



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

June 27, 2016

LOCATION: Selectmen's Meeting Room, Municipal Office Building

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

STAFF PRESENT: Kristen Las, Assistant Town Manager/Economic Development Coordinator

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 that there were three (3) bills totaling \$9,636.00.

VOTE TAKEN:

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

Bills: The bills were unanimously approved and signed.

Hearing 1:

315-347 Main Street (Rural A) – Cellco Partnership d/b/a Verizon Wireless – *Cont'd from 5/31/16*
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. Schaezke. Board members held copies of the appellant's application.

Presentation

- Atty. Earl Duval, Duval & Klasnick, was present to represent the appellant. He explained that Verizon Wireless needs an additional site in their existing network to address a significant gap in coverage.
- They propose a 100 foot monopole on a 100 foot by 100 foot leased area on a 60 acre parcel owned by St. John's High School. All cabling would be housed within the monopole, which would also have 12 panel antennas along with remote radio heads and surge suppressors behind the panel antennas. There would be a 10 foot by 12 foot concrete pad inside a 50 foot by 50 foot fenced in area. The safety fence would be 6 feet high with 3 strands of barbed wire at the top to prevent climbing. The concrete pad would contain equipment and a back-up power generator powered by propane that would be used only

in an emergency (power outage). Otherwise, the generator would be programmed remotely to cycle for about 30 minutes a week and could be set to do that for any time of day.

- The monopole would accommodate Verizon Wireless as well as other wireless carriers.
- The equipment site would be accessed via Main St and then around the athletic field on a gravel drive.
- There are wetlands on the northern area of the site. A Notice of Intent has been filed with the Conservation Commission, and the area was reflagged last week. He expects to be back before that Board in July.
- Maps were shown with areas of both the existing coverage as well as the coverage gaps. An alternative site analysis was done before settling on this location. Generally, Verizon Wireless prefers to co-locate on an existing tower. However, in considering the available locations, the installation would have been limited. Also, there would be issues in relying on the power company in an outage. A view of what the tower would look like from the westbound side of I290 was also shown.
- It is estimated that service to 1,200 addresses would improve due to the installation of the tower.
- The Telecom Act (TCA) enacted in 1996, says that if an applicant is able to show a significant gap in coverage, while also having investigated all alternatives, then the relief sought may be justified.

Board Questions

- Mr. George asked for more information on the propane for the generator. The tank would be located within the fenced in area, and the plans show a 10 foot spark radius around it.
- Mr. Confalone asked how far away the equipment would be from the nearest residences. Ms. Las replied that according to his Sheet #2, it was marked to be approximately 1,000 feet away from the nearest house.
- Mr. Gordon inquired
 - As to whether they would be willing to place a repeater antenna on the tower for Fire and/or Police Department purposes. Yes, they usually do this at no cost to the jurisdiction.
 - If the wireless phone company was considered a public utility yet. No, that argument is still being battled.
 - If their plan offered any other benefit to the Town, such as income. The benefits are the real estate taxes Verizon Wireless would pay, as well as the overall benefit in increased coverage to the Town and to the 12,000 vehicles per day which travel within this coverage area. He added that while traveling in this area, he experienced the drop in coverage himself.

Abutters

- Lisa Cossette, 702 Main St, was unsure about the location of the equipment and expressed concern that the fencing be sufficient for the safety of the students who attend the school, day camps, and athletic events.
 - Atty. Duval showed her that this portion of the site was removed from the athletic areas used.
- As there were no further comments from the public, the hearing was closed.

Board Discussion

- Mr. Gordon wanted the option to have the repeater installed on the monopole should the Fire and/or Police Department want use of it.

VOTE TAKEN:

Motion: Mr. Schaetzke moved to approve the Variance for 315-347 Main St, with one (1) condition. Mr. George seconded. Motion carried.

Hearing 1: The Variance for 315-347 Main St was unanimously approved, with the following condition:

- 1) That a repeater also be installed on the monopole for the use of the Town's Fire and/or Police Department(s).

Hearing 2:**205-211 South Street (Residence A) – Shrewsbury Engineering Department****Variance & Special Permit – Remove & reconstruct a salt shed exceeding maximum height**

Mr. Rosen read the legal notice into the record. Other acting Board members included Mr. Confalone, Mr. George, Mr. Gordon, and Mr. Schaetzke. Board members held copies of the appellant's application.

