

## **Town of Leicester Planning Board**

### **Meeting Minutes**

MEMBERS PRESENT: Jason Grimshaw, Chair; Sharon Nist, Alaa AbuSalah, Debra Friedman

ASSOCIATE MEMBER: Andrew Kularski

MEMBERS ABSENT:

IN ATTENDANCE: Michelle Buck, Town Planner; Barbara Knox, Board Secretary; Robyn Zwicker; Harry Brooks, Board of Selectmen; Michael Shivik, Board of Selectmen

MEETING DATE: **January 17, 2017**

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Discussion:
  - Planning Board Vacancy
- 7:15PM Application:
  - ANR Plan, Auburn Street (Matt Schold)
- 7:30PM Application:
  - Briarcliff Estates Senior Village Development, Victoria Drive, Request to Amend Performance Agreement (Matthew Bassick)
- 7:45PM Approval of Minutes
  - 1/3/2017
- 8:00PM Town Planner Report/General Discussion:
  - A. Potential Zoning Amendment: Residential Building Heights
  - B. Chapter 61 Conversion Request (Mulberry Solar)
  - C. Miscellaneous Project Updates

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Mr. Grimshaw called the meeting to order at 7:00PM

#### **Discussion:**

##### Planning Board Vacancy

Ms. Buck reviewed that two candidates applied for the opened position on the Board; Andrew Kularski, Associate Member and Robyn Zwicker. This will be a joint appointment between Selectmen and Planning, until the Annual Election in June, when the position will be on the ballot to be filled for remainder of the elected term. The scheduled meeting before the Selectmen is on next Monday, January 23 at 6:30PM. Ms. AbuSalah would not be able to get to the meeting until 6:45. Ms. Friedman would not be able to get to the meeting until 7:30PM. Ms. Buck will ask if this item could be put at the end of the Selectmen's meeting agenda, so all Board members could attend.

After a brief review with both candidates, Ms. Buck clarified the Board could vote tonight to make their recommendation to the Board of Selectmen, but the actual combined vote will be done on Monday night. Mr. Grimshaw asked for any further comments or questions, hearing none, asked the Board how they wanted to proceed.

MOTION: Ms. Friedman moved to recommend to the Board of Selectmen, to appoint Andrew Kularski as the replacement to the vacant seat on the Planning Board.

SECONDED: Ms. Nist – Discussion: None – VOTE: All in Favor

MOTION: Ms. Friedman moved to appoint Robyn Zwicker as the Associate Member to the Planning Board

SECONDED: Ms. AbuSalah – Discussion: None – VOTE: All in Favor

### **Application**

#### ANR Plan, Auburn Street (Robert Richard)

The applicant wants to subdivide a lot on Auburn Street that is a labeled not a building lot. The applicant will then submit to the Zoning Board for a Special Permit under Section 1.3, Limited Frontage Lot, noting the lot meets all other zoning requirements for that zone, except frontage.

Ms. Friedman questioned whether someone was allowed to make a limited frontage lot. Ms. Buck explained that technically, it's not supposed to apply to new divisions of land, but the ZBA has previously allowed it on odd shaped parcels, such as this, that has frontage on more than one street. The applicant first has to show the boundaries of the proposed lot and the Planning Board is obligated to sign the plan because of the notation on the plan: "not a buildable lot." Then they will go to the ZBA for a Special Permit for a "Limited Frontage Lot" and if the Special Permit is approved, they will bring the same plan back to the Planning Board with the notation "not a buildable lot" removed.

Ms. Friedman questioned what would stop everyone from doing this. Ms. Buck explained there have only been two previous applicants like this that were very odd shaped lots like this that has access on more than one street.

There was discussion of the ownership and use of the remainder of the lot. Hearing no further discussion, Mr. Grimshaw asked for a motion.

MOTION: Ms. Friedman moved to approve the ANR plan on Auburn Street for Robert Richard

SECONDED: Ms. Nist – Discussion: None – VOTE: All in Favor

### **Application**

#### Briarcliff Estates Senior village Development, Victoria Drive, Request to Amend Performance Agreement (Matthew Bassick)

The developer submitted an updated Letter of Credit in the correct amount. The Board needs to accept the updated Letter of Credit and approve the amendment to the Performance Agreement that will reference the new Letter of Credit, the new deadline to complete and the new deadline to get updates to the Board.

MOTION: Ms. Nist moved to accept the Briarcliff Estates Letter of Credit #68089750 in the amount of \$249,352 from Bank of America, dated February 5, 2013, as amended January 6, 2016; and to amend the February 5, 2013 Performance Agreement for Briarcliff Estates to reflect the extended completion deadline and updated Letter of Credit.

