

TOWN OF LEICESTER

PLANNING BOARD
3 Washburn Square
Leicester, MA. 01524
(508) 892-7007
www.leicesterma.org



Planning Board Members

Jason Grimshaw, Chair
James Reinke, Vice-Chair
Joshua Campbell, Member
Sharon Nist, Member
Deborah Friedman, Member
Jaymi-Lyn Souza

Planning Board Meeting Minutes

Date: April 26, 2022

Time: 7:00 PM

Location: Leicester Town Hall, Meeting Room 3

Commissioners Present: Jason Grimshaw, Sharon Nist, Jim Reinke, Joshua Campbell, Jaymi-Lyn Souza

Others Present: Alaa Abusalah, Town Planner/ Director of Inspectional Services

RECEIVED
2023 JUN 21 PM 12:58
TOWN CLERK'S OFFICE
LEICESTER, MASS.

ORDER OF BUSINESS:

1. **Public Hearing, Special Permit & Major Site Plan Review, continued**
SP2021-08/SPR2022-02 (Skyview Estates), Applicant: MKEP 770, LLC, 651 Main Street, request to construct a private residential development with 49 two-family dwellings
2. **Public Hearing, Special Permit (SP2022-02)**
Stafford Street (Parcel: 35-D1.2-0), Applicant: Staffordshire Properties, LLC, request to fill site with 126,000 c.f. Of material to create a pad for future development
3. **Lot Release Request/Acceptance of Performance Guarantee, Parker Street (North) Subdivision (DSUB2021-01)**
Applicant: Schold Development, LLC
4. **General Discussion**
 - a. Preliminary Review
 - i. Tobin Road
 - ii. 21-69 Main Street
 - iii. 147 Main Street
 - b. Miscellaneous Project Updates
 - c. Board Member Committee Updates

5. Adjourn

1. **Public Hearing, Special Permit & Major Site Plan Review, SP2021-08/SPR2022-02 (Skyview Estates),** Applicant: MKEP 770, LLC, 651 Main Street, request to construct a private residential development with 49 two-family dwellings

Mr. Grimshaw reminded attendees about meeting decorum and procedure. Ms. Nist recused herself.

The developer's attorney, Michael Brangwynne from Fletcher Tilton presented for the applicant. They are seeking approval of a major site plan review and construction of multifamily structures.

Mr. Brangwynne summarized an issue raised at the last meeting: whether the site plan is permissible under existing Leicester Zoning Bylaws. That was referred to the zoning enforcement officer, Michael Silva, with the result that the site plan did not violate the Zoning Bylaw, and that granting the requested relief is within the authority of the Planning Board under the special permit process and site plan review.

Mr. Brangwynne stated that the issue of drainage systems has also been discussed previously, including testimony from neighbors. The Board's 3rd party reviewer was Kevin Quinn, and the applicant has met all his questions and meet the Stormwater requirements.

Mr. Brangwynne addressed the safety concerns regarding the road slope waiver, also previously discussed. The road warming system is part of the plan, and a plan will be incorporated into any homeowner's association agreements. The primary method of addressing icy conditions is by salting, sanding, and plowing. Because this development is private, this falls under the responsibility of the HOA. The warming system is a backup to these standard approaches. The road design itself is another safety measure; if the first two methods fail and there is ice buildup, the road is designed to shunt drivers toward the snowbank, rather than toward Rte. 9. Mr. Brandwin stated that Quinn Engineering and the Leicester Fire Department have submitted documentation that they don't have safety concerns with the current plans for dealing with the road slope.

Mr. Brangwynne addressed the concerns about density, particularly from nearby residents. Condominium association living is attractive to many people, and there is a demand for it. Utility overburdening is not a concern (water, sewer, etc.), because the owners will be responsible for their own streets. They are hooking up to sewer, which will benefit the town in the form of increased revenue. Traffic studies show a minimal impact on the area, as well as Route 9.

Mr. Brangwynne addressed the concerns regarding the additional required permits that will be needed for the project - special permit from the ZBA for the impervious surface percentage, earth removal and fill permit, stormwater management permit from the Conservation Commission. The applicant views the Planning Board site plan approval as a natural prerequisite to subsequent approvals from other boards, but the Planning Board's should view the additional special permitting approvals as a built-in condition to their decision.

Mr. Brangwynne summarized that the applicant feels they have met the criteria that guide the Planning Board's approval process - the project does not create a risk to public safety, overburden community resources, or have a detrimental impact on the surrounding neighborhood.

