

**Town of Leicester Planning Board
Meeting Minutes
January 15, 2019**

MEMBERS PRESENT: Jason Grimshaw, Chair; Debra Friedman, Vice-Chair; Sharon Nist, Andrew Kularski

MEMBERS ABSENT: Alaa Abusalah and Robyn Zwicker

IN ATTENDANCE: Michelle Buck, Town Planner, and Wanda Merced, Department Assistant.

MEETING TIME: 7:00 PM

AGENDA:

1. 7:00PM **Public Hearing, Major Site Plan Review, continued**
515 Henshaw Street Solar Farm/SPR2018-01 (Applicant: Borrego Solar)
2. 7:15PM **Public Hearing, Special Permit**
710 Main Street/SP2018-03, 3 duplexes (Applicant: Rapid Transit LLC)
3. 7:30PM **Public Hearing, Definitive Subdivision Plan**
Oak Bluff Lane/SUB2018-01, 6 lot residential subdivision (Applicant: Central Land Development Corp.)
4. 8:00PM **Discussion, Special Permit Extension, SP2003-01**
Briarcliff Estates/SP2003-01, Senior Village Development (Applicant: Matthew Bassick, Briarcliff Estates SV LLC)
5. 8:15PM **Discussion, Site Plan Review, continued**
424 Main Street/Nor'Easter Remedies/SPR2018-08, Marijuana Cultivation (Applicant: Nor'Easter Remedies)
6. 8:20PM **Request to Release Performance Security Agreement**
LaFlash Boutillier Solar/SPR 2016-03, site stabilization bond (Applicant: Pro-Tech Energy Solutions)
7. 8:25PM **Approval of Minutes:**
 - 12/18/2018
8. 8:30PM **Town Planner Report/General Discussion:**
 - A. General Discussion: Zoning Bylaw amendments for May 2019
 - B. Miscellaneous Project Updates
 - C. Board Member Committee Updates
9. **Adjourn**

Jason Grimshaw called the meeting to order at 7:05PM

Public Hearing, Major Site Plan Review, continued

515 Henshaw Street Solar Farm/SPR2018-01 (Applicant: Borrego Solar)

Ms. Buck stated that the applicant submitted revised plans to address comments from last February. She said that because so much time had elapsed, the plan was redistributed for new comments (due January 30th). The applicant requested a continuance.

MOTION: Ms. Friedman motioned to continue the hearing for 515 Henshaw Street Solar Farm to February 5, 2019 at 7:00 PM.

SECOND: Ms. Nist. Discussion: None

VOTE: All in favor.

Public Hearing, Special Permit

710 Main Street/SP2018-03, 3 duplexes (Applicant: Rapid Transit LLC)

Mr. Grimshaw read the notice into record.

Zachary Gless, Vice-President, Existing Grade, Inc., was present for the applicant and discussed the project in detail. Mr. Gless explained that they will create four legally conforming lots and construct a duplex on each lot. Each duplex will consist of approximately 3,000 total square feet per building and two garages. They are also proposing a single double wide driveway for each building with each side having its own turnaround to avoid backing out on to Main Street. Mr. Gless said they will meet zoning requirements and each building will have water and sewer hookup. Ms. Friedman asked if the water and sewer departments confirmed the hookup and Mr. Gless said that they have. Ms. Nist asked how far they were from wetlands and Mr. Gless said they are 25 to 35 feet away from the corner of the building. Mr. Gless stated that they are still working on stormwater management.

Mr. Grimshaw asked if anyone from the public had any comments and there were no comments.

MOTION: Ms. Friedman motioned to continue the hearing for 710 Main Street to February 5, 2019 at 7:15 PM or as soon thereafter.

SECOND: Ms. Nist. Discussion: None

VOTE: All in favor.

Public Hearing, Definitive Subdivision Plan

Oak Bluff Lane/SUB2018-01, 6 lot residential subdivision (Applicant: Central Land Development Corp.)

