



TOWN OF SHREWSBURY

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

DECISION OF THE PLANNING BOARD REGARDING FALCON FARMS DEFINITIVE SUBDIVISION

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Procedural History

- 1) An application for approval of a definitive plan was filed in the Office of the Shrewsbury Town Clerk on May 12, 2022. The 135 day deadline to file a decision for the definitive subdivision was September 24, 2022.
- 2) The applicant and owner is 7 Sheryl Realty Trust, 24 Sheryl Drive, Shrewsbury, MA 01545.
- 3) The subject property is located on Shrewsbury Assessor's Tax Plate 43. Plot 021003, 021004, 021005, and 021009.
- 4) The project engineer is DeVellis Zrein Inc., P.O. Box 307, Foxboro, MA 02035.
- 5) The subject property is located within the Rural A Zoning District.
- 6) Public hearings were held on June 2, 2022, July 14, 2022, and on August 4, 2022. A copy of the minutes for each of these hearings is available in the office of the Planning and Economic Development Department.
- 7) The Application was accompanied by plans entitled, "Definitive Subdivision Falcon Farms, South Street," in ten (10) sheets, dated January 31, 2022, revised on May 2, 2022 and on June 7, 2022, prepared by DeVellis Zrein Inc., P.O. Box 307, Foxboro, MA 02035; stamped by Imad A. Zrein, P.E.
- 8) Revised plans were submitted to the Planning Board through the Planning and Economic Development Department. Plan revisions were based on comments from the Planning Board, Engineering Division and Planning Department, other Town departments, abutters, and the general public.
- 9) Other application materials included the following:
 - Form K Waivers, dated May 6, 2022, for waivers from the Subdivision Rules and Regulations Section IV.B.1 to reduce the width of the grassplot from 6' to 3.5' only at the culvert crossing, and to provide a sidewalk on only one side of the subdivision roadway; Section III.D.1 to waive application filing fee; and Section III.D.2 to waive the project review fee.
 - "Drainage Report and Stormwater Management Plan Falcon Farms Residential Definitive Subdivision South Street," dated February 11, 2022, and revised on May 3, 2023, prepared by DeVellis Zrein Inc., P.O. Box 307, Foxboro, MA 02035.
 - "Falcon Farms Definitive Subdivision Drainage Report Pipe Calculations., prepared by DeVellis Zrein Inc., P.O. Box 307, Foxboro, MA 02035, dated June 8, 2022

- Plans entitled, "Roadway Plan and Profile," in one (1) sheet, prepared by DeVellis Zrein Inc., P.O. Box 307, Foxboro, MA 02035, dated January 31, 2022, revised on May 2, 2022 and on June 7, 2022.

10) The following correspondence was received during the public hearing process:

- Letter from Jeffrey Walsh, Graves Engineering, to the Shrewsbury Planning Board, regarding Falcon Farms Definitive Subdivision Plan Review, dated March 2, 2022.
- Letter from Imad A Zrein, P.E., DeVellis Zrein Inc., to the Shrewsbury Planning Board, regarding response to Graves Engineering Peer Review Comments for Falcon Farms Definitive Subdivision, dated May 3, 2022.
- Letter from Jeffrey Walsh, Graves Engineering, to the Shrewsbury Planning Board, regarding Falcon Farms Definitive Subdivision Plan Review, dated May 27, 2022.
- Letter from Imad A Zrein, P.E., DeVellis Zrein Inc., to the Shrewsbury Planning Board, regarding response to Graves Engineering Peer Review Comments for Falcon Farms Definitive Subdivision, dated June 7, 2022.
- Letter from Jeffrey Walsh, Graves Engineering, to the Shrewsbury Planning Board, regarding Falcon Farms Definitive Subdivision Review, regarding Falcon Farms Definitive Subdivision Plan Review, dated June 29, 2022.
- Letter from Imad A Zrein, P.E., DeVellis Zrein Inc., to the Shrewsbury Planning Board, regarding Parcel "A" on proposed definitive subdivision plan, dated July 5, 2022.
- Letter from GZA Geoenvironmental, Inc., to the Town of Shrewsbury Planning Board, regarding peer review of retaining wall construction plan at Falcon Farms Definitive Subdivision, dated July 13, 2022.
- Letter from GZA Geoenvironmental, Inc., to the Town of Shrewsbury Planning Board, regarding peer review of retaining wall construction plan at Falcon Farms Definitive Subdivision, dated July 26, 2022.