Michael Malynowski with Allen Major Associates spoke for the applicant. Mr. Quinn had flagged two dry wells out of forty-four that did not meet the criteria for full separation. The revised plan shows that the two dry wells were combined to meet the criteria, and the volume metrics now satisfy the Master Water Policy for infiltration.

Kevin Quinn spoke to the board. There were a couple of iterations between his office and Mr. Malynowski's regarding the design of the dry wells, and the requirement to satisfy the state stormwater management standard for recharge of stormwater to the groundwater table. Mr. Quinn will submit his final comments to the board when he receives the final plan. The board did not have any follow-up questions.

Mr. Grimshaw requested questions from the public; there were none.

Mr. Reinke stated that the fact that some of the buildings are only 12 feet apart does pose a risk to public safety: specifically fire. Although the buildings are sprinklered, Mr. Reinke would prefer that the buildings be spaced with a dimensional requirement that at least satisfies the zoning bylaw of 15 feet. This would also be more in harmony with the neighborhood.

Mr. Grimshaw confirmed with Mr. Brangwynne that 12 feet is the minimum. Mr. Brangwynne pointed out that the building code is different for buildings that are sprinklered, so the bylaw does not apply. Additionally, there are not separate yards, so the dimensional requirements should not be the same. Mr. Reinke pointed out that the setbacks specified in the bylaws were designed for businesses, not residential

communities, and since these are residences, he would like to see an attempt made to have each building meet residential setback requirements.

Mr. Grimshaw requested feedback from the public. A gentleman spoke on behalf of the neighborhood, to the effect that there is nobody in the neighborhood who will be abutting the project that is in favor of the project. There are approximately 30 houses in the neighborhood, well-spaced, and the idea of 98 new houses suddenly in their backyards does not sit well. They would ask that the project not be approved.

Mr. Brangwynne asked if other board members would be willing to express their concerns, to assist with decision making. Four voting board members are in attendance.

Mr. Campbell stated Mr. Quinn's final comments would be helpful to have before a vote. He also stated that it doesn't make sense that the Planning Board is being asked to approve a project for which additional permits are required when the applicant has not taken steps to request those additional permits.

Mr. Brangwynne indicated that the site plan approval needs to be in place before additional permits are requested. This is because the site plan itself often changes during the site plan approval process; in fact, this happened when a permit from the Conservation Commission was pursued and granted based on an earlier iteration of the project. It will now need to be requested again.

Mr. Malynowski stated that the watershed overlay application has been submitted to the Zoning board. Meetings have been continued pending this process. Earth works permits need

Ms. Friedman stated her concerns. Approval would be contingent upon no site work being done before all permits are in. She also has concerns about the road warming system, because it's not a "backup" if there are freezing rain or black ice conditions. She has spent a lot of time on the phone with the company that manufactures the road warming system, speaking with various staff, and none of them could provide an example of a similar site where this system has been used. The danger is that a car could slide out onto Route 9 in these conditions. An additional requirement she would ask for is an inspection of the system every fall, to be funded by the HOA.

<Man in gray pattern shirt> stated that CVS has it installed in their parking lot; Ms. Friedman responded that she would like to have evidence that it works on a road with a significant slope. <Man in gray pattern shirt> provided technical details about how the system works; Mr. Grimshaw redirected to state that the slope itself has been signed off on, and the technical details of how the system works have already been provided; the issue is not having evidence that that the system has worked in the past, under those circumstances, in a suburban environment. <Man in gray pattern shirt> reiterated that the system is a backup.

Ms. Sousa stated that the stakes are higher in this circumstance - if the system fails in a parking lot, a driver is stuck in a parking lot, but if the system fails on the sloped road, the driver slides down onto Route 9. She asked how the system is powered. Mr. Malynowski showed the location of the backup generator on the site plans. <Man in gray pattern shirt> stated that it runs on propane from an underground tank.

Mr. Malynowski indicated the applicant's willingness to add an annual fall inspection of the road warming system to the plan.

Mr. Grimshaw stated his awareness that this has been a long process, and his empathy for the abutters. He asked that the applicant make sure that the project and approval process are completed the proper way - final comments need to be addressed, etc.

The issue is continued to the May 17 meeting. The subject of the road warming system inspection was discussed in more detail so that the applicant can describe their proposed measures in the Orders and

Conditions. These include the date the fall inspection should take place, and contingency plans if there is a failure of the system, particularly because the sloped road is the only access and egress.

Motion: Ms. Friedman made a motion to continue the discussion to the May 17 meeting.

