



**TOWN OF SHREWSBURY**  
**Richard D. Carney Municipal Office Building**  
**100 Maple Avenue**  
**Shrewsbury, Massachusetts 01545-5398**

**March 28, 2016**

**LOCATION:** Selectmen's Meeting Room, Municipal Office Building

**MEMBERS PRESENT:** Ron Rosen, Chair  
Paul George, Clerk  
Fred Confalone  
Melvin Gordon  
Dale Schaetzke  
Lisa Cossette, Associate Member

**STAFF PRESENT:** Matthew Sarcione, Assistant Town Planner

Mr. Rosen opened the meeting at 6:30PM and reviewed the procedures.

**Minutes:**

The March 21, 2016 minutes were not ready for approval.

**Sign Bills:**

Mr. Rosen announced the following bill:

- \$3.40 to J.E.K.N., LLC for the balance left from the (\$1,000) Graves Engineering hydrology/drainage technical peer review for the 173 South St hearing.
- **Total = \$3.40**

**VOTE TAKEN:**

**Motion:** Mr. Schaetzke moved to approve the bill. Mr. George seconded. Motion carried.

**Bills:** The bill was unanimously approved and signed.

**Hearing 1:**

**5 Edgemere Blvd – Christopher Henchey**

**Variations – Construct a single family home (side setbacks)**

Mr. Rosen read the legal notice into the record. Other acting Board members included Mr. Confalone, Mr. George, Mr. Gordon, and Mr. Schaetzke.

**Presentation**

- Mr. Henchy was present. He reminded the Board that he had been before them two months before at the January 25, 2016 meeting and been granted side yard setbacks of 16.2 feet. He was now before them to request two (2) Variations for 11.5 feet from each side property line.
- He and his wife have decided that they would now like to live in the house themselves rather than build it to sell it. His wife has chosen a different building plan, which is not larger but has a different layout. It will conform to the rest of the neighborhood.

- The previous house had burned in a fire over two (2) years ago. The foundation still exists. Those side yard setbacks were 9.1 feet and 7.4 feet. What they are now asking for is still more conforming than what had been there previously. Ten (10) feet is required in the Residence B-2 district, but the hardship is that it is a long narrow lot. Also, the Limited Business zoning district bisects it, which requires a fifty (50) foot setback from a residential district.

**Board Questions**

- Mr. Gordon asked if he had spoken with his neighbors. Yes, three (3) of them, although one (1) of them is a tenant.
- Mr. George also asked if the elevations have changed from the previous plan. No.

**Abutters**

- Joseph Dyer, 10 Edgemere Blvd, asked if he would still have his view of the water and if tree clearing would be going on.
  - Mr. Rosen explained that an owner has a right to build and choose what to do with the trees on his lot. That was out of the Board's purview.
- As there were no additional comments from the public, the hearing was closed.

**Board Discussion**

- Mr. Rosen suggested that this was a case of "Variance creep". He was back before the Board because they had simply changed their minds regarding their previously granted plan. The Board agreed.

**VOTE TAKEN:**

**Motion:** Mr. Schaetzke moved to deny the Variances for 5 Edgemere Blvd. Mr. George seconded. Motion carried.

**Hearing 1:** The Variances for 5 Edgemere Blvd were unanimously denied.

**Hearing 2:****11 Wesleyan St – Fiver Homes, Inc.****Variance – Create a single family lot (frontage)**

Mr. Rosen read the legal notice into the record. Other acting Board members included Mr. Confalone, Mr. George, Mr. Gordon, and Mr. Schaetzke.

**Presentation**

- Richard Duhamel was present to represent Fiver Homes. He explained that he bought the property a few months ago. This is in an old neighborhood. The lots are narrower than what is typically allowed now. This lot is substantially larger than the lots around it. It has some width and depth. However, it does not have enough frontage according to today's standard, although it has more frontage than the other existing lots. He could build a duplex by right, but that would be less harmonious with the neighborhood.
- The hardship is that there are natural slopes. There is high ground water as well. So a duplex would need to be placed higher than normal.
- There is currently an old non-conforming home, which is in the front yard setback and which would be removed. He would like to put two single family homes there in its place. He believes that would be more complimentary to the neighborhood.

