

## 47 Main Street - Developer's Rendering



# Affordable Housing

- Regarding the proposed 40B housing, we recognize and appreciate the need for additional affordable housing in our town, but have concerns about the suitability/feasibility of this particular location.
- Many lifelong residents, especially retirees, are leaving because they can no longer afford the rising costs of taxes, water, sewer and insurance. A large complex will create the need for more infrastructure which will increase residents costs; forcing more people to leave.

# The Proposed Plan

- 5+ Story Apartments
- Plans will destroy critical trees and wetland habitat that:
  - That cleans our air
  - Filters our water
  - Lessens and slows the erosion
  - Lessens and slows the storm water flow and flooding
  - Further destroys the wildlife habitat for the animals displaced from the Laurel Lane development
  - Maintains privacy

# Our Water

- All of Upton's drinking water come from underground springs
- Lifelong residents said there were 2 stream here when they were kids
- Lifelong residents said the first Memorial School build created serious flooding. The fire dept helped pump basements
- Whitney/Hazeltine development created flooding, wetlands and a brook
- Laurel Lane build changed water flow created sinkholes and other damage.
- People are concerned that the entrance road and other structures could create a dam and create more flooding in the surrounding properties.
- Removing trees and brush will excel erosion from flowing water
- We were advised that hydrogeological testing of the area is needed to understand how to remediate the water issues before any further building is done. \*\*

## No Water, No Town

- Trees and other vegetation absorbs water, slows down the flow, and filters it.
- There are 2 pumping stations and 4 wells within 2 miles of the site.
- There are area residents that depend on private wells.
- The area that slows and filters our water will now contribute to its pollution.
  - Contaminants include: asphalt, oil, lawn chemical, insecticide, road chemicals, dog park waste
- We already have a water ban from early spring to late fall, what will these 68 units, plus 158 units at Governor's Landing, do to our water supply?
- What about our capacity for sewerage processing?

# School Safety

The entrance road on Rt. 140, it is in the congested area on Rt. 140 near Memorial School and flanked by the clogged School St. and Hartford Ave. intersections with frequent traffic backups.

- Both school entrances get congested with children, parents and buses.
- The School is accessed for sports, play and special events along with local walkers.
- Fiske entrance has become a cut thru between RT 140 and Hartford Ave. It has ever increasing traffic speeding through. 68-units (132 cars) will add significantly to this traffic. We do not want a child to be hit with the increasing speeding traffic on Fiske.

## **Safety - Accuracy of Traffic Impact Assessment**

- Number of vehicles impacting rush hour traffic are low (18 additional vehicles in the morning and 27 in the afternoon).
- It states the site line leaving 47 Main is adequate. However, when cars are parked on Rt 140, the site line is blocked to oncoming traffic.
- Fiske Ave and Rt. 140 should have been studied; traffic leaving 47 Main will use this cut thru and it has a school entrance.
- The crosswalk at the elementary school is already ignored by drivers. Increasing the traffic from this project will increase incidents.
- Need prediction of traffic accidents when people leave 47 Main St. and try to proceed left (south) on Rt. 140.
- Omission of Fiske Ave and Memorial School makes the study incomplete.

# Safety

- The application was for a 4-story building, not 5+
  - Fire Department equipment was not evaluated for 5+ stories
  - Without sufficient parking spaces, cars will block Fire, EMT and Police
    - 104 Parking spaces (lot and garage) is insufficient for 68 units (132+ vehicles).
    - At least 5 will be handicapped with van access.
    - Visitor spaces will be needed too.
    - What happens when there are snow banks blocking spaces and emergency vehicles can not get through?

