

To: Upton Board of Selectman, Upton Zoning Board of Appeals, Michael Antonellis

Date: 01/26/2024

Subj: Concerns over 40B proposal located between 45 and 51 Main Street in Upton

There are serious issues and concerns about the proposed development and the suitability of the site at 45-51 Main Street to accommodate this 40B development project. This is a massive 68-unit housing development encroaching upon an established, forty-year old residential community of one and two story homes. The 45-51 Main Street site is currently zoned Single Family Residential-A (SRA) within the zoning district. The Board of Selectman's letter (June 8, 2023) to the Mass Housing emphasized this:

"The site is currently zoned for residential use within the Town's Single-Family Residential-A (SRA) zoning district, which permits "Garden Apartments" through the issuance of a Special Permit by the Zoning Board of Appeals. Per the Upton Zoning bylaw, Garden Apartments are defined as "A structure of more than one story but not more than three stories containing garden apartment dwellings grouped around a central Stairwell."

This same Board of Selectman (BOS) Letter goes on to state that:

"The proposed scale of the development does not reflect existing development patterns. Except for one business, all the abutting properties and beyond are single-family homes. This project borders Upton's historical district on all sides, and is not in keeping with the character of the historic district."

760 CMR 56.04 (4) (b) – Suitability for Residential Development and 760 CMR 56.04 (4) (c) – Appropriateness of Conceptual Design address these requirements as outlined in the BOS Letter.

My concern focuses on a number of areas:

1. Overall fit of the proposed development with our existing residential community
2. The Historic District of Upton is adjacent to this proposed building site and the proposed entrance roadway is actually located in the Historic District
3. The impact to our existing wetlands which are found throughout this building site

Overall fit of the proposed development with our existing residential community

The proposed four-story apartment structure is inconsistent with the nearby existing residential building typology of homes consisting of one and two-story structures. The proposed apartment building site abuts the residential homes on its north side (Whitney Lane and Hazeltine) and the historic district on its south side (Main St.) and on its east side (School St.) Please see the

attached diagram. The proposed roadway encroaches very close to the existing backyards of many of the residential homes with a very small buffer zone along with a six-foot fence. This is not a reasonable transition to the existing neighborhood.

The proposed “four-story” apartment structure is not compatible with nearby residential structures in terms of height, mass, and scale. The lower elevation side of the building contains **five stories** according to existing drawings, since detailed drawing are not finished. The higher side (West side) is 4 stories which is NOT in keeping with our Zoning Bylaws even with a variance.

Building elevations reveal that this building may range from 48 feet to 60 feet tall depending on the final design. (The potential 60 foot tall section is located on the east side of this proposed apartment structure.) This is roughly double the height of the adjacent residential neighborhood.

The site plan does not provide a satisfactory design treatment of the edge of the site to the surrounding neighborhood and does little to enhance the visual quality of the neighborhood based upon existing drawings.

The Historic District of Upton is adjacent to and abuts this proposed building site

The Historic District of Upton abuts this proposed building site on the south side by Main St and the east side by School St. Meanwhile, the proposed entrance roadway is actually located in the Historic District, see the attached diagram drawn by D&L Design Group. This historic district continues to flow down Main Street toward the Holy Angels Church and the Congressional Church. These two churches form the focal point of the Historical District of Upton and provide the “traditional New England downtown including the commons.” This “four-story” apartment building which is actually 5-stories on the School Street side will be nearly as tall as the steeples of these two churches and will do little to enhance the ambience of a “traditional New England landscape.” When standing near the Town Hall and the two churches or the historic district located on Main Street or School Street, this apartment building will be an imposing modern structure on our traditional, historic district.

Homes and churches in this historic district date back to the 1830s, 1840s, 1850s with some newer homes built in the 1920s and 1930s. At one of our town meetings, the citizens voted for a revitalization of the downtown district emphasizing the “preservation of our traditional New England town with its architectural style” In this quest, the town has repurposed the historic Upton Town Hall and built the Upton Community Center where the architecture reflected a historic Grist Mill of the 1800s which was located within yards of this Center. This downtown revitalization project also stated that new developments should internalize this “traditional New England style of architecture.

