



June 27, 2016

BY ELECTRONIC MAIL: klas@shrewsburyma.gov

Shrewsbury Zoning Board of Appeals
Richard D. Carney Municipal Office Building
100 Maple Avenue
Shrewsbury, MA 01545-5398

Re: Application for Comprehensive Permit – 440 and 526 Route 20, Shrewsbury

Dear Members of the Board:

As you may recall, this firm represents neighbors and abutters to the proposed 250-unit residential development located at 440 and 526 Route 20, Shrewsbury (the “Project” and the “Project Site”), which is the subject of a pending application for a comprehensive permit under General Laws Chapter 40B, §§20-23 proposed by Smart Growth Design, LLC (the “Developer”).

In our comment letter dated May 9, 2016, we recommended that the Zoning Board take the following actions concerning this Chapter 40B application:

1. Require the Developer to comprehensively respond to Graves Engineering’s peer review comments with revised plans incorporating design changes;
2. Require the Developer to submit a revised Stormwater Report with (i) revised drainage calculations for its revised design (See, Note #1 above) and conformity with NOAA Atlas 14, and (ii) a narrative on compliance with the Stormwater Bylaw;
3. Follow 760 CMR 56.05(6) by providing Developer a proposed list of conditions and/or waiver denials and asking for an updated *pro forma*;
4. Impose condition restricting Project access to Stoney Hill Road;
5. Require the Developer to submit a detailed landscaping plan for public and peer review before the close of the public hearing; and
6. Require submission of proof of continued “site control.”

Further, in a letter dated May 11, 2016 to the Developer, the Zoning Board requested additional Project-related information in order for the Board to make an educated decision, some of which had been previously asked for:

1. Revised site plan, including stormwater management and landscaping details [we have not seen any revised plans since the plan set dated Nov. 6, 2015].
2. Memo on traffic access alternatives, with narrative and plan;
3. Report on Developer's proposed sewer connections and mitigation to ensure adequate capacity;
4. Report and plan for Developer's proposed water connection, including proposed mitigation;
5. Updated waiver list; and
6. Evidence of site control.

All of these requests to the Developer were reasonable, given the issues that have been raised during the public hearing by the Board's peer reviewers, town officials, and members of the public, and were well within the Board's authority under Chapter 40B. Unfortunately, as of 2:00 PM today (June 27, 2016), almost a month after the last Board hearing, the Developer has yet to submit revised plans, a revised drainage report, a revised waiver list, a sewer memorandum, or a water memorandum. Nor has the developer provided the supplemental drainage information requested by Graves, revised plans showing the anticipated drainage design changes, revised calculations to incorporate the current rainfall data (NOAA Atlas 14), or a landscaping plan showing proposed screening and buffering.¹

Perhaps most alarming, significant design issues remain with respect to the Project's connection to the Town's sewer system, despite the fact that this public hearing has been open for six months. Most of the open sewer issues concern *capacity* – segments of the Town's sewer system, such as the two pumping stations that would serve this project, are already at capacity. A segment of the sewer line that runs under Route 9 is already over-capacity and experiences surcharges. The Project will exacerbate this "over-capacity problem" by adding the sewage flow of 250 residential units.

Additionally, we remain concerned with the Developer's traffic access plan and the potential for MassDOT to reject the Developer's proposed "Concept 3" design. If that happens, it would provide a convenient excuse for the Developer to come back to the Board with a requested amendment to the Chapter 40B permit, to allow full vehicular access from Stoney Hill Road. In her June 15, 2016 letter to the Board, Jennifer Conley, the Board's traffic peer review engineer, stated that of the five traffic access alternatives ("concepts"), "three were eliminated due to strong opposition to change from the


^{1/} In one of the Developer's Powerpoint presentations, which have substituted for engineered plans in this hearing, the Developer proposed diverting runoff from Phase I through a culvert running under Stoney Hill Road and onto abutting property at 426 Hartford Turnpike. The Developer recorded an easement and easement plan in November, 2015, purporting to give it the right to discharge runoff within a 7,041 sf area shown on the easement plan. This abutting parcel already receives runoff from its own shopping plaza on-site, runoff from an outlet on Route 20, and runoff from the self-serve car wash ("Walter's Car Wash") next door (through a separate drainage easement recorded in Plan Book 842, Plan 125 – attached as Exhibit A). We question whether Graves or anyone else has considered whether the shopping plaza parcel has the hydraulic capacity to manage runoff from Phase I of the Project in addition to the other contributing sources of runoff. We note that the parcel is already confined by a bordering vegetate wetland and stream. The feasibility of the drainage arrangement should have been reviewed by Graves when it proposed months ago, and should be reviewed now before the hearing closes.

neighborhood, even when that change would involve signalization and potentially improve the access to the neighborhood.” However, in the same letter Ms. Conley acknowledged that signalization at the intersection of Stoney Hill Road (west) and Route 20 would not be approved by MassDOT, thereby eliminating two of the three options that faced neighborhood opposition. Thus, Ms. Conley’s suggestion that the “neighborhood” opposed these two options even though they could improve traffic circulation at this intersection is wrong, and unfairly implies that the neighbors’ concerns are irrational. In fact, without a signal at this intersection, adding Project traffic will cause longer queue lengths and delays on Stoney Hill Road (west), a fact corroborated by the Developer’s traffic study and Ms. Conley’s review of it, and therefore will not “improve” the intersection, but worsen it.

