



# TOWN OF UPTON, MASSACHUSETTS

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## Special Town Meeting 12 November 2024 Warrant

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Elections and in Town affairs, to meet at said **Nipmuc Regional High School, 90 Pleasant Street, Upton, MA on Tuesday, November 12, 2024 punctually at Seven o'clock in the evening**, to act on the Articles in the warrant.

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### ARTICLE 1: PRIOR YEAR BILLS

To see if the Town will vote to appropriate the sum of Fifty Dollars and Zero Cents (\$50.00) from the Police Department's FY 2025 Appropriation Police Expense Account to pay a FY 2023 bill from T-Mobile and to appropriate the sum of Seventy-Nine Dollars and Eighty-Two Cents (\$79.82) from the Management Information Systems' FY 2025 Appropriation Management Information Systems Expense Account to pay prior year bills from FY 2017 through FY2023, or take any other action related thereto.

**Explanation/ Submitted by:** Prior Year Bills from FY 2023 for T-Mobile and from FY 2017 through FY 2023 for Verizon Enterprise, (9/10<sup>th</sup> vote required) /Select Board

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### ARTICLE 2: AMEND FY 2025 OPERATING BUDGET AND WATER/WASTEWATER ENTERPRISE FUNDS FOR COLLECTIVE BARGAINING AGREEMENTS

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of Ninety-Six Thousand Three Hundred and Ten dollars and Zero Cents (\$96,310.00) to fund and implement the cost items of the first fiscal year of the collective bargaining agreements between the Town of Upton and DPW Unions, or, to take any other action related thereto.

**Explanation/ Submitted by:** To fund the cost items in the first fiscal year of the DPW Unions collective bargaining agreements /Select Board

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### ARTICLE 3: AMEND FY 2025 OPERATING BUDGET

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of Forty-Five Thousand Four Hundred Thirty-Two Dollars and Zero Cents (\$45,432.00) to fund the approved compensation plan for various non-union municipal employees for FY 2025, or take any other action related thereto.

**Explanation/ Submitted by:** To fund the cost to implement the approved Classification and Compensation Plan for non-union employees. / Select Board

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**ARTICLE 4: FUNDING FOR STREETLIGHT CONVERSION**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of Three Thousand Seven Hundred Ninety-Six dollars and Three Cents (\$3,796.03), or any other sum, to be used as the Town's match in the purchase and conversion of streetlights to LED fixtures, including all expenses incidental and related thereto, or take any other action related thereto.

**Explanation/ Submitted by:** Article 4 seeks authorization from Town Meeting to fund the Town's match for the purchase and conversion of streetlights. The Town submitted a grant application through the Green Communities Program for \$126,402 to purchase and convert streetlights owned by National Grid. The Town is responsible for matching funds in the amount of \$3,796.03. The Town's purchase will allow for a savings of approximately \$16,210 annually. /Select Board

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**ARTICLE 5: FUNDING FOR RADIO SYSTEM INFRASTRUCTURE UPGRADES**

To see if the Town will vote raise and appropriate, borrow, or transfer from available funds, the sum of One Hundred and Fourteen Thousand Five Hundred and Eighty-Two Dollars and Zero Cents (\$114,582.00), or any other sum, to upgrade the department's radio system infrastructure by replacing current repeaters and installing repeaters at two new sites (Pearl Street Water Tank Tower and Hopedale Water Tank Tower, including all expenses incidental and related thereto, or take any other action related thereto.

**Explanation/ Submitted by:** The Town submitted a FY 25 State 911 Development Grant in the amount of \$554,047 to upgrade the department's radio system infrastructure by replacing current repeaters and installing repeaters at two new sites (Pearl Street Water Tank Tower and Hopedale Water Tank Tower). The installation of these towers will greatly improve radio transmissions within the dispatch coverage area and allow for future expansion. The Town received a grant approval in the amount of \$439,465 and the Town is seeking \$114,582 to secure full funding for this project. /Select Board

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**ARTICLE 6: WITHDRAWN (FUNDING FOR POLICE STATION CAMERA SYSTEM)**

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**ARTICLE 7: FUNDING FOR POLICE DEPARTMENT DRONE**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of Ten Thousand Nine Hundred Fifty-Three Dollars and Zero Cents (\$10,953.00), or any other sum, to be used to purchase and equip a replacement drone system to be used by the Upton Police Department, including all expenses incidental and related thereto, or take any other action related thereto.