This apartment building is a beautiful, ultra-modern building based upon the drawings which Mr. Lobbisser displayed at the Zoning Board meeting. This building is an architectural style which

we will find in Franklin/Bellingham near the MBTA station or surrounding the Natick Mall. This apartment building is an imposing building which abuts our historic district, our Whitney Lane homes, and our traditional, historic downtown area; this apartment building is not in keeping with our town bylaws, nor the visual landscape that has been in Upton for decades.

The impact to our existing wetlands which are found throughout this building site

The elevation above sea level behind 11 and 13 Whitney Lane is 354 feet which drops down to the back side of the proposed apartment building of 332 feet. Behind 11 Whitney Lane, we have skunk cabbage and Boston ferns growing due to a high-water table and/or a small spring in this area. We had drought conditions during August of 2022, and we had (and still have) standing water in the abutting land which is owned by 51 Main St. I walked on what appeared to be solid ground near the end of the drought in August, but sank to my ankles in mud and peat. In turn, this water has always flowed downhill toward School St even in the driest of conditions. Likewise, the neighbors on Whitney Lane, Hazeltine, School Street and Main Street have reported flooded basements.

This is a forested wetlands and removing significant amounts of trees may result in either increased surface water or longer periods of high-water levels. Multiple oak trees ranging from 70 to 80 feet tall in this area have toppled over at the root level due to insufficient root growth resulting from this standing water.

This forested wetlands also contains many deer, turkeys, fox, owls, nesting hawks, and other animals throughout the year. This new apartment building will surely disturb this natural habitat.

The Need for 40B Housing in Upton

As a resident of Upton for over 43 years, I understand the need for 40B housing in our town. Mr. Lobbisser built a 48-unit apartment building on 149 Main Street and added it to our housing stock in May of 2023. This was an important project for Mr. Lobbisser, and the apartment building was beneficial to the Town of Upton in order to meet our affordable housing objectives. Mr. Lobbisser commented that this apartment project has been a very good investment for all of us.

Proposal for the Zoning Board of Appeals

In order to meet the Commonwealth of Massachusetts guidelines for suitability for residential development and appropriateness of design plus the Town of Upton's zoning bylaws, this development project should be limited to a “3-Story apartment development.” The west side of

the structure would be 3 stories allowing for the east side of the building to contain basement apartments which would be seen as 4 levels of living quarters.

The site plan should provide a satisfactory design treatment on the edge of the site to the surrounding neighborhoods to blend into the development project. Existing tall Oak, Maple, and Pine trees should be left standing to provide sound and light abatement. A 30 ft to 50 ft border (buffer zone) should be maintained to shield existing neighborhoods from traffic noise from automobiles and delivery trucks visiting the apartment complex. Also, softwood trees of 8 feet to 15 feet should be planted along the border fence to reduce the imposing look of this tall structure and to obscure border fencing. By keeping as many tall trees as possible and by planting new trees, the apartment building will appear to be less visually incongruent with the historical district and the neighborhoods.

In private meetings with the neighbors, Mr. Lobbisser agreed to provide a buffer zone, keep tall trees on the border, avoid clear cutting the entire property, and planting additional softwood trees. He also agreed to move the entrance road farther away from 13 and 15 Whitney Lane to create a larger buffer zone. These suggestions will soften the visual landscape, provide a transition into the neighborhoods, and lessen the visual incongruence with the historic district and the neighborhoods.

As we look at the wetlands issue, the engineers were only designing for the water cascading from the rooftops of the apartment building and garage roofs plus the blacktopped parking areas. As we pointed out earlier in the Zoning Board meeting, water is also flowing downhill from High Street and Warren St which is contributing to the flowing water in the wetlands and flooding on Main Street and School St.

In private meetings with the neighbors, Mr. Lobbisser agreed to expand his design to address water originating from Hazeltine/ Whitney Lane into his design i.e. a complete storm water management system to address water emanating from outside of his development. He agreed to place a swale on the border with Whitney Lane to remove storm water to one of his storm water basins; he also agreed to increase the storm water basins near the entrance road to prevent storm water from collecting around the entrance way.

I appreciate and thank Mr. Lobbisser for coming out and discussing the various issues associated with this development with the abutters. As Mr. Lobbisser stated, "He and his apartment building want to be "good neighbors."

Thank-you for taking these concerns into consideration and please reply indicating you have received this email.

Sincerely,

Richard McGuire

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