Presentation

- Jeff Howland, Town Engineer, and John Knipe, Highway Superintendent, were present.
- They explained that the Town's existing salt shed was in dire need of replacement.
- They had considered repairing the current one, but it makes more sense to construct a new one. The existing one is 96 feet by 140 feet, and the proposed replacement would be 120 feet by 160 feet, with an overhang. This would allow trucks to dump materials inside rather than outside of the building and push them inside as they do now. Also, since there is currently not enough room to store all materials inside, the excess must be placed outside under tarps.
- A site map was displayed. The new shed would be placed just north of the existing one, but in line with the same setback from South Street as the current one.
- The look for it would be similar to the one on Route 20 in Northborough, although Northborough's is a bit smaller than this proposal. Seven (7) photos were submitted showing both the existing and proposed structures (H2:1-7).
- The Variance for the roof height is no longer needed, as the proposed roof will now be between 39-40 feet high or in compliance. They asked for a withdrawal of that request.

Board Questions

- Mr. George asked
 - What the construction materials would consist of. Pressure-treated wood.
 - When the existing shed would be torn down? Depending on the timing, they hoped to have the new structure in place by the first shipment on November 1, 2016.
- Mr. Schaetzke asked how long they had been working on replacing this one. Over 10 years. They added that a Town Meeting appropriation was granted to study the issue, they are now working with an architect, and under Chapter 90 approximately \$500,000-\$600,000 has been set aside for it.

Abutters

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

Board Discussion

- None.

VOTE TAKEN:

Motion 1: Mr. Schaetzke moved to accept the withdrawal of the Variance request. Mr. George seconded. Motion carried.

Hearing 2: The request for the withdrawal of Variance for 205-211 South St was unanimously approved.

VOTE TAKEN:

Motion 2: Mr. Schaetzke moved to approve the Special Permit for 205-211 South St. Mr. George seconded. Motion carried.

Hearing 2: The Special Permit for 205-211 South St was unanimously approved.

Hearing 3:**545 Hartford Turnpike (Limited Business) – Shrewsbury All Star Cheer & Dance, LLC****Use Variance – Operate a dance & cheerleading studio**

Mr. Rosen read the legal notice into the record. Other acting Board members included Mr. Confalone, Mr. George, Mr. Gordon, and Mr. Schaetzke. Board members held copies of the appellant's application.

Presentation

- Ken Polito was present to represent the building's ownership, and Steven Visneau was present as the business owner/leaser of the tenant space.
- Mr. Visneau explained that his business has been located at 220 Cherry St. He would like to re-locate it to this location now to conduct the exact same business.

Board Questions

- Mr. Rosen asked if the new tenant space was larger than his current space. No, a bit smaller.
- Mr. George asked Mr. Polito if there was a new tenant for the space Mr. Visneau's business was vacating. Yes, there will be.

Abutters

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

Board Discussion

- None.

VOTE TAKEN:

Motion: Mr. Schaetzke moved to approve the Use Variance for 545 Hartford Tpke. Mr. Confalone seconded. Motion carried.

Hearing 3: The Use Variance for 545 Hartford Tpke was unanimously approved.

Hearing 4:

**22 Glendale Avenue (Residence B-2) – Daniel Davis
Variance – Deck (rear setback)**

Ms. Las explained that due to an error in the legal advertisement for this hearing, this matter will need to be re-advertised and held on July 25, 2016 instead. The error involved the wording "Special Permit" instead of "Variance".

Hearing 5:

**555 Main Street (Limited Business) – 555 Main Street, Shrewsbury, LLC
2 Special Permits & Variance – Signs**

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. Board members held copies of the appellant's application.

Presentation

- Atty. Richard Ricker was present to represent the building owner, Geoff Hakim, and the sign company representative, John Fouracre, with Unisign.
- Atty. Ricker explained that the main level of this building had been a bank. Now it is proposed to be shared office space, and this particular tenant unit has been vacant. Since a new tenant has been found, they are asking to alter the signage there to reflect this.
- The front property line for this property is narrower than rear property line. Instead of 223 feet as in the rear, the frontage is 83.4 feet instead. If it was squared off like the rear property line is, it would have enough frontage for the needed signage.
- There is an existing non-conforming rectangular roof sign. They propose to replace it with an oval one. They worked with the Building Inspector on what would be best to propose for the square footage. The existing one is 24 square feet and the proposed one is 32 square feet, for improved

visibility. This sign would be for the building in general. Then awnings and street signs with the individual tenant names would be 28 square feet and 70 square feet, respectively. The total requested signage is 130 square feet, which is an overall increase in 32 square feet over the existing signs.

