



## TOWN OF SHREWSBURY

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

December 9, 2015

Mr. Ronald Rosen, Chairman  
Shrewsbury Zoning Board of Appeals  
Shrewsbury, MA 01545

Re: Comprehensive Permit Application for  
The Pointe at Hills Farm  
440 and 526 Hartford Turnpike

Dear Mr. Rosen:

The Shrewsbury Planning and Economic Development Department has reviewed the following documents in reference to the above project.

1. *Comprehensive Permit Application* and supporting documentation, dated November 6, 2015 for purpose of construction at 280 unit multi-family apartment community.
2. Site Plans entitled "*Site Plans – Comprehensive Permit, Pursuant to MGL Ch. 40B, Sections 20-23 & 760 CMR 56, for the Pointe at Hills Farm in Shrewsbury, MA (Worcester County)*", dated November 6, 2015, in fifteen (15) sheets, prepared by Waterman Design Associates, Inc., 31 East Main Street, Westborough, MA 01581.
3. Architectural Plans entitled "*Smart Growth Design, LLC, The Pointe at Hills Farm – Shrewsbury, MA*", dated October 7, 2015, in fifty-two (52) sheets, prepared by Cube 3 Studio LLC, 360 Merrimack Street, Building 5, Floor 3, Lawrence, MA, 01843.
4. *New Sewer Service Evaluation for the Pointe at Hills Farm Development, Shrewsbury, MA*, dated August, 2015, prepared by AECOM Technical Services, Inc., 250 Apollo Drive, Chelmsford, MA, 01824.
5. *Stormwater Management Summary for The Pointe at Hills Farms, Shrewsbury*, dated November, 2015, prepared by Waterman Design Associates, Inc., 31 East Main Street, Westborough, MA, 01581.
6. *Traffic Impact and Access Study, The Pointe at Hills Farm, Shrewsbury, Massachusetts*, dated November, 2015, prepared by Tetra Tech, 100 Nickerson Road, Marlborough, MA, 01752.
7. Letter from Roderick St. Pierre, to Ronald I. Rosen, Chairman, regarding the Pointe at Hills Farm, Comprehensive Permit Application, dated November 3, 2015.
8. *Revised Tabular Zoning Analysis*, received November 23, 2015, prepared for the Pointe at Hills Farm, Shrewsbury, MA.

9. Letter from Roderick St. Pierre, to Ronald I. Rosen, Chairman, regarding Meeting Change and Revised Abutter Notice, dated November 24, 2015.
10. Letter from James Hester, Chief of Police, to the Shrewsbury Zoning Board of Appeals, regarding the Pointe at Hills Farm Project, dated December 7, 2015.
11. Letter from Daniel Morgado, Town Manager, to Ronald I. Rosen, Chairman, regarding the Pointe at Hills Farm, dated December 8, 2015.

We offer the following comments, which need to be addressed:

### **PROCEDURAL COMMENTS**

It is anticipated that the review and hearing process of the comprehensive permit application for the Pointe at Hills Farm will follow the schedule below:

1. Receipt of a complete application: 11/6/2015
2. First public hearing (within 30 days of receipt of complete application<sup>1</sup>): 12/14/2015
3. Close of Public Hearing (within 180 days of the opening of the public hearing):  
6/11/2016
4. The ZBA Decision (within 40 days from the close of the hearing): 7/21/2016

The Planning and Economic Development Staff proposes the following schedule in which to review the materials at the ZBA public hearings. The topics will be introduced as noted below, with follow-up discussion occurring at the meeting(s) thereafter. Please note that the Board should plan to hold additional hearings for this project so that the ZBA has time to review standard Special Permit and Variance applications at your regularly scheduled meetings.

- December 14, 2015: Project Overview
- December 28 : Traffic
- January: Site Design, Stormwater and Interior Circulation
- February: Sewer and Water
- March: Architectural Design
- April: Fiscal Analysis
- May: Final comments and presentations

### **Consultant Review**

The Massachusetts Housing Partnership (MHP) provides grants of up to \$15,000 that are awarded to Towns for the purpose of hiring a pre-approved consultant to assist the Zoning Board of Appeals through the Chapter 40B process. The pre-approved consultant list was reviewed both internally and with MHP as part of the application process and Attorney Paul Haverty was chosen. The application for this grant was filed on November 24, 2015 and we are awaiting response from MHP.

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<sup>1</sup> The applicant granted an extension of this deadline in a letter dated November 24, 2015, allowing for the first public hearing to occur on December 14, 2015.

