



TOWN OF UPTON, MASSACHUSETTS

Special Town Meeting 7 November 2023 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 7, 2023 punctually at Seven o'clock in the evening**, to act on the Articles in the warrant.

ARTICLE 1: PRIOR YEAR BILLS

To see if the Town will vote to transfer from available funds a sum of money to pay unpaid bills from prior fiscal years, or take any other action related thereto.

Explanation/ Submitted by: Prior Year Bills (FY 2023), (9/10th vote required) /Board of Selectmen

ARTICLE 2: AMEND FY 2024 OPERATING BUDGET

To see if the Town will vote to amend the Town's Operating Budget for the Fiscal Year commencing July 1, 2023, as adopted under Article 4 of the Annual Town Meeting of May 4, 2023; and to see if the Town will vote to raise and appropriate, borrow or transfer from available funds, or otherwise provide a sum or sums of money to be added to the amounts appropriated under said Article, as amended, for the operation of the Town and its government, or take any other action related thereto.

Explanation/ Submitted by: Article 2 proposes amendments to the FY 2024 Operating Budget approved by the May 5, 2023 Annual Town Meeting. /Board of Selectmen

ARTICLE 3: MILFORD STREET PUMPING STATION – PERMANENT EASEMENT

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, for general municipal purposes, including, but not limited to, for a pumping station, a permanent easement upon a parcel of land, containing Five Thousand Six hundred and Twenty-Five (5,625) square feet, more or less, as shown on a plan, on file with the Town Clerk, on property located at 41 Milford Street (Assessor's Map 021-121), and to raise and appropriate, borrow, or transfer from available funds, or any combination thereof, a sum of money, including all costs incidental and related thereto, to fund said acquisition; and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, on such terms and conditions as the Board of Selectmen shall, in its discretion, deem reasonable, and to take all related actions necessary or appropriate to effectuate such acquisition; or take any other action related thereto.

Explanation/ Submitted by: Article 3 seeks authorization from Town Meeting to acquire permanent easement upon a parcel of land, containing approximately Five Thousand Six

hundred and Twenty-Five (5,625) square feet, on property located at 41 Milford Street. The easement is necessary for siting a pump station that is required by the MassWorks Project that will extend water and sewer on Milford Street. /Board of Selectmen

ARTICLE 4: GROVE STREET BRIDGE – PERMANENT EASEMENT

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, for general municipal purposes, including, but not limited to, for a pedestrian bridge, a permanent easement upon a parcel of land, containing 228 square feet, more or less, as shown on a plan, on file with the Town Clerk, on property located at 8 Grove Street (Assessor's Map 201-059), and to raise and appropriate, borrow, or transfer from available funds, or any combination thereof, a sum of money, including all costs incidental and related thereto, to fund said acquisition; and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, on such terms and conditions as the Board of Selectmen shall, in its discretion, deem reasonable, and to take all related actions necessary or appropriate to effectuate such acquisition; or take any other action related thereto.

Explanation/ Submitted by: Article 4 seeks authorization from Town Meeting to acquire permanent easement upon a parcel of land, containing 228 square feet, on property located at 8 Grove Street. The easement is necessary for siting a pedestrian bridge as part of the Grove Street Bridge Project as authorized by Article 11 of the November 1, 2022 Special Town Meeting. /Board of Selectmen

ARTICLE 5: CEMETERY PROFESSIONAL AND ADMINISTRATIVE SERVICES

To see if the Town will vote to transfer from available funds, the sum of Two Hundred Thousand dollars (\$200,000) to fund professional and administrative services to support the migration of existing physical and electronic cemetery records to a new cemetery management software, reconciliation of records with physical burial plots, and other associated research and administrative services that may be deemed necessary by the Director of Public Works, in consultation with the Cemetery Commission, or take any other action related thereto.

Explanation/ Submitted by: Article 5 seeks funding for professional and administrative services as well as migrating existing electronic and physical records to a new software platform. The article will also fund reconciliation of records with physical burial locations. /Board of Selectmen

ARTICLE 6: SPEED SIGN INSTALLATION

To see if the Town will vote to transfer from available funds, the sum of Twenty-Seven Thousand dollars (\$27,000), or, any other sum, to be used to install four (4) solar powered permanently mounted speed radar signs, including all expenses incidental and related thereto; or take any other action related thereto.