**Explanation/ Submitted by:** Article 7 requests funding to upgrade the Police Department's public safety drone. The existing unit is susceptible to radio interference and weather and water instability. The existing drone will be retained as a backup device. /Select Board.

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**ARTICLE 8: FUNDING FOR ENGINE 3 VALVE REPAIRS**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of Nineteen Thousand Four Hundred Fifty-One Dollars and Zero Cents (\$19,451.00), or any other sum, to be used to replace non-serviceable control valves and related parts on the Upton Fire Department's Engine 3, including all expenses incidental and related thereto, or take any other action related thereto.

**Explanation/ Submitted by:** Engine 3 is a 1996 international 4x4 brush structural pumper that is a front-line apparatus for all brush fires, with an added role as the department's primary pumper for rural water supply. Two out five control valves are out of service. The valve electric modules are no longer available new and hard to locate. The cost of repairs would have a significant impact on the department's ability to maintain its aging fleet if the funds were taken from the existing vehicle maintenance budget. /Select Board.

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**ARTICLE 9: AMENDMENT TO 2018 STM ARTICLE 7 FOR FIRE STATION ROOF REPAIRS TO CONDUCT FLOORING AND OTHER IMPROVEMENTS**

To see if the Town will vote to amend Article 7 from the November 13, 2018 Special Town Meeting which authorized funding for roof repairs at the Upton Fire Station and to use the sum of Twenty Six Thousand Three Hundred Seventy-Five Dollars and Zero Cents (\$26,375.00) of the remaining funds for repairing flooring in the first floor lobby and to install UV protective film to eliminate UV damage to the lobby, office space, EOC and back stairway, including all expenses incidental and related thereto, or take any other action related thereto.

**Explanation/ Submitted by:** Article 9 seeks to transfer left over monies in the 2018 Roof Repair article to address two needed building repairs at the fire station. The station built in 2004 has had an ongoing problem with UV damage from sunlight around the main lobby and rear stair well to the flooring and the historical Niagra pumper from the 1860 era. The window treatment will reduce UV damage, and we hope to help reduce energy cost. The first-floor main lobby hallways and day room floors require replacement due to UV damage and high traffic use. The article request includes the installation of UV protective film to windows and the installation of heavy-duty commercial flooring. /Select Board.

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**ARTICLE 10: RESURFACING AND RECONFIGURATION OF TOWN HALL PARKING LOT**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of One Hundred Thousand and Zero Cents (\$100,000.00) to fund the resurfacing and reconfiguration of the Town Hall Parking Lot, including all expenses incidental and related, or take any other action related thereto.

**Explanation/ Submitted by:** Article 10 seeks funding to reconfigure and resurface the Town Hall Parking Lot. The Town has been working to finalize plans to reconfigure the Town Hall Parking Lot since 2019. With the completion of the Parklet Project which was funded through an earmark received by the Town in 2021, Town officials have completed the design for the

parking lot. The project will reconfigure the parking lot to add six (6) additional parking spaces and improve access to handicap parking spaces. /Select Board

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**ARTICLE 11: FUNDING FOR COMMUNITY MESSAGE BOARD**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of Forty-Seven Thousand Three Hundred and Forty-Seven Dollars and Zero Cents (\$47,347.00), or any other sum, to be used for refurbishment and/or installation of a new community message board with LED panel, including all expenses incidental and related thereto, or take any other action related thereto.

**Explanation/ Submitted by:** Article 11 proposes to appropriate funds to refurbish and/or replace the existing community message board with a new LED display to allow for messages and events of the community to be remotely changed. /Select Board.