Mr. Grimshaw read the notice into record.

Brian MacEwen of Graz Engineering, LLC was present for the developer and submitted the Certificates of Mailing. Mr. MacEwen discussed the project in detail with the Board. He explained that they are developing 6 lots total with 5 lots located on the northerly side of the proposed roadway and 1 lot to the south of proposed Oak Bluff Lane and Baldwin Street. He mentioned that they want to follow the existing gravel roadway as much as possible. Mr. MacEwen stated that he would be providing stormwater management for the project. He said they will be providing access for the Highway Department to maintain the basins as needed. Mr. MacEwen explained that they have provided fire cisterns as required by the Fire Department and they need to coordinate final approval with them for the turning of their vehicles. He stated that the Post Office will review to determine if they want a central box location and if that is the case, he said that they will reconfigure the roadway.

Mr. MacEwen discussed each waiver request with the Board in detail as follows:

- Waive §V, A, 1, (f), to permit roadway centerline radius of curvature of less than 200 feet. Plans proposed radii of 100 feet in one location and 170 feet at another.
 - Mr. MacEwen said Quinn Engineering reviewed it and he said that basically his main concern was if vehicles can traverse the alignment properly and said he will do an overly of that to see if they need to make a minor adjustment to that. He said he thinks the most important concern will be the turning radius coming in off of Baldwin Street. Because of the geometry of the existing gravel road, they are looking to use as much of

that alignment as they can and minimize the disturbance but also make sure that they meet the required turning radiuses. They will provide the revisions for final review by Quinn Engineering.

- Waive §V, A, 2(a) and §VI.A, 2 to permit reducing the paved width of road from 28 feet to 24 feet.
 - Mr. MacEwen said that this was approved as a waiver on the preliminary plan and said Quinn Engineering, on his definitive review, basically sees no issue with this request.
- Waive §V, A, 4, (a) to permit a dead-end street greater than 500 feet in length; plans propose a 950 foot street, which continues onto a road in another community.
 - Mr. MacEwen said that Quinn Engineering reviewed this waiver and he did not indicate any issues with it other than if it will continue into Spencer and be an extension of another roadway. He said that if that were the case, the process would ultimately have to be fully coordinated and plans revised. Review and approval by the Leicester Planning Board would be needed if there were any changes to the alignment configuration as shown on the definitive plan.
- Waive §V, C, 4 to permit flow velocity in drains which exceeds 10 feet per second; under some storms flow in the culvert between DMH 5 and DMH 6 will reach 15 feet per second.
 - Mr. MacEwen said that relative to the water velocity, the topography is such a steep slope that comes down from the cul-de-sac area to the drainage pond. He said they have provided a drop manhole at the bottom and said that Quinn Engineering has no problem with that because it will allow the velocity to break down in the manhole and then discharge through the pipe to the drainage pond area.
- Waive §V, C, 4 to permit cover over drainage of less than 30 inches required; in one case a Class IV reinforced concrete pipe (RCP) shall have 12 inches of cover and in another case, high density polyethylene (HDPE) culvert shall have 30 inches of cover.
 - Mr. MacEwen said they asked for a waiver because of the location of the isolated wetland that is located to the north of the proposed roadway. He said there is no outlet to that structure right now and there is existing surface water flow that feeds to that. Mr. MacEwen said that he has no history on if it floods over the existing gravel road right now but said they plan to install a reinforced concrete pipe at that location set in the invert high enough so that it isn't going to drain the wetland if in fact that ever floods on that side of the road. He said it would give an outlet for it to discharge under the roadway down to the drainage pond then ultimately flow to the wetlands area.
- Waive §VI, B, 1, a, to permit use of high density polyethylene (HDPE) culvert pile in lieu of the required RCP.
 - Mr. MacEwen said he understands that this is not an issue because the town uses HDPE pipes now.
- Waive §VI, E (1), to permit installation of overhead utilities in lieu of required underground utilities.
 - Mr. MacEwen said this waiver was approved on the preliminary plan.
- Waive §VI E (3), installation of required streetlights.
 - Mr. MacEwen said that they have not come to definitive answer on that. He said this sounds like something that may go back and forth between the Planning Board, Select Board and the town people relative to installation. Mr. MacEwen said they are asking

to waive this based on historical aspects that have taken place with new subdivisions. He said they haven't been installing them in newer subdivisions and said the cost of installation with National Grid will need to be discussed as well. This is something that will need to be discussed further.