Explanation/ Submitted by: Article 6 seeks funding for the installation of four (4) solar powered radar speed signs. The speed signs were funded through a grant received by the Police

Explanation/ Submitted by: Article 6 seeks funding for the installation of four (4) solar powered radar speed signs. The speed signs were funded through a grant received by the Police Department and will warn drivers of their speed in relation to the posted speed limit as they enter a lower speed zone such as Upton Center and in West Upton. /Board of Selectmen.

ARTICLE 7: ROAD SPEED STUDIES

To see if the Town will vote to transfer from available funds, the sum of Fifty Thousand dollars (\$50,000), or, any other sum, to be used to conduct engineering studies, reports, audits, and design plans to mitigate speeding on local roads, including all expenses incidental and related thereto; or take any other action related thereto.

Explanation/ Submitted by: Article 7 seeks funding to allow the town to study and develop plans to mitigate speeding on local roads. /Board of Selectmen.

ARTICLE 8: FUNDS FOR EXTERIOR MAINTENANCE OF RISTEEN BUILDING AND HOLY ANGELS

To see if the Town will vote to transfer from available funds the sum of One Hundred and Ten Thousand dollars (\$110,000), or any other sum, for the purposes of cleaning and painting maintaining, and repairing the exterior of the Risteen Building and Holy Angels, including all expenses incidental and related thereto; or take any other action related thereto.

Explanation/ Submitted by: Article 8 proposes to fund exterior cleaning and painting, as well as conduct minor exterior repairs, to improve the exterior condition of the Risteen Building and Holy Angels. / Board of Selectmen.

ARTICLE 9: AUTHORIZATION TO LEASE KNOWLTON RISTEEN BUILDING

To see if the Town will vote to authorize the Board of Selectmen to lease, in accordance with the provisions of M.G.L. Chapter 30B, first floor of the building known as the Knowlton Risteen Building, located at 2 Main Street, shown as Assessor's Map 201-073 for such sum or sums and upon such conditions determined by the Board of Selectmen to be in the best interests of the Town, and to authorize the Board of Selectmen to execute any and all instruments, including leases or other agreements, and take all other actions necessary or appropriate to effectuate the vote taken hereunder; or take any other action related thereto.

Explanation/ Submitted by: Article 9 seeks authorization for the Board of Selectmen to lease the first floor of the Risteen Building at 2 Main Street. With the construction of the Upton Community Center, the first floor of the Risteen Building is now vacant. The Upton Museum and Upton Cable continue to occupy space on the second floor. The article would allow for the Board to lease space to local businesses or organizations while the Town develops plans for the future of the building. / Board of Selectmen.

ARTICLE 10: CPA FUNDS TO AFFORDABLE HOUSING TRUST

To see if the Town will vote to transfer One Hundred Thousand Dollars (\$100,000) from the CPA Affordable Housing Reserve account to the Upton Affordable Housing Trust, with such

funds to be used in accordance with the CPA statutes and guidelines for community housing, or take any other action related thereto.

Explanation/ Submitted by: Article 10 proposes to transfer \$100,000 from the CPA Affordable Housing Reserve account to the Upton Affordable Housing Trust for the purpose of conducting predevelopment activities supporting the development of affordable housing. / Affordable Housing Trust/ Community Preservation Committee.

ARTICLE 11: COMMUNITY PRESERVATION PLAN

To see if the Town will vote to appropriate \$15,000 from the Community Preservation Undesignated Fund for the purpose of creating the Community Preservation Plan, including all expenses incidental and related thereto, or take any other action related thereto.

Explanation/ Submitted by: Article 11 proposes to fund the preparation of a Community Preservation Plan, as required by statute. The Plan will enable the Committee to conduct an analysis of local needs, prepare goals for CPA program areas, and develop priorities and potential projects to utilize CPA funding over the coming years. / Community Preservation Committee.

ARTICLE 12: AFFORDABLE HOUSING TRUST ACTION PLAN

To see if the Town will vote to appropriate \$15,000 from the Community Preservation Community Housing Fund for the purpose of creating an Affordable Housing Trust Action Plan, including all expenses incidental and related thereto, or take any other action related thereto.

Explanation/ Submitted by: Article 12 proposes to fund the preparation of an Affordable Housing Trust Action Plan. The Plan will establish the Trust's goals, priority initiatives, and estimated five-year budget. The overall intention of this Plan is to establish a deliberate focus to the work of the Trustees and the use of Trust resources. / Affordable Housing Trust/ Community Preservation Committee.

