



Kathryn A. Toomey
REGISTER

**WORCESTER DISTRICT
REGISTRY OF DEEDS**
A Division of the Secretary of the Commonwealth



2023 00042533

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Document Cover Sheet

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Number of Pages (Including Cover Sheet): 8

Town: Shrewsbury

Property Address: 526 Hartford Turnpike

INDEXING SHALL BE ABSTRACTED FROM THE DOCUMENT SUBMITTED

Office of the
TOWN CLERK



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TOWN OF SHREWSBURY
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5338

**CERTIFICATE OF NO APPEAL (No appeal period applies)
DETERMINATION REGARDING PROPOSED CHANGES TO DETAILS OF A
PROJECT
AUTHORIZED BY A COMPREHENSIVE PERMIT ISSUED**

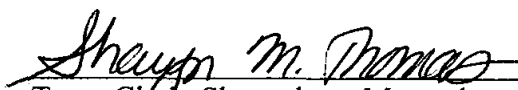
for
526 HARTFORD TURNPIKE
Dated November 28, 2022

Recorded with the Worcester District Registry of Deeds in Book 56492 Page 292,
and subsequently modified and recorded at the Worcester District Registry of Deeds
in Book 66505 Page 221 & Book 66901 Page 151

PETITIONER: WINN DEVELOPMENT and SMART GROWTH
DESIGN, LLC
OWNER: HILLS FARM FOUR LP AND HILLS FARM NINE LP
PROJECT NAME: The Pointe at Hills Farm, Shrewsbury, Massachusetts
ADDRESS: 526 Hartford Turnpike, Shrewsbury, MA 01545
ASSESSOR'S MAP & PARCEL: 009000/48
DEED REFERENCES: Book 56492, Page 292
Book 8104, Page 312
Book 66505, Page 221
Book 66901, Page 151
DECISION DATE: November 28, 2022
FILED WITH CLERK: November 29, 2023

This is to certify that the attached Findings and Decision for a request to change the Comprehensive Permit was filed with the Office of the Town Clerk on December 21, 2021. The requested change was deemed to be insubstantial and thus, no public hearing was held, no notice to abutters provided and no 20-day appeal period applies.

A true copy.
Attest:


Town Clerk, Shrewsbury Massachusetts 01545

Office of the
ZONING BOARD OF APPEALS



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A TRUE COPY ATTEST:

Shaun M. Thomas
TOWN CLERK

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RECORD OF VOTE

After its review and deliberations at a posted Public Meeting held on November 28, 2022, the Shrewsbury Zoning Board of Appeals voted 5 to 0 to approve the Request for Minor Modification to the Comprehensive Permit granted by the Zoning Board of Appeals on November 28, 2016, recorded at the Worcester District Registry of Deeds in Book 56492, Page 292 and modified on October 14, 2021 and recorded at the Worcester District Registry of Deeds in Book 66505 Page 221. The request for Minor Modification was prepared pursuant to 760 CMR 56.05 (11) to amend the proposed modifications to the details of the Project authorized by the Comprehensive Permit, as listed in paragraphs 1 – 8, above.

DocuSigned by:
Maribeth Lynch
F7ABDR1082494E4
Maribeth Lynch, Chairman

DocuSigned by:
Lisa Cossette
7668F28221194J5
Lisa Cossette, Vice Chair

DocuSigned by:
Peter Mulcahy
3AFAEABD12384BF
Peter Mulcahy, Clerk

DocuSigned by:
Ann Refolo
605FB50D9ECA4F3
Ann Refolo, Member

DocuSigned by:
Kevin Nisbet
229E8A14C5FF44N1
Kevin Nisbet, Associate Member

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A TRUE COPY ATTEST:

Shayna M. Thomas

TOWN CLERK

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AMENDMENT TO DECISION ON COMPREHENSIVE PERMIT APPLICATION

For

526 HARTFORD TURNPIKE

The Pointe at Hills Farm, Shrewsbury, Massachusetts

Winn Development Company and Smart Growth Design LLC, Applicant

Hartford Realty Trust of Shrewsbury, Owner

At a posted Public Meeting held on November 28, 2022, the Shrewsbury Zoning Board of Appeals unanimously approved the Request for Minor Modification to the Comprehensive Permit granted by the Zoning Board of Appeals on November 28, 2016, recorded at the Worcester District Registry of Deeds in Book 56492, Page 292 and modified on October 14, 2021 and recorded at the Worcester District Registry of Deeds in Book 66505 Page 221.

