

TOWN OF UPTON

SPECIAL TOWN MEETING
01 NOVEMBER 2022



Call of the Articles

1. Discontinuation of Warren Street
2. Crockett Road Grant of Easement
3. Acceptance of Summers Circle
4. Police Department Cruiser Purchase
5. Police Department Training
6. Fire Chief Vehicle Purchase
7. Auto-loading Stretcher Purchase
8. Senior Center Van Supplemental Funds
9. Sewer Bylaw Amendment
10. Pratt & Mill Pond Study
11. Grove Street Bridge Construction Funding
12. Lot Frontage Zoning Bylaw Amendments

Article 1

To see if the Town will vote to discontinue Warren Street, commencing at Main Street, to where Warren Street meets the east line of Nelson Street, as a public way, as shown on the attached sketch plan, on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, the fee interest in said discontinued road premises if, and to the extent, owned by the owners of properties identified as 2 Nelson Street (Map 201, Parcel 107) and 7 Warren Street (Map 201, Parcel 105), on such terms and conditions as the Board of Selectmen deems appropriate, and to authorize the Board of Selectmen to execute any and all documents to effectuate the intent of this article, or take any other action relative thereto.

Article 1 Motion

I move that the Town vote to approve Article 1 as set forth in the warrant, the discontinuation of a portion of Warren Street between Main Street and Nelson Street.

Article 1



Article 1 Motion

I move that the Town vote to approve Article 1 as set forth in the warrant, the discontinuation of a portion of Warren Street between Main Street and Nelson Street.

Article 2

To authorize the Board of Selectmen to grant and convey an easement, for the purpose of locating a portion or portions of a Title 5 compliant subsurface septic system, across a portion of the public way known as Crockett Road at the property known as 105 Crockett Road, identified as Assessor's Map 13-027, on such terms and conditions as the Board of Selectmen deems appropriate, and further to authorize the Board of Selectmen to enter into such agreements and execute such documents and instruments as may be necessary to effectuate the purposes of this article, or take any other action relative thereto .

Article 2 Motion

I move that the Town vote to approve Article 2 as set forth in the warrant, providing for the grant and conveying of an easement to allow for the crossing of Crockett Road to allow for the construction of a septic system for 105 Crockett Road.

Article 3

To see if the Town will vote to accept as a public way the roadway known as Summers Circle, as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled “Layout Plan of Summers Circle” dated August 17, 2020, prepared by Guerriere & Halnon, Inc., on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in Summers Circle for all purposes for which public ways are used in the Town of Upton and any drainage, utility and/or other easements related thereto, or take any other action relative thereto.

Article 3 Motion

I move that the Town vote to accept as a public way the roadway known as Summers Circle, as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled “Layout Plan of Summers Circle” dated August 17, 2020, prepared by Guerriere & Halnon, Inc., and on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in Summers Circle for all purposes for which public ways are used in the Town of Upton and any drainage, utility and/or other easements related thereto.

Article 4

To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, transfer, or borrow the sum of fifty-five thousand dollars (\$55,000), or any other sum, to purchase a replacement cruiser for the police department, or take any other action relative thereto .

Article 4 Motion

I move that the Town vote to transfer from Free Cash the sum of fifty-five thousand dollars (\$55,000) to purchase a replacement cruiser for the police department.

Article 5

To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, transfer, or borrow the sum of twelve thousand dollars (\$12,000), or any other sum, for training funds for the Upton Police Department, or take any other action relative thereto.

Article 5 Motion

I move that the Town vote to transfer from Free Cash the sum of twelve thousand dollars (\$12,000) for training funds for the Upton Police Department.

Article 6

To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, transfer, or borrow the sum of fifty-five thousand dollars (\$55,000), or any other sum, to purchase a replacement vehicle for the fire chief, or take any other action relative thereto.

Article 6 Motion

I move that the Town vote to transfer from Free Cash the sum of fifty-five thousand dollars (\$55,000) to purchase a replacement vehicle for the fire chief.

Article 7

To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, transfer, or borrow the sum of sixty-six two hundred thirty dollars (\$66,230), or any other sum, to purchase, install, and maintain a ProCare Power-PRO autoloader stretcher for the Upton Med 2 ambulance, or take any other action relative thereto.

