



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

May 31, 2016

LOCATION: Selectmen's Meeting Room, Municipal Office Building

MEMBERS PRESENT: Ron Rosen, Chair
Paul George, Clerk
Fred Confalone
Paul George
Melvin Gordon
Dale Schaezke
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 minutes were not ready for approval.

Sign Bills:

Mr. Rosen announced the following bills and reminded those in attendance that the 40B peer review invoices were paid out of an escrow account with funds provided by the applicant:

- \$7,608.48 – Weston & Sampson Engineers – for Sewer Peer Review.
- \$2,700.00 – Davis Square Architects – for Architecture Peer Review.
- \$731.78 – Conley Associates – for Traffic Peer Review.
- \$570.00 – Tata & Howard – for Water Peer Review.
- \$360.00 – Telegram & Gazette – for April 25, 2016 Legal Notices.
- **Total = \$11,970.26**

VOTE TAKEN:

Motion: Mr. Schaezke moved to approve the bills. Mr. George seconded. Motion carried.

Bills: The bills were unanimously approved and signed.

Hearing 1:

56 Hartford Turnpike (Limited Business) – Maria Guedes – *Continued from 4/25/16*
2 Special Permits – Operate an auto sales and auto repair business

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

Presentation

- Maria Guedes was present, as were Jairo DosSantos, manager, and Fernando DaSilva.
- Since the previous meeting, they had submitted a letter withdrawing their request to offer car washing. They plan to have sales and repairs only now.

Board Questions

- Mr. Schaetzke reiterated what he had said at the last meeting, that their site plan should accurately reflect their request for the maximum number of vehicles to be parked onsite. They had requested ninety (90) vehicles from this Board; however, the Board of Selectmen had only approved them for seventy-five (75).

Abutters

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

Board Discussion

- The Board discussed the conditions.

VOTE TAKEN:

Motion: Mr. George moved to approve the Special Permits for 56 Hartford Tpke, with the hours as conditioned by the Board of Selectmen. Mr. Schaetzke seconded. Motion carried.

Hearing 1: The Special Permits for 56 Hartford Tpke were approved with the following hours:

- Monday – Friday 9am-9pm
- Saturday – 9am-5pm
- Sunday 12-5pm – for sales only (no repairs)

Hearing 2:

9 Huntington Road (Residence B-2) – Joseph Gabriella

Special Permit – Remove & replace a non-conforming deck (rear setback)

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. Gabriella was present. He explained that he would like to remove a non-conforming deck to construct a 3-season porch and a new deck.

Board Questions

- Mr. George asked for clarification on the plot plan as to where the 3-season room would be vs. the open deck.

Abutters

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

VOTE TAKEN:

Motion: Mr. Schaetzke moved to approve the Special Permit for 9 Huntington Rd. Mr. George seconded. Motion carried.

Hearing 2: The Special Permit for 9 Huntington Rd was unanimously approved.

Hearing 3:

23 Sias Avenue (Residence B-2) – Tina St. George

Special Permit – Second story addition

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. and Mrs. St. George were present. Their contractor, Mike Konan with Central Mass Builders, was also present to represent them.
- The owners would like to add a 2-story addition on the side of the house. It would be less non-conforming than the existing house. On the first floor, they propose to expand the kitchen and add a laundry and half bath. On the second floor, they propose to have the master bedroom with a walk-in closet.

Board Questions

- Mr. Rosen asked if the addition would match the look of existing house. Yes.

Abutters

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

Board Discussion

- None.

VOTE TAKEN:

Motion: Mr. Gordon moved to approve the Special Permit for 23 Sias Ave. Mr. Schaetzke seconded. Motion carried.

Hearing 3: The Special Permit for 23 Sias Ave was unanimously approved.

Hearing 4:

5 Shirley Rd (Rural B) – Alejandro Vega Nieves

2 Variances – Construct a deck (side & rear 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. Vega was present. He explained he would like to add a 16 foot by 16 foot deck on the left rear side of his house.

