

Town of Leicester Planning Board

Meeting Minutes

MEMBERS PRESENT: Sharon Nist, Debra Friedman, Vice Chair, Andrew Kularski

ASSOCIATE MEMBER: Robyn Zwicker

MEMBERS ABSENT: Jason Grimshaw, Alaa AbuSalah

IN ATTENDANCE: Michelle Buck, Town Planner; Barbara Knox, Board Secretary; Harry Brooks, Board of Selectmen Liaison

MEETING DATE: **July 18, 2017**

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Public Hearing:
 Special Permit for Wholesale/Warehouse Business, 143 Clark Street (Applicant: Andrew Graham)
- 7:30PM Public Hearing:
 Special Permit for Large-Scale Ground-Mounted Solar Energy System, 408 Stafford Street (Applicant: Ameresco, Inc.)
- 7:45PM Public Hearing, continued:
 Special Permit Application: Restaurant (Eastern Pearl) at 1060 Main Street (Applicant: Ren Gua Zhu)
- 8:00PM Approval of Minutes:
 • 6/6/2017
 • 6/20/2017
- 8:15PM Town Planner Report/General Discussion:
 A. Briarcliff Estates Streetlight
 B. Parker Street
 C. Fall Town Meeting/Potential Zoning Bylaw Amendments
 D. Miscellaneous Project Updates

Ms. Friedman, Vice Chair called the meeting to order at 7:00PM

Public Hearing Cont.:

Special Permit for Wholesale/Warehouse Business, 143 Clark Street (Applicant: Andrew Graham)

Ms. Friedman read the Notice into the record and then opened the meeting to discussion. Mr. Kularski recused himself from the hearing due to a conflict. Ms. Buck explained the Board cannot take any action tonight due to only have 3 eligible voting members and a Special Permit hearing requires 4 members. The applicant is requesting a continuance to the next meeting on Tuesday, August 1st at 7:00PM

MOTION: Ms. Nist moved to approve the request of the applicant to continue the public hearing for 143 Clark Street to Tuesday, August 1, 2017 at 7PM.

SECONDED: Mr. Zwicker – Discussion: None – VOTE: All in Favor

Approval of Minutes

6/6/2017

MOTION: Ms. Nist moved to approve the minutes of June 6, 2017

SECONDED: Mr. Kularski – Discussion: None – VOTE: All in Favor

6/20/2017

Tabled

Town Planner Report

Briarcliff Estates Streetlight

Several months ago, the Board imposed new deadlines for this project. One of the deadlines was to have the first streetlight installed by June 30, 2017. The applicant contacted the office on June 21, 2017 and requested an extension to that deadline to July 21, 2017. Ms. Friedman suggested extending the deadline a little further due to the Board's next meeting being on August 1st. Ms. Buck agreed and suggested extending to August 2, 2017.

MOTION: Ms. Nist moved to extend the deadline to install the first streetlight at Briarcliff Estates to August 2, 2017.

SECONDED: Mr. Kularski – Discussion: None – VOTE: All in Favor

Parker Street

Ms. Buck gave a brief overview regarding Parker Street for the new Board members. She further explained the Webster First Bank were now the owners of the Parker Street properties and their attorney met with Ms. Buck. Webster First is trying to negotiate a plan for improvement. Ms. Buck suggested similar to what the Board approved in 2011, which was a Preliminary Subdivision Plan that included 24 feet of pavement, no sidewalks and a through emergency access. An important issue is also stormwater control, because the entire road has a steep slope on one side and then slopes down to a water body. The Town felt stormwater control was important and not something they could waive.

Ms. Buck said she met with the bank's attorney a couple weeks ago and they were proposing 18 feet of gravel road and limited stormwater control. They spoke on possibly allowing a narrower road width than previously approved, with a stormwater control plan and having pavement rather than gravel. The attorney for the bank has indicated that the bank is likely to submit an ANR Plan anticipating a denial that could be appealed in court.

Miscellaneous Project Updates

1. 1205 Main Street, Cheoy Lee's Chinese Restaurant
They did the parking lot striping. Ms. Buck will do a site inspection.
2. 1181 Main Street, Mikes Donuts.
The parking lot striping was completed, but they will need to change it. The parking spaces up near Route 9 will make it impossible for people who park in front of the building to back their cars out.
3. Solar Bylaw
The Bylaw Amendment passed at The Annual Town Meeting has received AG Office approval.
4. Pending applications
 - Special Permit application for the new water tank on Lehigh Road for the Hillcrest Water District.
 - Special permit application for indoor motor cross facility in one of the vacant buildings on Huntoon Highway.