**Board Questions**

- Mr. Gordon commented that there is a lot of water under that lot.
  - Mr. Duhamel replied that's why he would have to address the elevation by placing it at the highest point. However, if he had the flexibility to build two (2) homes, it would be easier to grade.
- Mr. Confalone asked if he had spoken to the abutters. Yes, several are present. His impression from them was that they would preferred to have two (2) single families built instead of a duplex.

- Mr. Schaetzke commented that this lot seemed well-suited for either a single family home or a two-family home.

#### **Abutters**

- Michael Zamarro, 7 Wesleyan St, has lived in the neighborhood for 44 years. He expressed disappointment that the old home would be razed and not saved. He felt it was historic. However, he had met with Mr. Duhamel to discuss it and now agrees with the idea of having two single family homes there. He was also pleased that Mr. Duhamel expressed the intention to live in one of them.
- Dennis Cummins, 15 Wesleyan St, agreed with Mr. Zamarro that he would like to see two (2) single family homes, rather than a duplex.
- Karen Holovnia, 19 Wesleyan St, would prefer that the house to stay as is, but she also understands the necessity for progress. She also agreed she would rather see two (2) comparable houses.
- Deborah George, 6 Wesleyan St, would also rather see two (2) homes than a duplex.
- Linda Camarra, 10 Wesleyan St, would also rather see two (2) homes than a duplex.
- Joe Holovnia, 19 Wesleyan St, questioned whether any style was allowed or whether there were restrictions that could be imposed on style.
  - Mr. Rosen replied that any style was allowed as long as it was conforming.
  - Mr. Holovnia also questioned the regrading needed due to the ground water.
    - Mr. Duhamel clarified that he if he could construct two (2) houses, he could work on the regrading individually. However, to work on the duplex he would have to place it at the crown of the lot.
- As there were no additional comments from the public, the hearing was closed.

#### **Board Discussion**

- Mr. Schaetzke agreed with the appellant and abutters that two (2) single homes would be more appropriate for this neighborhood, but he saw no hardship.
- Mr. Rosen suggested that this might be a case where a change in “spot zoning” could be proposed for the Zoning Bylaw at a future Town Meeting.
- Mr. Confalone agreed with these comments.

#### **VOTE TAKEN:**

**Motion:** Mr. George moved to deny the Variance for 11 Wesleyan St. Mr. Schaetzke seconded. Motion carried.

**Hearing 2:** The Variance for 11 Wesleyan St was unanimously denied.

#### **Hearing 3:**

**720 Boston Tpke – T.M. Crowley & Associates, Inc. for MKCD Realty, LLC**

**Variance – Queuing of vehicles at drive thru pharmacy window**

Mr. Rosen read the legal notice into the record. Other acting Board members included Mr. Confalone, Mr. George, Mr. Gordon, and Mr. Schaetzke.

#### **Presentation**

- Atty. Michael Kehoe was present to represent the appellant, as were David Fenstermacher, civil engineer, and Patrick Dunford, traffic engineer, both with VHB.
- Atty. Kehoe explained that this request is for a CVS Pharmacy drive-thru window on the parcel on the corner of Route 9 and South St. It is a busy intersection. There is also a steep grade, with a sixteen (16) foot difference between Route 9 and South St. A certain driveway length is needed to make up that grade. But they plan to meet every other requirement except for the stacking queue. In looking at those similar in neighboring towns, the most vehicles found queued were six (6). A ten (10) vehicle queue is required and

a six (6) vehicle queue is what they are requesting. There would be parking on the front and side of the building. The queuing movement would be in back and away from the regular pedestrian traffic.

- Mr. Dunford gave more detail on the logic and statistics behind the queuing requested. He explained that these types of pharmacy windows are less utilized than restaurant or coffee shop drive-thrus. They are considered less of an “impulse” activity. They are used for picking up prescriptions, not for general merchandise from the store. In general, it gets used because the driver “has” to, not because s/he “wants” to. Typically, the users are found to be elderly or parents with children, who use it for the convenience rather than going into the store.
- Data from Framingham and Natick showed fifteen to twenty (15-20) customers/hour, which equaled about one (1) new customer per every three to four (3-4) minutes.
- Data from the CVS and Walgreens in Shrewsbury also showed fifteen to twenty (15-20) customers/ hour, with about two to five (2-5) cars per window. One (1) day there was a six (6) car queue.
- There will also be a bypass lane that one can use. So if the queue looks too long, one can choose to park and go into the building.
- They do not believe this request will adversely affect the site.