Findings

- 1) The Planning Board, Engineering Division, and Planning and Economic Development Department have reviewed the application, plans, design documentation, other submission material, and correspondence. Throughout the public hearing process, the Planning Board has been mindful of the statements and comments of the applicants, their representatives, the abutters, and the general public.
- 2) The applicant and their engineers have demonstrated on the plans, in reports, through correspondence and during the public hearing that the proposed definitive subdivision is substantially in conformance with the Subdivision Rules and Regulations and the Zoning Bylaw.
- 3) The subject property is located within the Town's Rural A Zoning District.
- 4) Waivers:
 - Section III.D.1 of the Subdivision Rules and Regulations to not provide an Application Fee.

The Board voted five (5) in favor and zero (0) opposed to approve a waiver to allow the Applicant to provide one half of the required Application Fee.

- Section III.D.1 of the Subdivision Rules and Regulations to not provide a Project Review Fee.

The Board voted zero (0) in favor and five (5) opposed to deny this waiver.

- Section IV.B.1 of the Subdivision Rules and Regulations to reduce the width of the grassplot from 6' to 3.5' only at the culvert crossing, and to provide a sidewalk on only one side of the subdivision roadway.

The Board voted five (5) in favor and zero (0) opposed to approve this waiver

Decision

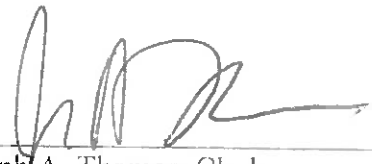
The Shrewsbury Planning Board, at a hearing held on August 4, 2022, voted 5 to 0 to conditionally approve the subject Definitive Subdivision as shown on plans entitled, "Definitive Subdivision Falcon Farms South Street," dated January 31, 2022, revised on May 2, 2022 and on June 7, 2022, in ten (10) sheets, prepared by DeVellis Zrein Inc., P.O.Box 307, Foxboro, MA 02035; stamped by Imad A. Zrein, P.E. and Michael A. Pustizzi, P.L.S.

The Definitive Subdivision approval is subject to the following conditions:

- 1) Prior to the required pre-construction conference and to the issuance of any building permits, Final Plans shall be submitted that address the remaining issues as raised by Graves Engineering in a peer review letter to the Planning Board, dated June 29, 2022.
- 2) Final Plans shall include the final street name and final addresses for every dwelling unit on the project site as approved by the Town of Shrewsbury's Assessors Office. Final Plans without Assessor-approved addresses and street name will not be accepted by the Planning Department or DPW for the required preconstruction meeting or by the Planning Board for endorsement.
- 3) As a prerequisite to holding the required pre-construction conference, and prior to the issuance of any building permits, a written response from the Applicant's engineer and revised Final Plans shall be submitted for approval to the Planning Department and Engineering Division that satisfactorily address the issues in a letter from GZA Geoenvironmental, Inc., to the Town of Shrewsbury Planning Board, dated July 26, 2022.
- 4) A Performance Guarantee in accordance with the requirements of Section III.C.8 of the Subdivision Rules and Regulations shall be provided to the Planning Board for approval prior to the Board's endorsement of the Definitive Subdivision Final Plan.
- 5) The subdivision required a filing with the Conservation Commission. The Conservation Commission's Order of Conditions and satisfactory completion of the items therein shall be made part of the Covenant. A reference to the Order of Conditions shall be included on the cover sheet of the Final Plan set.
- 6) A Massachusetts Department of Environmental Protection file number shall be included on the cover sheet of the final plan set.

