



TOWN OF UPTON, MASSACHUSETTS

Code Enforcement Department

Zoning Board of Appeals

Minutes from ZBA meeting July 20, 2022

In-person and Remote meeting (Microsoft Teams)

Members present: Ted Briggs, Bill Andrews and Eric Reustle

Associate Members present: Robert Humes

Town Planner: Paul Dell'Aquila

Administrative Clerk: Denise Smith

Meeting opened at 6:30 pm

Minutes from the June 15th meeting were reviewed and approved.

6 Depot St – Jessica Golden-Weaver, applicant, presented a plan to build a raised wooden deck over the existing brick patio that is about 1 foot from the side property line. Proposed deck is 12' x 14'. The direct abutter was present and stated no objection to this project. Denise Smith indicated no comments were received regarding this project.

Motion was made to approve a variance for Jessica Golden-Weaver for a wooden deck per the plan provided subject to it being no less than 2 feet from the property line; 2nd and made unanimous. Approved by roll call vote: BA-Y, TB-Y and ER-Y

5 Henrys Path – Application of Joshua Cooney for a variance for an inground pool about 10 feet from the side property line. Mr. Cooney stated that this property has a drainage easement and conservation/wetland area in the rear thus this is optimal place for the pool. Fence will be about 3 or 4 feet from the property line. The direct abutters were present and stated no objection to this project. Denise Smith indicated that no comments were received.

Motion was made to grant Joshua Cooney a variance to for the pool with the stipulation that the skirt (apron) surrounding the pool be no less than 7 feet from the property line; 2nd and made unanimous. Approved by roll call vote: BA-Y, ER-Y and TB-Y

Continued public hearing for Governor's Landing town house project. Jeff Roelofs, representing the applicant, gave an update on the current layout of the project and reviewed DGTs (Planning Board's consultant) comment letter. The town house development has been reduced to 26 units, 12 of which will be mixed-use allowing office or small business space. They eliminated the cluster of townhouses on the south side of the property (near the carpet/auto business). Mr. Roelofs discuss four specific items from the Townhouse Bylaw that were raised by DGT. They are as follows:

- 1) Sec. 300-7.2 Density - requirement relative to adjacent zone as the townhouse project falls within the General Business Zone; Mr. Roelofs said they are using requirements from the SRA zone, which is the less restrictive.
- 2) Sec. 300-7.28 Minimum Open Space - requirement is for 8000 sf of usable open space per dwelling unit. Mr. Roelofs explained that the full project of townhouses and Senior Housing, on the adjacent lot, provides more open space than the 8000 sf/unit requirement.
- 3) Sec 300-7.2.G Open Space qualification – all open space on this project will be protected and maintained in its natural state.

4) Sec 300-7.2.K 40-foot Building Separation – the townhouses are being built in triplex format and will share foundations but will have 15 feet of open area between each unit in the triplex. The buildings (entire triplex) will meet the 40-foot requirement.

Mr. Roelofs said they will also be discussing the matter with the Planning Board.

Richard Desjardins asked about the affordable housing component. Said that previously this project was proposing to use the townhouses on the south side as the affordable component (which the Town did not favor) but asked what happens now that those units have been removed. He said affordable units should be mixed in the senior housing community.

Jeff Roelofs said that now that they have dropped those additional townhouse units, they don't need the density bonus thus are not proposing any affordable units. He mentioned another senior housing project that was recently approved in Upton that was not required to have affordable units.

Mr. Desjardins stated he was going to ask all approving boards and committees to not approve this project unless affordable units are included.

Paul Dell'Aquila stated that the Town will be embarking on a Housing Production Plan that will have an inclusionary component and will potentially help the Town with its affordable housing inventory.

Ted Briggs asked what kind of open space activity will be allowed. Will there be an area for children to play?

Jeff Roelofs answered by saying that all open space will be managed under one Operation & Maintenance Agreement (O&M). They are proposing the open space per the approved State Conservation Restriction regulations thus will protect the natural area and include passive recreation and trail connectivity.

Sean Malone also said there will be lawn area interspersed throughout the project where kids can play.

Ted Briggs state that there will need to be something in writing in the Condo documents that include shared open space uses with specific requirement that kids are allowed to play.

Bill Andrews said he is on board with the changes but strongly favors water and sewer to be run up Milford St.

Motion was made to continue the Governors Landing public hearing to September 21, 2022; 2nd & made unanimous and approved by roll call vote: BA-Y, TB-Y and ER-Y

27 James Rd Comprehensive Permit

A motion was made to grant a continuance of the public hearing to August 17; 2nd and made unanimous; approved by roll call vote: BA-Y, TB-Y & ER-Y

Meeting adjourned at 7:38 pm

Minutes Approved: 8/17/2022