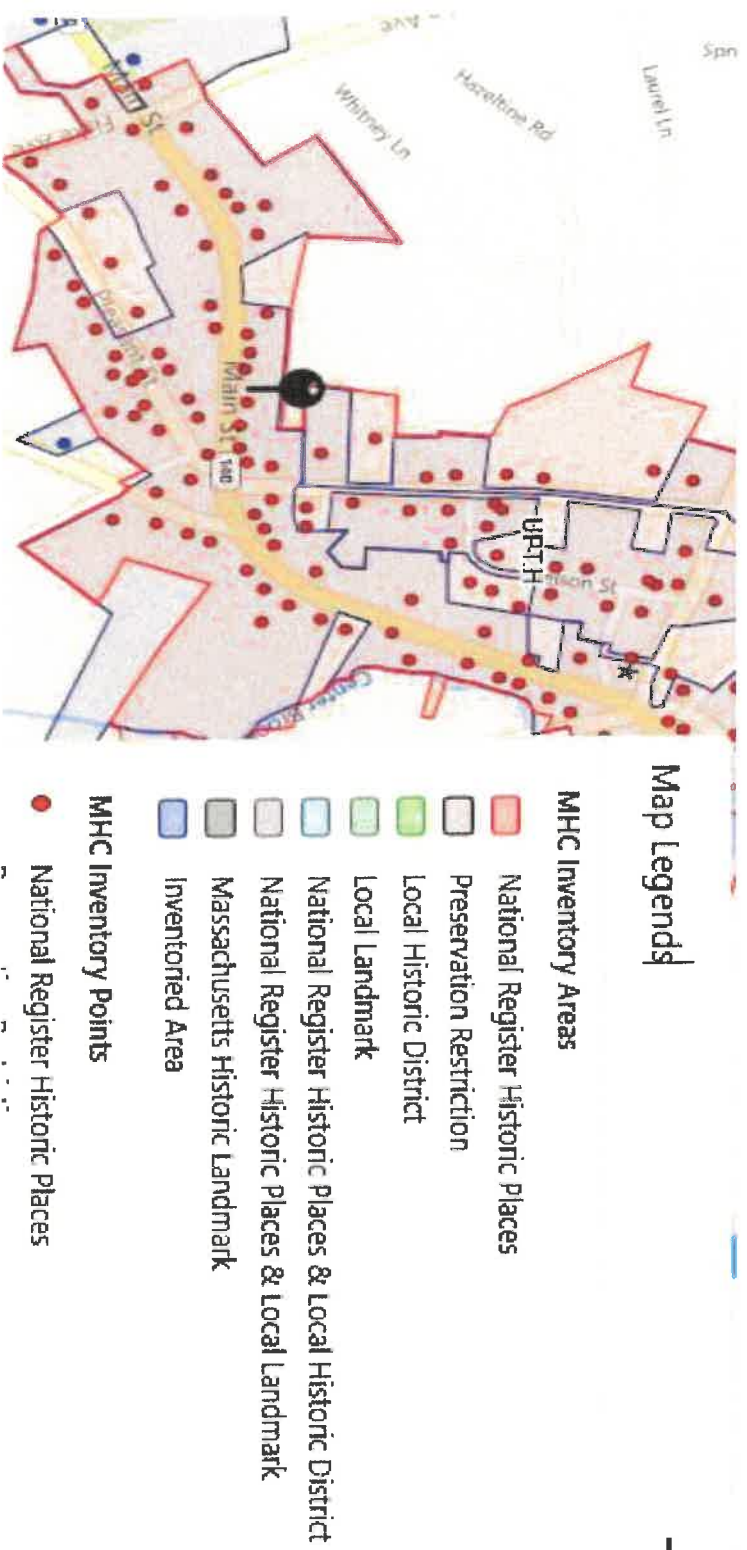


# Historic District

- There are a number of historic homes in the surrounding area.
  - Flooding will damage homes on the Massachusetts and National Historic Registers.
  - Excavation, possible blasting and construction could damage homes on the Massachusetts and National Historic Registers
- The Historic Upton trolley went through this property.
- There are arrangements of stones that could have historical significance to Native American Tribes that need to be investigated by a professional in this field.

