



## TOWN OF UPTON, MASSACHUSETTS

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### SELECT BOARD

May 7, 2024

William Andrews, Chair  
Upton Zoning Board of Appeals  
1 Main Street  
Upton, MA 01568

**RE: Proposed 40B – Upton Apartments – 47 Main Street, Upton, MA**

Dear Mr. Andrews,

The purpose of this letter is to enter into the record previous comments and concerns of the Select Board regarding the proposed 40B known as Upton Apartments located at 47 Main Street in Upton. As established in the Board's June 8, 2023 letter to Katherine Miller at MassHousing, which is attached to this letter, the Board stated it had serious concerns about the proposed development and the suitability of the site at 47 Main Street to accommodate the project. Since the June 8<sup>th</sup> letter preceded the 40B Application that is currently before the Board, the Select Board wanted to submit those comments to the Zoning Board of Appeals for consideration and also to address recent revisions made to the development proposal.

First, the Board would like to reiterate that its goal is to help meet the region's need for affordable housing while ensuring that the Town's valid planning concerns are addressed. The Board has been supportive of affordable housing initiatives including the update of the Town's Housing Plan, the efforts of the Affordable Housing Trust to develop housing options, and recent changes to zoning bylaws such as the new Inclusionary Zoning Bylaw approved at 2024 Annual Town Meeting.

The Board has met with the Proponent of Upton Apartments to review the changes to the development plan that included revisions to the site, refinement of the architecture of the building, and the reduction of the total number of units from 68 to 60. While the Board is encouraged by the changes the proponent has made, the Board believes that more work could be done to minimize impacts to the neighborhood and to ensure that the design of the building fits the character of Upton. In addition to the comments raised in the Board's June 8, 2023 letter, the Board submits the following comments and suggestions for the Zoning Board of Appeals to consider:

#### **Continued Concerns and Suggestions**

- **Architectural Design:** While the Board appreciates the improved design of the building compared to the original submission, the Board is of the opinion that the design does not reflect the character of Upton. There are numerous historic buildings within Upton that could be used as inspiration for the design of the building at 47 Main Street.

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- Height: While the Proponent has reduced the total height of the building through the reduction in units, the Board believes that more work could be done to reduce the height of the building.
- Stormwater Management: The Board continues to be concerned about impacts associated with the stormwater management system, subsurface water sources, and overall drainage from the site. Proposed drainage structures overflow to wetland areas that are adjacent to residential properties. There is concern that subsurface water movement may not be taken into consideration and may impact the ability of the system to accommodate stormwater from precipitation events. The Board remains concerned that there are areas on the site that are known to be very wet and that additional water entering into the stormwater system will not be adequately controlled and may negatively impact abutting properties.
- Solar Panels: While the Board has reviewed revised architectural drawings, the Board has yet to see plans that depict the installation of solar panels. The Board is concerned that the solar panels will extend above the height of the building, thus further impacting abutting properties and the immediate surroundings. Furthermore, because the building is aligned in a north-south orientation, it is anticipated that the panels will be oriented towards the south and therefore may be angled in a manner that may make them more visible from abutting properties.
- Route 140 Traffic Concerns: While there is no parking along Route 140 due to it being under the jurisdiction of the State, there are occurrences where there are a number of cars parked for services at Pickering Funeral Home, the immediate abutter at 45 Main Street. During services there will be cars parked along the north-side of Route 140 in front of the proposed site. This may further complicate site-visibility exiting the site and traffic safety along this section of Route 140.

The Select Board thanks the Zoning Board of Appeals for consideration of these comments and concerns regarding the project. If you have any questions or need additional information, please contact me at 508-529-6901, or by email at [jlaydon@uptonma.gov](mailto:jlaydon@uptonma.gov).