### **Board Questions**

- Mr. Rosen asked if the facility would be the same size as the one on Harrington Ave. Mr. Dunford replied that with one (1) window and a one hundred thirty (130) foot length drive, it will be comparable.
- Mr. Gordon asked if the queuing would interfere with the parking at all. Mr. Dunford replied that there will be a right in/right out curb cut on South St and that it will be permitted through Mass Highway. It will be pushed far enough back from the intersection so as not to interfere.
  - Mr. George followed with whether the curb cut would be farther back than the curb cut for the Kia dealership there is now. Yes.
- Mr. Gordon commented that he has seen fourteen (14) cars queued at the CVS in Shrewsbury. It took twenty (20) minutes to get through the line. He said he goes there late to avoid the long lines.
  - Mr. Dunford said their data was collected at 4pm-6pm. He said it usually took four to six (4-6) minutes to get through the line. However, he admitted with inclement weather it may take longer. He said he could relay Mr. Gordon’s observations to the store, but that he has not witnessed that himself.
- Mr. George asked if they planned to have a double window. No, this has been studied at multiple locations and no one used the second window. The layout to be used is CVS’s current standard nationwide. They have actually gotten rid of the second windows after trying them for ten (10) years. One of the reasons is that with more doctors submitting prescriptions electronically, the window is only used for pick-ups and less for prescription drop-offs as well.
- Mr. Schaetzke added that for the delays he has observed, it seems to be a factor of the number of staff in the store serving the window.
- Mr. Schaetzke asked if there would be more room for queuing if the window’s location was easterly on the north side of the building. Mr. Dunford admitted there would be; however, moving the window causes a different configuration in the store’s layout. The layout is prototypical for them because it works. It also helps keep those prescription customers toward the back end of the store where confidential conversations with the pharmacy staff are less likely to be overheard by regular customers.

### **Abutters**

- As there were no comments from the public, the hearing was closed.

### **Board Discussion**

- Mr. George thought they made a valid case for the queuing.
- Mr. Rosen and Mr. Schaetzke thought market demand for the parking/queuing would take care of itself, i.e., customers may decide to walk in (or leave) instead.
- Mr. Confalone had not witnessed the long queues himself at the other pharmacy locations mentioned.

**VOTE TAKEN:**

**Motion:** Mr. George moved to approve the Variance for 720 Boston Tpke. Mr. Schaetzke seconded. Motion carried.

**Hearing 3:** The Variance for 720 Boston Tpke was unanimously approved.

**Hearing 4:****957 Boston Turnpike – Landscape Depot, Inc.  
Special Permit – Outside storage**

Mr. Rosen recused himself. Mr. George read the legal notice into the record. Other acting Board members included Mr. Confalone, Ms. Cossette, Mr. Gordon, and Mr. Schaetzke.

**Presentation**

- Atty. Joseph Antonellis, John Mullen, owner of Landscape Depot, and Michael Dryden, engineer, were present. This request is for the former Lebeaux property. There are currently five (5) other Landscape Depot locations in the state – Framingham, Milford, Sutton, Walpole, and Westborough.
- Mr. Dryden displayed the existing and proposed site plans. The proposed site plan is the same one as presented to the Planning Board. This parcel is just under sixteen (16) acres and largely within in the Commercial Business district. A small portion of it is in the Residence A district, although no work is proposed for that area of the parcel now. There are wetlands that bisect the parcel.
- The site would be used in a similar fashion as before when it was Shrewsbury Nurseries. There is no earth work planned. The seventeen hundred (1,700) square foot building will remain; however, there will be structural improvements to it. Seven (7) parking spaces are proposed.
- There will be a hard surface to display products and for accessible entry. There will also be ornamental walls to frame the entry drive.
- There was some correspondence with the Building Department; it was requested that they offer more detail on the products to be displayed/sold. There are five (5) proposed areas of storage:
  - Mulch and aggregate storage.
  - Natural stone or cobblestone for patios or walkways.
  - Assembled items – e.g., fire pits.
  - Contractor storage with a six (6) foot high fence proposed to shield this area.
  - Overflow – e.g., brush, grass, etc.