If awarded, Attorney Paul Haverty intends to be present at the public hearings to assist with any questions related to the statute, accompanying regulations, and the 40B process in general. He also will likely be instrumental in identifying areas that need further study and in the writing of an eventual decision.

The Zoning Board of Appeals has the ability to hire outside consultants to review the project in accordance with 760 CMR 56.05. The ZBA has identified the following consultants to seek proposals from. These consultants provide peer reviews for the ZBA, Planning Board and other town boards and commissions on a regular basis:

- Graves Engineering: Site design and stormwater
- Conley: Traffic
- Weston and Sampson: Sewer
- Tata and Howard: Water

Please note that legal fees for general representation of the Board or other Local Boards shall not be imposed on the Applicant.

#### **DEPARTMENTAL COMMENTS**

##### Police Department

1. See the correspondence from Chief James Hester to the Shrewsbury Zoning Board of Appeals, dated December 7, 2015.

##### Office of the Town Manager

1. See the correspondence from Daniel Morgado, Town Manager, to Ronald I. Rosen, Chairman, dated December 8, 2015.

#### **APPLICATION COMMENTS**

##### Section 1 – Introduction:

1. The Request for Findings of Fact refers to the procedural regulations of the Housing Appeals Committee as 760 CMR 30.01(C). These regulations have been superseded by and incorporated into 760 CMR 56.00.

##### Section 2 – Project Data Summary:

1. Information should be provided regarding who will be responsible for constructing and managing the development.
2. References to “Shrewsbury’s Planned Production Plan” should refer instead to Shrewsbury’s Housing Production Plan, dated November 30, 2012.
3. The Master Plan for the Town of Shrewsbury is in the process of being updated, with a current revision date of December 3, 2015. Drafts of the updated housing element and the entire plan are available.
4. 0.5% of all of Shrewsbury’s year round housing units is 70 units while 1% is 139 units. Increasing the Town’s affordable housing inventory by .5% or 1% in a calendar year

provides a 1 or 2 year safe haven for the Town from future Comprehensive Permits, respectively.

**Section 4 – Project Eligibility:**

1. I remind the Board to review the conditions stated on pages 5-6 of the Project Eligibility Letter from MassHousing, dated June 17, 2015.
2. MassHousing Appraisal and Marketing Division recommends that a full market study be conducted prior to Final Approval in order to determine the depth of the market for rental housing in the area of the proposed project. The Board shall be alerted when this market study is completed and shall be furnished with a copy.

**Section 7 – DHCD Subsidized Housing Inventory**

1. As of the date of the filing of the Application for the Comprehensive Permit, Shrewsbury had 860 total units listed on the Subsidized Housing Inventory, or 6.19% of the total number of year-round housing units in town.

**Section 8 – Sample Regulatory Agreement:**

1. The Developer shall propose who will be responsible for the Cost Certification and the Annual Financial Report as detailed in the Sample Regulatory Agreement.
2. I remind the Board that they will be required to sign the “Acknowledgement of Zoning Board of Appeals” form confirming that the Regulatory Agreement satisfies the requirements of the Chapter 40B regulations (CMR 56.05(11))

**Section 9 – List of Exceptions Waiver Request:**

1. The list of waivers is noted below. Information shall be provided whether any other waivers are being requested from any other local bylaws or regulations.
  - a. Section 3.02 of the Rules Relative to the Submission and Review of a Comprehensive Permit Application to refund the filing fee for the affordable units in the project.
  - b. Section VI, Table I of the Zoning Bylaw to build multi-family zoning in the Limited Industrial Zoning District in Phase I and Phase II.
  - c. Section VII.D.1 of the Zoning Bylaw to not provide additional parking spaces for visitors in Phase I or Phase II.
  - d. Section VII.D.2.d.(1) of the Zoning Bylaw to provide a 6 feet wide landscaped buffer along frontage adjacent to public ways instead of the required 15 feet for Phase I.
  - e. Town of Shrewsbury Conservation Commission Policy Requirements for Applications to provide a 21 foot buffer between a building and wetlands in lieu of the required 30 foot buffer for Phase I.
  - f. Section VII, Table II of the Zoning Bylaw to provide a 41 foot front yard setback in lieu of the required 50 feet in the Limited Industrial District for Phase II.
  - g. Section VII, Table II of the Zoning Bylaw to provide a maximum building height of 54 feet in lieu of the required maximum building height of 50 feet for Phase II

2. The request for waiver from the Town of Shrewsbury Conservation Commission Policy Requirements for Application will be addressed during the Notice of Intent filing with the Conservation Commission.