The request for Minor Modification was prepared pursuant to 760 CMR 56.05(11) to amend:

1. Para. A.2 is amended as follows:

The holder of this Comprehensive Permit is defined as a limited dividend entity, Smart Growth Design, LLC and Winn Development Company as co-Applicants. Upon the sale of the Property to Winn Development Company, Winn Development Company shall be the sole holder and Applicant. Prior to the close of the sale, written confirmation from the Subsidizing Agency in accordance with 760 CMR 56.06 (12) b shall be provided to the Board.

2. Para. A.8 shall be amended as follows:

A.8 Pursuant to the Updated Waiver List revised and submitted to the Board at the November 10, 2022 meeting, the Applicant has requested, and the Board has granted, waivers from the Shrewsbury Zoning Bylaw and other local by-laws and regulations as specified in Exhibit B attached hereto and this Comprehensive Permit, and such Updated Waiver List replaces and supersedes the Waiver List in the 10.14.21 Modification Decision. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§20-23. The Board has voted to grant a waiver of fifty percent (50%) of applicable sewer connection and sewer infiltration & inflow ("I & I") fees, in return for the Applicant designing and constructing all sewer upgrades described in the Decision and Agreement for Sewer Services to be entered into between the Town of Shrewsbury, through its Board of Sewer Commissioners, and Hartford Realty Trust of Shrewsbury (the "Sewer Services Agreement"), subject to a further reduction in fees only by approval by the Board of Sewer Commissioners or other applicable approval authority. The Board shall be notified of any such reduction by the Applicant. No other permits or inspections fee waivers are granted. Any subsequent revision to the Plans, including but not limited to revisions that are apparent in the Final Plans that require additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11). To the extent that additional waivers are subsequently determined to be required with respect to improvements that are otherwise shown on the Approved Plans, such waivers shall be deemed an insubstantial change to the



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Comprehensive Permit under 760 CMR 56.05(11), and can be granted administratively by the Board or its representative.

3. The following insertion shall be made as A.8, with a subsequent renumbering of the following conditions:

The stormwater system shall be designed in accordance with the Stormwater Management Rules & Regulations in effect at the time which the Comprehensive Permit Application for the Project was filed with the Zoning Board of Appeals.

4. In accordance with Para. A.12 of the Comprehensive Permit, the Board approves the transfer of the Decision, as amended, to both Smart Growth Design, LLC and Winn Development Company as the co-holders and co-Applicants of the Comprehensive Permit, and upon the closing of the sale of the Property to Winn, to approve Winn Development Company as the sole Applicant and holder of the Comprehensive Permit as defined under Condition A.2. of the Comprehensive Permit;

5. Para. D.1.e. shall be amended as follows:

e. Provide all water improvements, and those sewer improvements described in the Decision and Sewer Services Agreement which are preconditions to a certificate of occupancy, discussed herein necessary to serve the Project for which such occupancy permit is requested, and as-built plans depicting such improvements must be submitted to the Town of Shrewsbury Engineering and Water/Sewer Departments.

6. Para. H.1 shall be amended as follows:

H.1 The Applicant shall undertake and complete the sewer improvements in accordance with the Sewer Services Agreement, including the final design and layout of the sewer which shall be approved by Shrewsbury DPW prior to construction.

7. Para. H.5 shall be amended as follows:

H.5 All sewer improvements necessary to serve the Project must be completed, as-built plans must be submitted to and approved by the Department of Public Works, and all sewer improvements work required to be completed prior to the issuance of occupancy permits, shall be undertaken in accordance with the Sewer Services Agreement and Condition H.1 of the Comprehensive Permit.

8. Exhibit B attached to the 10.14.21 Modification Decision shall be deleted and superseded and replaced with new Exhibit B (which shall be re-titled from List of Updated Waivers to List of Approved Waivers) attached hereto.

All of the adjustments noted in Paragraphs 1 through 7 above were determined by the Zoning Board of Appeals to be insubstantial changes within the meaning of 760 CMR 56.05(11). Except for the modifications as



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LIST OF UPDATED WAIVERS

The Applicant requests the Zoning Board of Appeals ("ZBA") to approve the following specific waivers for The Pointe at Hills Farm, a 93-unit rental project ("Project"), as shown on the plans submitted by the Applicant (and as they may be revised) ("Plans"), from the following Town of Shrewsbury's Local Requirements and Regulations, as defined under Section 56.02 of the Chapter 40B Regulations (760 CMR 56.00), in effect as of the date of the filing of the Comprehensive Permit Application with the Town of Shrewsbury Zoning Board of Appeals.