SECONDED: Ms. AbuSalah – Discussion: None – VOTE: All in Favor

### **Approval of Minutes**

1/3/2017

MOTION: Ms. AbuSalah moved to approve the minutes of January 3, 2017 with noted typographical error corrections.

SECONDED: Ms. Nist – Discussion: None – VOTE: 3 in Favor / 1 Abstained (Ms. Friedman)

### **Town Planner Report/General Discussion**

#### Potential Zoning Amendment

There is a developer interested putting in a 100-unit Assisted Living Facility and would like to have 3 to 4 stories. They would like to come in and discuss with the Board the possibility on increasing the height limit in one or more zoning districts.

Ms. Friedman noted the height limit had a lot to do with Fire Department concerns and felt their opinion was needed. She said the reason the bylaw is the way it is, was because the Fire Department didn't have the ability to fight fires in structures over 2 ½ stories. Ms. Buck questioned whether the Fire Department had the ability now. Ms. Friedman wasn't sure and suggested having the Fire Department confirming that.

Ms. Buck explained the properties of interest being located on Tobin Road, Cherry Valley, the property next to St. Joseph's Church, and the back portion of Grandview Estates where phases 2 & 3 were supposed to go. The biggest problem the developer is facing was the availability of water. The Cherry Valley Rochdale Water would not be able to supply water to the facility.

Ms. Friedman asked if the developer wanted this amendment proposed at the Annual Town Meeting. Ms. Buck said yes. Ms. Friedman suggested having the Fire Chief at the next Board meeting to discuss any concerns the Fire Department may have. All Agreed.

#### Chapter 61 Conversion Request

This property is the site for the Mulberry Street Solar Project and the same property discussed 2 years ago when the original request was to sell the property. Now the owner is looking to lease the property, which starts the process all over again, because there is a separate process for selling property, versus conversion of the property. This is also on the Board of Selectmen's February agenda. The Board did not need to take a formal vote, unless they wanted to make the recommendation to buy the property. Otherwise, a memo would be sent to the Selectmen saying the Planning Board had no objection to the conversion of this property. The Board agreed sending a memo stating having no objection to the conversion.

#### Miscellaneous

- **Hammond Street Subdivision**  
The Applicant contacted the office looking to extend their permit. Ms. Buck advised the applicant to send a request in writing and include with the request a written description to why the work was not completed, and a schedule for completion.
- **Boutilier Estates Rescission**  
A representative of Zero Point Development called the office regarding the procedures for submitting a rescission request. This will be scheduled for the Board's second February meeting.
- **E-permitting**  
Ms. Buck reviewed the webinar demonstrations from the three e-permitting companies held last week. She noted the biggest hurdle will be with the cost and met with the Town

Administrator to discuss options for funding. There were no final figures available because each company had different pricing models. More review time was needed before a final decision could be made.

- Zoning  
There was brief discussion of potential zoning amendments for the Annual Town Meeting (possible amendment to the Solar Bylaw and amendments to address Recreational Marijuana).
- 30 Huntoon Memorial Highway Cell Tower/Verizon  
Ms. Friedman asked for an update regarding the Huntoon Highway Cell Tower. Ms. Buck said there had been no news. The Town was still waiting for the Judge's decision (expected soon).

*Ms. Buck noted the meeting with the Selectmen for Monday, 1/23/2017 will need to be posted.*

Hearing no further comments, questions or concerns, Mr. Grimshaw asked for a motion to adjourn.

MOTION: Ms. Friedman moved to adjourn meeting

SECONDED: Ms. Nist – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:10PM

Respectfully submitted,

*Barbara Knox*

Barbara Knox

**Documents included in the mailing packet:**

- Agenda
- Memo to the Planning Board from Michelle Buck, Town Planner regarding January 17, 2017 Board Meeting
- Letter from Andrew Kularski to the Planning Board regarding his interest in the vacant position on the Planning Board
- Letter from Robyn Zwicker to the Planning Board regarding his interest in one of the vacant positions on the Planning Board
- Copy of Robyn Zwicker's resume' to the Planning Board
- Copy of the Amendment to the Performance Agreement Secured by Letter of Credit regarding Briarcliff Estates
- Planning Board minutes of January 3, 2017
- Copy of Notice of Intent to Convert Use of Property Presently Owned by Mulberry Street Realty

**Documents submitted at meeting:**

- Suggested Motion for Briarcliff Estates, 1/17/2017

**Minutes approved 2/21/2017**