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**ARTICLE 12: FUNDING FOR OPERATION AND MAINTENANCE PLANS FOR WASTEWATER FACILITIES**

To see if the Town will vote to transfer the sum of Ninety-Five Thousand Dollars and Zero Cents (\$95,000.00), or any other sum, from Wastewater Retained Earnings, for the purpose of complying with the DEP's requirements in the latest NPDES permit associated with updating the Upton Wastewater Treatment Plant's Operation & Maintenance Manual and developing a Capacity Management Operations Manual for the entire system including all infrastructure and pump stations, including all costs incidental and related thereto, or to take any other action related thereto.

**Explanation/ Submitted by:** The Town is required to meet several new requirements, in accordance with the Town's recently issued NPDES permit, which regulates the Town's wastewater infrastructure. The first requirement is to update the Operations and Maintenance Manual for the Wastewater Treatment Plant (WWTP), which was developed in the late 1990s and amended in 2015. The update will reflect the current procedures and equipment at the WWTP that have changed since the last update as well as reflect any changes in standards and regulations for the operation of WWTPs since the last update. The second requirement is to develop an Operations and Maintenance Manual for the Town's wastewater collection system, including all the sewer pipes and pump stations. This second manual is a new requirement and will include information on regular maintenance activities, monitoring requirements, recommended staffing levels, and other associated standards and regulations for safe operation of the collection system. Also included will be an update to the system, collections map and GIS updates to the existing map with any recent changes and updates to pipe materials, locations, and conditions. /Select Board.

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**ARTICLE 13: FUNDING FOR MILFORD STREET WATER/WASTEWATER DESIGN**

To see if the Town will vote to transfer the sum of Thirty One Thousand Dollars and Zero Cents (\$31,000.00), or any other sum, from Water Retained Earnings and transfer the sum of Thirty One Thousand Dollars and Zero Cents (\$31,000.00), or any other sum, from Wastewater

Retained Earnings, for a total of Sixty Two Thousand Dollars and Zero Cents (\$62,000.00), or any other sum, for the purpose of funding the remaining design, permitting, costs, and fees associated with the expansion of water and wastewater infrastructure on Milford Street, including all costs incidental and related thereto, or to take any other action related thereto.

**Explanation/ Submitted by:** The original contract with Tighe & Bond received funding from a grant for \$275,000. At that time, the precise location of a needed pump station was undetermined and therefore, could not be included in the original design contract. In addition, negotiations with MassDOT for the permits and fees were unknown until the design reached 75%. The grant amount was sufficient to bring the water/wastewater project design to 90%. The amendment to the contract for \$62,000 will cover all remaining design costs associated with the pump station, bringing the design to 100%, as well as additional negotiations with MassDOT, MassDOT permit fees, and providing a bid-ready project. /Select Board.

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#### **ARTICLE 14: FUNDING FOR LANDSCAPE DESIGN SERVICES FOR ROUTE 140/ MAIN STREET TIP PROJECT**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of Twenty-Three Thousand Dollars and Zero Cents (\$23,000.00), or any other sum, to be used to retain professional services for lighting and streetscape design in support of the ongoing design of improvements along Route 140 in Upton, including all expenses incidental and related thereto, or take any other action related thereto.

**Explanation/ Submitted by:** Article 14 requests funding for the Town to retain professional services for lighting and streetscape design in support of the ongoing design of improvements along Route 140 associated with the Rt 140 TIP Project. /Select Board.

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#### **ARTICLE 15: FUNDING FOR COMPOSTING PROGRAM**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of One Thousand Five Hundred Dollars and Zero Cents (\$1,500.00), or any other sum, for the purpose of printing and mailing a townwide notice of the pilot composting program, including all expenses incidental and related thereto, or take any other action related thereto.

**Explanation/ Submitted by:** The Green Designation Committee is requesting funds to support a townwide mailing to all residents with information about the pilot composting program with Black Earth Composting. The mailer will include key information about the program and ways for residents to express interest in participating. This pilot program was voted on and approved by The Board of Health on March 18, 2024. / Green Designation Committee.