# MACRIS Maps

## Massachusetts Cultural Resource Information System



## One of many Archeologically Significant Artifacts The Well Taps into an Underground Spring



# Wetlands

- This area has wetlands throughout.
- The abundance of wildlife here depends on this area wetlands for clean drinking water.
- There are vernal pools here because we have salamanders, frogs and other creatures.
- The only entry onto the property has wetlands. How can building equipment even get on to the property with out destroying this?
- How can they build the road with wetland on both sides without destroying the wetland?
- The road will cross wetlands.
- The road could act as a dam or funnel so water cannot flow properly.



# Wetlands Well Defined?



# MassHousing vs Developer's Waivers

- MassHousing Letter asks to address town and resident concerns
- Waivers to “Local Requirements and Regulations” see Tab 13- Requested Waiver List Final.pdf which contradicts desire to address concerns, such as:
  - Work to address the architectural design of the proposed Project, particularly as it relates to mitigating concerns about building height. The Applicant should be prepared to provide detailed information to address concerns related
  - Based on MassHousing's site and design review, and considering feedback received from the Municipality, the following issues should be addressed in the application to the ZBA, and the Applicant should be prepared to explore them more fully during the public hearing process: see MassHousing Letter – Pel Upton Apartments.pdf

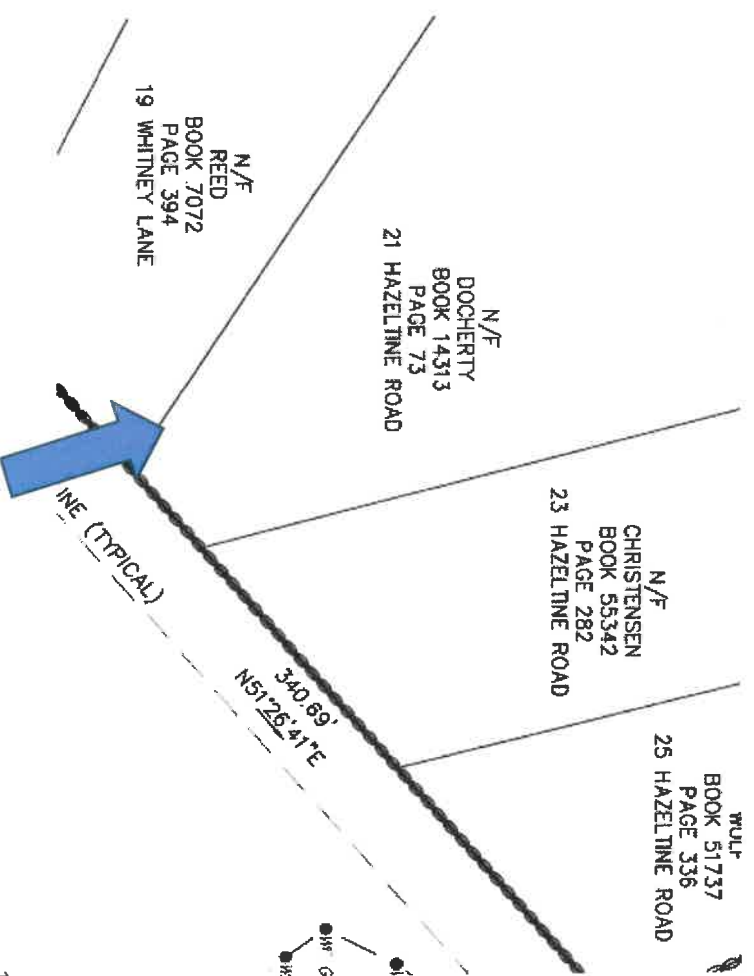
## Mass Housing Eligibility Letter

"MassHousing has relied on the Applicant to provide truthful and complete information with respect to this approval. If at any point prior to the issuance of a comprehensive permit MassHousing determines that the Applicant has failed to disclose any information pertinent to the findings set forth in 760 MR 56.04 or information requested in the Certification and Acknowledgement of the Application, MassHousing retains the right to rescind this Site Approval letter."

