



TOWN OF SHREWSBURY

Richard D. Carney Municipal Office Building
100 Maple Avenue
Shrewsbury, Massachusetts 01545-5338

Planning Board Regular Meeting
Shrewsbury High School – 64 Holden Street
Thursday, February 2, 2023 – 7:00 PM

MINUTES

Present: Mr. Steven C. Boulay, Chairman, Mr. Stephan Rodolakis, Vice Chairman, Mr. Joseph A. Thomas, Clerk, Mr. Timothy M. Jarry, and Mr. Purna Rao

Also Present: Louise O'Neill, Assistant Town Planner, Christopher McGoldrick, Director of Planning and Economic Development, and Kevin Mizikar, Town Manager

Chairman Boulay called the meeting to order at 7:00 PM.

Preliminaries:

1. **Review and Approve Minutes**

On a motion by Mr. Rodolakis, seconded by Mr. Thomas, the Board unanimously voted, 5-0, to approve the minutes for March 3rd, 2022.

2. **Review and Sign Bills** – None

3. **Board Member Comments and Announcements** - None

4. **7:02 PM – Proposed Hydrogen Storage and Compression System Pad; Site Plan Modification; Neles-Jamesbury Inc.; New Public Hearing; Location: 42-44 Bowditch Drive; Decision Deadline: 90 days from close of hearing**

Mr. Thomas read the legal notice into record. Paul Grady, Plug Power, Jeremy Funkhouser, Valmet, and Thomas Haddock, Plug Power, appeared before the board. Mr. Grady went over the project noting the following:

- The hydrogen storage delivery compression system will be located in the back north east corner of the site.
- The system will fuel non-public fast fueling dispensers inside the building for the production forklifts to utilize.
- The outdoor unit consists of a vertical tank containing bulk hydrogen, tubes for the storage of gaseous hydrogen, two gas compressors, and a distribution skid.
- Setbacks from property lines, easements, and wetlands are shown on the plans.
- The flood plain is 138 feet away from the equipment pad.
- The concrete pad will be 6-8 inches thick and 50 by 41 feet in area.
- There will also be a concrete unloading pad for the liquid delivery trailer and an 80 foot long small drive aisle attached to the existing drive.
- The existing wooded area is 2,500 square feet and heavy timber will be removed and graded down.
- The exclusion zones will have clear distance from any combustibles inside the area and there be no vegetation or heavy timber that could be caught on fire in the event of a flare fire from the vents on the tank (15 foot radius from gaseous storage and 25 foot radius from liquid hydrogen storage).

Mr. McGoldrick said he met with the other land use departments and received two preliminary comments including

one from fire to request additional time to provide a formal comment on this proposal and the other from Water and Sewer noting there is a water main proximal to the pad and they would also like additional time to review. He said this will also be reviewed by the State Fire Marshall's office.

Mr. Rao said his questions were mostly related to safety and is glad to hear it will be reviewed at the state level for fire safety. He asked if there was anything triggering a MEPA review and Mr. Grady replied the disturbance is below the threshold for MEPA and there is no discharge. Mr. Grady then explained the dispensers will withdraw deionized water from the fuel cells as part of the power generation and as the protons cross the exchange membrane, oxygen is introduced creating deionized water that will be disposed of in the sanitary system already existing in the building. Mr. Rao asked if there are other similar facilities of this type in Massachusetts and Mr. Grady replied they just finished one similar to this in Tewksbury for a Home Depot Distribution Center.

Mr. Jarry asked if they are clearing back far enough so no tree could potentially fall on the equipment. Mr. Grady confirmed and went over the related governing code.

Mr. Rodolakis asked if the wetlands would be affected and Mr. Grady replied the setbacks are being met. Mr. Rodolakis then asked what the advantages are to this fuel over old school propane and Mr. Grady replied it is the emissions. He explained there are no harmful VLC emissions at all and it is just O2. He said the charging time is also an advantage as there will be a 90 second to two minutes refueling time versus the giant rack of batteries that take five to six hours to charge. He concluded it is an efficiency upgrade as well replacing the battery inventory. Mr. Funkhouser added this would free up 6,300 square feet on the factory floor and have a 30% reduction in CO2 after the first year and 61% after six years.

Mr. Thomas said he wants to make sure Fire Department is good with this. Mr. Grady said they will do first responder training prior to energizing and operating the plant.

Chairman Boulay asked for confirmation that Conservation would not need to review and Mr. McGoldrick said he would look into it. Chairman Boulay then asked if there are guidelines for deliveries and Mr. Grady said there are DOT guidelines which will be followed and they will take a look at the delivery route to make sure there are no restricted areas.