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#### **ARTICLE 16: ACCEPTANCE OF DONATION FROM HARVEY J TRASK TRUST**

To see if the Town will vote to authorize the Select Board to accept, on behalf of the Town of Upton, a monetary donation from the Harvey J Trask Trust to be used in accordance with the Harvey J Trask Trust Agreement Clause Eleventh, or take any other action related thereto.

**Explanation/ Submitted by:** The Town of Upton was informed that the Harvey J Trask Trust seeks to donate \$1,526,462.32 as of September 1, 2024, to the Town of Upton. The Trust Agreement specified that up to \$250,000 may be used for general municipal purposes, but not for balancing an annual budget or covering deficits, and that the proceeds from the remaining funds are to be used for the “beautification of the Town.” The Trust Agreement states that proceeds are to be used for but not limited to the “general cleaning, repair and maintenance of public places in the Town of Upton, but also to be used to install landscaping, ornamental shrubberies, flower gardens, winter and Christmas decorations and if appropriate, to acquire land and easements which will support my stated benefit which support the purpose to beautify the public areas in the Town of Upton for the benefit of the Inhabitants of the Town.” The Trust Agreement required Town Meeting approval for the acceptance of the gift. / Select Board.

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**ARTICLE 17: DISCONTINUANCE OF PORTION OF STODDARD STREET**

To see if the Town will vote, pursuant to G.L. c. 82, §21, to discontinue as a Town way a portion of the roadway known as Stoddard Street, being an approximately 16’ by 61’ parcel of land, shown as “Discontinuance Area,” containing approximately 1,002 sq. ft on a plan entitled “Discontinuance Plan of A Portion of Stoddard St. Upton MA,” dated August 29, 2024, prepared by HS&T Group, Inc., a copy of which is on file with the Town Clerk, and to transfer the care, custody and control of said discontinued portion from the Select Board for public way purposes to the Select Board for general municipal purposes and/or for the purpose of conveyance, and further to authorize the Select Board to convey and/or release all the Town’s right, title and interest in said discontinued portion of Stoddard Street on such terms and conditions, and for such consideration, as the Select Board deems appropriate, and to execute any and all documents to carry out the purposes of this article, or take any other action related thereto.

**Explanation/ Submitted by:** Article 17 proposes to discontinue a rectangular piece of Stoddard Street adjacent to the front yard of 12 Stoddard Street and to convey said parcel to the owners of the property. The property owners of 12 Stoddard will be responsible for all costs associated with the discontinuation and conveyance. / Select Board.

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**ARTICLE 18: CONVEYANCE OF EASEMENTS AT CROCKETT ROAD FOR UTILITIES**

To authorize the Select Board to grant and convey easements, for the purpose of locating a portion or portions of utilities, including, without limitation, Title 5 compliant subsurface septic systems, water supply systems and electric facilities, across a public way known as Crockett Road, on such terms and conditions as the Select Board deems appropriate, and further to authorize the Select Board to enter into such agreements and execute such documents and instruments as may be necessary to effectuate the purposes of this article, or to take any other action related thereto.

**Explanation/ Submitted by:** Article 18 proposes to grant the Select Board the ability to grant and convey easements across Crockett Road for installing septic systems, water supply systems and electric facilities. / Select Board.



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**ARTICLE 19: CHANGE CEMETERY COMMISSION FROM ELECTED TO APPOINTED**

To see if the Town will vote, pursuant to the provisions of G.L. c. 41, § 1B, to make the elected position of Cemetery Commissioner an appointed position of Cemetery Commissioner, and further, to authorize the Select Board to provide for the appointment of such office for a term not to exceed three years, unless otherwise provided by law; provided, however, that any such change be subject to approval by the voters of the Town at the next Annual Town Election in accordance with the provisions of G.L. c. 41, § 1B, and provided that this vote be taken at least sixty (60) days prior to said Annual Town Election, or to take any other action related thereto.