**Section 10 – Traffic Impact Study:**

1. The Traffic study states that the following work and improvements will be done on and adjacent to the project site. These shall be included as conditions of the decision:
  - a. If future traffic volumes are more than 10 percent greater than was predicted, the potential for a traffic signal at the western Route 20/ Stoney Hill intersection shall be reevaluated after the project is complete to determine if the requirements for signalization are met in consultation with MassDOT and the Town of Shrewsbury. If signalization is decided to be necessary at said intersection, the project proponent shall fund the design of the traffic signal and provide a fair-share contribution towards construction.
  - b. Vegetation on the Phase II site frontage shall be cleared and maintained to provide adequate sight lines.
2. More rigorous review of the proposed Route 20 Site Driveways and improvements to the western Route 20/Stoney Hill Road intersection shall be conducted with the submission of the Access Permit Application. The Town of Shrewsbury shall receive a copy of the completed Access Permit Application and the Access Permit itself.
3. The sidewalk labeled as “Area of future sidewalk by others” on Figure 12 shall be constructed as part of the proposed project.
4. A traffic monitoring plan shall be conducted in accordance with Section 6.3 of the Traffic Impact and Access Study. This shall be included as a condition in the ZBA’s decision.
5. The likelihood of a WRTA bus route serving the development in the future appears low as none of the 28 WRTA routes currently provide service near the project site.

**Section 11 – Engineering & Landscape Plans:**

1. Sheets C1.01 and C2.01 display an illuminated Pointe at Hills Farm sign to be built proximate to both the eastern and western Route 20/Stoney Hill Road intersections. Information shall be provided regarding the sign’s design and whether any waivers will be necessary related to size, setback, etc.
2. Sheet C2.01 states that the current Hills Farm Estates Subdivision sign will be removed and disposed of. The Applicant shall provide information proving that this can be done without being in conflict of the approved plans and Planning Board decisions for the subdivision.

**Section 13 – Architectural Plans:**

1. As stated on the Phase I “ Building Summary and Unit Mix” and on the Phase II “Affordable Unit Summary”, both dated October 6, 2015, only 2.9% of the affordable units in the project are listed as being 3 bedroom and affordable. Information shall be provided whether this is adequate considering the 10% requirement from the Interagency Agreement of 2013 between DHC, MHP, MassHousing, MassDevelopment, and CEDAC which states that, “to the extent practicable, three bedroom or larger units shall be

distributed proportionally among affordable and market rate units". This information is also displayed in Section 15 – Unit Summary Table, on the "Phase I Building Summary and Unit Mix" and the "Phase II Affordable Unit Summary".

2. A Phase II Affordable Unit Summary is provided but a Phase I Affordable Unit Summary appears to be missing.

**Section 14 – Aerial Photos:**

1. The Sheet entitled "Locus Exhibit", dated November 24, 2014, shows a different site design than what is presented elsewhere throughout the application for Phase II. It also states that 300 units are proposed in 6 buildings in both Phase I and Phase II.

**Section 15 – Unit Summary Table:**

1. As stated on the Phase I "Building Summary and Unit Mix" dated October 2, 2015 and on the Phase II "Affordable Unit Summary", both dated October 2, 2015, only 2.9% of the affordable units in the project are listed as being 3 bedroom and affordable. Information shall be provided whether this is adequate considering the 10% requirement from the Interagency Agreement of 2013 between DHC, MHP, MassHousing, MassDevelopment, and CEDAC which states that, "to the extent practicable, three bedroom or larger units shall be distributed proportionally among affordable and market rate units". This information is also displayed in Section 13 – Architectural Plans, on the "Phase I Building Summary and Unit Mix" and the "Phase II Affordable Unit Summary".
2. A Phase II Affordable Unit Summary is provided but a Phase I Affordable Unit Summary appears to be missing.

**Section 16 – Sewer Study:**

1. The drawdown and rise tests conducted at the Quail Hollow Pump Station were conducted at times considered to be "off-peak". Information related to how this could potentially impact the results of the test should be provided.
2. The applicant shall provide an analysis of anticipated water and sewer connection fees related to the project.

**Section 17 – Additional Materials:**

1. The Environmental Impact Report is to be filed with the MEPA office in the Executive Office of Energy and Environmental Affairs and not with DEP.
2. Information shall be provided concerning the timing of the submission of the Public Service and Fiscal Impacts Report.