Second: Mr. Reinke

Discussion: None

Vote: 4-0-0

Ms. Nist Returned to the board

2. **Public Hearing, Special Permit (SP2022-02)**, Stafford Street (Parcel: 35-D1.2-0), Applicant: Staffordshire Properties, LLC, request to fill site with 126,000 c.f. Of material to create a pad for future development

Mr. Reinke recused himself.

Mr. Schold spoke for the applicant. The applicant received Mr. Quinn's comments today, so he is asking for a continuance to the May 17, 2022, meeting. Mr. Quinn's comments will be addressed in the intervening time.

Motion: Ms. Friedman made a motion to continue the discussion to the May 17 meeting.

Second: Ms. Sousa

Discussion: None

Vote: 4-0-0

3. **Lot Release Request/Acceptance of Performance Guarantee, Parker Street (North) Subdivision (DSUB2021-01)**, Applicant: Schold Development, LLC

Mr. Schold spoke for the applicant. Due to weather delays, they are requesting a partial lot release to begin work on one of the houses in a planned subdivision. The structure is prebuilt with a timber frame, and has been built since January. Mr. Schold had previously submitted a letter to the board describing the request.

The request is not for a certificate of occupancy; rather, they want to get the frame constructed, the foundation in, and the underground utilities in place. Surety has been approved by the town engineer, and the building inspector has stated that he is in favor of this issuance.

Ms. Friedman stated that there is precedent for similar partial lot releases, to allow model homes to be built for planned subdivisions.

Motion: Ms. Nist made a motion to release Lot 1.

Second: Ms. Sousa

Discussion: Ms. Friedman asked that the motion be amended to include the language as recommended by the town engineer and building commissioner.

Vote: 4-0-0

Mr. Reinke Returned to the board

4. **General Discussion**

- a. Preliminary Review. Mr. Grimshaw stated for the public that items under General Discussion are not subject to vote tonight.

- i. 100 Tobin Road

Matt Murva from Bowler presented multiple possible plans. The plan previously submitted was denied due to its reliance on access from Tobin Road, so the revised plans would have access via Stafford Street, with the egress onto Tobin Road being for emergency purposes only.

The current possible plans include:

- 220 Duplex units that would be part of a Senior Village development with 200 Assisted Living units (Stafford Street access).
- 226 Senior Village development units (Duplexes), without the Assisted Living component (Stafford Street access).
- 114 Duplex units plus or minus Senior Village development, with the agricultural zone part of the site designated for a 7-acre outdoor cannabis grow facility (Stafford Street access).
- 100 Senior Village development units with access off Tobin Road and Totaid Street to the north, without access to Stafford Street.
- 20 - 22 Single Family subdivision with access via Tobin Road.

Joe Charpentier, the landowner, stated that he has purchased 392 Stafford Street, which is a two-family structure. This would be the site of the future Stafford Street Road access to the site. The total area of the site is 100 acres (88 on the Tobin Roadside).

Mr. Charpentier indicated that he asked Mr. Murva to create the different options and present them to the Board, so that discussions can begin regarding how the town would like the land to be used.

Ms. Friedman indicated that she prefers the access from Stafford Street as it allows greater density without affecting traffic on the smaller roads. Sue thinks assisted living is a good idea as Leicester doesn't have any currently. She raised the question of whether the Over-55 housing market is oversaturated; there are currently three in town but some additional ones that had been approved never went forward due to oversaturation in that market.

Lady in gray sweater asked whether a variance would be needed for the duplexes due to the fact that they fall under Senior Overlay regulations, and there was some discussion about R1 zones, SA zones, and open space bylaws.

Mr. Reinke, Ms. Friedman, and Mr. Grimshaw stated their preference for the assisted living idea (Concept A). Mr. Reinke also said that an intent to preserve open space as part of their plan would be looked on more favorably.

Ms. Jan Parke stated her personal approval for Senior/Assisted Living units. She reviewed the benefits of "open space" developments, including benefits to residents, and state and federal tax benefits for the town. She summarized the land trusts willing to work with the developer to create agreements regarding the space, then guard the open space against encroachment going forward.

Mr. Murva again reviewed the first concept for the Board. Next steps for the applicant are to determine the logistics of installing the access road and come to agreement on the right density and mix of uses for the site. Mr. Murva mentioned a 40B, in which the developer and the town work together to come up with an affordable housing plan that works for everyone, and perhaps even helps the town move toward its 10% affordable housing quota.

ii. 21-69 Main Street, 147 Main Street

Donald O'Neil, Atty. spoke for the applicant, SNL Construction LLC. They are looking for feedback on two adjacent sites - one is an old Mill Complex and another is a vacant parking lot. SNL wants to develop these sites concurrently as indoor (Mill Complex) and outdoor self-storage. They will need a special permit from the Planning Board. Mr. O'Neil stated that very little traffic is generated by self-storage facilities; on average, customers visit their storage unit approximately 3x/year once their belongings are stored. Additionally, traffic would be on Rte. 9 rather than through the town. Parking should not be an issue.