**Explanation/ Submitted by:** Article 19 seeks to change the Cemetery Commission from an elected board to an appointed board. Pursuant to G.L. c. 41, § 1B, in addition to Town Meeting Approval, the change must also be approved as a ballot question, which will be placed on the 2025 Annual Town Election ballot. / Select Board.

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**ARTICLE 20: PETITION GENERAL COURT TO AMEND UPTON TOWN MANAGER ACT**

To see if the Town will authorize the Select Board to petition the General Court for special legislation amending Chapter 391 of the Acts of 2008 entitled “An Act Establishing the Office of Town Manager in the Town of Upton” as amended by Chapter 250 of the Acts of 2020, in the form of the proposed special act as set forth in the document dated September 26, 2024 containing the full text of Article 20 which is filed with the Town Clerk; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action related thereto.

**Explanation/ Submitted by:** In December 2023, the Select Board voted to establish a Town Manager Act Review Committee to conduct a review of the Act. The Act provides that it shall be reviewed every five years. The Review Committee recommended a series of amendments addressing procurement, the reporting by staff of elected boards to the Town Manager, and other organizational changes. The text of the Town Manager Review Committee’s recommendations are available at the offices of the Town Manager and Town Clerk. / Select Board.

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**ARTICLE 21: AMEND COMMUNITY PRESERVATION COMMITTEE MEMBERSHIP**

To see if the Town will vote to amend Division I, Part I, Chapter 18, Section §18-1 of the General Bylaws of the Town of Upton, as provided below, with additions indicated by underline and deletions indicated by ~~strike through~~, or take any other action related thereto.

**§ 18-1. Establishment.**

There is hereby established in the Town of Upton a Community Preservation Committee, consisting of up to nine voting members pursuant to MGL c. 44B.

A. The composition of the Committee, the appointment authority and the term of office for the Committee members shall be as follows:

(1) One member of the Conservation Commission as designated by the Commission for a term of three years.

(2) One member of the Historical Commission as designated by the Commission for a term of three years.

(3) One member of the Planning Board as designated by the Board for a term of three years.

(4) One member of the Recreation Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

(5) One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.

(6) One member of the Open Space Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.

(7) One member of the Affordable Housing Trust as designated by the Trust for a term of three years.

(78) Three Two members to be appointed by the Select Board, one member to be appointed for a term of one year and thereafter for a term of three years and one member to be appointed for a term of one year and thereafter for a term of three years~~and one member to be appointed for a term of three years.~~

**Explanation/ Submitted by:** The Community Preservation Committee (CPC) is requesting modifications to the Town of Upton CPA Bylaw (Section 18-1). The modifications would allow the Affordable Housing Trust to appoint a member to the CPC and reduce the number of Select Board appointees from three (3) to two (2). The maximum number of CPC voting members would remain set at nine (9). / Community Preservation Committee.

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**ARTICLE 22: AUTHORIZE THE USE AND AMEND GENERAL BYLAW  
CHAPTER 100 TOWN MEETINGS AND ELECTIONS FOR THE  
USE OF ELECTRONIC TABULATORS AT TOWN MEETING**

To see if the Town will vote to approve the tabulation of votes at future Town Meetings utilizing electronic voting devices and amend Section 100-11 entitled "Determination of vote" as provided below, with additions indicated by underline and deletions indicated by ~~strike through~~, or take any other action related thereto.

§ 100-11 Determination of vote.

Town Meeting shall utilize electronic tabulations and electronic devices to tabulate Town Meeting votes. If electronic tabulation is not available or votes by Town Meeting not to be used, the determination of vote shall be as follows. When a question is put, the sense of the meeting



shall be determined by the voices thereon, and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote of the article or matter by sound of the voices, he shall determine the vote by ordering a show of hands or standing vote and may appoint tellers to make and return the count. A roll call shall be ordered by the Moderator if 20 members shall by rising to their places favor such motion. A ballot vote shall be taken at a regular or special Town Meeting when a motion is made and seconded by seven voters and is carried by a majority vote.

