



TOWN OF UPTON, MASSACHUSETTS

Code Enforcement Department

Zoning Board of Appeals

April 21, 2021 @ 6:30 PM -- Remote meeting ([gotomeeting.com](https://www.gotomeeting.com))

Members participating: Ted Briggs, Richard Desjardins and Bill Andrews

Associate Member participating: Bob Humes and Eric Reustle

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.

134 Glenview St – Application of Anthony & Teresa Muccini of 134 Glenview St for a Variance for rear property setback for an inground pool and pool house. Mr. Muccini explained the need for that location is relative to the driveway and area where snow is piled. He noted that the closest neighbor's house is over 200 feet away. No abutters present or input received. Richard Desjardins reviewed the site and has no concerns. Richard Desjardins made a motion to approve a Variance for the 25' setback for the pool and pool house; Bob Humes seconded the motion; Ted Briggs made the motion unanimous. Variance approved 3 -0 by roll call vote: RD-Y, BH-Y & TB-Y.

104 Grove St – Continued application of Dave Schmidt for Special Permit and/or Variance for several projects. Mr. Schmidt presented a scaled-down plan for the property and reduced the number of structures. He asked if a special permit is needed for the farm business. Upon discussion Paul Dell'Aquila advised the Board that no permit was needed. Members visited the site after the last meeting. Also discussed approving this for one year to see how it goes. Richard Desjardins made a motion to approve a special permit for Mr. Schmidt to sell seedlings and produce from a temporary portable farm stand on the property at 104 Grove St, placed no less than 5 feet from the exterior property line; Bob Humes seconded the motion; Ted Briggs made the motion unanimous. Special Permit approved 3 – 0 by roll call vote: RD-Y, BH-Y and TB-Y.

Paul Dell'Aquila suggested that language be amended to include variance as applicable; discussion that some structures need to be by special permit so as they are no permanently approved if property is sold.

Previous decision was replaced with the following: Motion of Richard Desjardins to approve a Special Permit to sell seedlings and produce from a temporary portable farm stand on the property at 104 Grove Street, placed no less than 5 feet from the exterior line of any way.

The following were approved by Special Permit:

- 1.) Farm Stand (5' X 8') – NEXT TO STREET, LEFT OF DRIVEWAY – SPRING 2021, temporary and portable
- 2.) Greenhouse (12' X 20') – ON DRIVEWAY, NEXT TO GARAGE – SPRING 2021

3.) Hoop-house (16' X 50') – RIGHT OF DRIVEWAY, INSIDE GARDEN – 2021

Item #4) Pool Deck (10' x 16') was approved by Variance.

Special Permits to be reviewed after one year to see if any neighborhood impacts.

Bob Humes seconded and Ted Briggs made the motion unanimous. Approved 3 – 0 by roll call vote: RD-Y, BH-Y & TB-Y.

Community Center – Application presented by Jim Brochu and Paul Flaherty of the Upton Community Center Building Committee. Special Permit requested to allow reduced front setback and increased height of the proposed building. Presentation given by Peter Turowski. He gave brief overview of the project which is for shared library and community center; 85 parking spaces shared w/ VFW. Relocating the existing playground. Building is in the new Upton Center Business District (UCBD) which allows review for setback and height by special permit from the ZBA. Bob Humes asked if any protections are being installed to prevent a vehicle from hitting the building as it is close to the street. Jim Brochu explained that there will be curbing but no planning on any kind of barrier. Speed will be reduced as part of a State traffic improvement project.

Motion was made by Bob Humes to approve a Special Permit for reduced front setback (0 feet) and increase of building height (27 feet) per the plans presented; Richard Desjardins seconded the motion and Ted Briggs made it unanimous. Special Permit approved 3 – 0 by roll call vote: RD-Y, BH-Y & TB-Y.

Motion was made by Richard Desjardins to accept the minutes from the February 17, 2021 and March 17, 2021 meetings; Bill Andrews seconded and made unanimous by Ted Briggs. Approved 3 – 0 by roll call vote: RD-Y, BA-Y & TB-Y.

Paul Dell'Aquila explained that the Planning Board will use CMRPC's technical assistance hours to review the Large Lot Frontage Reduction bylaw. Ted Briggs asked about the garden apartment/condo regulations.

7:05 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