Also present were Aaron Stevens with SNL Construction; James Dicher, BWD architect; and Dan Hazen, the engineer from Howard Stein in Hudson.

Mr. Hazen spoke regarding the fact that there are no stormwater solutions currently onsite, so that whatever lands onsite flows down into Kettle Brook. This project would add a grass channel and drainage area, and treatment (pollutants such as petroleum products) to protect the watershed area. Revegetation will provide even more of a buffer. Development will not disturb any areas beyond what has already been developed.

The site will have a gated entry, ninety-three 8x20 outdoor storage units, and 597 interior units in the Mill building. Security lighting will be installed. Both sites are within the business district; Mr. Hazen pointed out a zoning line that bisects the site oddly. Zoning bylaws allow going 30 feet into the next zone district. There is a pile of rubble and old foundation on the site. Roof runoff will go directly into the ground, and some kind of treatment unit can be installed to capture pollutants. The developers will maintain a 25-foot buffer to wetlands.

James Dicher from BWD Architects presented the floorplan. The existing mill building provides 90,000 square feet over three stories.

Some of the first floor is below grade, making it unsuitable for many uses. The Self-Storage office is approximately 700 square feet; this will be where people enter the facility, meet with the sales manager, rent a unit, and get packing supplies. Certain areas will need remediation, while others are in good condition. New development work will be noncombustible, but there is existing heavy timber in there, so the building will be fully sprinklered. This is under discussion with the fire department. There will be two additional entrances as well.

The plan is to reuse the existing elevator, but it will need to be upgraded. Container storage on the site will be within the existing limits of the paved area. The typical patron is a family or small business within three miles using a personal vehicle. Mr. Dicher reviewed the grading of the building with respect to the level of ground it is built on.

Mr. Dicher presented some mock-ups of different views of the building that show the proposed signage and planned entries. AC units are residential size and will go on the roof. There will be about twelve, 3 feet by 3 feet. He also presented views of the satellite site with the outdoor units, which will have a lot of screen plantings and fencing. Customers will get a keypad code at the office, which they will use to access their storage unit at the satellite location.

Ms. Friedman asked if there is adequate access for a firetruck in the parking lot, particularly where the storage units are located. Mr. Dicher responded that they are in discussion with the fire department as to what the fire department would like to see.

Ms. Friedman asked if any of the historical aspects of the building will be maintained. Mr. Dicher responded that they are planning to paint the exterior according to the applicant's corporate branding.

Ms. Friedman asked if the adjacent Gymnastics business has a lease on the parking lot. Mr. Hazen responded that the Gymnastics business uses the parking lot but there is no lease. Ms. Friedman pointed out the domino effect that could occur if the Gymnastics business loses access to parking there, because they do not have adequate parking at their location.

Mr. Reinke asked about the classification on the site, and there was a discussion about occupancy permits. Don Peloquin rose to speak; he is one of the owners of the property. He stated that Herbie's Place worked on electronics for police cruisers, and Open Sesame Inc., was a company that he ran in the building. Mr. Peloquin stated that he provided the applicant with all the records he had with regard to occupancy permits.

Mr. Peloquin informed all of the tenants that the building was being sold when the purchase and sale went through. There were 11 businesses at that time, and now there are 4 left. There was some discussion about trying to keep these businesses in the area.

Mr. Reinke asked about garage doors for exterior access; the containers will have them. Mr. Reinke asked why the choice was made to use 12 residential-size AC units, rather than a smaller number of larger units, the concern being the sight line from the road. Mr. Dicher responded that a larger number of units are better for system redundancy, and maintenance is easier because there are more people who service units of that size. Mr. Reinke asked for shielding, which will look better.

Mr. Reinke raised the suggestion that, at the satellite site, the landing area/holding area may need to be expanded to accommodate box trucks.

Stormwater management should be more robust than a grassy strip between the site and the water. Mr. Hazen responded that they will install systems to meet the goal of 80% total suspended solids removal. Mr. Reinke revisited Ms. Friedman's point about access for fire apparatus.

Ms. Nist asked about the parking plan. Zoning bylaws weren't specific about parking requirements for storage facilities, so the applicant is applying a plan that has been used for previous storage facilities: Three parking spaces per facility plus one space per 100 units. Handicap spaces will be put around the main entrance.