- Waive §VI, G, 4, (1-3), installation of required sidewalks.
 - Mr. MacEwen said that this was also approved on the preliminary plan that if the bus was going to traverse the roadway to pick up any passengers then they would not require sidewalks. He said that they submitted a letter from the bus company saying that they will provide bus service up to and turning around at the cul-de-sac.
- Waive §VI, L, to waive installation of required street trees.
 - Mr. MacEwen said they are asking for this waiver because of the rural nature of the site. He pointed out the areas on the plan that will be left with trees and the areas to be cleared and said that the cleared areas will be loomed and seeded.

Mr. Kularski stated that the Board of Health had no comments and said that the Fire and Police Departments comments have been addressed. Mr. MacEwen stated that they have been before the Conservation Commission already and have been continued to their next meeting in February. Ms. Friedman stated that she wants trees left lining the street and not just on the property. She went on to say that trees lining the street are normally placed every forty feet. Ms. Nist agreed that trees should be left and she said that she does not want everything clean cut. Mr. MacEwen stated that they were looking for a waiver for street trees but if refused, they will accommodate the Board's requirement. Matt Schold stated to the Board that he wanted to leave as many trees as possible; he felt that's what helps to sell the property.

Ms. Friedman commented about the letter from AA Transportation Co., Inc. She stated that she felt that permission to re-route the school bus route to use Oak Bluff Lane should really come from the School Department and not the bus company. Ms. Friedman explained that the School Department hires the bus companies and at any time can change companies. She said that she prefers they get approval from the School Department because another bus company could disagree to use Oak Bluff Lane. Mr. Kularski told Mr. MacEwen to get someone from the School Department agree to use Oak Bluff Lane because they establish the bus routes and they ultimately pay the bus company.

Mr. Grimshaw asked if anyone from the public has any comments. John Pajer, 20 Oak Bluff Lane in Leicester, stated that when the cul-de-sac is completed, he feels that they will be cut off from the Town. He said he is concerned about selling his property and what would happen to new owners. His concern was that plowing would stop at the cul-de-sac and not proceed. Mr. MacEwen stated that in a case like this where it meets at a town line, the two towns work out who will do the snow removal. Mr. Schold stated that Mr. Pajer should speak with the Highway Department about his concerns in regards to snow removal.

Karen Pajer, 20 Oak Bluff Lane in Leicester, also stated that she was concerned about the plowing ending at the cul-de-sac and bus stops. She stated that she did not see the purpose of the cul-de-sac. Ms. Friedman stated that they will petition to accept the road as a public way and then the town will maintain it. Ms. Pajer asked about the drainage and if the property owners are responsible for maintaining those. Mr. MacEwen stated that the rights will be with the town to

maintain those. He stated that the property owner has no liability or obligation for any drainage on their property.

John Farr, 9 Sycamore Avenue in Spencer, stated that he felt isolated where his is and wanted to know why this would be a cul-de-sac and dead end. He said that he also feels that plowing will end at the cul-de-sac and said he was worried about the town forgetting about him. Mr. MacEwen stated that the road technically does not end; there is a section that will continue into Spencer. Mr. Farr stated he couldn't understand why there would not be any sidewalks and why the road width will be 24 feet wide and not 28 feet. Mr. MacEwen stated that the roadway width of 24 feet would be a benefit for lower maintenance costs and would accommodate all standard vehicles. The Board suggested that Mr. Farr address his issues with the Town of Spencer.