Mr. Rao asked if the other Massachusetts unit is in operation and Mr. Grady replied it had been in operation for 3-4 months and it is a much larger facility than this one.

Max Strickland, 16 Raymond Avenue, asked what type on maintenance is required for this unit and who pays for it. Mr. Grady explained Plug Power self maintains all equipment and do daily checks on the pad itself. He said a technician will be available on site at least eight hours a day which is in the contract. He said only Plug Power employees are allowed inside the pad and there is a six foot tall security fence around the pad that will be locked at all times. He said this is a private venture and the town does not pay anything.

On a motion by Mr. Rodolakis, seconded by Mr. Thomas, the Board unanimously voted, 5-0, to continue the public hearing for 42-44 Bowditch Drive to Thursday March 2nd, 2023 at 7:00 PM.

5. 7:23 PM – 1-7 Maple Avenue – Beal Commons; Site Plan Approval and Special Permit; Shrewsbury Hascall MM LLC; Continued Public Hearing; Location: 1-7 Maple Avenue; Decision Deadline: 90 days from close of hearing

Chairman Boulay said he received a letter from the applicant asking for a continuance to the next Planning Board meeting. There were no comments from the board.

On a motion by Mr. Rodolakis, seconded by Mr. Thomas, the Board unanimously voted, 5-0, to continue the public hearing for 1-7 Maple Avenue Site Plan Approval and Special Permit to Thursday, March 2nd, 2023 at 7:00 PM.

6. **7:24 PM – Proposed Warehouse and Distribution Facility; Site Plan Approval; Shrewsbury Land Property Owner, LLC; Continued Public Hearing; Location: 440 Hartford Turnpike; Decision Deadline: 90 days from close of hearing**

Mr. Rodolakis recused himself for this agenda item. Chairman Boulay said he received a letter from the applicant asking for a continuance to the next Planning Board meeting. There were no comments from the board.

On a motion by Mr. Thomas, seconded by Mr. Jarry, the Board unanimously voted, 4-0, to continue the public hearing for 440 Hartford Turnpike Site Plan Approval to Thursday, March 2nd, 2023 at 7:00 PM.

7. **7:24 PM – Proposed Automobile Dealership; Site Plan Approval; Boch Shrewsbury-Worcester LLC; Continued Public Hearing; Location: 701 Boston Turnpike; Decision Deadline: 90 days from close of hearing**

Richard Ricker, Attorney, Michael Clemmey, Subaru of New England, Maureen McHugh, McMahon Associates, Todd Stalker, Patrick Motors, and Bryan Dumais, Subaru of New England, appeared before the board.

Mr. Ricker said the following items have been submitted to the Board since the last meeting:

- The site impact statement
- A response to the Assistant Town Planner's comments
- The main responses to the peer review comments
- Thompson Liston's response to the Graves Engineering and MDM comments
- McMahon's updated traffic impact statement
- Updated storm water report
- Updated landscaping plans
- The geotechnical report with boring logs

He also noted the address issue is being finalized with the assessor and they expect it will be 711 Boston Turnpike. He said the walls and slope are the only remaining item and explained the slopes are all substantially interior and will not affect any neighboring properties. He then asked if the board would consider closing the hearing subject to receiving acceptable plans for the walls.

Chairman Boulay said they would need a response from Graves Engineering before moving forward. He then asked how far the slopes are from the property lines and said his concern is more for the public going into those areas on the property. Mr. Ricker said they were easily 500-600 feet away from property lines and reiterated the slopes would still be reviewed by GZA. Chairman Boulay said he was in agreement that a condition could be drafted for the decision to include review of the slopes and the rest of the board concurred.

James Lapomardo, 7 Brentwood Drive, asked if there are any safety concerns about queues on South Street extending past the driveway during peak hours and even some non-peak hours. Ms. McHue replied the right in right out would prevent any crossing and all queues will be internal. He asked what the pitch of the South Street driveway would be and Mr. Ricker said it will meet the regulations within the bylaw. Mr. Lapomardo asked if traffic signs would be used to restrict the right in right out and Ms. McHue said the island would physically restrict traffic as well. There was then some discussion of the hours the entrance will be used. Mr. Lapomardo then asked the Board to consider a condition eliminating commercial traffic from South Street. Chairman Boulay said he understands there would only be about two car carriers a week going to the site so that that type of traffic will be very minimal and the car traffic overall is very different at a dealership than at a different type of retail. Mr.

McGoldrick recommended mirroring the condition from Zoning Board of Appeals decision in regards to restricting truck traffic hours.