Sincerely,

  
Joseph Laydon, Town Manager

On behalf of the Town of Upton, Select Board



## TOWN OF UPTON, MASSACHUSETTS

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### BOARD OF SELECTMEN

June 8, 2023

Katherine Miller  
Planning and Programs Specialist  
One Beacon Street  
Boston, MA 02108

**RE: Proposed 40B – Upton Apartments  
Upton, MA  
MH ID No. 1183**

Dear Ms. Miller,

The Upton Board of Selectmen (the “Board”) appreciates the opportunity to comment on the Project Eligibility / Site Approval application for the proposed 68-unit apartment development to be located at 45-51 Main Street (the “Proposed Project”). The Board’s goal is to help meet the region’s need for affordable housing while ensuring that the Town’s valid planning concerns are addressed. Since receiving notice of the Site Approval application in May, we have asked our applicable Town Boards, Commissions, and staff to assist us by reviewing the project and providing feedback. The Board received input from the public through agenda postings regarding the application before MassHousing on May 16 and June 7, 2023 and received written comments during that time. Our letter incorporates and consolidates relevant comments provided by all contributors.

As established by this letter, the Board has serious concerns about the proposed development and the suitability of the site at 45-51 Main Street to accommodate the project. As a result, the Board is not in favor of the location for this proposed project. We urge MassHousing to take these concerns into account and deny the site approval application.

#### **Suitability for Residential Development**

*760 CMR 56.04(4) (b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under M.G.L. c. 40A, and overlay districts adopted under M.G.L. c. 40R (such finding, with supporting reasoning, to be set forth in reasonable detail);*

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.”

*If this application were filed as a standard Special Permit, the Zoning Board would still have the ability to deny based on the concerns provided throughout this letter.*

While the Town's Subsidized Housing Inventory falls below the 10 percent statutory minimum, we ask MassHousing to consider Upton's successful efforts made to date.

- Over the past five (5) years, the Zoning Board has shown a record of approving Accessory Dwelling Units (ADU), and only in rare cases where the proposed ADU did not meet minimum local standards have they been denied; in those cases, applicants have revised their applications to comply and then obtained approval.
- In 2012 the Town approved a Housing Production plan. In the summer of 2022, the Board of Selectmen created the Housing Production Plan Steering Committee to coordinate the development of an updated Housing Production Plan. With assistance from the Central Massachusetts Regional Planning Commission, the Committee has met, held a public outreach forum, and started drafting the new Housing Production Plan, which will be adopted this year.
- Over the past five (5) years the Zoning Board has also demonstrated a record of approval of local 40B Comprehensive Permits with conditions. In 2018, The Zoning Board approved a 48-unit apartment building which is now constructed and occupied. In the fall of 2022, the 48 units were added to the Town's Subsidized Housing Inventory increasing the Town's SHI to 6.7% In May of this year (2023), the Zoning Board voted to approve a 40B project consisting of four single-family units.
- Within the last five (5) years, the town has increased its housing stock by over 5% and recently was designated a Housing Choice Community.
- The Town does not have any moratorium on housing and does not have any cap on housing production.

The Town and the proponent of Upton Apartments have had success working together on a similar project located at 149 Main Street, which yielded a 48-unit apartment building. Upton would be pleased to work with the proponent again, however, it would be the Board's preference to do so on a project at a different location. The Board's opinion that the location is not suitable for the proposed project is supported by comments raised in this letter.

#### **Appropriateness of Conceptual Design**

*760 CMR 56.04(4)(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);*

While the site is zoned for residential use, the Board has serious concerns relative to the scale of the development and suitability of the site for large-scale improvements relative to required findings in 760 CMR 56.04(4)(c). Provided below are a list of concerns regarding the project as proposed and suggestions the Board feels should be considered in future design iterations:

## Concerns and Suggestions

- Height of the proposed building is major concern. The Town's zoning bylaws allow for a maximum 3-story Garden Apartment building by Special permit. The proposal shows a 4-story 68-unit apartment building. The site is located on the side of a steep hill, and the Board is concerned about context of the proposed structure as potentially being a prominent building with visibility beyond just abutting properties. The proponent should examine reducing the number of units to either eliminate the 4<sup>th</sup> story or reduce the length of the building. Reduction will reduce parking and allow for establishing a no-cut buffer around the perimeter adjacent to Whitney Lane.
- The Board has received several comments relative to stormwater management, subsurface water sources, and overall drainage from the site. There are areas on the site that are known to produce very wet areas that may drain off-site, specifically towards the easterly side of Whitney Lane. There may be underground springs and other challenges on the site that could complicate the initial design proposal. Any future proposal should make note of those areas through the comments submitted by residents and make accommodations so as to not increase runoff or exacerbate existing issues. This may include establishing a 20-foot no cut buffer adjacent to 15, 17, and 19 Whitney; Retain existing vegetation and augmenting with evergreen and deciduous vegetation of various heights to provide low level and upper story screening. Also, examine integrating parking garage near 17 Whitney into the grade to act as a retaining wall in order to accommodate no cut buffer.
- The Board received concerns from abutters regarding the potential placement of solar panels on the proposed flat roof. Given the size and scale of the project, solar panels extending beyond the height of the building would further impact public view from the road and derogate from the established character of the immediate surroundings.
- The Board is concerned about downstream impacts on capacity of wetland systems to accommodate additional stormwater volumes from the project and alterations to the site. The Town has experienced flooding of wetland system from Pleasant Street through to Station Street. Similarly, the wetland system near School Street drains through open ditches between residential properties on School Street and then under Main Street to connect to a larger stream and wetland system at Center Brook. Adjacent properties to these areas could be impacted due to close proximity.
- The Board has stated a preference for no disturbance of any wetlands and to respect the local jurisdiction buffers to maximum extent possible.
- While there are no noted Priority Habitats identified by the State on the property, given the location of wetlands and size of the property, the proponent should prepare an ecological study of the site to ensure valuable resources of wildlife and plant-life are protected.
- The Upton Department of Public Works should be contacted to verify the capacity of the Town to accommodate water and wastewater demands and any potential impacts on those systems.

- An analysis on the potential impact of the development on the nearby National Grid Gas Line should be conducted. Such an analysis should be a condition of the PEL.
- The Mendon Upton Regional School District has a policy that buses do not enter onto private driveways. The applicant should articulate how a school bus will pick up and drop off students on Main Street (Route 140), a busy state highway currently under review for a TIP project through MassDOT. The applicant should provide a safe and connected network of pedestrian facilities within the site to ensure students and other users have a continuous, safe, and accessible route to Main Street.
- The proponent should provide a summary of the expected impact to local school population.
- The only point of access for the project is a driveway that connects to Main Street, a busy state highway. The applicant should explain how traffic from the site can safely navigate this access point given its location along a curve in the road.
- Pickering Funeral Home is an immediate abutter at 45 Main Street. During services there will be cars parked along the north-side of Route 140 in front of the proposed site. This may further complicate site-visibility exiting the site and traffic safety along this section of Route 140.
- The proponent should ensure sufficient space for trash storage and show how trash will be moved inside the site and from the site. The town will require that solid waste and recycling be conducted by a private contractor. There is a specific concern regarding local rat infestation. Any proposed construction on this site should take care to identify ways of preventing rats from leaving the site during construction. Additionally, this issue should be taken into consideration when identifying an appropriate dumpster site away from Whitney Lane.
- The Town of Upton does not maintain private drives and therefore will not provide any snow or ice control for the proposed development. The proponent has shown dedicated space for snow storage on the site and should continue to do so through any future design updates. Additionally, the proposed structure has a flat roof. The proponent should make appropriate accommodations for roof snow and ice removal and confirm with the Building Department appropriate designs to account for snow-loads.
- The Fire department will require access along the circumference of the building with aisle widths designed to accommodate the largest fire apparatus.
- Any and all lighting associated with the building including security lights, sidewalk lighting, and parking lot lighting should be minimal and comply with dark sky standards.
- 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 Town of Upton thanks you and MassHousing for consideration of the Board's comments and concerns regarding the project. The Board's opinion that the site approval application be denied does

not come lightly as the Town has actively sought to increase opportunities for affordable housing. The Board would like to be able to work with the proponent to find a more suitable location for the construction of an affordable housing project.

If you have any questions or need additional information, please contact me at 508-529-6901, or Director of Land Use & Inspectional Services, Michael Antonellis at 508-603-0219.

Sincerely,



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Joseph Laydon, Town Manager

On behalf of the Town of Upton, Board of Selectmen