Fall Town Meeting/Potential Zoning Bylaw Amendments

1. Moratorium regarding Recreational Marijuana and to consider a short-term moratorium until State guidelines are in place.
2. A member of the Board of Selectmen has asked about creating an amendment to allow a certain number of chickens by-right vs. special permit.
3. The Building Inspector asked about the Board's consideration to allow accessory sheds as a primary use for the purpose of storage. The Board agreed additional research was needed and there would need to be some kind of a limit on the size.
4. The ZBA asked for a Limited Frontage Bylaw amendment because the current Bylaw was confusing and needed to be rewritten. Ms. Friedman suggested setting up a task force with ZBA for input and what they felt would make the Bylaw clearer.
5. Creating a Bylaw allowing off-site parking in Central Business District. All agreed more research was needed.
6. Amending building height for residential structures. All agreed to wait until housing study was completed.

Public Hearing:

Special Permit for Large-Scale Ground-Mounted Solar Energy System, 408 Stafford Street,
Applicant: Ameresco, Inc.

Mr. Ryan Hale of Amec foster wheeler, Inc; Mr. Peter Esselstyn of Ameresco, Inc. and Mr. Tyler Krupa of National Grid in attendance.

Ms. Friedman read the Notice into the record and then gave instructions on hearing procedures. Hearing opened to the applicant to present their petition.

Mr. Hale made the presentation. Ameresco was proposing to install a 4.7 acre solar facility on a 45 acre parcel located at 408 Stafford Street, in the Cherry Valley section of Leicester. National Grid owns the property. A 7-foot chain-link fence will surround the facility and tree clearing will conform to the 50 foot buffer requirement from residential neighboring properties.

The access road will extend from the proposed solar facility, across the right of way, down to an existing access road, which leads from Stafford Street to an existing solar facility. There will be approximately 7.9 acres of tree clearing to accommodate the array.

Ms. Buck said the applicant had submitted revised plans by email on Friday and paper copies received on Monday. The changes were primarily to address comments from Quinn Engineering and the Fire Department regarding the turn-around and Stormwater Management Plan. Neither Quinn Engineering nor the Fire Department had opportunity to review the changes.

Ms. Buck asked about the aerial views of the site; it appeared vegetation was fairly thick between the panels and residential properties. She noted wetlands being located within the thick vegetation. Mr. Hale agreed the area being thickly vegetated and felt the residential properties would be well shielded.

Ms. Buck noted the applicant had recently submitted information regarding how the decommissioning bond was calculated. This will be submitted to Quinn Engineering for review.

She explained the hearing would need to be continued in order to address the stormwater issues and decommissioning bond review.

Ms. Nist asked if maintenance for both National Grid solar facilities, be scheduled at the same time, on a regular basis, or would the maintenance be on different schedules. Mr. Robert Bukowski, Senior Project Manager said the same maintenance contractor would be used for both solar facilities at the same time.

Mr. Kularski asked if the fire department had the chance to review the revised plans. Ms. Buck said the fire department picked up the revised plans yesterday afternoon. Mike Wilson, Fire Department Captain, was in attendance and he indicated the revised plans address his concerns.

Mr. Hale explained the first turn around will be at the access road extension point to the new access drive and the second turn around would be put closer to the 2nd solar farm.

Ms. Friedman asked where the gate was located. Mr. Hale said there is an existing gate to the existing solar farm located on Stafford Street and they will put another gate that will be attached to the 7 foot fence proposed for the solar project.

Discussion opened to the public.

Ms. Nancy McCue, 402 Stafford Street, said she had concern about the amount of trees being cleared and the glare affect the panels will have facing her property. Then, once all the trees are gone, how that will affect the brook and water runoff onto her property. Mr. Hale said as mentioned earlier, it was densely vegetated from the residential properties and the panels will be a distance away. Ms. McCue noted being able to see the solar panels that are there now from her property.

Mr. Hale explained the panels were designed to absorb light rather than reflect light and there wouldn't be any glare. The panels will face one way and the FAA, who they have been working with, had no issues.

Ms. Friedman asked the distance from the residential property line to the solar array.

Mr. Hale felt the tree clearing would be approximately 150 to 200 feet from the property line and from the residence itself, would be further.

Mr. Kularski asked the height the panels sat off the ground. Mr. Hale said the panels would sit approximately 8.5-feet off the ground.