- Atty. Ricker argued that the signs would be attractively rendered. Also, since this location is in a business zone near the center of town, it would not create a nuisance.

Board Questions

- Mr. George asked
 - If they had abandoned the sign in the rear. Yes.
 - If the signs would be lit. The front one would be with exterior spot lights, as the existing one is now. The others would not be, but the site itself is lit.
 - Will the tenant space panels on the multi-tenant sign be easily removable? Yes.
- Ms. Cossette asked if there would also be signage on the building itself, e.g., next to each entry door. Yes. She followed with whether they had considered alternatives to lessen the square footage. Atty. Ricker argued that for the size of the building and the number of tenants involved, it is a modest request. He said the oval sign will be attractive, noticeable, and yet understated. He reiterated 83 square feet is allowed, 100 square feet what is in existence, and 130 square feet is what is requested. Mr. Hakim added that his tenants want this kind of representation on the building.

Abutters

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

Board Discussion

- None.

VOTE TAKEN:

Motion: Mr. Schaetzke moved to approve the two (2) Special Permits and Variance for 555 Main St. Mr. George seconded. Motion carried.

Hearing 5: The two (2) Special Permits and Variance for 555 Main St were unanimously approved.

Hearing 6:

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, 5/31/16

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

Mr. Rosen opened the hearing. Other acting Board members included Mr. Confalone, Ms. Cossette (serving for Mr. George, who recused himself), Mr. Gordon, and Mr. Schaetzke. Board members had any newly received items as part of the ongoing hearing's documentation.

Town Consultants Present: Atty. Paul Haverty, Blatman, Bobrowski, Mead & Talerman, LLC (40B), Hillary Lacirignola, Weston & Sampson (Sewer)

Presentation

- Fran Zarette, the developer, was present as were Wayne Belec, Waterman Design; Tom Parece, AECOM; Atty. Peter Freeman, Freeman Law Associates; and Bob Engler, SEB, LLC. Owner Atty. Rod St. Pierre was in the audience.
- Mr. Zarette briefly summarized what was to be discussed. He explained there had been a transition to the agreement phase. Technical meetings between both parties had been held. Mr. Parece would give a sewer update, and Mr. Belec would give a plan update.

Sewer Update

- Mr. Parece reported that they had been working out the waste water issues, specifically related to the pre- and post-development design of the pump stations, their capacities and the interceptor line.
 - Ms. Lacirignola confirmed there was a lot to discuss. They are coming to agreement overall; the fine tuning and final report are needed now. Once they have that in hand, then they can give their final peer review report.
 - Mr. Parece replied that he had finished his final report that afternoon.

Board Questions

- Mr. Gordon asked if the lines behind Price Chopper were anchored or floating. Mr. Parece was not sure. Mr. Zarette added that the surveys show it flowing downhill. It would be rectified with a larger pipe at the same slope.

Abutters

- Atty. Hill said there seemed to be some disagreement in May on the sewer issues. He asked if more data was needed at this point. Ms. Lacirignola said, No, the overall concepts are now agreed upon.

Site Design Update

- Mr. Belec reviewed the most recent changes in the plans for Phases 1 and 2, which were dated June 24, 2016. These were changes to the originally submitted set dated November 5, 2015, which had accompanied their application. These revisions were also itemized in a letter from him to the Board dated June 27, 2016.

Board Questions

- It was asked why there was a delay in the Board receiving the new version of the plans. Mr. Belec said that the plans had morphed over many months, especially with regard to the traffic concepts. Also, the Notice of Intent was filed with the Conservation Commission this week, so the work for that filing has led to greater detail being included as well.