Article 7 Motion

I move that the Town vote to transfer from Free Cash the sum of sixty-six thousand, two hundred thirty dollars (\$66,230) to purchase, install, and maintain a ProCare Power-PRO autoloader stretcher for the Upton Med 2 ambulance.

Article 8

To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, transfer, or borrow the sum of Forty Thousand dollars (\$40,000.00) or any other sum, to purchase a 14-passenger minivan to be used by the Council on Aging, including all expenses incidental and related, or to take any other action relative thereto.

Article 8 Motion

I move that the Town vote to transfer from Free Cash the sum of Forty Thousand dollars (\$40,000.00) to purchase a 14-passenger minivan including all expenses incidental and related.

Article 9

To see if the Town will vote to amend the General Bylaws of the Town relative to mandatory connections to the Town's public water and sewer systems and the assessment of fees and betterments for such connections so as to authorize the Board of Selectmen to make exceptions from mandatory requirements in certain circumstances and to authorize the Board of Selectmen to petition the Legislature for special legislation to effectuate the purposes of this vote, if necessary, with the text of the proposed bylaw amendments and special legislation, if any, to be placed on file at the office of the Town Clerk prior to the meeting; or take any other action relative thereto .

Article 9 Motion

I move that the Town vote to amend Section 223-2 of the Town's General Bylaws relative to mandatory sewer connections by adding a new subsection C as shown in Bold/Italics below:

C. Notwithstanding the provisions of this Bylaw, the Board of Selectmen may waive or postpone the mandatory sewer connection requirement when the Board determines that the connection is not necessary to prevent or correct an imminent threat to public health or the environment, there is insufficient capacity to accommodate the connection or such other reason as may be necessary to further the public interest.

Article 10

To see if the Town will vote to appropriate from Community Preservation Act revenues the sum of \$75,000 to the Lakes and Ponds Committee to conduct a study of Pratt Pond and Mill Pond, including establishment of a water quality monitoring program and developing a long-term management plan for the ponds; or take any relative thereto.

Article 10 Motion

I move that the Town vote to transfer the sum of \$75,000.00 from the Community Preservation Act Open Space Reserve Account to fund a study of Pratt Pond and Mill Pond, including establishment of a water quality monitoring program and developing a long-term management plan for the ponds.



PRATT AND OLD GRIST MILL POND (A.K.A. MILL POND)

PRATT POND

- Kiwanis Beach
- Fishing and Ice Fishing
 - Warmwater Species
 - Stocked Rainbow and Eastern Brook Trout
- Boating and Kayaking
- Skating
- The Most Heavily Used Pond in Town (2020 OSRP survey)



Mill Pond

- Fishing and Ice Fishing
- Kayaking
- Near Town Center
- Shoreline Trail at Heritage Park



Heritage Park (Cathy Taylor photograph) k



Mill Pond Loss of Open Water (2005)

KNOWN PROBLEMS

Pratt Pond

- Aquatic Weeds (Fanwort and Milfoil)
- Occasional Beach Closures (bacteria)
- Cyanobacteria Blooms (2017)
- Inadequate Boat Ramp
- Canada Geese

Mill Pond

- Shoaling/Loss of Open Water Habitat



Pratt Pond Cyanobacteria Bloom (2017)



Fanwort



STUDY TASKS

- Review Existing Information
- Plan and Conduct Water Quality and Sediment Testing
- Develop Management Recommendations
- Design Long-term Water Quality Monitoring Program
- Public Outreach (Listening Session)
- Draft and Final Report
- Public Presentation



PUBL. BY
A. A. BOWKER
UPTON, MASS.

THE OLD SWIMMING ROCK, PRATTS POND, UPTON, MASS.

Article 10 Motion

I move that the Town vote to transfer the sum of \$75,000.00 from the Community Preservation Act Open Space Reserve Account to fund a study of Pratt Pond and Mill Pond, including establishment of a water quality monitoring program and developing a long-term management plan for the ponds.