Ms. Friedman asked for any further comments or questions, hearing none, asked for a motion to continue.

MOTION: Mr. Kularski moved to continue the public hearing on the National Grid Solar Facility located at 408 Stafford Street to Tuesday, August 1, 2017 at 7:30PM

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

Public Hearing Continued

Special Permit: Restaurant (Eastern Pearl) at 1060 Main Street (Applicant: Ren Gua Zhu)
Brian Hill, Land Planning & Ren Gua Zhu in attendance

Mr. Hill made the presentation. They had responded to Quinn Engineering comments, with a cross communication on one of the comments. They issued a letter today to address that final comment, which had to do with the mounded area around the dumpster. That area will be dug

out, leveled off to match the rest of the parking lot and repaved. Some waivers were requested. One regarding the existing parking out back, where it's a little narrower and the existing way around the back of the building, does not meet the current regulations for an access way.

There is an existing paved access located on the right side of the building, approximately 10.2-feet wide. This area had always been used for parking in back and to get around the building. It's basically been used for only employee parking and they would like to continue that use for the new use. They will provide a sign that says "for employees only and no trucks allowed." It will also be posted a "one way" at the access and a "do not enter" sign on the other side.

Ms. Nist asked about delivery truck access. Mr. Hill said deliveries would be made at the northwest side of the building. The truck would park in the space marked 8.5' x 20' at the northwest corner of the building. The truck will turn around in front and back into the spot because it wouldn't get around the building.

Ms. Friedman asked the first waiver request was for the parking and rear building access. Mr. Hill agreed and noted at its worst, the turning radius would be 12.4. It may accommodate pickup trucks or SUVs, but definitely not delivery trucks.

Ms. Nist asked about fire truck access. Mr. Hill said definitely not a fire truck. The truck could pull into the access on each side, but could not turn around back; it would need to back out.

Ms. Friedman noted there was no fire access on two sides. Mr. Hill explained this was not a proposed facility but an existing building.

Ms. Friedman felt a restaurant had a much greater chance of a fire than a dentist office. She asked where the deliveries would be. Mr. Hill said there is a proposed 24 foot aisle on the left side to the lot line, which includes a 16-foot easement from the abutters. It would be 24 feet to the lot line and 25.5 feet from the building.

Ms. Friedman noted that being their right-of-way and asked if that was also their access and egress going into the back. Mr. Hill said there were two access points. A delivery truck would come during early morning hours, not restaurant hours and back in to make deliveries.

Ms. Buck noted the one change made from the original plan was leveling the area where the dumpster was located. Mr. Hill said the area where the dumpster was not suitable, so they will regrade and level off that area to match the parking lot. The dumpster will be fenced in and accessed will be on the building side.

Ms. Nist asked about Crossroad's Market using the dumpster and not being able to access the dumpster. She asked if the plan included the dumpster being emptied after business hours.

Mr. Mike Wilson, Fire Department asked if the area near the apartment building will be posted No Parking. Mr. Hill said he could not post on the building or on the property, but could paint no parking on the pavement. Mr. Wilson questioned whether that would work during the winter months.

Mr. Hill explained they can't block their neighbor's access. They can drive over the easement, but cannot park on it.

Ms. Friedman asked if they could provide a copy of the access easement, so the Board knows exactly what's in it, because some easements allow parking. Mr. Hill said it's described as an access easement and that's the limit of the description, but agreed to provide a copy to the Board.

Ms. Friedman asked where the restaurant will receive their deliveries. Mr. Hill explained even though the marketplace will be opened in the early hours of the morning, the use of the restaurant will not be until after 11:30am.

Ms. Friedman asked the number of employees. Mr. Gua Zhu said around 7 employees.

Mr. Mike Wilson asked their plans for snow removal. Mr. Hill said the snow would be removed off site. He said the parking spaces are 9 'x18' at the access and were angled to help with the one way. Those spaces were always a parking space area for employees.

Ms. Friedman asked if they expected their employees to all be driving compact cars. Mr. Hill explained it would be compact by Leicester's definition, because the Bylaw requires 10 -foot wide parking space. Most Towns require a 9 foot wide space and in Worcester, a compact space is 8 foot wide.

Mr. Kularski asked how they will stop non-restaurant customers from using the restaurant spaces. Mr. Gua Zhu said they could put a sign stating for Eastern Pearl customers only.