**Board Questions**

- Mr. George asked for more detail on the “overflow” area. It will be palletized materials not stored on the other areas of the site, such as pavers, natural stone, cobblestones, loam, topsoil, brush, yard waste to be recycled. Mr. George followed with how long the yard waste would remain there and would it be coming and going on a daily basis. Mr. Mullen said it would be shipped off-site weekly.
- Mr. Schaetzke asked who the landscapers were that would use this area. Mr. Mullen answered they would be his customers.

**Abutters**

- Niraj Jetly, 41 Toblin Hill Dr, asked about the frequency of materials going in and out? Whether there would be trucks involved? Mr. Mullen explained that the landscapers would deliver the material to a bin on-site, then it would be brought off-site weekly.
  - Mr. George asked how large an area that would be. The area is 30,000 square feet, but would mostly be for products. Only a portion of it would be for the yard waste.
  - Mr. Dryden added that the buffer will remain; there is no tree clearing for that area planned.

- Ms. Cossette asked about the dividers mentioned for area A where the mulch would be. They would be concrete block-type dividers, six (6) feet high, then tapered. They would be similar to Green Thumb Nursery, Westborough.
- Mr. George asked about the back area that would be fenced in. Mr. Mullen said contractors would park their vehicles there. Atty. Antonellis added that because Mr. Mullen's business has no labor component, he subleases with contractors for labor.
- Mr. George asked if anything happened on-site, who would be responsible. Atty. Antonellis said that Mr. Mullen, as the business owner would be. If they wanted to specify that in the Special Permit, that would be OK with them.
- As there were no additional comments from the public, the hearing was closed.

#### **Board Discussion**

- The Board thought it was generally a good use for the property.
- There was some discussion as to the conditions, with consideration being given to the area of the site nearest to the neighbors.

#### **VOTE TAKEN:**

**Motion:** Mr. Schaezke moved to approve the Special Permit for 957 Boston Tpke, with three conditions. Mr. Confalone seconded. Motion carried.

**Hearing 4:** The Special Permit for 957 Boston Tpke was unanimously approved, with the following three (3) conditions:

1. A one (1) year time limit, after which the appellant will have to return to request a renewal.
2. The debris or yard waste to be composted will be removed weekly.
3. There will be no processing of materials on-site.

#### **Hearing 5:**

#### **440 & 526 Hartford Turnpike – Smart Growth Design, LLC**

*Cont'd from 12/14/15, 12/28/15, 1/25/16, 2/29/16 & 3/21/16*

#### **Comprehensive Permit – Construct a 280-unit, multi-family apartment community**

Mr. Rosen read the legal notice into the record. Other acting Board members included Mr. Confalone, Ms. Cossette (serving for Mr. George, who recused himself), Mr. Gordon, and Mr. Schaezke.

**Consultants Present:** Atty. Paul Haverty, Blatman, Bobrowski, Mead & Terman, LLC (40B); Hillary Lacirignola, Weston & Sampson (Sewer Peer Review); Kent Nichols, Weston & Sampson (Sewer Peer Review); Eric Rex, Davis Square Studios (Architecture Peer Review)

#### **Presentation**

- Developer Fran Zarette, Smart Growth Design, LLC, was present as were engineer Wayne Belec, Waterman Design; engineer Jami Walsh, AECOM; and project coordinator Talia Cannistra, CUBE 3 Studio; were present. Owner Atty. Rod St. Pierre was in the audience.
- The focus of discussion was on 1) sewer capacity, 2) architecture design, and 3) site plan design topics.

#### **Sewer Peer Review**

- Ms. Lacirignola and Mr. Nichols gave the preliminary Sewer Peer Review. They admitted that their survey clarified some questions, but also brought up others.
- Some of their findings conflict with AECOM's findings, e.g., the surveyed pipeline data.
- They displayed a map showing the sewer flow path to the Cherry Street pump station. The red-colored areas showed where they believed there would be sufficient capacity, and the yellow-colored areas showed where there would be insufficient capacity.