ARTICLE 13: PREPARATION OF PRATT POND AND MILL POND MANAGEMENT AND WATER QUALITY PLAN

To see if the Town will vote to appropriate from Community Preservation Act revenues the sum of \$50,000 to the Lakes and Ponds Committee for preparation of a management and water quality monitoring plan for Pratt Pond and Mill Pond, or take any other action related thereto.

Explanation/ Submitted by: Article 13 seeks funding for the preparation of a management and water quality monitoring plan for Pratt Pond and Mill Pond. For Mill Pond, the plan would include presentation of conceptual management options, including no action, dam repair, sediment removal to restore aquatic (open water) habitat, and dam removal. For Pratt Pond, the plan would include options to manage high nutrient levels which contribute to algal blooms. The plan would be informed by previously CPA funded 2023 water quality and surface sediment testing at the two ponds. The project would be managed by the Lakes and Ponds Committee. / Community Preservation Committee.

ARTICLE 14: WARREN BROOK TRAIL BRIDGE

To see if the Town will vote to appropriate from Community Preservation Act revenues the sum of \$5,000 to the Land Stewardship Committee to repair a trail bridge at the Warren Brook Watershed Conservation Area, or take any other action related thereto.

Explanation/ Submitted by: Article 14 seeks funding to repair and upgrade an existing 60 ft. long trail bridge in the Warren Brook Watershed Conservation Area. It was originally built using pressure treated wood but it has reached the point that this material is at the end of its useful life and has begun to rot. Efforts to patch it have been inadequate and time consuming and it continues to deteriorate and poses a hazard. The proposed repair project would install FRP (fiberglass reinforced polymer) decking, covered by a pea stone surface. The Blackstone Valley New England Mountain Bikers Association (BVNEMBA) and the Bay State Trail Riders Association (BSTRA) would provide additional funding and volunteer labor. The Upton Land Stewardship Committee is a subcommittee of the Upton Conservation Commission and will be the supervising entity. / Community Preservation Committee.

ARTICLE 15: FUNDING FOR WATER QUALITY SAMPLING AND EQUIPMENT TESTING

To see if the Town will vote to appropriate from Community Preservation Act revenues the sum of \$4,500 to the Lakes and Ponds Committee for purchase of water quality sampling and testing equipment and analytical services for water quality samples; or take any other action related thereto.

Explanation/ Submitted by: Article 15 seeks funding to purchase water quality sampling and testing equipment and conduct analytical testing of water quality samples. Sampling and testing may occur at any pond owned or managed by the town, including Pratt Pond, Mill Pond, Lake Wildwood, Taft Pond, Goss Pond, Fiske Mill Pond, and Old Zac. Equipment costs would be approximately \$1,500. Analytical laboratory services (an initial one-year budget of \$3,000) would include but not be limited to testing for phytoplankton, cyanobacteria, and nutrients. Equipment would be stored at town hall. Lakes and Ponds Committee members or other volunteers would monitor pond water quality and collect samples for analysis at accredited laboratories. The project would be managed by the Lakes and Ponds Committee. / Community Preservation Committee.

ARTICLE 16: REPLACE "BOARD OF SELECTMEN" WITH "SELECT BOARD" – GENERAL AND ZONING BYLAW AMENDMENTS

To see if the Town will vote to amend the General and Zoning as set forth below; or take any other action related thereto.

A. Amend the General Bylaws of the Town to rename the Board of Selectmen as the Select Board, by striking out, in every instance in which they appear, the words "Board of Selectmen" and inserting in place thereof the words "Select Board"; and by striking out, in every instance in which they appear, the word "Selectman" and "Selectmen" and inserting in place thereof the words "Select Board Member" or "Select Board Members", respectively; and further to authorize the

Town Clerk to make any non-substantive, ministerial revisions to ensure that gender and numerical issues in the related text of the General Bylaws are revised to properly reflect such change in title; and further, to amend Chapter 94, of the General Bylaws, a copy of which is on file with the Town Clerk and available on the municipal website, by inserting the underlined new section therein, with the remaining sections of said Chapter 94 to be renumbered accordingly.