# Why Mass Housing should rescind the Eligibility Letter

Items that are incorrect in the application

- ANRAD revised map incorrect
- 21 Whitney is missing





# Items that are Incorrect in the Application Goddard Report

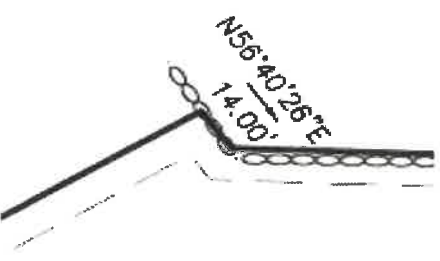
- Wrong property owner on ANRAD map

N/F  
DONALD R. KENISTON  
BOOK 55086 PAGE 339  
51 MAIN STREET

## Mass Registry of Deeds

[Select All](#) | [Invert Selection](#) | [Deselect All](#) | [Print Search Result](#) | [View: 20 Page 50 Page 100 Page](#)

Type	Name/Corporation	Book	Page	Type Desc.	Rec. Date	Street #	Property Desc	Town
<input type="checkbox"/> GR	<a href="#">KENISTON DONALD R</a>	<a href="#">66804</a>	<a href="#">72</a>	<a href="#">M/C</a>	<a href="#">12/22/2021</a>	<a href="#">51 MAIN ST</a>		<a href="#">UPTON</a>
	<a href="#">UPDATING</a>			<a href="#">NOT SET</a>				



# **Wetlands – ARAD/ORAD Appeal Time Line**

- 02/10/2022 - ANRAD of Land, Guerriere & Halnon, Inc.
- 04/26/2022 – 2 Goddard reports covering ANRAD and revised ANRAD
- 5/11/22 -Conservation Committee meeting – plan for 6 houses- (meeting information spread by word of mouth)
- 5/19/22 - Conservation Committee performed walk through
- 6/30/22 - ORAD completed (according to application and Conservation Commission letter). Abutters were never notified and therefore abutters were unable to appeal within 10 business days.

**ANRAD – Abbreviated Notice of Resource Area Delineation**

**ORAD – Order of Resource Area Delineation**

# Mass Housing Eligibility Letter

## Items that are incorrect in the application

- ORAD states abutter letters were hand delivered on 6/30/2022
- Sent emails to abutters for whom I had email addresses; 13 of 20 said they did not receive this hand delivered letter of 6/30/2022. No one said they received it.
- Goddard ANRAD form states they were delivered on 4/27/2022. But, certification of delivery was signed on 4/26/2022. Some Abutters said they did not get these.
- Neighbors see wetlands that do not appear to be on the ORAD map.

# Wetlands Assessment – ORAD

## Order of Resource Area Delineation

### D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on \_\_\_\_\_ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2 ☒ By hand delivery on

a Date

6/30/2012

3 ☐ By certified mail, return receipt requested on

a Date

# Goddard Report Affidavit of Service

## AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act  
And the Town of Upton Wetlands Protection Bylaw

(to be submitted to the Massachusetts Department of Environmental  
Protection and the Conservation Commission)

I, Andrew Thibault, hereby certify under the pains and penalties of perjury  
that on 4/27/22 I gave notification to abutters in Compliance with the  
second paragraph of Massachusetts General Law Chapter 131, Section 40,  
and the DEP Guide to Abutter Notification dating April 8, 1994 in  
connection with the following matter:

An Abbreviated Notice of Resource Area Delineation was filed under the  
Massachusetts Wetlands Protection Act by Kevin Lobisser with the Upton  
Conservation Commission on 4/26/22 for property located at 0 Main  
Street, (Map 202, Parcel 108) in Upton, MA for the Confirmation of  
Resource Areas.