**Explanation/ Submitted by:** Article 22 proposes to authorize the use of electronic voting devices at future town meetings and to amend the Section 100-11 entitled “Determination of vote” to approve the use of electronic for the determination of Town Meeting Votes. This topic was previously before the November 5, 2019 Special Town Meeting and was tabled. / Select Board.

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**ARTICLE 23: FUND THE USE OF ELECTRONIC TABULATORS AT TOWN MEETING**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of Twenty-One Thousand Dollars and Zero Cents (\$21,000.00), or any other sum, to purchase electronic voting equipment, software, and any related expenses; or take any other action related thereto.

**Explanation/ Submitted by:** Article 23 proposes to fund the purchase of electronic voting equipment, software and related expenses, contingent on passage of Article 22. / Select Board.

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**ARTICLE 24: ZONING BYLAW - SMALL CELL ZONING BYLAW**

To see if the Town will vote to amend the Town of Upton Zoning By-laws Section 300-10.1 Definitions, 300-3.1 Table of Principal Uses, 300-3.2 Accessory uses and structures, and Section 300-6.2 Wireless Data Transfer Facilities to regulate small wireless facilities and make related changes , with additions indicated by underline and deletions indicated by strike through and to authorize the Town Clerk to make any necessary non-substantive corrections including renumbering to incorporate these changes into the Zoning By-laws, all as set forth on the document dated September 26, 2024 containing the full text of Article 24 which is filed with the Town Clerk, or take any other action relative thereto.

**Explanation/ Submitted by:** Article 24 proposes to amend the Section Title for 300-6.2 entitled Wireless Data Transfer Facility; Add new definitions relative to new uses identified within Sec. 300-6.2 per this amendment; and add new uses identified in Sec. 3000-6.2 within the list of accessory uses and structures, most notably the introduction of “small wireless facility” as a use or structure, which will be required to obtain a Special Permit. / Planning Board.

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**ARTICLE 25: ZONING BYLAW – MBTA COMMUNITIES**

To see if the Town will vote to amend the Zoning Map of Upton, Massachusetts to add the proposed “MCMOD (MBTA) District”, being an overlay district, and to amend the Town of Upton Zoning By-laws Section 300-2.1 Establishment, Section 300-2.2 Map and Section 300-5.10.B (parking) and to add a new Section 300-8.2 MBTA Communities Multifamily Overlay

District (MCMOD) and to authorize the Town Clerk to make any necessary non-substantive corrections including renumbering to incorporate these changes into the Zoning By-laws and Zoning Map, all as set forth on the document dated September 26, 2024 containing the full text of Article 25 and the proposed map which is filed with the Town Clerk, or take any other action relative thereto.

**Explanation/ Submitted by:** In January of 2021 the state passed the MBTA Communities Law which requires all cities and towns classified as “MBTA Communities” under the law to adopt zoning that allows for multi-family dwelling units as a by-right use. The Attorney General’s office has taken the position that compliance with the new law is not optional. The proposed district is limited to about 14 acres and will comply to the minimum density requirement issued by the state at 15 dwelling units per acre. The proposed district will be located on a stretch about 2,300 linear feet along Milford Street (A/K/A Route 140) partially located on a site that has already been approved for dense housing. / Planning Board.

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**ARTICLE 26: G.L. C. 40A, § 3A (MBTA ZONING) USES PERMITTED BY SPECIAL PERMIT AMENDMENT**

To see if the Town will vote to amend the new Section 300-8.2 MBTA Communities Multifamily Overlay District (MCMOD) by inserting a new subsection 300-8.2D (3) as shown below in underline, and to authorize the Town Clerk to make any necessary non-substantive corrections, including renumbering to incorporate these changes into the Zoning By-laws, or take any other action related thereto;

**Section 300-8.2. MBTA Communities Multifamily Overlay District (MCMOD)**

D. Permitted Uses.

(3) Uses Permitted by a Special Permit. The following uses and accessory uses are allowed by Special Permit and subject to the requirements of the MCMOD district:

- a. Uses that are allowed by Special Permit within the Upton Center Business District (UCBD) pursuant to section 300-3.1.
- b. Where a use may be allowed within the UCBD district by Special Permit, but is not otherwise allowed in the underlying zoning district, the standards of the UCBD district shall be applied.