Board Questions

- Mr. George asked if the deck could be located anywhere else instead. No, the dwelling is the last house on a dead end street, and the #22 exit ramp for Interstate 290 is next to that side of the house. He added that this rear area of the lot has the most usable land for this purpose.
- Mr. George asked who owned the land behind him and checked that there were no other houses there. It is a Town right-of-way on the requested side, and there are two (2) other houses on the section of the street near him (but they are not on that side).
- Mr. Confalone asked about moving the deck away from Interstate 290 and centering it behind the house. Mr. Vega explained it is a small (900 square foot) house. He also explained the results of the land survey last year, e.g., that there is twenty-five (25) feet to the fence and Highway Department land. He requested that the deck be allowed to be 8 feet and 8.2 feet from the property line. Mr. Confalone understood that it would not be in compliance anywhere it was placed.
- Ms. Sarcione confirmed that the required side yard setback in the Rural B district was thirty (30) feet.
- Mr. Rosen commented that the shape of the lot was its hardship.

Abutters

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

Board Discussion

- The Board understood the shape of the lot was the hardship.

VOTE TAKEN:

Motion: Mr. Gordon moved to approve the Variances for 5 Shirley Rd. Mr. Schaetzke seconded. Motion carried.

Hearing 4: The Variances for 5 Shirley Rd were unanimously approved.

Hearing 5:

**530 Boston Turnpike (Commercial Business) – Home Depot
Variance – Outdoor retail sales**

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

Presentation

- Scott Selmecki and Rob Montgomery and were present to represent the management team of Home Depot. They explained that they would like to have a temporary forty (40) foot by eighty (80) foot tent set up in the middle of the parking lot for carpet sales.

Board Questions

- Mr. Rosen asked if this would be near the food truck that sits in the lot. Yes, almost directly behind the truck.
- Mr. George asked if they had had one in the past. Yes.
- He followed with whether they had received a permit for it then. They were not sure. It was six (6) or seven (7) years ago. They were not in the store's management at that time.
- Mr. Rosen wondered if there would be any parking concerns. They replied they had spoken to the Building Inspector about it several times.
- It was also asked how long they intended to have the tent up. It will be based on sales and good weather, but basically from June until October at the latest.

Abutters

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

Board Discussion

- The Board thought there would still be enough parking despite the tent's placement on the lot.

VOTE TAKEN:

Motion: Mr. Schaetzke moved to approve the Variance for 530 Boston Tpke, with one (1) condition. Mr. George seconded. Motion carried.

Hearing 5: The Variance for 530 Boston Tpke was unanimously approved, with the following condition:

1. The tent may remain up from June to October.

Hearing 6:

**52 South Quinsigamond Avenue (Multi-Family 1) – Lithuanian Charitable Society/Maironis Park
Appeal of the Building Inspector's Determination**

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

Presentation

- Vin Klimas, senior member of the Lithuanian Charitable Society board of directors, was present as was Cindy Evangelous, owner of the fitness facility, CE Fitness, leasing the space.
- Mr. Klimas said that the Building Inspector had looked at an old website. This was a site that a friend of Ms. Evangelous had created for her as a favor. It no longer represents what she does now, which involves classes at ballet barres choreographed to music. She has a degree in exercise science and has been doing this for thirty (30) years.
- All activities are class-based. There are no memberships. There is no gym equipment and no showers, only barres mounted on the walls.

Board Questions

- Mr. Sarcione reminded the Board that the Building Inspector had expressed concern about their use of rear entrance and the lack of exit signs for it. Were these issues resolve yet? Mr. Klimas said they were activating an old exit. The Building Inspector had told them they could not have a means of egress go through a storage room. He said they had been assured by their architect that plans to correct this would be completed in two (2) days, and then they will be able to file for their building permit. It is taking some time, but they are working towards a resolution.
- Mr. Rosen checked that everything else was operating in accordance with the previous Special Permit granted to them. Yes.

