



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

Via Email: jlaydon@uptonma.gov

June 24, 2025

Joseph Laydon, Town Manager
Town of Upton
1 Main Street
Upton, MA 01628

Re: Upton - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Laydon:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Upton's MBTA Communities Overlay District (District). After careful review and analysis, EOHLC determined that Upton is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Upton to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Upton for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the [MBTA Communities Catalyst Fund](#) website. This grant program is a part of the [Community One Stop for Growth](#), a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Upton is designated an Adjacent Small Town community with 2,995 existing housing units per the 2020 United States Decennial Census. The Town is required to have a minimum multi-family unit capacity of 150 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **15.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **216 units**.
3. The gross density of the District is estimated at **15 units per acre**.

4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. The Economic Feasibility Analysis submitted in support of the District's inclusionary zoning requirements demonstrates that a reasonable variety of multi-family housing types can be feasibly developed.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	Submitted	Determined
Land area (acres)	0	15.5	15.5
Multi-family unit capacity (units)	150	216	216
Gross density (units per acre)	15	15	15
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Upton's zoning ordinance lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.
- Any permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Upton's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

A handwritten signature in cursive script, reading "Edward M. Augustus, Jr.", written in dark ink.

Edward M. Augustus, Jr.
Secretary

cc: Senator Ryan Fattman, Ryan.Fattman@masenate.gov
Representative David Muradian, David.Muradian@mahouse.gov
Michael Antonellis, Town of Upton, mantonellis@uptonma.gov