Mr. Mike Wilson asked they will address parking on the easement. Mr. Hill explained if the apartment building residents park on the easement, they will be blocking their own egress/access to the apartment building. He suggested striping the area to indicate no parking.

Mr. Kularski said the police chief had indicated wanting to see the parking lot posted one way in and one way out. Ms. Nist agreed one access marked "entrance only" and the other marked "exit only". Mr. Hill said if it's a safety concern, that is how it's currently used.

Ms. Friedman said even if this is how it's currently used, it's changing, because you are adding a restaurant with 67 seats and alcohol, therefore the use is being changed. The Heating Company that had occupied this spot did not create a lot of traffic.

Mr. Hill said both accesses have excellent visibility, but understood cars queued at the traffic light and it's a busy intersection. If the Board prefers one-way in and one-way out, they can do that.

Ms. Friedman asked if there would be an effect when pulling out onto Route 9. Mr. Hill noted the curb cuts are already there.

Ms. Buck asked if they had considered reducing the number of seats, because they can't meet the parking requirement. Mr. Hill said they did submit a waiver on parking and believed it was only for one space. Ms. Friedman said that would be without any employee parking. Mr. Hill asked if a space had to be provided for each employee. Ms. Nist said yes.

Mr. Gua Zhu said sometimes their employees all come in one van. Ms. Friedman said if the Board approves this restaurant, it's approved as a restaurant, not as a restaurant who brings their employees in a van.

Ms. Buck noted the Board wasn't uncomfortable with the number proposed, but the applicant needs to make his case and explain their expectations on the customer base. For example, a certain number will be walk-ins from the College or a large number will be take-out, etc. All of that would be taken into account when the Board considers reducing the number of parking spaces.

Mr. Zwicker asked if there will be delivery service. Mr. Gua Zhu said no.

Ms. Nist asked if the applicant addressed the Leicester Water Department's concern regarding the grease trap, the back flow, etc. Mr. Gua Zhu said yes he had spoken to the water department and they reviewed the plan and approved it. Ms. Nist asked the applicant to submit a copy of the water department's approval in writing.

Mr. Hill said there was a question about the handicapped spaces having 8 foot space. The regulations allows two 11 foot spaces with a 5 foot access and the reason was so the spaces would be 10 feet wide. He felt their proposal was very close to approval and felt it would be okay having a slight reduction in the number of seats, if that's what it takes. He suggested adding a condition for no parking stripping in the right of way and signs stating one way in and one way out.

Ms. Friedman suggested a condition requiring some kind of snow removal contract. Mr. Robert Wilson, Fire Chief recommended including removal of snow within 24 hours.

Ms. Friedman asked if the fire department had any more concerns to address. Mr. Mike Wilson said keeping fire lanes unobstructed, the lot signage and snow removal.

Ms. Nist asked about a fence in the back. Mr. Hill said there was an existing 6-foot stockade fence.

Ms. Buck asked where the residents in the house to the right of the parking lot parked. Mr. Hill said they have a driveway on the other side by Wayside Florist.

Ms. Friedman asked if the fire department was also putting up a fence. Mr. Robert Wilson said yes, all along the south side and west side.

Ms. Friedman had concern with the lack of staff parking. Mr. Hill asked if there was a suitable 1 or 2 parking space waiver, in this downtown district, that would be acceptable. Ms. Nist asked if it would be easier by just reducing the number of seats. Mr. Hill said they could consider that, but they were also talking about potentially a maximum shift of 7 employees and at potentially full use all the time.

Ms. Nist asked what their operating hours would be. Mr. Gua Zhu said normal hours are 11am to 10pm, 7-days a week.

Mr. Hill noted allowing parking off site as an option. Ms. Buck said the Town would need to amend their Zoning Bylaw to allow that.

Ms. Buck reviewed the applicant's request and in following the Board's parking regulations, the business needs 7 more spaces than they have now. She asked the Board how much of a waiver they were willing to approve.

Ms. Friedman felt the plan presented was a better plan then the previous plan. Ms. Nist noted the application stated seating was reduced to 60, as opposed to 67. Mr. Hill said that was before adding in employees. He felt they would still need a waiver for 1.

Ms. Buck said the Board was asking the applicant to provide more information on the plan, more information regarding the easement, more information on their customer base and justification for requesting a waiver on parking, also all deliveries and trash removal be done before restaurant hours.

Ms. Friedman said also a snow removal contract, stating that all snow over 3-inches, be removed from site within 24-hours; the no parking area will need to be striped and signage in place with arrows showing the additional parking.