Abutters

- Seven (7) abutters from Pheasant Hill Dr and Stoney Hill Rd spoke, as well as Atty. Dan Hill for the abutters and recused Board member, Paul George. The following questions were explored with the Board, the applicant, and with Atty. Haverty advising:
 - Screening between the development and the neighbors, including 1) the expected growth-rate for and size at maturity for the trees, 2) whether the screening, including a height requirement at maturity, could be conditioned in the decision, and 3) whether there could be a meeting held on site so that abutters could have more input on the landscaping buffer.
 - Storm water, including 1) recharging, and 2) detention basins.
 - According to State regulations, one must recharge and this is a positive. Rooftop collection is considered clean, and road collection is cleaned before it is discharged.
 - There were concerns for the location of the basins, having less impervious area, and having them maintained and not becoming breeding grounds for mosquitoes.
 - Mr. Belec said that according to regulations, the basins must be able to hold water for up to 72 hours.
 - Permanent fencing between the site and the neighborhood?
 - Fencing is not usually proposed because then it must be maintained.
 - Will the financials of the project be reviewed?
 - Atty. Haverty said that a pro forma, or a financial impact analysis, would help tell if the Board if the project would be economic or uneconomic.
 - Timeline for the hearing?
 - Atty. Haverty estimated that if the hearing is closed in August and decided in September, then the project would move on to some of its post-hearing stages (Conservation Commission, building permit application, MassDOT approval of the traffic plan), which can take several months. Then, frequently, it can take more than a year to begin construction, so that would bring it to the fall of 2017.

- How open will the decision-making process be? Will there still be an opportunity for input?
 - Mr. Rosen said that although there have been many discussions with the applicant, peer reviewers, and abutters, but there will still be another opportunity.
- As there were no further comments from the public, the hearing was continued.

Board Discussion

- Mr. Confalone mentioned he could not make the next meeting, so he will plan to watch the hearing's video and sign a Mullen certification letter.

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 6: The hearing for 440 and 526 Hartford Tpke was continued to the next regularly scheduled meeting on July 25, 2016 at 6:45PM at Town Hall.

Hearing 7:

Amendments to the ZBA Rules and Regulations

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. Las explained that in a memo received by the Board, the Building Inspector proposed two (2) Amendments to the ZBA Rules and Regulations:

- 1) For two (2) articles to get renumbered as corrections.
- 2) For the applicants to now mail out their own abutter mailings both before and after the hearings, as the Planning Board applicants do. The two (2) mailings consist of one (1) beforehand to notice them regarding the upcoming hearing, and then afterwards to send them a copy of the resulting decision.

The staff would continue to take care of the legal notice submission for the hearings to the *Worcester Telegram & Gazette*.

Board Questions

Mr. George asked how the second proposal came about. Ms. Las explained that it was due to the Building Inspector's report on the current volume of work in the office. She added that she did some research on the issue herself beforehand. She surveyed four (4) other towns, and only one (1) out of the four requires the applicant to do their own mailings. She recommended not changing the way things are handled at this time.

Board Discussion

- There was some discussion regarding approving the measure as a trial run, with the ability to rescind it should it not be working. There were also questions on whether the green certified/registered cards were used and what if the applicants had not done it correctly. It was also wondered whether there should be a division whether the applicant was acting for a commercial project vs. a residential one.
- Mr. Rosen asked Ms. Las if there was a Mass General Law regarding the issue. She replied she would look into it.
- It was recommended that a continuation might allow more time for research and thought about it. Ms. Las suggested that if the Board had more questions regarding the current process and the proposal,

they could seek more input from the Building Inspector and the Administrative Assistant, who currently handles the mailings.

VOTE TAKEN:

Motion: Mr. Schaetzke moved to continue the hearing to the next regularly scheduled meeting. Mr. George seconded. Motion carried.

Hearing 6: The hearing for the Amendments to the ZBA Rules and Regulations was continued to the next regularly scheduled meeting on July 25, 2016 at 6:45PM at Town Hall.

Note on Full Hearings: The full hearings, including appellant presentations, board questions, abutter feedback, and board deliberations are available to view online on Shrewsbury Government TV30 under this meeting’s date.

The complete application packets for each hearing are also available in the Building Inspector’s office.

New Business:

Discussion to Reschedule September Meeting Date

Due to the Town’s Special Town Meeting to be held September 26, 2016, this Board’s September meeting will now be held a week earlier on September 19, 2016 instead. The application deadline will be adjusted accordingly as well.

Old Business:

Master Plan Update

The Planning Board and the Town Meeting Members have received the Master Plan Steering Committee’s report. Tomorrow it will be before the Board of Selectmen.

Correspondence:

None.

The meeting adjourned at 9:07 PM.

Respectfully submitted by,

Michele M. Bowers, Administrative Assistant

Reviewed by,

Kristen Las, Assistant Town Manager/
Economic Development Coordinator

Approved by vote of the Board,

Paul M. George, Clerk