinton MA for a Special Permit relative to a Class 2 License for the business Wayland Foreign Motors LLC located at 138 Milford St. Mr. Cornu explained that he has a license for this business which is currently in another town but he is moving to Upton thus needs a new Class 2 License for this address. Richard Desjardins made a comment that he is to have same number of cars as a previous license issued at this location.

Bill Andrews made a motion to approve a Class 2 License for Wayland Foreign Motors LLC at 138 Milford St; Richard Desjardins seconded and Ted Briggs made the motion unanimous. Roll call vote to approve: BA-Y, RD-Y and TB-Y.

**103 Crockett Rd** – Application of Kaari Hayward for a Variance to build an addition to a preexisting nonconforming house located on this property. Mr. Hayward explained that the addition meets all setback requirements. Richard Desjardins asked if the front of the house was being altered and Mr. Hayward explained the addition is to the rear of the house. No alterations to the front except new windows.

Bill Andrews made a motion to approve a Variance to Kaari Hayward of 103 Crockett Rd for an addition to the preexisting nonconforming house. The addition meets all setback requirements; Richard Desjardins seconded and Ted Briggs made the motion unanimous. Roll call vote to approve: BA-Y, RD-Y and TB-Y.

**126 Elm St** – Application of David Duffy, 92 Main St, Hopkinton Ma for a Special Permit to build a new single-family residence adjacent to an existing nonconforming garage 1.6 feet from the side property line on the property located at 126 Elm St. John Federico of Guerriere & Halnon presented the application. He explained that they want to rehab and expand the garage and build a new single-family house. Richard Desjardins asked if the garage could be moved off the property line or to the other side of the proposed house. Mr. Federico explained that this site is challenging and there are wetlands and concerns for setbacks for the proposed septic system and the neighbors well. Bill Andrews stated that 1.6 feet from property line doesn't allow for maintenance. He would be more comfortable with a 4-foot setback. David Duff said he is willing to move it and Mr. Federico explained they would need to confirm no problem with no disturb or no built areas. Said the house is a complete tear-down but were looking to keep part of the garage but are willing to move it over 4 feet as long as setbacks to well will allow.

Bill Andrews made a motion to approve a (Variance-corrected to be a Special Permit per the bylaw) Special Permit to David Duffy of 92 Main St, Hopkinton MA for a new single-family residence and the allow the garage to be built on the property located at 126 Elm St, the garage is to be within 4 feet of the southwest property line; Richard Desjardins made an amendment to allow them to resize the house if necessary, to accommodate the 4-foot garage setback. Motion was seconded and made unanimous by Ted Briggs. Approved by roll call vote: BA-Y, RD-Y and TB-Y.

David Carlson, abutter, asked if the new house will be built on a slab or have a basement. John Federico said intent is for a slab. Mr. Duffy explained they have approval from the Conservation Commission.

**53 Ridge Rd** - Continued discussion regarding outdoor lights. A complaint was previously made by Ellen Arnold of 54 Ridge Rd that driveway lights at 53 Ridge Rd shine into her bedroom and that the lights are on all night. Ms. Arnold submitted a letter dated 1/8/2021. Richard Desjardins, Bill Andrews and Ted Briggs all stated that each made various visits to these properties. Mr. Desjardins and Mr. Andrews both stated they did not see a problem with these lights shining beyond the property. Stated these lights are no more intrusive than others have outside their houses. Mr. Andrews also noted that these lights have been there for about 15 years.

Ellen Arnold stated that she would like to have a shield placed on the lights on the side that face her property. Heidi Schultz-Offria stated that the lights have been there for 20 years and there was never a problem until the Arnolds cut down some bushes. No changes have been made to those lights. Ms. Arnold wants to know if a permit was pulled when the lights were installed. She stated that the lights can stay on all night if they would install a shield.

Discussion went back and forth between the neighbors. Mr. Desjardins asked Ms. Schultz-Offria if they would consider installing shields on these lights on the side facing the Arnolds. Ms. Schultz-Offria asked why Ms. Arnold can't install bushes on her side to block the lights. Bill Andrews supported Mr. Desjardins suggestion to install shields on the lights as would help to make peace in the neighborhood.

Paul Dell'Aquila, Town Planner, asked if any of the Building Inspectors have looked at these lights; he stated there is a regulation in the bylaws for light glare that is enforceable.

Eric Reustle stated that the bylaw is for nuisance and is not comfortable with ordering the property owner to install shields. He confirmed that there are lights all over town that can be seen from other properties.

Ms. Schultz-Offria stated that she is not violating any laws and doesn't see how these lights could shine across the street.

Ms. Arnold has invited Board Members to visit her property to view the lights; members have agreed and will arrange a time for the visit.

This discussion will continue to the next meeting on February 17<sup>th</sup>.

Denise Smith reminded the Board that warrant articles for the ATM are due by January 29<sup>th</sup>. Mr. Briggs raised the issue of condo vs apartment conflict with our bylaws and asked Mr. Dell'Aquila to take a look.

7:26 PM – Motion to adjourn, 2<sup>nd</sup> & approved unanimously by roll call vote BA-Y, RD-Y & TB-Y.

Minutes approved at remote meeting on February 17, 2021