



## TOWN OF UPTON, MASSACHUSETTS

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### Special Town Meeting 4 November 2025 Warrant

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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 4, 2025 punctually at Seven o'clock in the evening**, to act on the Articles in the warrant.

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#### **ARTICLE 1: PRIOR YEAR**

To see if the Town will vote to transfer from available funds a sum of Three Thousand, Four Hundred Sixty-Five dollars (\$3,465.00) to pay unpaid bills from prior fiscal years, or take any other action related thereto.

**Explanation/ Submitted by:** Prior Year Bills (FY 2025), (9/10<sup>th</sup> vote required) /Select Board

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#### **ARTICLE 2: FUNDING FOR DEPARTMENT OF PUBLIC WORKS EXPANSION/ RENOVATION PROJECT**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of Two Million Five Hundred Two Thousand Seven Hundred Ninety-Four dollars (\$2,502,794.00), or any other sum, to be used to complete the design of Department of Public Works Expansion/Renovation Project, and for remaining funds to be used for construction, or take any other action related thereto.

**Explanation/ Submitted by:** The current DPW facility is roughly 30 years old. It is undersized to support current operations. It is non-code compliant (electrical, plumbing, ADA), does not ensure safe working conditions, and fails to meet the DEP's requirements for maintaining equipment during snow & ice operations./Department of Public Works (2/3 vote)

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#### **ARTICLE 3: ACCEPTANCE OF GENERAL LAWS CHAPTER 59, SECTION 5, CLAUSE 22J "HERO" ACT**

To see if the town will vote to accept the provisions of M.G.L. Chapter 59, Section 5, Clause 22J, and increase the amount of the exemption granted under General Laws Chapter 59, Section 5, by 100%, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2026, or take any other action relative thereto.

**Explanation/ Submitted by:** Article 3 proposes the adoption of Clause 22J and allows for an additional exemption of up to 100% of the amount of the tax exemption granted to veterans on their domiciles under Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E and Clause 22F. This would work like the optional additional exemption that is already a local option under G.L. c. 59, § 5C½ for all persons granted exemptions on their domiciles as veterans, seniors, blind persons, and surviving spouses./Board of Assessors/Select Board.

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**ARTICLE 4: PETITION GENERAL COURT FOR FIRE CHIEF RETIREMENT AGE EXEMPTION**

To see if the Town will vote to authorize the Select Board and or Town Manager to file with the General Court a petition for special legislation to allow Fire Chief Michael Marchand to work past the mandatory retirement age of 65, substantially as follows:

“Section 1. Notwithstanding any general or special law to the contrary, Michael Marchand, Fire Chief of the Town of Upton, may continue to serve in that position until reaching age 70, the date of his retirement or the date he is relieved of his duties by the Select Board and or Town Manager at its discretion, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The Select Board and or Town Manager may, at the Town’s expense, require that Michael Marchand be examined annually by a physician designated by the Select Board and/or Town Manager to determine such physical and mental capability to perform the duties of his office.

Section 2. No further deductions shall be made from the regular compensation of Michael Marchand pursuant to Chapter 32 of the General Laws for service subsequent to his reaching age 65. Upon his retirement for superannuation, Michael Marchand shall receive a superannuation retirement allowance equal to the allowance that he would have been entitled to receive had he retired upon reaching age 65.

Section 3. This act shall take effect upon its passage.”

provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board and or Town Manager approves amendments to the bill before enactment by the General Court, the Select Board and or Town Manager being hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or to take any other action in relation thereto.

**Explanation/ Submitted by:** This article will allow the Fire Chief to work past the mandatory retirement age of 65./Fire Chief/Select Board

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**ARTICLE 5: ACQUISITION OF 12-B MILFORD STREET (MAP/LOT 021-018) AND 0 MILFORD STREET (MAP/LOT 021-019.01)**

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain or otherwise, for conservation and passive recreation purposes, the fee in land totaling 2.19 acres, more or less, located at 12-B Milford Street (Map/Lot 021-018) and 0 Milford Street (Map/Lot 021-019.01); and to execute, with approval of the Town Manager, all such agreements as may be necessary on the part of the Town to effect such acquisition, and as funding therefor, to raise and appropriate, transfer from available funds, the sum of the costs and expenses associated with the acquisition or, to take any other action relative thereto.

**Explanation/ Submitted by:** This article will allow the Town to purchase the two properties for a price not to exceed the appraised value./Select Board

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## **ARTICLE 6: POLICE PORTABLE RADIOS**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of Five Thousand Two Hundred Eighty-Three dollars (\$5,283.00), or any other sum, to be used to purchase five Kenwood NX-5200 portable radios, including all costs incidental and related, or take any other action related thereto.

**Explanation/ Submitted by:** This article will allow the Police Chief to purchase five (5) new portable radios, which will allow the department to provide replacement radios to officers when radios become inoperable or need repair./Police Chief

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## **ARTICLE 7: REPAIR OF TRAIL BRIDGE**

To see if the Town will vote to appropriate the sum of Twenty-Two Thousand Dollars (\$22,000.00), or any other sum, from available Community Preservation funds, along with other available funds, to be used by the Land Stewardship Committee to repair a trail bridge at the Howarth Glen Conservation Area; or take any action thereon or in relation thereto. The project will be managed by the Land Stewardship Committee and is anticipated to be completed within 2 years.

