

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

Date: 03/6/2024

Subj: Summary of Lobbisser Meeting concerning the 40B proposal located at 47 Main Street in Upton

Pat Hurley and I met with Mr. Lobbisser on a blustery, cold day in our Whitney Lane backyards facing the northside of his planned development at 47 Main Street. First and foremost, we wanted to thank Mr. Lobbisser for taking two hours out of his busy day to listen to and discuss our concerns on a chilly day in early December 2023.

Pat and I expressed our concerns which also reflect many of the concerns which our neighbors have expressed in previous meetings. Our concerns can be categorized into these key 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 neighborhood's storm water problems impact our immediate homes and the surrounding neighboring homes on Main Street, School Street, and Plain Street. Likewise, this storm water problem may likely impact the 47 Main Street apartment development itself.

These first three sections of this letter which are summarized below provide a rationale for why some of our requests have been made. This is the background information which generated our requests and agreements with Mr. Lobbisser.

Overall fit of the proposed development with our existing residential community

The proposed four-story apartment structure is inconsistent with the nearby, existing residential architecture consisting of one and two-story homes. 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 47 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.”

The proposed “four-story” apartment building is not compatible with nearby residential structures in terms of height, mass, and scale. Building elevations reveal that this building may range from 48 feet to 60 feet tall depending on the final design. (The east side of this proposed apartment structure is potentially 60 feet tall.) This is roughly double the height of the adjacent residential neighborhood.

The original site plan does not provide a satisfactory transition from 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.” 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 apartment building is an imposing building which abuts our historic district, our Whitney Lane and Hazeltine homes, and our traditional, historic downtown area; this apartment building is not in keeping with our town bylaws, nor the architectural character which has existed in Upton for decades.

Storm Water Management is a critical factor surrounding 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. In turn, this water has always flowed downhill toward School St and Main Street 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. Neighbors are very concerned that the builder may clear cut the entire development which will only exacerbate the water problems.

Agreement points with Mr. Lobbisser and a Proposal for the Zoning Board of Appeals

Mr. Lobbisser made these commitments to Pat and myself, and these promises will benefit the surrounding neighbors:

- Not to clear cut the property and agreed to selectively remove trees which would be located near buildings, the driveway, parking, or residential meeting areas.
- To leave the tall hardwood and softwood trees which directly abut the Whitney Lane, Hazeltine, School, and Main Streets. This would help alleviate noise, traffic, and illumination pollution.
- To plant 6-to-10 foot softwood trees on the outside of his six foot wall to enhance the visual landscape for the neighbors. The variety of trees which he has in mind will grow one to two feet per year and are deer resistant. These trees will reside on his property. By keeping as many tall trees as possible and by planting new trees, the apartment building will appear to be visually more pleasing to the neighbors and create a transition area to the historical district and the neighborhood.
- To build a buffer zone as wide as possible between the surrounding abutters and the apartment building including roadways and other building structures. A larger buffer zone around the entire apartment property will smooth the transition from our single-family homes (and the historical district) to his apartment building.
- To move the entrance roadway further away from the property line of 13 and 15 Whitney Lane to create a larger buffer zone. The original site plan provided for a very narrow buffer zone. This will minimize the traffic noise from automobiles and delivering trucks visiting the apartment complex.

- To build a swale near the property line of Whitney Lane and Hazeltine Rd in order to address storm water issues emanating from Whitney and Hazeltine Road. This storm water would flow downhill and be retained in storm water holding basins which he builds for his development.
- To build a storm water drain on the west side of the entrance driveway to remove storm water which is flowing downhill near 51 Main Street. This storm water would flow downhill and be captured in the storm water retention basins which he builds.
- To address storm water near the Pickering Funeral home with his storm water management retention basins.
- To increase the overall size of the storm water basins to prevent storm water from collecting around the entrance way and to accommodate the additional storm water which the storm water management program is collecting and managing.

Although the exact size of the buffer zone was not discussed with Mr. Lobbisser, a buffer zone of 30 to 50 feet would be ideal.

Pat and 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."

Sincerely,

Richard McGuire

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