§ 94-1 For the purposes of these Bylaws and otherwise, the Board of Selectmen shall be referred to as the Select Board and members of the Board shall be referred to as “Select Board Members.” Regardless of such nomenclature, such board shall constitute a board of selectmen for purposes of the Massachusetts General Laws and any special laws applicable to the Town of Upton. The Select Board shall have all the powers and duties of a board of selectmen under the General Laws and any special laws applicable to the Town of Upton, as well as such other powers and duties as are provided in the Town’s Bylaws.

B. Amend its Zoning Bylaws, as most recently amended, by striking out, in every instance in which they appear, the words “Board of Selectmen” and inserting in place thereof the words “Select Board”; and by striking out, in every instance in which they appear, the word “Selectman” and “Selectmen” and inserting in place thereof the words “Select Board Member” or “Select Board Members”, respectively; and further to authorize the Town Clerk to make any non-substantive, ministerial revisions to ensure that gender and numerical issues in the related text of the Zoning Bylaws are revised to properly reflect such change in title.

Explanation/ Submitted by: Article 16 replaces all references to the words “Board of Selectmen” to “Select Board” in both the General Bylaws and the Zoning Bylaws. Other than a straightforward name change, there is no other legal change made by this Article. / Board of Selectmen

**ARTICLE 17: REPLACE “BOARD OF SELECTMEN” WITH “SELECT BOARD”
– SPECIAL ACT AMENDMENTS**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation entitled “An Act Amending Special Acts of the Town of Upton to change the name of the Upton Board of Selectmen to the Upton Select Board” as set forth below, provided however, that the General Court shall be authorized to make ministerial, clerical, and editorial changes of form only to said bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and to authorize the Board of Selectmen to approve such amendments, or take any other action related thereto.

**AN ACT AMENDING SPECIAL ACTS OF THE TOWN OF UPTON TO CHANGE
THE NAME OF THE UPTON BOARD OF SELECTMEN TO THE UPTON SELECT
BOARD**

Section 1. Notwithstanding any general or special law or by-law of the Town of Upton to the contrary, Chapter 263 of the Acts of 1989: An Act establishing A Department of Public Works in the Town of Upton; Chapter 188 of the Acts of 2005: An Act relative to the Board of Selectmen

of the Town of Upton; and Chapter 391 of the Acts of 2008: An Act establishing the Office of Town Manager in the Town of Upton, are hereby amended to delete the words “Board of Selectmen” or “Selectmen” wherever they appear and insert in their place the words “Select Board”.

SECTION 2. Notwithstanding any general or special law or by-law of the Town of Upton to the contrary, the Board of Selectmen of the Town of Upton shall be referred to as the Select Board of the Town of Upton and individual members of said Select Board shall be referred to as a member of the Select Board of the Town of Upton.

SECTION 3. This act shall take effect upon its passage.

Explanation/ Submitted by: Article 17 seeks authorization to petition the General Court to amend applicable Special Acts to replace all references to the words “Board of Selectmen” to “Select Board.” /Board of Selectmen

ARTICLE 18: NO SOLICITATION REGISTRY – GENERAL BYLAW AMENDMENT

To see if the Town will vote to amend the General Bylaw, Chapter 235 entitled Soliciting, Canvassing, and Peddling to include a “No Solicitation Registry” as follows, or take any other action related thereto:

1. Amend § 235-2. Definitions to include a new definition for “No Solicitation Registry” as follows:

No Solicitation Registry –A registry of residential addresses in the Town, organized alphabetically by street name, indicating those residential properties placed on the registry at the request of the owner or occupant indicating that he or she does not want sales agents to enter his or her property.

2. Amend § 235-8. Enforcement by inserting a new subsections A.(6) and A.(7) as follows:

A.(6) No salesperson shall enter within the perimeter of any residential property included on the No Solicitation Registry.

A.(7) No salesperson shall solicit sales from a person situated within a residential property included on the No Solicitation Registry from street, sidewalk or other adjacent property.

3. Insert new section at the end of §235-4 entitled Exemption for noncommercial activities as follows:

§ 235-5. No Solicitation Registry.

- A. Residents may submit their property for inclusion on the No Solicitation Registry, without charge, to Upton Town Clerk. The Town Clerk shall update the No Solicitation Registry within five (5) business days of a resident's submission of their property on the Registry.
- B. Upon approval and issuance of a Town of Upton door-to-door sales permit, each salesperson shall be provided with a copy of the No Solicitation Registry.
- C. Fraternal, religious, charitable, civic or political organizations, and Upton youth groups serving children 17 years of age and under, are exempt from the No Solicitation Registry and shall not be required to obtain a permit hereunder.