**CRITERIA FOR COMPREHENSIVE PERMIT APPROVAL:**

I remind the Board that the approval of this Comprehensive Permit should be based upon M.G.L Chapter 40B, §20 – 23 and the Comprehensive Permit regulations, 760 CMR 56. Specific criteria mentioned in the regulations includes:

1. Consistency with Local Needs is the central issue in all Comprehensive Permit Applications before the Board. Not only must all Local Requirements and Regulations applied to the Applicant be Consistent with Local Needs, but decisions of the Board must also be Consistent with Local Needs. (760 CMR 56 (4)(a))

2. Consistent with Local Needs means either that one of the statutory minima set forth in 760 CMR 56.03(1) have been met or Local Requirements and Regulations imposed on a Project are reasonable in view of the regional need for Low and Moderate Income Housing, considered with the number of Low Income Persons in the municipality and with Local Concerns, and if Local requirements and Regulations are applied as equally as possible to both subsidized and unsubsidized housing. (760 CMR 56.02)
3. Local Concerns means the need to protect the health or safety of the occupants of a proposed Project or of the residents of the municipality, to protect the natural environment, to promote better site design in related to the surroundings and municipal and regional planning, or to preserve Open spaces. (760 CMR 56.02)

**DECISION COMMENTS:**

The following comments should be included in the decision as conditions of approval. I reserve the right to add additional comments as the review process proceeds.

1. Vegetation clearing shall be done by an Asian Longhorned Beetle certified contractor. Any proposed landscaping shall be Asian Longhorned Beetle resistant.
2. A building permit from the Building Inspector is required for any signs on the property.
3. Lighting associated with the project shall be down lit to the maximum extent practicable.
4. A NPDES Construction General Permit shall be applied for and submitted to the Conservation Agent.
5. Due to a strain in the town water supply, there shall be a ban on connecting lawn irrigation systems to the public water supply.
6. If future traffic volumes are more than 10 percent greater than was predicted, the potential for a traffic signal at the western Route 20/ Stoney Hill intersection shall be reevaluated after the project is complete to determine if the requirements for signalization are met in consultation with MassDOT and the Town of Shrewsbury. If signalization is decided to be necessary at said intersection, the project proponent shall fund the design of the traffic signal and provide a fair-share contribution towards construction.
7. A copy of all required permits shall be submitted to the Zoning Board of Appeals prior to the start of any construction on the property.
8. Vegetation on the Phase II site frontage shall be cleared and maintained to provide adequate sight lines.
9. A traffic monitoring plan shall be conducted in accordance with Section 6.3 of the Traffic Impact and Access Study, dated November, 2015, prepared by Tetra Tech.
10. Final Approval by MassHousing pursuant to 760 CMR 56.04(7) must be received by the Zoning Board of Appeals before a building permit will be issued.
11. Granting of the subsidy by the Subsidizing Agency must occur before a building permit will be issued.
12. A pre-construction conference with the Building Inspector and other applicable Town Staff shall be held prior to any construction.

13. After final plans are approved, an original set of plans on mylar shall be provided to the Building Inspector. In addition, plans in accordance with the Plan Distribution List, scanned images of all plan sheets, and a CD-ROM with the AutoCAD files for the project shall be provided. Submittals shall be delivered to the Building Inspector at least one week prior to the pre-construction conference.
14. 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. A sign approved by the Building Inspector shall be posted at each construction entrance.
15. After construction is completed, an as-built plan approved by the Building Inspector 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. A CD-ROM shall also be submitted with scanned images of the as-built plan sheets and updated AutoCAD files for the project. Elevations on the as-built plans shall reference the Town of Shrewsbury GIS datum.
16. The terms and conditions of this Comprehensive Permit decision shall remain in force throughout the life of the structures and site. If any one portion of this decision is found to be invalid, the remainder shall remain in force.

Please let me know if you need any additional information and explanations. I would be happy to meet with the applicant and his engineer to review any items in this letter.

Sincerely,



Matthew Sarcione  
Assistant Town Planner

cc: Mr. Jeff Walsh, P.E., Graves Engineering, via email  
Mr. Jeff Howland, P.E., Town Engineer, via email  
Ms. Patty Sheehan, Inspector of Buildings, via email  
Mr. Dan Morgado, Town Manager, via email  
Ms. Kristen Las, Assistant Town Manager/Economic Development Coordinator, via email  
Mr. Brad Stone, Conservation and Stormwater Coordinator, via email  
Mr. Paul Haverty, Regnante, Sterio & Osborne LLC, via email  
Mr. Roderick St. Pierre, Attorney, via email  
Mr. Fran Zarette, Smart Growth Design LLC, via email  
Mr. Wayne Belec, P.E., Waterman Design Associates, via email  
Mr. Geoffrey Engler, SEB LLC, via email