John Bowler, 53 Lake Avenue in Spencer, stated that he could not understand why there will not be any sidewalks. He stated that he takes his 85 year old father for walks and is concerned about the safety factor. Mr. Bowler also stated that he was curious what the road blend will be from the cul-de-sac to the gravel road that is currently used. He said that there are 12 other homes in Spencer that use the gravel road as an access and there is also foot traffic on that road and asked that be taking into consideration. Mr. Bowler also stated that he could not understand why the Board would waive underground utilities because Spencer uses underground utilities and provides sidewalks. He said he understood the waiver but did not understand why Leicester would grant the waiver. The Board suggested that Mr. Bowler also address his issues with the Town of Spencer.

Michelle McTiernan, 61 Lake Avenue in Spencer, stated that she is concerned about the trees and said that one lot, that has already been cleared, has stumps, rocks, etc. stored on it. She asked if the Board knew how long that would be there and Mr. Schold answered that those things will be removed and said that lot will be a house lot. He explained that the person he uses has a broken grinder at the moment. Ms. McTiernan stated that she would like to see more trees closer to the road. Mr. Schold stated that he wants to try to save as many trees as possible.

Mr. Grimshaw asked if there were any more questions from the public and there were no further questions.

MOTION: Ms. Friedman moved to continue the public hearing for Oak Bluff Lane to February 5, 2019 at 7:45 PM or as soon thereafter.

SECOND: Ms. Nist. Discussion: None

VOTE: All in favor.

Discussion, Special Permit Extension, SP2003-01

Briarcliff Estates/SP2003-01, Senior Village Development (Applicant: Matthew Bassick, Briarcliff Estates SV LLC)

Ms. Buck stated that she included a draft decision for the Board to review. She said that she received more information from the Applicant so she needs to revise page 1 of the description to include which units have been built and which units have not been built. Ms. Buck told the Board that she has already received the confirmation of the extension of the existing Letter of Credit and will include that street trees be installed as soon as practical but no later than June 30, 2021. Ms. Buck stated that there are no other concerns except for how long they want the

extension. Mr. Bassick said he would like the extension until 2021. Mr. Friedman suggested June 2021.

MOTION: Ms. Friedman moved to extend Briarcliff Estates Special Permit to June 30, 2021.

SEOND: Ms. Nist. Discussion: None

VOTE: All in favor.

Discussion, Site Plan Review, continued

424 Main Street/Nor'Easter Remedies/SPR2018-08, Marijuana Cultivation (Applicant: Nor'Easter Remedies)

Ms. Buck stated that the applicant has requested a continuance to February 5th.

MOTION: Ms. Friedman moved to continue 424 Main Street/Nor'Easter Remedies to February 5, 2019 at a time to be determined and to extend the deadline to file a decision to February 7, 2019.

SECOND: Ms. Nist. Discussion: None

VOTE: All in favor.

Request to Release Performance Security Agreement

LaFlash Boutilier Solar/SPR2016-03, site stabilization bond (Applicant: Pro-Tech Energy Solutions)

Ms. Buck stated that no one was present for LaFlash Boutilier Solar. She said that Mr. Quinn did a site visit in December and said everything is all set. Ms. Buck said that this request was similar to Cherry Valley Solar and just closing this account.

MOTION: Mr. Kularski moved to release the Performance Security Agreement for LaFlash Boutilier Solar, site stabilization bond.

SECOND: Ms. Nist. Discussion: None

VOTE: All in favor.

Approval of Minutes

MOTION: Mr. Kularski moved to approve the minutes of December 18, 2018.

SECOND: Ms. Nist. Discussion: None

VOTE: All in favor.

Town Planner Report/General Discussion:

Fill Bylaw: Ms. Friedman suggested that Ms. Buck contact Perry Dube because she believes he can help her narrow down the extra language written in the original bylaw and thinks he would be extremely helpful.

