



TOWN OF UPTON, MASSACHUSETTS

Code Enforcement Department

Zoning Board of Appeals

March 17, 2021 @ 6:30 PM -- Remote meeting (gotomeeting.com)

Members participating: Bill Andrews, Ted Briggs and Richard Desjardins

Associate Member participating: Bob Humes

Town Planner: Paul Dell'Aquila

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

Ted Briggs, Chair, opened the meeting.

Denise Smith read Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting.

3 Driscoll Ln – Application of Edward Stanton for a Variance and/or Special Permit to remove the existing porch and add an addition. Richard Desjardins noted that the current porch is about 2-3 feet from the edge of pavement and about 10 feet from the property line. Bill Andrews added that the addition would extend about 8 feet of the house and about 4 feet from the existing porch. Mr. Stanton stated the proposed addition is about 10 feet off the house. Bill Andrews made a motion to grant a Variance for the 2-story addition per the plans presented; Richard Desjardins seconded the motion; Ted Briggs made the motion unanimous. Variance approved 3 -0 by roll call vote: BA-Y, RD-Y & TB-Y.

104 Grove St – Application of Dave Schmidt for Special Permit and/or Variance for several projects.

#1) Portable temporary farm stand about 12 feet off the street; can use the driveway to pull off the street. Abutter stated concerns about increased traffic and noise in this residential area. Paul Dell'Aquila stated that per the bylaws farm stands are not allowed in this residential zone; home businesses are allowed and the portable cart could be allowed. Want to be sure to encourage people to park in the driveway and not on the street.

#2) Permanent greenhouse (12' x 16') to be located off the road behind the portable cart approximately 22-25 feet off the road – no set back issues. Bill Andrews suggests keeping the greenhouses behind the house as front yard is small. Dave Schmidt said the locations provide the most sun.

#3 & 4) Temporary greenhouses (12' x 16') conform to setbacks.

#5) A year-round structure (hoop-house) that is 16' x 50' next to the driveway. Richard Desjardins commented that this is a lot of structures for this small lot (about .91 acre); Bill Andrews agreed.

#6 removed from plan.

#7 & 8) Shed & greenhouse in the backyard w/ no set back issues – potentially for next year.

#9) Sign to be 20 feet from the property line.

10) Pool deck on the existing above ground pool approximately 16' x 10' located about 10 feet from Old Milford Lane (discontinued street) which leads to a residence, business & the old cemetery.

Abutter questioned the number of structures in the front yard w/in the setback, also commented that some Mr. Schmidt will need to talk w/ Conservation about the brook.

Bill Andrews asked Mr. Schmidt to stake the footprint of some of the larger structures on the ground for the members to look at. Richard Desjardins stated concern with the business near the road.

Bill Andrews made a motion to continue the hearing to April 21 at 6:30 pm so members could visit the property. Richard Desjardins seconded and Ted Briggs made the motion unanimous. Approved 3 – 0 by roll call vote: BA-Y, RD-Y & TB-Y.

31 Main St – Application of Kevin McLaughlin for a Variance for an apartment about the existing detached garage. Ted Briggs stated concerns that such an apartment would be considered a second residence on the property and that is not allowed. Bill Andrews stated the house currently has 2 apartments. Richard Desjardins stated concerns with putting in an apartment (no in-law) in this structure that is not attached. Bill Andrews sited that precedent would be set if this is allowed. Mr. McLaughlin sited there are other 3-unit apartments in this area. Ted Briggs said he did look at other 3-unit apartments on Main St within this area but all are withing existing structures. Mr. McLaughlin said he has plenty of parking and asked what is the down-side to allowing this? What are the negative affects? It was stated again that this sets precedent for a detached residence. Ted Briggs suggested withdrawing the application and talking with the Building Inspectors. Mr. McLaughlin asked to withdraw his application w/o prejudice. Motion accepted to withdraw without prejudice approved 3-0 by roll call vote: BA-Y, RD-Y & TB-Y.

Paul Dell'Aquila spoke about CMRPC's technical assistance hours and will suggest to use the hours to review garden apartment/condo regulations.

7:30 PM – Motion to adjourn, 2nd & approved unanimously by roll call vote BA-Y, RD-Y & TB-Y.

Minutes approved ~~at remote meeting~~ on July 21, 2021