There was some discussion regarding whether the Board should allow parking at the dumpster and the corner at the access to employee parking. It was determined in eliminating parking spaces at the corner access, the dumpster and one employee space; the applicant would require a waiver for 3 spaces.

Ms. Friedman reiterated the Board and fire department's requirements: to stripe the easement area, put in no-parking signs within the right of way, eliminate the space at the corner, so the delivery door was not blocked, eliminate the spot at the dumpster, have one-way in and one-way out access, a contract for snow removal; a copy of the right-of-way easement; and a stop sign.

Mr. Hill agreed. He asked about the existing access and existing employee parking spaces. Ms. Friedman said there wasn't a huge problem, but felt cars would be cramped in. Board members agreed to consider the employee parking spaces to the rear to be pre-existing (and could remain 9' wide). After review, Mr. Hill felt they could set up the spaces to be more conforming.

Mr. Hill asked what the Board would be comfortable with for a parking waiver.

Ms. Buck felt they would be looking for a waiver for 7. Ms. Friedman didn't think the Board had a problem with 7 space waiver, but that means they would have to reduce seating to 60 seats and remove the spaces that are problematic. *[Note: There was some confusion at the meeting because of back and forth discussion. Eliminating the 2 spaces the Board requested would result in 42 spaces, an 8 space waiver]*

Hearing no further comments or questions, Ms. Friedman asked for a motion to continue.

MOTION: Ms. Nist moved to continue the public hearing special permit application on 1060 Main Street, Eastern Pearl Restaurant to August 1, 2017 at 7:45PM with the condition it may start later due to a previous scheduled hearing.

SECONDED: Mr. Kularski – Discussion: None – VOTE: All in Favor

MOTION: Ms. Nist moved to adjourn meeting

SECONDED: Mr. Kularski – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:50PM

Respectfully submitted,

Barbara Knox

Barbara Knox

Approved at 8/1/2017 Planning Board Meeting

Documents included in mailing packet:

- Agenda
- Memo to the Board from Michelle Buck dated, July 13, 2017, regarding July 18, 2017 Planning Board Meeting
- Public Hearing Notice regarding R.A. Graham Company, 143 Clark Street, Rochdale
- Copy of letter to Town Clerk regarding Special Permit Application of R.A. Graham
- R.A. Graham's Statement of Compliance with Special Permit Criteria
- R.A. Graham's Project Narrative & Request for Waiver
- Comments received from Fire Department, Highway Department, Police Department, CVRW District, ORS District, regarding R.A. Graham Company
- Draft copy of Site Plan & Special Permit Decision regarding R.A. Graham Company
- Public Hearing Notice regarding 408 Stafford Street Solar Project (National Grid)
- Site Plan Review/Special Permit Application Form for New England Power d/b/a/ National Grid
- Copy of site plan for 408 Stafford Street Solar Project
- 408 Stafford Street Solar Project Narrative
- Memo from Kevin Quinn, Quinn Engineering to Michelle Buck regarding 408 Stafford Street Solar Project
- Comment letter to Planning Board from Kevin Quinn regarding 408 Stafford Street Solar Project
- Comments received from Board of Health, Police Department, CVRW District, Fire Department, regarding 408 Stafford Street Solar Project
- Special Permit application form for Eastern Pearl Restaurant, 1060 Main Street
- Eastern Pearl Restaurant Project Narrative
- Memo to Mark Erlich, Attorney regarding Eastern Pearl Restaurant
- Response letter to Quinn Engineering comments from Norman Hill of Land Planning regarding Eastern Pearl Restaurant dated 6/19/2017
- Letter to the Planning Board from Quinn Engineering regarding Eastern Pearl Restaurant dated 7/10/2017
- Letter to the Planning Board from Quinn Engineering regarding Eastern Pearl Restaurant dated 5/15/2017
- Comments received from Police Department, Leicester Water/Sewer Department regarding Eastern Pearl Restaurant
- Comments received from Fire Department dated 5/15/17; 5/25/17; 5/23/17 & 6/21/17 regarding Eastern Pearl Restaurant
- Draft copy of Special Permit Decision Order of Conditions regarding Eastern Pearl Restaurant
- Planning Board Minutes of June 6 and June 20, 2017

Documents submitted at meeting:

- Copy of revised parking plan for 1060 Main Street, Eastern Pearl Restaurant
- Response to comments from Quinn Engineering from Robert Bukowski, project manager, regarding 408 Stafford Street Solar Project