Complete Streets Grant: Ms. Buck reported the town received a \$335,000 grant for implementation for a complete streets project around the Town Common.

Solar Farm: Ms. Buck reported that she met with the Town Administrator and Massport to discuss a solar farm on Route 56 on airport property.

Miscellaneous Project Updates

Cherry Valley Solar

Ms. Buck stated that the work has been completed and confirmed by Mr. Quinn and funds have been released.

Hammond Street Subdivision

Ms. Buck stated that they are due to expire in February. She said she sent them a letter saying that if they want to extend again, to let her know and she will put them on the next agenda. Ms. Friedman asked how long has this been going on and Ms. Buck answered that this application was submitted 11 years ago and approved in February 2008.

Curtis Self Storage

Ms. Buck stated that Mr. Quinn looked at this site and is all set with all planning issues for now. She said that she is not sure when or if he'll finish the last building but he does have until 2020 to complete that.

Boat Storage on Route 9

Ms. Buck stated that she and the Building Inspector, Jeff Taylor, spoke with the owner and the owner has picked up a special permit application. She said she is not sure when the owner will submit the application.

Towing Business

Mr. Kularski stated that everything that was previously stored on the property was gone as of last week.

Signage

Ms. Buck stated that she needs to meet with the Building Inspector, Jeff Taylor, to discuss this issue further.

Dumpster Storage

Mr. Buck stated that James DiCentis is looking to do dumpster storage and will be submitting a request for a zoning amendment.

Chapel Street Mill

Robert Mulcahy, Davis Thach and Paul Leary of Boston Development Investment Corporation addressed the Board and discussed their proposed 114 housing units called "The Falls at Kettlebrook". Mr. Mulcahy stated that they are looking to cater to a 55 and older community and said there would be no impact on the school system. He explained that they will be following the same footprint of the existing building and would like to use Kettlebrook as energy in the future. Ms. Friedman asked if there is a capacity within the water district for this particular project and Mr. Mulcahy answered that they have already met with the Water Department and have been told that they will be able to handle the volume. Mr. Mulcahy told the Board that they are looking to reuse existing building materials from the mill in the new design.

Ms. Buck asked if they had a sense of when they would have a zoning amendment to present to the Board. Mr. Mulcahy responded that he would like to work with Ms. Buck on those amendments. He stated the he would be looking for relief for the building height and looking to

rezone the entire site. Ms. Friedman stated that the Board needs to know as soon as possible what exactly they are proposing for zoning changes. She mentioned that the timing is tight for zoning changes because amendments have to be submitted well in advance of Town Meeting. Ms. Friedman stated that she felt that they were not given enough time to review all the information they submitted. Ms. Buck stated that they will set up an initial meeting for Thursday January 17, 2018 at 1:00 PM.

Summary of the Conflict of Interest Law for Municipal Employees
The Board signed acknowledgements.

MOTION: Ms. Nist moved to adjourn.

SECOND: Ms. Friedman

VOTE: All in favor.

The meeting adjourned at 9:20pm

Respectfully Submitted,
Wanda Merced, Department Assistant

Documents included in meeting packet:

- Agenda
- Memo from Town Planner to the Planning Board dated 1/10/2019 regarding 1/15/2019 meeting
- Documents related to Special Permit for 710 Main Street (SP2018-03)
- Documents related to Definitive Subdivision Plan for Oak Bluff Lane (SUB2018-01)
- Documents related to Special Permit Extension for Briarcliff Estates (SP2003-01)
- Memo from Kevin Quinn to the Planning Board dated 12/26/2018 regarding LaFlash Boutilier Solar (SPR2016-03)
- Meeting Minutes dated 12/18/2018

Documents submitted at meeting:

- Proposal from Boston Development Investment Corporation for a 114 housing unit called “The Falls at Kettlebrook”