Connie Camann, 32 Brentwood Drive, commented she has a three and a six year old that are quite adventurous and she is concerned about the steep drop with the building being built into the hill. She also asked if there would be fencing. Mr. Ricker replied that fencing will be required on top of the structural walls and excavation will be 500-600 feet away from the property lines. Ms. Camann then asked what would happen to the deer and turkey living in the area and Mr. Ricker replied that this is a problem in every wooded area being developed. She then asked what the MEPA timeline would look like and the Mr. Ricker said it would take quite some time and they are applying now but it could take months to a year.

Carol Barton, 30 Brentwood Drive, said the peer review recommended only allowing emergency vehicles use the South Street entrance and that comment was totally dismissed. Mr. McGoldrick clarified the peer review recommended right in right out or emergency access only and the preferred option is the latter but the recommendation was primarily against full access. He said this has been discussed at length and MassDOT requested full access looking at the impacts from the Route 9 perspective. He said since the peer review and MassDOT comments are in conflict, they consulted with the DPW and Engineering Departments and they felt the right in right out was a sufficient compromise between the two designs. He also noted that many similar businesses have both full access on side streets and Route 9. Mr. Rodolakis added that the applicant was told to pursue a two curb cut option on Route 9 and MassDOT refused that option. Ms. Barton then commented the abutters opinions are being heard but not listened to and voiced concerns that the intersection rating would go from E to F. Ms. McCue then explained that the no build ratings are currently E for peak morning hours and D for Saturday midday peak hours. She said this project only increases those levels of service by seven seconds or less overall. Mr. Ricker emphasized the hours will be restricted so car carriers will not be entering during peak hours.

A South Street resident asked how long construction would take and Mr. Ricker replied it would be approximately 14 months. She then asked if the use of the land would be solely for a car dealership forever or if there was a time limit and Chairman Boulay explained it is an allowed use in that zone and there are no time limits set by site plan approval and any changes made to the site plan later would need to come back to the board for a site plan modification.

On a motion by Mr. Rodolakis, seconded by Mr. Thomas, the Board unanimously voted, 5-0, to continue the public hearing for 701 Boston Turnpike Site Plan Approval to Thursday, March 2nd, 2023 at 7:00 PM.

8. 7:55 PM – 1 Greenbriar Drive – Over 55 Housing Development; Site Plan Approval and Special Permit; Cypress Avenue Development LLC; Continued Public Hearing; Location: 1 Greenbriar Drive; Decision Deadline: 90 days from close of hearing

John Grenier, JM Grenier Associates, Larry Rosenberg, and Steven Blum appeared before the board. Mr. Grenier said they have gotten approval from the Conservation Commission and GZA has given them a letter with no changes recommended. He said they received the draft decision and pointed out a typo for the number of units. There was then discussion of the fee in lieu special permit request and Mr. Grenier said the number was \$87,307 at the time of filing and asked for confirmation that that amount was locked in. Mr. Rosenberg also asked if there could be an exception to allow them to obtain building permits prior to paying all the fees by phasing the fees like what was done on a Lake Street project.

Chairman Boulay commented that the density number is down overall but the units on the crossing side not approved by conservation should not count toward that calculation. He said the main development circle is still too dense and parking is a concern. Mr. Grenier replied that they meet all zoning setbacks, separation between units, and the no waivers are being requested. Mr. Rodolakis said not having a secondary means of egress would need a

waiver since the special permit incorporates the subdivision rules and regulations. Mr. Grenier replied the Fire Department is fine with the access and they would be the least dense over 55 development in town with 60 units so they are even further below with 53 units.

George Germanos, 6 Redwood Lane, said he is the closest abutter to the development and his concern is with the severe slope to the road access and asked what the development plans are for that area and how it would affect his property. He asked what will happen to the trees and explained there is a stone wall across his property and the stability of the wall is a concern. He said he is also concerned with light pollution where there is a turn toward his living room and deck area. He then asked how long the development will take and if there would be any fracking or blasting. Mr. Grenier replied they are not doing any grading beyond the property line and adjacent to his lot the grade will be brought up for the road. He said there was at least a 10 foot elevation difference from the road to his property so light pollution would not be an issue. Chairman Boulay clarified that Mr. Germanos was referring to a different part of the roadway in terms of light pollution where there is a downward slope and Mr. Rosenberg said he did not believe there is an area pointing toward his living room. Mr. Grenier added there would also be evergreens planted for year round screening. He said residential lantern type lights would be used and all trees on the property lines will be kept unless there is a safety issue. Mr. Grenier then went through the project phasing noting it will take six to nine months to get the infrastructure in. Mr. McGoldrick said the Board could request a more detailed phasing plan. Mr. Grenier commented that the sequencing is part of the plans since it is required by the Conservation Commission. Mr. McGoldrick suggested adding a condition to the decision to have a preconstruction meeting and a site walk with Planning staff. Mr. Germanos requested to be notified of the findings after that site walk and asked if there was a MEPA study done and if the septic has been approved. Mr. Grenier said the project did not meet the threshold for MEPA and there has been a cursory review of the septic by the Board of Health.