Article 11

To see if the Town will vote to appropriate a sum of money to pay for the costs associated with the design and construction of the Grove Street Bridge replacement project and the design and construction of a footbridge, including the payment of all incidental and related costs, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such amount pursuant to M.G.L. c.44 §§7 or 8, or any other enabling authority, and to issue bonds or notes of the Town therefore; and further, to authorize the Board of Selectmen to take such actions and execute such documents and agreements as necessary to effectuate the purpose of this Article including without limitation authorization to apply for and accept any forms of financial assistance that may be available to the Town on account of the above-referenced projects, provided that any amount of such financial assistance applied to the payment of costs approved by this vote shall reduce the amount to be borrowed to pay such costs in a like amount; or take any other action relative thereto.

Article 11 Motion

I move that the Town vote to appropriate the sum of \$1,330,000 to pay for the costs associated with the design and construction of the Grove Street Bridge replacement project and the design and construction of a footbridge, including the payment of all incidental and related costs, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such amount pursuant to M.G.L. c.44 §§7 or 8, or any other enabling authority, and to issue bonds or notes of the Town therefor; and although such bonds and notes shall be general obligations of the Town, the annual debt service required as a result of such bonds or notes may be repaid from any special purpose fund or revenue source that may be available; and further, to authorize the Board of Selectmen to take such actions and execute such documents and agreements as necessary to effectuate the purpose of this Article including without limitation authorization to apply for and accept any forms of financial assistance that may be available to the Town on account of the above-referenced projects, provided that any amount of such financial assistance applied to the payment of costs approved by this vote shall reduce the amount to be borrowed to pay such costs in a like amount.

CITY/TOWN UPTON	B.I.N. CAH	BR. DEPT. NO. U-01-004	8-STRUCTURE NO. U01004-CAH-MUN-BRI	INSPECTION DATE SEP 22, 2021
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PHOTOS

Photo 1: Hole found at the interface between the west railing base and top of deck.



Photo 2: Top of bridge looking south. Note: West railing has been protected with barrels.

CITY/TOWN UPTON	B.I.N. CAH	BR. DEPT. NO. U-01-004	8.-STRUCTURE NO. U01004-CAH-MUN-BRI	INSPECTION DATE SEP 22, 2021
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PHOTOS

Photo 3: Northeast corner of deck.



Photo 4: West face of slab.

CITY/TOWN UPTON	B.I.N. CAH	BR. DEPT. NO. U-01-004	8.-STRUCTURE NO. U01004-CAH-MUN-BRI	INSPECTION DATE SEP 22, 2021
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PHOTOS



Photo 5: East face of slab.



Photo 6: East end of slab.

CITY/TOWN UPTON	B.I.N. CAH	BR. DEPT. NO. U-01-004	8-STRUCTURE NO. U01004-CAH-MUN-BRI	INSPECTION DATE SEP 22, 2021
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PHOTOS

Photo 7: West railing, post #3 and heavy scaling.



Photo 8: West railing, looking northwest.

CITY/TOWN UPTON	B.I.N. CAH	BR. DEPT. NO. U-01-004	8-STRUCTURE NO. U01004-CAH-MUN-BRI	INSPECTION DATE SEP 22, 2021
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PHOTOS

Photo 9: West railing tilting out towards the channel.



Photo 10: East railing, looking northeast.

CITY/TOWN UPTON	B.I.N. CAH	BR. DEPT. NO. U-01-004	S.-STRUCTURE NO. U01004-CAH-MUN-BRI	INSPECTION DATE SEP 22, 2021
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PHOTOS



Photo 11: North approach pavement.



Photo 12: Southeast corner of breastwall efflorescence and rust staining.

CITY/TOWN UPTON	B.I.N. CAH	BR. DEPT. NO. U-01-004	8.-STRUCTURE NO. U01004-CAH-MUN-BRI	INSPECTION DATE SEP 22, 2021
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PHOTOS

Photo 13: North breastwall scaling at the west end.



Photo 14: South breastwall void at midspan.

CITY/TOWN
UPTONB.I.N.
CAHBR. DEPT. NO.
U-01-0048.-STRUCTURE NO.
U01004-CAH-MUN-BRIINSPECTION DATE
SEP 22, 2021

PHOTOS



Photo 15: Northeast wingwall.