Ms. Nist asked about trash and recycling containers. There will only be trash and recycling receptacles at the office itself. Security cameras and the coded access control will act as a deterrent to those who might dump trash.

Ms. Nist asked about snow removal areas. Mr. Hazen pointed out the areas that are planned to be used but stated that in a larger storm snow may need to be trucked off site. The water runoff from snow piles would be treated by the onsite system, to remove some of the solids, before flowing into the pond.

Mr. Grimshaw and the board agreed that a plan to upgrade and repurpose the property is a good thing.

Aaron Stevens from SNL Construction spoke to confirm that the Board sees the plan as feasible. His team will work on completing their application. Ms. Abusalah offered to coordinate a technical review meeting that would include the fire department. Mr. Stevens reiterated that as part of development, their additional goals are to improve the look of the existing site with attractive landscaping and plantings, address the current lack of stormwater runoff treatment, and respect the historical importance of the building by preserving the windows and the plaque that states the original date that the building was constructed.

Ms. Friedman asked Mr. Stevens to ensure that there is no lease on that property. Board members offered to provide Mr. Stevens with a contact at Giguere's Gymnastics.

b. Miscellaneous Project Updates

- Ms. Abusalah stated that they hired Tina Stratis, who will be joining mid-May.
- Ms. Abusalah stated on April 20, 2022, a joint public meeting with the Select Board was held to discuss MBTA multifamily zoning. By May 2, the town has to submit a letter to the state stating that it is seeking to comply and will look into its zoning laws to determine if it can pursue the goal. The current deadline to adopt the zoning is December 21, 2024. Mr. Reinke asked what Ms. Abusalah thinks as Town Planner; she is concerned with capacity and sees it as an opportunity to advocate about the town's infrastructure issues. Currently, this is unlikely to pass in a town meeting. Ms. Abusalah mentioned that there is current legislation for economic development, a lot

of it related to infrastructure and housing, but someone needs to be actively pursuing these programs and she does not currently have the capacity to do that. Ms. Abusalah will continue to update everyone as the process moves ahead; she plans to create a web page under the planning board to post updates.

- Open space and Recreation - the state has responded to the Planning Board's plan, which has been accepted. So there is a 2021 Open Space Plan, which qualifies for funding.
- Oakridge Estates Board acceptance - There was a meeting with the Select Board Chairman, Quinn engineering, and the developer, to review some of the concerns that were raised. The developer will work on the issues and come to the Planning Board before the fall Special Town Meeting.

A member of the public asked to address the Planning Board regarding Oakridge Estates. The project started out as a planned subdivision, then was changed to an over-55 community. The current plan describes a private, condominium-style development serviced by a town road. This could lead to conflict in the future because condominium residents will call DPW when there are issues with the road or plowing is needed. The developer is using the fact that the roads are public as a selling point.

Ms. Friedman stated that it will be management's responsibility to make the residents aware that only the street will be maintained by the town; their driveways, and everything else will be handled by the HOA. There was some discussion between Mr. Reinke and Ms. Friedman about the possible effects of private/public roads on mortgages and insurance.

- FEMA sent over revised maps, so Ms. Abusalah needs to create a program to notify anyone in those districts that may be impacted. The changes impact the homeowners' flood insurance. Once notified, it is the homeowner's responsibility to hire a surveyor, if necessary, and appeal to FEMA.
- Pending applications - There following applications are likely to come before the board in May or June:
 - 5,000 sq foot manufacturing space on Stafford Street.
 - <inaudible> Main Street has submitted a site plan, but there is no application to describe what they are proposing.
 - 610 <or 16> Pleasant Street, the former site of Carol's diner. This is a food truck/ghost catering business within the NB Zoning district, which states explicitly that a site plan review is required by the Planning Board. The applicant will park the food truck at the site, prepare the food in the building, then ship it out. The Board suggests having the applicant come before the Planning Board to discuss it before submitting a site plan.
 - 778 Main Street has made some revisions to their site plan.
 - 408 Stafford Street, National Grid substation. Ms. Abusalah will ask them to file their formal application before scheduling a technical review meeting.

c. Board Member Committee Updates

- There was some discussion about hiring help for Ms. Abusalah's department. She is waiting for Town Meeting to find out about the Assistant Town Planner position; the Select Board, Town Administrator, and Finance Subcommittee voted in support of the position.

Mr. Grimshaw entertained a motion to adjourn.

Motion: Ms. Nist

Second: Mr. Reinke

Discussion: None
Vote: 4-0-0

Meeting Minutes Respectfully Submitted by:
Donna K. Main, DIS Assistant
Date Approved: 06/20/2023
Vote: 3-0-2