Abutters

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

Board Discussion

- Mr. Rosen reported that he had seen at the CE Fitness website as well.
- Mr. Sarcione reiterated that the stated proposed use is still a dance use, although the Building Inspector had interpreted what she had seen as a gym.
- Mr. Rosen repeated what Mr. Klimas had assured, that they proposed to pull their building permit for the rear egress in two (2) days once the plans were ready.

VOTE TAKEN:

Motion: Mr. Schaetzke moved to approve the appeal (in favor of the appellant) for 52 South Quinsigamond Ave, with one (1) condition. Mr. George seconded. Motion carried.

Hearing 6: The appeal for 52 South Quinsigamond Ave was unanimously approved, with the following condition:

1. The written decision will be issued once the applicant follows through with their application for a building permit for the necessary changes for a safe rear egress.

Hearing 7:

**315-347 Main Street V – Cellco Partnership d/b/a Verizon Wireless
Variance – Cell tower/antenna**

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

Mr. Sarcione informed the Board that Cellco Partnership had requested in writing their request to be continued to the next regularly scheduled meeting in order to be able to provide additional information.

VOTE TAKEN:

Motion: Mr. Gordon moved to continue the hearing for 315-347 Main St. Mr. Schaetzke seconded. Motion carried.

Hearing 7: The hearing for 315-347 Main St was continued to June 27, 2016 at 6:30pm.

Hearing 8:

**28 North Street (Residence B-1) – Wendy Tomaiolo
Special Permit – In-law apartment**

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

Presentation

- Ms. Tomaiolo was present, as was her uncle, Frank Tomaiolo, to represent her. Mr. Tomaiolo said she wished to build an addition with an in-law apartment for her mother. There are no issues to do with setbacks.

Board Questions

- The Board checked to make sure the restrictions to do with in-law apartments were understood.
- They also asked about the size of the addition, what it would look like, and whether Mr. Tomaiolo would be building it. It is a 24 foot by 22 foot addition, which will match the look of the rest of the house and be built by Mr. Tomaiolo's company.

Abutters

- Two abutters asked for more information on the addition's location, height, and conformance regarding the setbacks. Since this is a corner lot, the relevant setback clarifications were given accordingly.
- As there were no additional comments from the public, the hearing was closed.

Board Discussion

- None.

VOTE TAKEN:

Motion: Mr. Schaetzke moved to approve the Special Permit for 28 North Street, with the usual in-law conditions. Mr. George seconded. Motion carried.

Hearing 8: The Special Permit for 28 North Street was unanimously approved, with the following conditions:

- 1) Only blood relatives of the owners can reside in the in-law apartment.
- 2) The in-law status will sunset with Ms. Tomaiolo's ownership of the home.

Hearing 9:

**2 East Avenue (Residence B-1) – Bob & Maureen Perry
Variance – Construct a garage (side setback)**

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. and Mrs. Perry were present, as was their contractor, Tom Peters, who represented them. He said that the Perrys would like to build a 2-car garage onto the side of the house, which would require a side yard setback. The couple has owned the house for thirty years. As they age and because Mr. Perry

is a disabled veteran, they are finding that gaining access to their cars and the snow removal involved in winter to be more difficult. The garage would be three (3) feet from the side property line.

Board Questions

- Mr. George asked if the 24 foot by 24 foot size garage was really needed. Mr. Peters said yes, they have two (2) vehicles and would like to be able to fit them both in.
- Mr. Confalone checked that it was the only spot where they could place it. Yes, because 1) there is a sewer easement involved, and 2) because on the other side of the house, they wouldn't be able to get to it easily.
- Mr. Rosen checked that they believed the sewer easement was the hardship. Yes.
- Mr. George asked if the driveway was over the sewer easement. Yes, but it was already existing.
- Mr. Rosen followed with whether the driveway would be remaining the same. Yes.