Photo 16: Northwest corner embankment erosion.

Grove Street Bridge Financing

Total Cost is \$1,330,000

Town will apply for Small Bridge Grant Program in April 2023 for \$500,000. This is a reimbursable grant program.

Use \$100,000 from May 2022 Annual Town Meeting Article.

Use \$85,000 of American Rescue Plan Act Funds for water/sewer related work.

Final cost to be bonded is proposed to be \$645,000.

Grove St. Over Center Brook Bridge Replacement



	Bridge	Footbridge	Water Main	Sewer Line	Sidewalk	Construction Engineering	Total Cost
Cost Estimate	\$890,000	\$175,000	\$45,000	\$40,000	\$80,000	\$100,000	\$1,330,000
Potential Funding Sources							
MassDOT Municipal Small Bridge Grant	-\$500,000						
2022 ATM Art. 17						-\$100,000	
(ARPA)			-\$45,000	-\$40,000			
Municipal Portion	\$390,000	\$175,000	\$0	\$0	\$80,000	\$0	\$645,000

Grove Street Bridge - Why Now?

- Price Advantage by Going Out to Bid in Early Spring '23
- Minimize Impact to Local and Emergency Vehicles.
- Maintain Eligibility for Grant Funding.

Grove Street Bridge – If We Wait?

- Risk Closure of Bridge by the State
- Potential Delay of Project by One Year.
- Costs Will Continue to Increase
- May Lose Eligibility for Grant Funds
- Extended Bridge Closure Will Impact to Local and Emergency Vehicles.

Article 11 Motion

I move that the Town vote to appropriate the sum of \$1,330,000 to pay for the costs associated with the design and construction of the Grove Street Bridge replacement project and the design and construction of a footbridge, including the payment of all incidental and related costs, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such amount pursuant to M.G.L. c.44 §§7 or 8, or any other enabling authority, and to issue bonds or notes of the Town therefor; and although such bonds and notes shall be general obligations of the Town, the annual debt service required as a result of such bonds or notes may be repaid from any special purpose fund or revenue source that may be available; and further, to authorize the Board of Selectmen to take such actions and execute such documents and agreements as necessary to effectuate the purpose of this Article including without limitation authorization to apply for and accept any forms of financial assistance that may be available to the Town on account of the above-referenced projects, provided that any amount of such financial assistance applied to the payment of costs approved by this vote shall reduce the amount to be borrowed to pay such costs in a like amount.

Article 12

To see if the Town will vote to amend the Upton's Zoning Bylaw by deleting text (strike-through) and inserting the underlined text as follows, or take any other action relative thereto:

- § 300-4.3. Height, frontage and lot width measurements.
- B. Frontage. In all districts, the required frontage shall be measured ~~along a straight line connecting the points of intersection of the side lot lines with the exterior lines of the frontage way.~~ in accordance with the definition of frontage described in § 300-10.1 of the Code of the Town of Upton.
- § 300-10.1. Definitions and word usage.
- LOT, FRONTAGE OF — A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two intersecting streets if their angle of intersection is greater than 120°. When measuring the frontage of lots along a curved way, the Planning Board shall measure the distance along a straight chord running between lot line intersections. For corner lots, or lots fronting on two streets, the owner shall select which street shall be considered “frontage”. Frontage along cul-de-sacs shall be considered 70% of the frontage measured along the curve. Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot.

Article 12 Motion

I move that the Town vote to amend § 300-4.3 and § 300-10.1. of Zoning By-Law as on file with the Town Clerk and printed in the warrant, with the further amendment that the words “the owner shall select which” are deleted and replaced with “only one” so § 300-10.1 reads as follows:

§ 300-10.1. Definitions and word usage.

LOT, FRONTAGE OF — A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two intersecting streets if their angle of intersection is greater than 120°. When measuring the frontage of lots along a curved way, the Planning Board shall measure the distance along a straight chord running between lot line intersections. For corner lots, or lots fronting on two streets, only one street shall be considered “frontage”. Frontage along cul-de-sacs shall be considered 70% of the frontage measured along the curve. Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot.

This motion requires a 2/3ds vote.