The form of the notification, and the list of abutters to whom it was given,  
and their addresses, are attached to this Affidavit of Service.

Andrew Thibault  
(Name)

4/26/22  
(Date)

# Mass Housing Eligibility Letter

Items that are incorrect in the application

- Number of stories state as 4, drawings from the plans are 5+ with facade

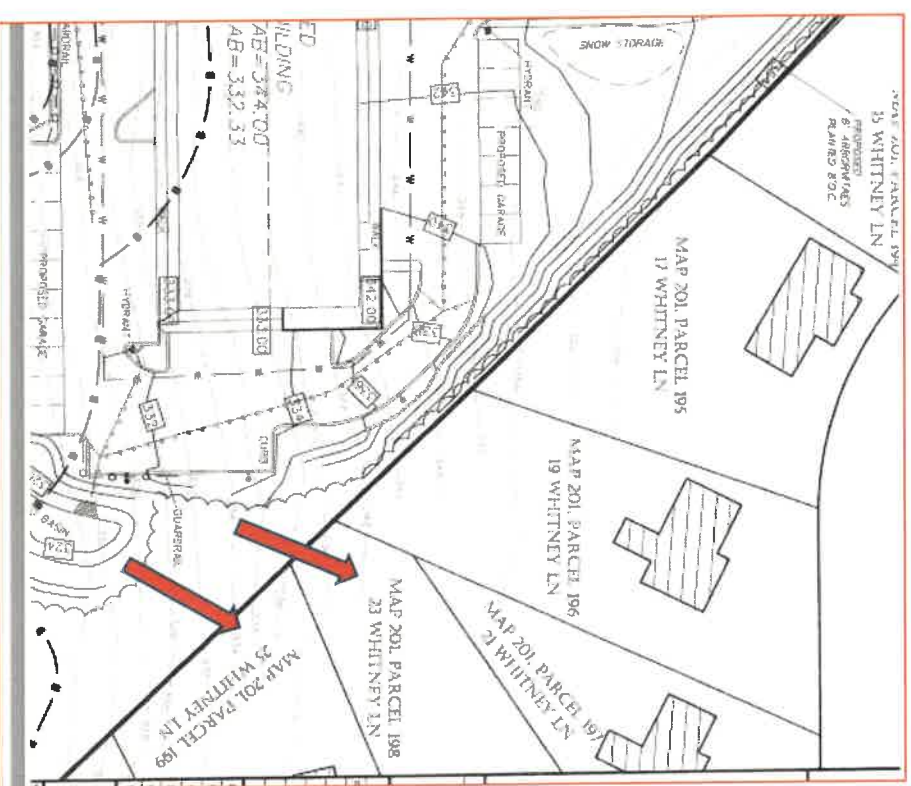


# Mass Housing Eligibility Letter

Items that incorrect in the application

23 Whitney is 21 Hazeltine

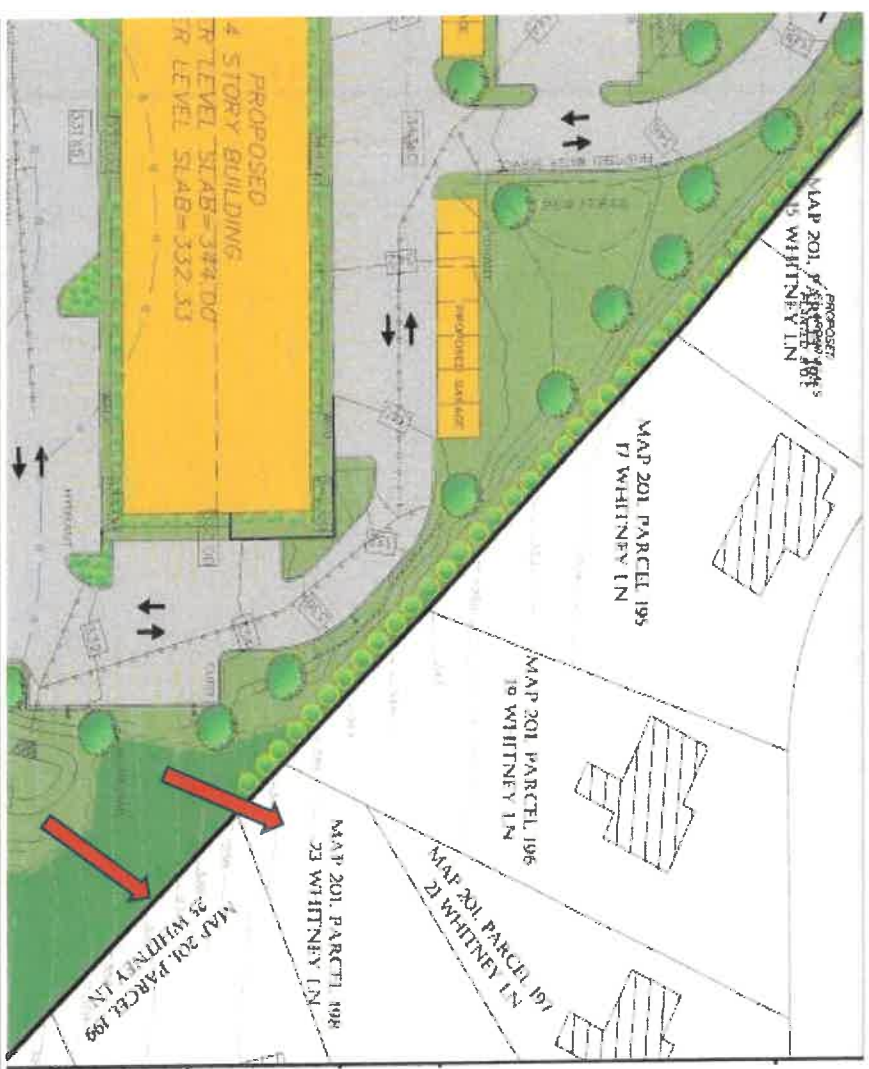
25 Whitney is 23 Hazeltine





## Incorrect Items in the application

- Map incorrectly depicts Whitney and Hazeltine
  - There is no 23 Whitney
  - There is no 25 Whitney





## Concern Summary

Size and scope of the project – 5 floors with roof façade to obscure solar panels	Violation of 2.5-story (30ft) building code in residentially zoned area
Child Safety – proximity to school and increased traffic on Fiske Ave/Memorial School Entrance.	Builder Traffic report does not include Fiske Ave or area around Memorial School
Traffic Safety – Driver Line of sight exiting the site on a curved part of RT 140 close to Memorial School	Increased chemicals permeating ground water effecting town and private wells.
	No water, No town.
School District planning	Displacement of the abundant wildlife

## Concern Summary

Drinking water capacity and contamination	Not compliant with Historic Area
Wetlands	Underground Streams – high water table
Storm Water/Runoff/Flooding	Tree loss/Erosion/loss of natural water filtering
Fire truck access, hydrants, and equipment to handle 5-story structure. Parking concerns.	Blasting and construction concerns to surrounding homes including historic homes
Trash/Rodents	Snow storage and removal
Noise	Light Pollution
Waste water capacity	Loss of the town's village charm

## **Protecting Your Prospective Neighbors**

Will there be insurance to cover potential damage caused by the excavation and construction?