Abutters

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

Board Discussion

- The Board noted that no abutters spoke in opposition and that the sewer easement created a hardship.

VOTE TAKEN:

Motion: Mr. Gordon moved to approve the Variance for 2 East Ave. Mr. Schaetzke seconded. Motion carried.

Hearing 9: The Variance for 2 East Ave was unanimously approved.

Hearing 10:

**328 Grafton Street (Commercial Business) – Thomas P. Garganigo – *Request for Withdrawal*
2 Special Permits – Operate an auto sales and auto repair business**

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

Mr. Sarcione informed the Board that Mr. Garganigo had requested in writing his request to withdraw.

VOTE TAKEN:

Motion: Mr. Gordon moved to accept the withdrawal for 328 Grafton St. Mr. Schaetzke seconded. Motion carried.

Hearing 10: The request for withdrawal for 328 Grafton St was unanimously accepted.

Hearing 11:

**440 & 526 Hartford Turnpike (Limited Industrial) – Smart Growth Design, LLC
Cont'd from 12/14/15, 12/28/15, 1/25/16, 2/29/16, 3/21/16, 3/28/16, 4/11/16, 4/25/16 & 5/9/16
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. Schaetzke.

Town Consultants Present: Atty. Paul Haverty, Blatman, Bobrowski, Mead & Talerma, LLC (40B)

Presentation

- Developer Fran Zarette, Smart Growth Design, LLC, was present, as was owner Atty. Rod St. Pierre in the audience. Nancy Doherty, traffic engineer from Tetra Tech, was also present.

- Mr. Zarette presented the Board with a signed copy of the first amendment of the purchase and sale agreement for the property as well as a signed extension agreement. Thus, the hearing which was due to close by June 9, 2016 may now remain open until July 7, 2016 instead. This agreement was reached because both parties agree that there are sewer issues that remain unresolved.

Traffic

- Nancy Doherty summarized the end result of the discussions related to traffic. She reported that the best access alternative for Phase 1 - based on talks with MassDOT and Town staff - provide full access to and from points east and west on Stoney Hill Rd and Route 20.
- However, based on the Town's request to limit Phase 1 access to Route 20, only a Right In/Right Out will be allowed on Route 20. The access on Stoney Hill will be only for emergency access and pedestrians.
- Mr. Zarette confirmed that both phases would have access onto Route 20, with emergency gated access only to Stoney Hill Rd. This was not their preferred choice, but they have agreed to it in order to help expedite the process. To summarize:
 - Phase 1 will be a Right In/Right Out, with no Left in/Left Out.
 - Phase 2 will have full access in a "T" intersection formation.

Abutters - Traffic

- None.

Board Questions - Traffic

- Mr. Haverty asked if the revised traffic plans had been submitted and whether the final site plans were ready to be submitted to the Town's traffic and site plan peer reviewers for their final reviews.
 - Ms. Doherty said an access memorandum summary was submitted last week with all the numbers and this chosen plan was included.
 - Mr. Zarette said Wayne Belec is working on revising the site plan to be accurate with the latest decisions involved.
- Mr. Rosen asked if there would be work on Route 20 to accommodate the plan.
 - Ms. Doherty answered the deceleration lane would be created as well as sidewalks along the deceleration lane/frontage of the property and on the east of the access driveway.

Sewer

- Mr. Sarcione reported that a technical meeting had been held last week with their sewer team, AECOM, and the Town's peer reviewer, Weston & Sampson. Another technical meeting will still be needed regarding what will be required for sewer improvements, then a memo will need to be submitted summarizing that.
 - Mr. Zarette reported that a lot more field work had been done now. AECOM had compiled more data (referred to as Data #3) with calculations and mapping, and Weston & Sampson are evaluating that now.
 - Mr. Haverty suggested that the Board would need to know what exactly would need to be done regarding the three (3) pump stations.