- 7) This definitive subdivision conditional approval is only for nine (9) buildable housing lots. This subdivision shall not be further subdivided in order to obtain additional buildable housing lots without the further approval by the Planning Board and the submittal of an amended subdivision plan.
- 8) No additional curb cuts shall occur at Falcon Farms, 581, 583 and 587 South Street. South Street without further approval by the Planning Board.
- 9) Catch basin cleaning, street sweeping and detention basin maintenance shall be done annually or more often as needed.
- 10) The entire drainage system shall be stabilized and operational prior to the granting of any building permit.
- 11) Trench permits shall be required for each house and an additional one for work in any public roadway.
- 12) Flowable fill shall be required for trench filling in connection with water and any other utilities to be constructed in the proposed street.
- 13) The drainage system shall be inspected and maintained in accordance with the Operation and Maintenance Plan included in the Stormwater Report. Copies of the Inspection Reports shall be submitted to DPW on a semi-annual basis.
- 14) Roof drainage for each lot shall be connected to a drywell designed in accordance with the Department of Environmental Protection Stormwater Management Policy.
- 15) Curb cut and road opening permits shall be obtained from the Shrewsbury Highway Division.
- 16) A building permit from the Building Inspector is required for any signs on the property.
- 17) A NPDES Construction General Permit coverage shall be applied for with the United States Environmental Protection Agency, and proof of coverage and a copy of the Stormwater Pollution Prevention Plan shall be submitted to the Town Engineering Division.
- 18) A copy of all required permits shall be submitted to the Engineering Division prior to the start of construction or the issuance of a building permit.
- 19) Due to a strain in the town water supply, there shall be a ban on connecting lawn irrigation systems to the public water supply. The Applicant shall ensure that the approved lots contain a deed restriction, which states that connection of lawn irrigation systems to the public water supply is prohibited and that lawn irrigations systems shall only be installed if a private irrigation well is provided.
- 20) Vegetation clearing shall be done by an Asian Longhorned Beetle certified contractor. Proposed landscaping shall be Asian Longhorned Beetle resistant.
- 21) The developer shall limit disturbance for the lot and shall minimize the amount of tree cutting on the site.
- 22) Precautions shall be taken to prevent erosion of soil stockpiles on the site. A temporary construction berm approved by the Town Engineer shall be installed prior to the release of any building permits for construction.
- 23) A street sign shall be provided in conformance with the Manual on Uniform Traffic Control Devices manual.

- 24) Mailboxes shall be located as approved by the US Postal Service and the Highway Department. Cluster mailboxes, if provided, shall be contained within a mailbox shelter that reflects the general architectural design of the dwelling units within the subdivision. Mailbox location(s) shall be shown on Final Plans.
- 25) The project will be subject to Lot Release, Inspection & Administrative fees as adopted by the Planning Board on September 7, 2017.
- 26) A pre-construction conference with the Department of Public Works and the Planning and Economic Development Department shall be held prior to the start of any construction.
- 27) Final Plans shall be delivered to the Planning Department at least one week prior to the pre-construction conference and shall include an original set of plans on mylar in addition to hard copies of the Final Plan in accordance with the Plan Distribution List. The Applicant shall also provide an original electronic file of all sheets of the Final Plan as well as AutoCAD files for the project.
- 28) Construction operations shall be limited to Monday through Saturday between the hours of 7:00 AM and 7:00 PM. There shall be no work on Sundays or Holidays. No idling or operation of construction vehicles shall occur outside of these hours. Violation of working hour restrictions may lead to the delayed issuance of building or occupancy permits. A sign approved by the Engineering Division shall be posted at each construction entrance. After construction is completed, an as-built plan approved by the Planning Department and the Engineering Division shall be provided for the project. Original as-built plans for the final project shall be printed on mylar and stamped by a Professional Land Surveyor. The as-built plans shall also include a certification stamped by a Professional Engineer indicating the project was constructed in accordance with the approved plans. An electronic file of the As-Built Plan sheets and AutoCAD files of the As-Built Plan for the project shall be submitted concurrently with the hard copies. Elevations on the as-built plans shall reference the Town of Shrewsbury GIS datum.



Joseph A. Thomas, Clerk
Shrewsbury Planning Board

In accordance with Chapter 41, Section 81 BB of the Massachusetts General Laws, you are hereby advised that any person aggrieved by the decision of the Board relative to this matter must file an appeal, as provided for in Section 81 BB of said Chapter 41, within twenty (20) days from the date of filing this decision with the office of the Shrewsbury Town Clerk.