- We have already suffered through the aggravation and expense of issues that accompanies building in the area
  - Flooding
  - New or deeper sinkholes
  - Cracks in foundations, basement floors, garage floors, house walls
  - Other structures shifting/sinking

## Can You Find the Storm Drain?



# Why Neighbors Like Our Area

Great Neighbors, trees and wildlife



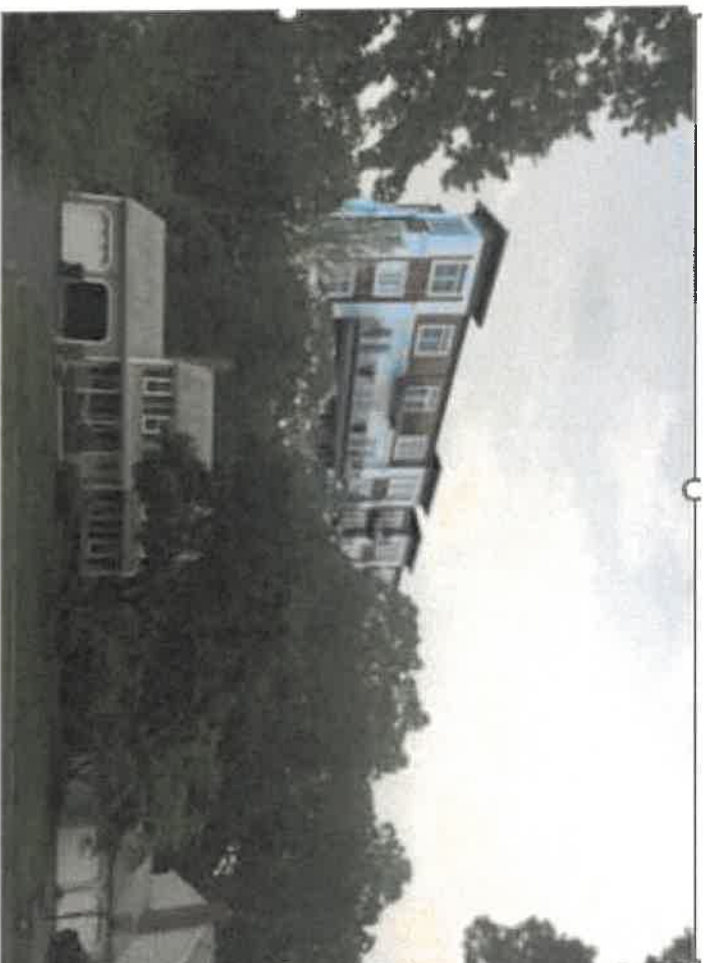
## Why We Live Here



**Simulation of the Building Height Given the Current terrain.  
This is NOT a Developer's Image.  
From Main St**



**Simulation of the Building Height Given the Current terrain. This is NOT a Developer's Image.**  
From Whitney





# Purchase and Sales - Assignment

## STANDARD FORM PURCHASE & SALE AGREEMENT

This 10 day of January, 2022

From the Office of: Lewis & Loscocco  
182 Highland Street  
Holliston, MA 01746

### 1. PARTIES AND MAILING ADDRESSES (fill in)

Kenneth M. Pedersen, Jr. and Diana B. Pedersen, Trustees of the Pedersen Family Living Trust u/d/t dated January 26, 1991  
hereinafter called the SELLER, agrees to Sell, and

Lobster Building Corporation or its agent hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth,

### 2. DESCRIPTION (fill in and include title reference)

the following described premises:  
0 Main Street, Upton, MA 01568  
The vacant land consisting of approximately 6.74 acres, more or less, known as 0 Main Street, Upton, Massachusetts, further described as Lot 1 on a Plan recorded at the Worcester District Registry of Deeds in Plan Book 926, Page 58, being a portion of the premises described in a deed recorded with the Worcester District Registry of Deeds in Book 22967, Page 307.

## Action Items

- We were advised that hydrogeological testing of the area is needed to understand how to remediate the water issues before any further building is done.
- Traffic Study to include Memorial School, Fiske Ave and Main St.
- Historical/archeological investigation particularly regarding Native American Significance given preserved area sites.
- ORAD appeal unless someone has proof of notification receipts.
- Protection for neighbors' property