- They recommended that the design capacity for the estimated flows should be based on peak flow, not average daily flow.
- The manhole inspections they performed showed evidence of previous surcharges. Photos were displayed, with each manhole being itemized with photo evidence shown of either rings around them or with them being full of water. It was also recognized that this was spring time, and it was not known if/ how much recent rainfall there had been.

### Board Questions

- Mr. Rosen asked what adding 248 residential units to the sewer system would do.
  - Ms. Lacirignola replied that there would not be enough capacity.
  - Mr. Kent added some detail on the capacity and concerns to do with each of the 3 pump stations in the area:
    - Stoney Hill and Quail Hollow currently receive about half the flow. Quail Hollow was found to be at 200-300 gallons per minute (gpm).
    - Cherry Street seems to be at capacity now, with about 450-500 gpm.
  - Again, they like to use peak or maximum flow rates/times, such as at weekdays at 8AM. He added that a major issue that sewer systems face today is the problem of non-flushable materials being flushed into the system (called “rags”) that bind to the equipment and can actually stop the machinery.
  - TR-16 was mentioned as the industry standard guide for the design of wastewater treatment systems.
- Mr. Rosen asked about the percentages used to measure capacity – 95% vs. 80% seemed like a big difference.
  - Ms. Lacirignola and Mr. Kent reiterated what they had said last week – that using one percentage or another is a professional judgment call. In the old days, 50% was used. For pipe capacity, the goal is to leave some room for air, for the pipes to have some “breathing room”.
- Mr. Rosen followed with whether they had ever used 95% before. They have always used 80% in their studies for Shrewsbury, so they decided to be consistent with that percentage for this purpose too.

### Response to Sewer Peer Review

- Ms. Walsh replied that AECOM had not received their comments yet. However, she clarified some of their findings.
  - The Stoney Hill pump station was designed for 250gpm. It was at 168gpm at the time of their survey, but a pipe had been down for maintenance. The maintenance reports for it do not mention the removal of rags; however, she said it would not surprise her that that may have been the case.

### Board Questions

- Mr. Rosen asked about AECOM’s use of the percentage figure.
  - Ms. Walsh said that their office’s standard is to use 95% for larger pipes (10 inches and larger) and 90% for smaller pipes (4, 6, and 8 inches).
- Mr. Zarette asked when the Weston and Sampson peer review had been received by the Town. He said he had asked for it several times and had not received it.
  - Mr. Sarcione replied, on March 24<sup>th</sup>.

### Abutters

- The following abutters expressed concerns about the sewer system and the studies: Suzanne Remington, 73 Stoney Hill Rd; Scott Payne, 70 Stoney Hill Rd; John Vedder, 15 Pheasant Hill Dr; Liu Yu Xiang, 83 Stoney Hill Rd; and an unidentified male, Thistle Hill Dr. Some of their questions and the responses were to do with the methods and findings of the studies including the assumptions, calculations, conditions, pipe diameters, and surcharging.
- If the sewer got beyond capacity and was spewing, who would respond?

- Ms. Lacirignola said it would come out at its lowest/weakest point - such as at a manhole cover – and it can happen in various locations such as on a street, in the woods, also in a home’s basement or shower. Generally, if it is on Town property, the Town addresses it; if it is on private property, there is a private response. In an emergency, a contractor may have to be hired. An investigation may find who is at fault. Ultimately, it is the Town’s responsibility to ensure that the pipes are working properly.
- Ms. Walsh responded that these systems are or can be alarmed. When tripped, they make a phone call to the necessary authorities. If a fix can’t happen quickly, usually a backup pump is set up. Pumps need to alternate, and it is very rare for that both pumps at a station would go out at the same time.
- Mr. Zarette added some statistics related to the Westborough wastewater treatment plant, including that it is designed for 7.68 million gallons per day (mgd). It is roughly at two thirds (2/3’s) capacity now. Shrewsbury’s maximum allowed capacity is set at 4.39 mgd. Shrewsbury’s rolling average for the latest 12 month period is 2.965 mgd. The proposed added capacity due to this development would be 0.035 mgd.

