



TOWN OF UPTON, MASSACHUSETTS

Code Enforcement Department

Zoning Board of Appeals

August 19, 2020 @ 6:30 PM -- Remote meeting (gotomeeting.com)

Members participating: Ted Briggs, Bill Andrews, Richard Desjardins
Associate Members Participating: Bob Humes, 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 read meeting agenda.

6:35 PM 60 Main St – Michael White explained project to place a shed on this property; Richard Desjardins asked why putting the shed in the area specified. Mr. White explained that they have a pool and several gardens in the back yard and this spot would allow shed to be out of the way. Mr. White also explained that they asked for max size but are not intending to build that big. Will have 10' setback on all sides.

BA made a motion to grant Michael White, 60 Main St a variance for a shed no greater than 20' x 14' at least 10 feet off the property line; motion was amended by RD for a smaller shed (less than 20 feet in length); motion to approve was seconded and made unanimous by roll call vote: BA-Y, TB-Y and RD-Y.

6:45 pm 74 Fiske Mill Rd – Thomas Ratay explained that when the house was built it did not meet the side setback requirement thus he is looking for a variance in order to build a shed off the existing garage. RD visited the site and confirmed no impacts to neighborhood.

Motion to grant Thomas Ratay of 74 Fiske Mill Rd a Variance for a shed off the existing garage per plans presented; motion seconded and made unanimous. Roll call vote to approve: TB-Y, BA-Y and RD-Y.

6:55 pm 135 Glen Ave – Application of Jessica & Eric Polselli to rebuild their home that was demolished after being destroyed by fire. Plan was presented by Jack Whealan, contractor, for the new house.

Motion made to grant a Variance to Jessica & Eric Polselli of 135 Glen Ave to rebuild a new house per the plan presented w/ the specified setbacks; motion was seconded and made unanimous. Roll call vote to approve the Variance: TB-Y, BA-Y and RD-Y.

Discussion items:

91 Main St – not present.

Complaint from Mary Dumas and Ellen Arnold relative to a transportation business being conducted at 53 Ridge Rd. Opinion was received by town counsel (KP Law) that supported the Upton Zoning Bylaw (section 3.2.2(5) that allows only one commercial vehicle on a residential property. Ted Briggs stated that a letter will be sent to the owners of 53 Ridge Rd that vehicles need to be removed. Code Enforcement will send a violation letter.

Complaint from Anthony Anzalone relative to roosters on properties less than 5 acres. Mr. Anzalone feels that livestock in residential areas less than 5 acres should require a special permit. Also raised issue that roosters/chickens should be considered livestock. It was stated that the Bylaws allow poultry unless for commercial purposes; also, the resident w/ the poultry is fully permitted for the coop. Mr. Anzalone questioned if the rooster could be considered a nuisance under the bylaw but Board stated poultry is allowed in the bylaws.

7:20 Motion to adjourn; approved by roll call vote: TB-Y, BA-Y and RD-Y

Minutes approved October 21, 2020 (remote meeting)