4. Renumerate remaining sections of §235.

Explanation/ Submitted by: Article 18 proposes to amend General Bylaw, Chapter 235 entitled Soliciting, Canvassing, and Peddling to include a "No Solicitation Registry" provision that will enable resident owners or occupants to register their address and be placed a registry indicating that they do not want sales agents to enter his or her property. /Board of Selectmen

ARTICLE 19: UPTON WETLANDS PROTECTION BYLAW AMENDMENTS

To see if the Town will vote to amend the Town of Upton Wetlands Protection Bylaw Chapter 280 as set forth below (deletions indicated by ~~striketrough~~ and additions by underline); or take any other action related thereto.

1. Amend Section 280-5

"Any person filing a ~~permit~~ **Notice of Intent (NOI), Abbreviated NOI or Abbreviated Notice of Resource Area Delineation (ANRAD)** or ~~other application or RFD~~ with the Conservation Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water.

2. Amend Section 280-4.D.

At the time of an application, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and Regulations. ~~Fees for construction of a single-family house in the buffer zones shall not exceed \$500, fees for additions to structures shall not exceed \$100, and fees for proposed land use changes on a single-family lot shall not exceed \$50. No fees shall be charged for review of repairs to or replacement of a septic system.~~ Fees for review of subdivisions and commercial development shall be set by the Commission after appropriate public hearings.

3. Amend Section 280-7.H

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional ~~one~~ **three**-year period, provided that a request for a renewal is received, in writing, by the Commission prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

Explanation/ Submitted by: The Conservation Commission is requesting the Town of Upton Wetland Bylaw (Bylaw) be amended to clarify instructions regarding abutter notification for Determinations. The Town of Upton Wetlands Protection Bylaw Regulations do not require abutter notification for Determinations, while the Bylaw does potentially require it. The Commission would like to drop any Abutter notification for Determinations as an undue burden on the applicant. Most work that is undertaken with Determination is minor in nature, such as a septic system repair, tree removal, installation of retaining wall or deck, which would not greatly affect abutters. Other minor edits to fees and time periods are also proposed. / Conservation Commission

ARTICLE 20: AMENDMENTS TO TABLE OF PRINCIPAL USES WITHIN UPTON CENTER BUSINESS DISTRICT (UCBD)

To see if the Town will vote to amend Chapter Section 300-3.1 Table of Principal Uses of the Town of Upton Zoning Bylaws, by inserting the underlined language and deleting the strikethrough language, as set forth below; or take any other action related thereto.

C. Table of Principal uses. See Table A, below;

Principal Uses		SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	UCBD
23	Place of amusement or assembly (see Note 5)	N	N	N	N	N	BA	BA	N	Y/BA
26	Personal services (see Note 8)	N	N	N	N	N	Y	Y	N	Y/PB

Notes to Table A

5) Only the following amusement uses are allowed by right: fitness clubs, dance studios, driving ranges, and miniature golf. ~~In addition, the following amusement uses are allowed in the UCBD by special permit:~~ video arcade, performing arts/concert venue, biking and pedestrian facilities, pottery/painting studio, or other similar amusement uses

8) Only the following personal or consumer service establishments are allowed by right: barbershop or beauty shop, collection station for laundry or dry cleaning, laundry

facilities, photographic studio, shoe or hat repair shop, shop for custom work by dressmaker, milliner or tailor, bicycle repair shop, blueprinting establishment, business or trade school, clothing rental establishment, television or household appliance repair shop, computer repair shop, copy shop, day spa, and massage therapists. ~~In addition, the following personal services establishments are allowed in the UCBD by special permit:~~ gym, fitness center, yoga and Pilates studio, acupuncture, aesthetician, chiropractic, and other similar personal services establishments.

Explanation/ Submitted by: Article 20 proposes to amend the Zoning Bylaws to allow certain “Personal Services” and “Amusements” as of right within the Upton Center Business District. Currently, in the UCBD Zone uses such as “video arcade, performing arts/concert venue, biking and pedestrian facilities, pottery/painting studio, or other similar amusement uses” and “gym, fitness center, yoga and Pilates studio, acupuncture, aesthetician, chiropractic, and other similar personal services establishments” are only allowed by Special Permit. The Planning Board will be providing a separate report containing its recommendation on this article. / Planning Board

ARTICLE 21: LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION AMENDMENTS

To see if the Town will vote to amend Chapter Section 300-3.1 and Section 300-6.6 of the Town of Upton Zoning Bylaws, by inserting the underlined language and in bold and deleting the strikethrough language, as set forth below; or take any other action related thereto.