**Explanation/ Submitted by:** This proposed section to the MCMOD would allow for uses which are allowed by Special Permit within the Upton Center Business District (UCBD) zone to also be allowed by Special Permit within the proposed MCMOD zone. The purpose of this amendment is to keep consistency regarding the availability of commercial uses across both districts since they are both mixed-use, allowing for both commercial and residential uses. / Planning Board.

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**ARTICLE 27: ZONING BYLAW AMENDMENT – SECTION 300-7.6 ACCESSORY DWELLING UNITS**

To see if the Town will vote to amend the Town of Upton Zoning-Bylaws, Section 300-7.6 Accessory Apartments and Section 300-10.1 Definitions , with additions indicated by underline and deletions indicated by strikethrough, and to authorize the Town Clerk to make

any necessary non-substantive corrections including renumbering to incorporate these changes into the Zoning By-laws, all as set forth on the document dated September 26, 2024 containing the full text of Article 27 which is filed with the Town Clerk, or take any other action relative thereto.

**Explanation/ Submitted by:** In August 2024 the Governor's office signed into law the Affordable Homes Act. A part of the legislative package MGL 40A, the Zoning Act, was amended to make Accessory Dwelling Units allowable by-right across the State. The proposed zoning bylaw amendment seeks to update the existing rules surrounding Accessory Dwelling Units, currently referred to as "accessory apartments," by changing the language to reflect the changes made to MGL 40A, such that the Town is in compliance with state law. / Planning Board.

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# Article 17 Exhibit – Discontinuance of a Portion of Stoddard Road

PLAN REFERENCE(S):  
169-24

DEED REFERENCE(S):  
70183-326, 68781-329

ASSESSOR REFERENCE(S):  
15-139

LOCUS MAP  
N.T.S.

SCALE 1" = 30'

**UPTON**

**PLANNING BOARD**  
APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW IS NOT REQUIRED

A MAJORITY VOTE \_\_\_\_\_ DATE: \_\_\_\_\_

PLANNING BOARD ENDORSEMENT IS NOT  
A DETERMINATION AS TO CONFORMANCE  
WITH THE ZONING BYLAW.

THIS PLAN HAS BEEN  
PREPARED IN CONFORMITY WITH THE RULES  
AND REGULATIONS OF THE REGISTERS OF DEEDS  
OF THE COMMONWEALTH OF MASSACHUSETTS.

**hs&t group, inc.**  
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS  
75 HAWKING STREET - 2ND FLOOR  
UPTON, MASSACHUSETTS 01568  
PHONE: 508-752-4444 EMAIL: INFO@HS&TGROUP.NET  
FAX: 508-752-8855 WWW.HS&TGROUP.NET

**DISCONTINUANCE PLAN OF  
A PORTION OF STODDARD ST UPTON MA**

APPLICANT(S) / OWNER(S)  
12 STODDARD STREET REALTY TRUST  
24 HAGAR ST MARLBORO MA

DATE: 08-29-24 CAD: \_\_\_\_\_ DATE FIELD: \_\_\_\_\_

SCALE: 1"=30' ZONE: \_\_\_\_\_ DAT: 10.0.0.0 688-6

JOB NUMBER: 7726 SHEET NUMBER: 1 OF 1

DWG NUMBER: \_\_\_\_\_

# MBTA Zoning Compliance





**HEREOF FAIL NOT**, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.


Given under our hands this Fifteenth (15th) day of October in the year of our lord Two Thousand Twenty-Four.


**UPTON SELECT BOARD**

A true copy, Attest:

  
\_\_\_\_\_  
**Laura J. Hebb, Chair**

  
\_\_\_\_\_  
**Brett A. Simas, Member**

  
\_\_\_\_\_  
**Maureen L. Dwinnell, Member**

  
Constable  
Date: October 23, 2024