

**Substituted Motion for Article 22**  
**Annual Town Meeting – May 2019**  
Updated May 15, 2019

ARTICLE 22

To see if the Town will vote to restore the quiet enjoyment\* of the estates of the property owners in the “Shrewsbury Town Common Historic District” (Historic District) and all abutters who are being effected by the overuse of Route 140 North; by making necessary repairs to Route 140 from Main Street to I290, and decide if the road should be classified as “Thickly Settled.”

**SUBSTITUTED MOTION: I move that the Town Meeting resolve and express its opinion that the area of the Town consisting of the land and buildings along Route 140 between Main Street and Route I-290 and known as the “Shrewsbury Town Common Historic District” (Historic District) should be classified as “Thickly Settled,” and that the Board of Selectmen, Town Manager, Department of Public Works and other Town officials, departments and boards be requested to take any and all actions necessary and appropriate to repair Route 140, regulate traffic and restore the quiet enjoyment of the residents in the Historic District.**

We, the undersigned registered voters of the Town of Shrewsbury pursuant to G.L. Chapter 39, Section 10 request that the Board of Selectmen place onto the next Annual Town Meeting the following warrant article:

**Article 22:** To see if the Town will vote to restore the quiet enjoyment\* of the estates of the property owners in the “Shrewsbury Town Common Historic District” (Historic District) and all abutters who are being effected by the overuse of Route 140 North; by making necessary repairs to Route 140 from Main Street to I290, and decide if the road should be classified as “Thickly Settled.”

*Purpose: The previous expansion of Route 140 and the addition of the FedEx Shipping Center in West Boylston are increasing the air and noise pollution in the Historic District and Town Center of Shrewsbury and the surrounding area. Route 140 has not been repaved in over 30 years. According to the Mass Department of Transportation, the average life expectancy of a road is 8 to 10 years, provided it has nominal traffic volume and vehicle weights.*

*Heavy-duty diesel trucks weighing from 20 to 40 tons, and commercial vehicles now travel this road at all hours of the day, every day of the week. A 2017 study indicated over 25,000 vehicles travel this road daily.*

*The posted speed limit in West Boylston is 45 mph; it changes to 40 mph at the Shrewsbury town line, and 25 mph at the Town cemetery. Per the 2017 study, vehicle speeds vary from 25 to 55 mph. They do not slow down at the 25 mph sign at the Town Cemetery, and may be violating posted weight classifications.*

*Over 65 manhole covers dot Route 140 from Main Street to I290. Many are sunken below grade level. Noxious diesel exhaust fumes combine with the deafening sounds of jake brakes and trucks barreling over manhole covers, making the area smell and sound like a war zone.*

*The planned expansion of UPS into the Centech Business District is certain to worsen the situation, and the desired redevelopment of the Town Center is threatened by it.*

*These conditions are preventing the residents in this area from experiencing the quiet enjoyment of their homes. MGL Chapter 186, Section 14, Quiet Enjoyment: “A Covenant that promises that the grantee or tenant of an*

*estate in real property will be able to possess the premises in peace, without disturbance by hostile claimants. Quiet enjoyment is a right to the undisturbed use and enjoyment of real property by a tenant or landowner."*

*Shrewsbury enjoys a long history of commerce in the Town Center. As stated in the 2016 Master Plan "The Town Common Historic District represents another important opportunity for the Town as a whole. Building on this designation, the Town can promote development and redevelopment that enhances the historic character of the Town Center." A design study of the Town Center was conducted to develop a vision for the area. A Town Committee of business owners and residents is working toward numerous goals, including historic preservation. This situation must be remedied to ensure that any redevelopment plans for the Town Center are successful.*

*The adoption of this article specifically addresses the 2016 Master Plan Goal LU4: "Strengthen and preserve Shrewsbury's Town Center", and Policy LU4.1: "Maintain and enhance the character of Shrewsbury's historic Town Center by promoting appropriate development and redevelopment." It is in the best interest of the Town to repair Route 140, and regulate the heavy-duty diesel truck traffic and commercial vehicles traveling on it.*

*The adoption of this article directly affects the Town's Engineering and Highway Departments. At a minimum, it requires close collaboration with the Town Planner, the Zoning Department, and the Mass DOT. Police classification and enforcement is also necessary.*

*The Town relies heavily on state aid for its road maintenance and improvement projects. The FY2020 Capital Improvement Plan does not include funding for the adoption of this article. Funding sources recommended for the implementation of the actions requested in this article include federal and state aid.*

*This is a petition article brought by Martha Scheffer and Paul Scheffer, 62 Westwood Road, and others.*