Article 3 Use Regulations
Section 300-3.1 Principal Uses

Notes To Table A

10) Provided that large-scale ground-mounted solar photovoltaic installations in the SRA, SRB, SRC, SRD, AR, GB, UCBD and MGF Districts are not otherwise exempted by General Laws.

Table A- Table of Principal Uses by District										
Principle Use		SR A	SR B	SR C	SR D	A R	G B	C& I	MGF	UCBD
38	Large-scale Ground-Mounted Solar Photovoltaic installations with Rated Nameplate Capacity of 250 kW DC to 500 kW DC and that occupy from 40,000 to 80,000 square feet of surface area (See Section 6.6 for additional regulations) (See Note 10)	N	N	N	N	N PB	N	Y	N	N
39	Large-scale Ground-Mounted Solar Photovoltaic Installations with Rated Nameplate Capacity greater than 500 kW DC or that occupy more than 80,000 square feet of surface area (See Sections 6.6 for additional regulations) (See Note 10)	N	N	N	N	N PB	N	PB	N	N

10) 11) Any apartment units that are part of a mixed-use facility shall not be subject to the regulations set forth in § 300-7.6, Accessory apartments.

Section 300-6.6 Large-Scale Ground-Mounted Solar Photovoltaic Installations

I. Dimension and Density Requirements. The following dimensional and density requirements shall apply to all LGSPI:

(1) Setbacks. The front, side and rear setbacks shall be as follows:

(a) Front yard. The front yard depth shall be at least 30 feet; provided, however, that where the lot abuts a residential district, the front yard

shall not be less than 100 feet. **All LGSPI within the AR zoning district must follow the 100-foot setback;**

- (b) Side yard. Each side yard shall have a depth at least 20 feet; provided, however, that where the lot abuts a residential district, the side yard shall not be less than 100 feet. **All LGSPI within the AR zoning district must follow the 100-foot setback;**
- (c) Rear yard. The rear yard shall have a depth at least 20 feet; provided, however, that where the lot abuts a residential district, the rear yard shall not be less than 100 feet. **All LGSPI within the AR zoning district must follow the 100-foot setback;**

- (2) Appurtenant structures. All appurtenant structures to LGSPI shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, appurtenant structures should be shielded from view and/or joined or clustered to avoid adverse visual impacts.
- (3) All Large-scale Ground Mounted Solar Photovoltaic Installations within the AR zoning district must be on a minimum lot size of three (3) acres in size (no less than 130,680 square feet), and a maximum lot size of ten (10) acres in size (no more than 435,680 square feet).
- (4) The portion of the parcel used for all Large-Scale Ground-Mounted Solar Photovoltaic Installations within the AR zoning district must have been previously cleared from trees for a period of at least five (5) years prior to the submission of the project for approval.

Explanation/ Submitted by: This Article proposes a Zoning Bylaw Amendment to allow Large-Scale Ground-Mounted Solar Photovoltaic Installations (LGSPI) in the Agriculture Residential (AR) Zoning District by Special Permit ("PB") issued by the Planning Board. Currently, LGSPI are not allowed ("N") within the AR District. Recent case law on the applicability of exempted uses described in MGL Chapter 40A Section 3 determined that cities and towns only have a limited ability to regulate LGSPI. The Planning Board will be providing a separate report containing its recommendation on this article. / Planning Board

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 Seventeenth (17th) day of October in the year of our lord Two Thousand Twenty-three.

UPTON BOARD OF SELECTMEN

Attest:

A true copy,


Maureen L. Dwinnell, Chairman


Brett A. Simas, Member


Laura J. Hebb, Member


Constable
Date: October 18, 2023



Constable Attest Page

Worcester, ss.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Upton by posting up attested copies of the same at the Town Hall Building, Upton Community Center, Risteen Building, Upton Police Headquarters and the Upton U.S. Post Office at least seven days (7), before the date of the meeting, as within directed.



Constable of Upton
Date: 10/18/2023