Mr. Rodolakis said the project is quite dense and would like to see a few less units. He noted that this is a special permit and the Board has a tremendous amount of discretion and asked that the unit count be shaved off to 48 units. There was then a discussion of economic feasibility and possibly waiving the inclusionary fee. Mr. Thomas agreed the project is still too dense.

Mr. Rodolakis said the Board could close the hearing today with a condition to have no more than 48 units or the hearing could be continued one more month. Mr. Blum asked if the board could vote on the inclusionary value being locked in at \$87,307.11. The board decided not to vote on that alone but they were polled and were all in favor. Mr. Blum then asked if the Board would be in favor of a phased payment and the board was open to the idea of a payment schedule.

On a motion by Mr. Rodolakis, seconded by Mr. Thomas, the Board unanimously voted, 5-0, to continue the public hearing for 1 Greenbriar Drive Site Plan Approval and Special Permit to Thursday, March 2nd, 2023 at 7:00 PM.

9. 8:38 PM – New Business

- a. **Discuss and Vote on draft warrant language for the zoning updates for Annual Town Meeting**
 - i. **Adult Day Health Establishments**

Mr. McGoldrick explained this use is driven from the Division of Health Care Licensure and Certification Program and they are requesting this use be defined in the zoning bylaw. He said businesses have approached the town looking to develop sites for this use which is an alternative to a nursing home use with social activities and nursing care outside of a long term facility. He then listed the districts they are proposing to allow this use in by special permit through the Planning Board.

Mr. Rodolakis asked if he had seen other towns add a bylaw like this and Mr. McGoldrick said he had not included

a review of similar uses in other towns but would be happy to look into that. Mr. Rodolakis said applicants may come to the town citing the Dover amendment for this type of use.

ii. Gasoline Station and Related Non-gasoline Sales Use

Mr. McGoldrick said this zoning update would modernize the regulation foot note in the table of uses which limits the square footage of non-gasoline sales to 3,500 square feet at a gasoline service station. He said removing the limit would facilitate a more modern approach and cited the “Cumberland Farms model” where retail sales drive the gasoline sales. He said this is a precursor to an effort he’d like to undertake in reviewing zoning to include alternative fuel sources.

Mr. Rodolakis asked when they anticipated closing the warrant and Mr. Mizikar replied it would be the 2nd meeting in March for the Select Board. Mr. McGoldrick said there would be a public hearing in March for the Planning Board.

b. Discuss and Vote on administratively amending 420 Boston Turnpike decision

Mr. McGoldrick said this amendment was to correct a clerical error and is not substantial on anything in regards to the intent. He said an incorrect date was included as a reference to the site plan in the conditions. He said an affidavit will be filed with Registry of Deeds.

On a motion by Mr. Rodolakis, seconded by Mr. Thomas, the Board unanimously voted, 5-0, to correct the clerical error set forth in the 420 Boston Turnpike decision.

c. Falcon Farms Subdivision

i. Discuss and vote on the approval of the construction of a model home on Lot 9

Mr. McGoldrick said this was a request for the construction of a model home on lot 9 of the Falcon Farms Subdivision and not for occupancy. He said the road construction has not begun but this corner lot has South Street access. He said there is precedent of the board approving model homes before lot releases but it is at their discretion.

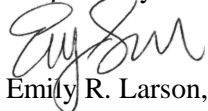
Mr. Jarry asked if this home would be accessed off the new road or South Street and Mr. McGoldrick said the current plan shows access off of Falcon so they would begin construction of the road as well. He added there is a covenant in place for this property.

Mr. Thomas asked at what point this unit could be sold and Mr. McGoldrick replied when the surety is posted.

On a motion by Mr. Rodolakis, seconded by Mr. Thomas, the Board unanimously voted, 5-0, to authorize construction of lot 9 as a model home understanding it is not released from the covenant.

At 8:51 PM, on a motion by Mr. Rodolakis, seconded by Mr. Thomas, the Board unanimously voted, 5-0, to conclude the evening’s public hearings.

Respectfully Submitted,



Emily R. Larson, Administrative Assistant