GENERAL BYLAWS OF THE TOWN OF SHREWSBURY, AS AMENDED THROUGH ANNUAL TOWN MEETING (ADJOURNED), DATED MAY 20, 2015 (THE "GENERAL BYLAWS")			
CODE/REG.	DESCRIPTION	REQUIRED	PROPOSED
ARTICLE 21 -- Stormwater Management Bylaw and Rules & Regulations (2.19.19, rev. 6.10.21)	Stormwater requirements	Requires Stormwater Management Permit to be issued through the Department of Public Works.	Waived. Stormwater will be managed in accordance with the Project Wetlands Order of Conditions, as amended, and in accordance with a US EPA NPDES Stormwater Construction Permit for Massachusetts.
TOWN OF SHREWSBURY ZONING BY-LAW, AS AMENDED THROUGH SPECIAL TOWN MEETING ADJOURNED ON NOVEMBER 9, 2015 (ZONING BYLAW)			
CODE/REG.	DESCRIPTION	REQUIRED	PROPOSED
Section V.A-- New Construction and New Uses		Any lawful building or structure or use of a building, structure or land, or part thereof, may be constructed, altered, enlarged, repaired or moved, occupied and used for any purpose which does not violate the Zoning Bylaw or General Bylaws. Any use not permitted shall be prohibited.	Waived. Allow for all Project uses as described in the waiver listed below, and structures in accordance with the Zoning Bylaw and other Town Bylaws, except as waived by the Comprehensive Permit Decision, all as depicted on the "Approved Plans" as defined in Condition A.3
Section VI. & Section VII.N.3 -- Use Regulations, including Section VI.A, Table 1, Use Regulation Schedule/ Route 20 Overlay District	Permitted and Prohibited Uses	Multi-family apartment dwellings and customary accessory uses are prohibited within the Limited Industrial District. Any use not permitted shall be prohibited.	Waived. To allow use of Property or Project for no less than a total of 93 multifamily rental dwelling units contained in either one of two (2) multifamily buildings, including a leasing/management office, resident indoor and outdoor common area spaces, as well as accessory uses, including without limitation, utilities, generator, tot lot, dog park, recreational open space, parking, driveway access, water, sewer and stormwater management improvements, signs, earth movement to construct Project improvements, and other accessory appurtenant uses and improvements customary to such residential uses.

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described above, all other conditions within the Comprehensive Permit Decision, shall remain in full force and effect.

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TOWN OF SHREWSBURY ZONING BY-LAW, AS AMENDED THROUGH SPECIAL TOWN MEETING ADJOURNED ON NOVEMBER 9, 2015 (ZONING BYLAW)(Cont'd)			
CODE/REG.	DESCRIPTION	REQUIRED	PROPOSED
Section VII. (Development of Sites and Location of Buildings and Structures), Subpara.'s VII.F., VII.H. & VII.N.4 -- Site Plan Review/ Approval	Requirements for Site Plan Review	Site Plan Review/ Approval	Waived. To be governed by the Comprehensive Permit Decision.
Section VIII – Administration, Subpara. VIII.A.2	Building Permits.	No building permit issued unless the building and uses comply with Zoning Bylaw.	Waived. Building permits to be issued in compliance with Zoning Bylaw, but as modified by approved waivers in Comprehensive Permit Decision, subject to compliance with State Building Code.
Subpara. VIII.A.6	Conformance to Subsequent Zoning Bylaw Amendments.	Any building, structure or use authorized by building permit must conform to future Zoning Bylaw amendment unless the authorized use or construction is commenced within one year and completed expeditiously.	Waived. To be governed by Zoning Bylaw provisions in effect as of the date the Comprehensive Permit Application was filed, as modified by the Comprehensive Permit Decision.
Subpara. III.B.	Occupancy Permits.	Occupancy permit shall not be granted unless the proposed use of the land or building and structures comply with Zoning Bylaw.	Waived. Occupancy Permit shall be granted based upon compliance with the Zoning Bylaw, as waived and modified by the Comprehensive Permit Decision, subject to compliance with State Building Code.
OTHER			
Town of Shrewsbury Sewer Department (Fees).	Sewer Department fee requirements	Sewer Department connection permit and other fee requirements	Waiver of fifty percent (50%) of applicable sewer connection and sewer infiltration & inflow ("I & I") fees, in connection with sewer upgrades which shall be reflected in the Sewer Services Agreement.