### **Architecture Presentation**

- Ms. Cannistra updated the Board on the changes made to the architecture plan which was based on previous feedback received.
- **Phase 1**
- The number of buildings has been condensed from five (5) buildings with thirty-six (36) units each to four (4) buildings. On the east end of each building, they have added a unit stack to reallocate the twelve (12) units from the former Building #1 back in. The buildings’ facades are now broken into three (3) stepped units, which graduate with the slope. These units are serviced by two (2) stair towers, allowing them to function as their own separate entities.
- Attention has been given to improve the colors, textures, fenestration, and materials used, such as the masonry.
- **Phase 2**
- Again, the number of buildings has been reduced from three (3) to two (2). The same basic “design language” will be used as in Phase 1.
- The building that had planned to house a partial fourth (4<sup>th</sup>) floor has been reduced to a consistent three (3) story level throughout.

### **Abutters**

- The following abutters expressed concerns surrounding the architectural and site plans:
- Dale Martin, 6 Pheasant Hill Dr; Steve Danielson, 75 Stoney Hill Rd; Michelle Moore, 9 Pheasant Hill Dr; Peter Reilly, 19 Pheasant Hill Dr; Joe Hewes, 61 Stoney Hill Rd; Guo Wenxuan, 93 Stoney Hill Rd; and Rob Halpern, 131 Stoney Hill Rd. Some of the briefer questions and the responses were to do with the HVAC units (now to be hidden, rather than on the roof), the clubhouse, fencing, retaining more greenspace (especially with regard to leaving the older, larger trees), and storm water. Some of the lengthier ones were to do with elevations/topography/grade and with ledge/blasting.
- Mr. Payne and Mr. Reilly were concerned with the plans reflecting accurate elevations and grading - not necessarily for the heights of the buildings themselves, but especially in their relation to the houses in the neighborhood. How high they might be expected to rise above those houses closest to them?
  - Mr. Belec explained that there was a grade change, especially in Phase 1. For example, the site is more level on the Route 20 side, but has about a twenty (20) foot grade change above Stoney Hill Rd. They intended for the buildings to follow or be tucked into the topography as much as possible.
- In questions about grade, Mr. Belec had commented that they preferred not to blast ledge if possible. Ms. Moore responded by asking how to remove ledge without blasting.

- Mr. Belec replied that some of the ledge may be able to be peeled away, but that there would be a pre-blast survey if necessary.
- Mr. Haverty informed her that the way it generally works is that the blasting company notifies those abutters within 300 feet of the subject property. This comes with an offer to survey their home or business, which includes taking pictures of the present conditions of their structure(s). There is strict liability for blasting damage and these companies have insurance.
- Ms. Moore asked him if he advised her hiring an attorney. Mr. Haverty said first, he advised taking advantage of the survey offered. Then one would hire an attorney later only if needed.
- Mr. Vedder followed with whether one could get the range/distance of the survey offer extended. Mr. Haverty said this is usually worked out between the applicant and the blasting company, since there is some additional expense involved. Usually, those a bit farther out from the site tend to be less concerned, and therefore, less interested in taking advantage of it.
- As there were no additional comments from the public, the hearing was closed.

**VOTE TAKEN:**

**Motion:** Mr. Schaetzke moved to continue the hearing for the Comprehensive Permit for 440 & 526 Hartford Tpke. Mr. Confalone seconded. Motion carried.

**Hearing 5:** The hearing for 440 & 526 Hartford Tpke was continued to April 11, 2016 at 7:00PM in Town Hall.

**New Business:**

None.

**Old Business:**

**Master Plan Update**

The Master Plan Steering Committee will be before the Planning Board on March 3, 2016, to ask them to adopt the Master Plan as drafted. Once adopted, implementation will follow.

**Correspondence:**

None.

The meeting adjourned at 9:42PM.

Respectfully submitted by,

\_\_\_\_\_  
Michele M. Bowers, Administrative Assistant

Reviewed by,

\_\_\_\_\_  
Matthew Sarcione, Assistant Town Planner

Approved by vote of the Board,

\_\_\_\_\_  
Paul M. George, Clerk