Most of the engineering and design concerns raised during the Board’s hearing could be mitigated if not addressed through a shrinking of the Project. In March, the Developer proposed reducing the density to 248 units, but has not presented revised plans reflecting this change. This would be a step in the right direction, but not far enough. As we suggested in our May 9th letter, the Board should consider restricting the size of the Project (both Phase 1 and Phase 2), to the caps set forth in your Zoning Bylaw for multi-family housing (garden style) in the Apartment zoning district – maximum 125 units, and a 50% cap on lot coverage. Further, given that the Project will directly abut a single-family residential neighborhood with relatively large lots, it would be appropriate to require at least a 50-foot vegetated buffer around the perimeter of the Project Site. This would beget the “appropriate transition” from dense, multi-family development to low-density, single-family development that the Chapter 40B design guidelines we cited in our last letter speak of.

Thank you for your consideration.

Very truly yours,


Daniel C. Hill

cc: Peter Freeman
Paul Haverty
Shrewsbury Board of Selectmen
Client

EXHIBIT

A

tabbles.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERED LAND SURVEYORS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE: April 21, 2006

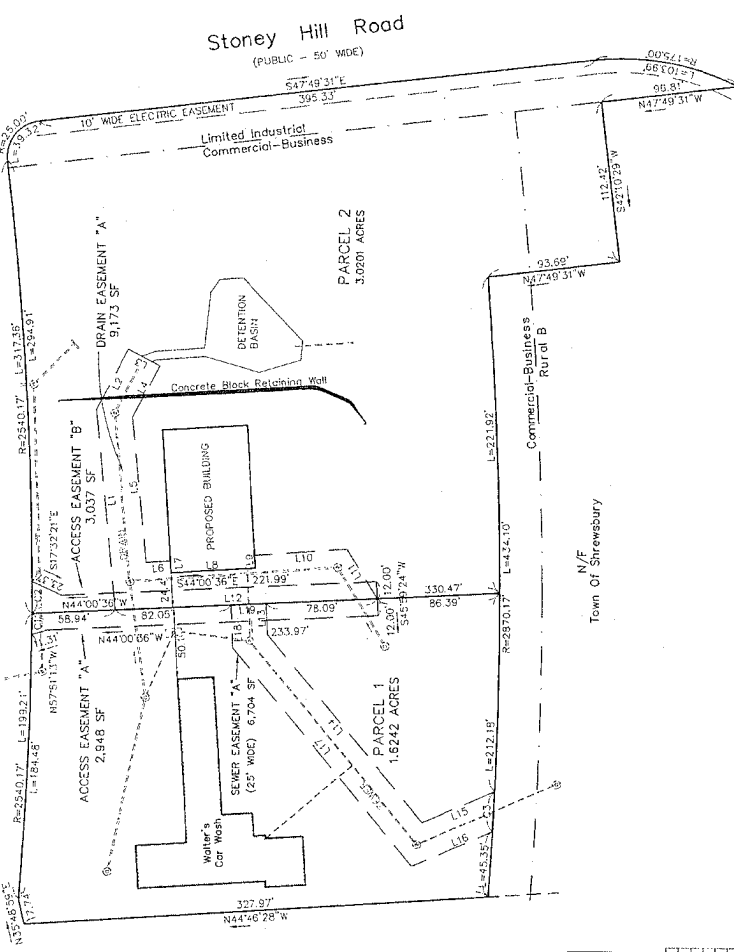
REGISTERED LAND SURVEYOR

ATTEST: [Signature] / Registrar

RESERVED FOR REGISTRY OF DEEDS USE ONLY

Route 20 (Hartford Turnpike)

(193' STATE HIGHWAY LAYOUT - 80' WIDE)



Town Of Shrewsbury
Planning Board

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

[Signature]
T. J. Farrell, Inc.

DATE: 5/11/06

OWNERS DEED RECORDED IN THE WORCESTER DISTRICT REGISTRY OF DEEDS BOOK 22456, PAGE 337

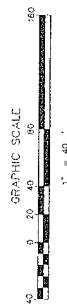
PLAN REFERENCE WORCESTER DISTRICT REGISTRY OF DEEDS PLAN BOOK 754, PLAN 44

ASSESSORS MAP 54, LOT 14

Plan Of Land
In
Shrewsbury, Massachusetts
Owned By
J.J. Farrell, Inc.,

Scale: 1" = 40' April 21, 2006

R.W. Hart Associates Inc.
Northborough, Massachusetts
Registered Land Surveyors & Engineers



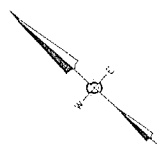
NOTES:

ACCESS EASEMENT "A" ON PARCEL 1 TO BENEFIT PARCEL 2

ACCESS EASEMENT "B" ON PARCEL 1 TO BENEFIT PARCEL 2

DRAIN EASEMENT "A" ON PARCEL 2 TO BENEFIT PARCEL 1

SEWER EASEMENT "A" ON PARCEL 1 TO BENEFIT PARCEL 2



N/F
Soutenas

COURSE	BEARINGS	LENGTH
C-1	N 28° 01' 17" E	14.73'
C-2	S 54° 03' 17" W	27.15'
C-3	S 22° 03' 17" W	27.89'

LINE	DIRECTION	DISTANCE
L-1	N 47° 30' 00" E	140.35'
L-2	N 76° 57' 00" E	48.30'
L-3	S 73° 33' 00" W	25.95'
L-4	S 84° 26' 00" W	102.85'
L-5	S 42° 21' 00" E	17.10'
L-6	S 42° 21' 15" W	3.25'
L-7	N 44° 30' 00" E	60.06'
L-8	N 44° 30' 00" E	65.05'
L-9	S 77° 22' 00" W	49.23'
L-10	N 44° 00' 30" W	185.14'
L-11	S 55° 55' 30" W	69.30'
L-12	S 55° 55' 30" W	58.53'
L-13	N 84° 02' 30" E	81.88'
L-14	N 84° 02' 30" E	105.20'
L-15	N 44° 00' 30" E	105.20'
L-16	S 44° 00' 30" E	25.00'