**Explanation/Submitted by:** This article will allow the 95-foot-long trail bridge located at the Howarth Glen Conservation Area, which is at the end of its useful life, to be repaired using up-to-date methods and materials./Conservation Commission

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## **ARTICLE 8: ZONING BYLAW AMENDMENT – SECTION 300-3.1 TABLE OF PRINCIPAL USES; SECTION 300-10 DEFINITIONS**

To see if the Town will vote to amend the Town of Upton Zoning-Bylaws, Section 300-3.1 Table of Principal Uses and Section 300-10.1 Definitions as follows, 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, or take any other action relative thereto:

### **§300-10.1 Definitions and word usage.**

#### **MICROBREWERY**

A facility, licensed under the relevant state and federal statutes, for the production and packaging of malt beverages as defined by 204 CMR 3.02, wine, or hard cider beverages for distribution retail or wholesale, on or off the premise, with a capacity of not more than fifteen thousand (15,000) barrels per year (a barrel being equivalent to thirty one (31) gallons), and which may include a tap room where beverages produced on the premises may be sold and consumed and/or may include other uses such as a restaurant if otherwise permitted in the zoning district.

### § 300-3.1 Table of Principal Uses

Principal Use	SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	UCBD
<b>Industrial, Manufacturing and Storage</b>									
<u>44</u> <u>Microbrewery</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>BA</u>	<u>BA</u>	<u>N</u>	<u>BA</u>

**Explanation/Submitted by:** This article proposes Zoning Bylaw Amendments, which seek to establish “Microbreweries” as an available principle use to be located by Special Permit only within the C&I, GB, and UCBD zoning Districts. The proposed bylaw amendment also provides a definition allowing wineries and cideries to be considered under the same use./Planning Board (2/3 vote required) \

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### ARTICLE 9: FIRE STATION VEHICLE BAY DRAINAGE REPAIR

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Two Hundred Eighty-Nine Thousand dollars (\$289,000.00), or any other sum, for the repair of the interior drain at the fire station, including all costs incidental and related to, or to take any other action relative thereto.

**Explanation/Submitted by:** This article allows the original floor drain, which collects liquid from the emergency equipment stored on the apparatus floor, then directs the liquid through underground piping to an oil/water separator and tight-tank located underground outside the facility, to be replaced. The current drain is in a state of failure./Fire Department

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### ARTICLE 10: CEMETERY RESTORATION – FIRST CEMETERY

To see if the Town will vote to appropriate the sum of One Hundred and Twenty-Five Thousand dollars (\$125,000.00) or any other sum, from available Community Preservation funds, to restore First Cemetery, including all expenses incidental and related, or to take any other action relative thereto. The project will be managed by the Upton Historical Commission and is anticipated to be completed within 2 years.

**Explanation/Submitted by:** This article provides funding for the restoration work needed at First Cemetery and includes the removal of several pine trees, filling of holes and ruts, repair of 4-6 broken stones, replacement of 14-16 headstones, and replacement of 9 footstones. Improvements to the grounds include the planting of trees and other shrubbery, and the construction of a signboard, markers for the first meeting house location, a walking path, burial markers for Revolutionary War soldiers and unmarked graves, and a gate to prevent vehicle traffic from damaging stones. This work is necessary to honor the individuals laid to rest in First Cemetery and to preserve a vital part of Upton’s history. Proactive repairs to damaged head and footstones will also prevent higher costs associated with complete replacement in the future. Past restoration efforts have demonstrated the success of such initiatives, and the participation of volunteers and the non-profit organization Gravestone Guardians will minimize labor costs for the town./ Historical Commission

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**ARTCLE 11: - ATHLETIC FIELD PROJECT**

To see if the Town will vote to transfer the sum of One Hundred Thousand dollars (\$100,000.00) or any other sum, from the available Community Preservation funds for the Mendon-Upton Regional School District Athletic Fields Project, except for the purchase and installation of an artificial turf surface, including all expenses incidental and related, or to take any other action relative thereto. The project will be managed by the Mendon-Upton Regional School District. This is the first of up to twenty annual transfers with a total anticipated commitment from the Upton Community Preservation funds not to exceed Two Million dollars (\$2,000,000).

**Explanation/Submitted by:** This article will authorize CPC funding to pay for the Town's share of improvements to Nipmuc Regional High School and Miscoe Hill Middle School playing fields. This is the first of up to twenty annual transfers with a total anticipated commitment from the Upton Community Preservation funds not to exceed \$2,000,000/Select Board

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**ARTICLE 12: TOWN HALL ROOF REPLACEMENT AND ASSOCIATED BUILDING ENVELOP REPAIRS**

To see if the Town will vote to raise and appropriate, transfer from available funds, including potentially available Community Preservation funds, or borrow the sum of Three Million Three Hundred Ninety Thousand dollars (\$3,390,000.00), or any other sum, to contract with a company for the final design for the replacement of the Town Hall roof and repairs to the building envelope, and to further contract with a company for the actual construction of the proposed work, including all costs incidental and related, or to take any other action relative thereto.

**Explanation/Submitted by:** This article will provide funding necessary to perform the repairs identified in a roof and structure envelope investigation performed on Town Hall by a licensed Architect. The repairs will include but not be limited to roof replacement, brick & mortar repointing and sealing, window glazing replacement, and foundation repairs. All work will be performed in accordance with the Preservation Restriction./Department of Public Works (2/3 vote)

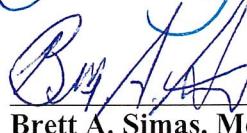
HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this \_\_\_\_\_ (17<sup>th</sup>) day of October in the year of our lord Two Thousand Twenty-Five.

UPTON SELECT BOARD

A true copy, Attest:

  
Laura J. Hebb, Chair

  
Brett A. Simas, Member

  
Maureen L. Dwinnell, Member

  
Denise Smith

Constable  
Date: October 17, 2025

  
10/17/25