Abutters - Sewer

- Scott Payne, 70 Stoney Hill Rd, expressed opposition that the project is still of an over-sized scale and density for the neighborhood.
- He also asked for more clarification on what would happen if there were to be a sewer overflow. If something went wrong and the system went overcapacity – especially being adjacent to a large area of wetlands that could become contaminated – who would be stuck with the bill? And clean-up? Environmental Protection?

- Mr. Haverty explained that this is an example of why this hearing has been extended and why this request is being reviewed so thoroughly, to ensure that the system will be able to handle it and so that the Town would not get stuck with a situation like this.
- Mr. Zarette answered that the Town's many pump stations are equipped with alarms and there are protocols to handle various situations.
- Dale Martin, 6 Pheasant Hill Rd, asked for clarification on the status of final plans being submitted for the peer review.
 - Mr. Haverty replied that when the peer reviewer is able to review them, they will look both at the waivers that have been requested and the waivers that also may need to be requested.
- Peter McCaul, 104 Stoney Hill Rd, asked whether the Board has contacted the property's neighbors on Route 20 regarding the traffic plan.
 - Mr. Haverty said that MassDOT has given indications in their talks as to which plans they would approve, the final plan discussed being one of them. However, if MassDOT did not approve the plan in the end, the applicant would have to re-apply to the Board for a modification. If the applicant files a request for modification, the Board then decides if it is substantial or insubstantial. If substantial, the hearing is re-noticed and re-opened for that one (1) issue.

Board Discussion

- Mr. Schaetzke asked if this was to be the final night of the hearing.
 - Mr. Haverty said 180 days are given for the hearing, then there may be extensions granted, if necessary. Then the Board has 40 days to deliberate; however, it is not unusual for a Board to request 20 days more from the applicant and have that be granted.
- Ms. Cossette suggested that the conditions should be agreed on beforehand.
 - Mr. Haverty said he already has a draft of the decision in the works.
- Other next steps were also discussed such as having the sewer peer reviewers (Weston & Sampson) as well as the traffic peer reviewer (Jennifer Conley) back.
 - Mr. Sarcione said he could check on it, even if they weighed in once more via memorandum.
 - Mr. Haverty gave a reminder that the traffic plan will still be subject to MassDOT approval. It's also possible it may require modification.

VOTE TAKEN:

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

Hearing 11: The hearing for 440 and 526 Hartford Tpke was continued to the next regularly scheduled meeting on June 27, 2016 at 6:45PM at Town Hall.

New Business:

115R Colonial Drive – Imran Khusro – *Request for Withdrawal*

2 Variances – Create two single family lots having no frontage

Variance – Common driveway exceeding 300 feet

Mr. Sarcione stated that this applicant had been before the Board two (2) months ago and was denied. He has now stated in writing his request for withdrawal. Mr. George expressed opposition in allowing these types of denials the opportunity to withdraw, which allows them to return for an alternate request.

VOTE TAKEN:

Motion: Mr. Schaetzke moved to accept the withdrawal for 115R Colonial Dr. Mr. Confalone seconded. Mr. George opposed. Motion carried.

New Business: The request for withdrawal for 115R Colonial Dr was accepted, 4-1.

Old Business:

Master Plan Update

Mr. Sarcione said that the Master Plan Steering Committee gave a presentation at Town Meeting. Now they will work on appointing an Implementation Committee.

Also, a memo as the result of a consultant audit was received on the Zoning Bylaw with line by line comments given.

Correspondence:

Mailing from Federal Regulatory Commission to Ron Rosen regarding Algonquin Gas Transmission, LL's "Access Northeast Project", involving the construction and operation of interstate natural gas transmission and storage facilities, dated 4/29/16.

Many Town boards received this correspondence. The environmental impact statement was filed today.

Announcement

Zoning Bylaw changes are proposed for the Town Meeting. Notably, any new 2-family dwelling or expansion of a 2-family dwelling needs site plan approval now. The dimensional requirements have been changed for frontage, lot area, and all setbacks.

The meeting adjourned at 9:22PM.

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