

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

MEMBERS PRESENT: Jason Grimshaw, Chair, Andrew Kularski, Sharon Nist, Jaymi-Lyn Souza

MEMBERS ABSENT: Debra Friedman, Vice Chair

IN ATTENDANCE: Michelle Buck, Town Planner and Maureen Schur, Department Assistant

MEETING TIME: 7:00PM

AGENDA:

1. 7:00PM     **Public Hearing, Special Permit (SP2019-02), continued**  
                  Off Paxton Street/Smuggler's Cove, 24-lot Open Space Residential  
                  Development (Applicant: Central Land Development Corp.)
2. 7:45PM     **Approval of Minutes:**  
                  A. October 1, 2019
3. 8:30PM     **Town Planner Report/General Discussion:**  
                  A. 10/22/2019 Town Meeting Report  
                  B. Miscellaneous Project Updates  
                  C. Board Member Committee Updates
4. **Adjourn**

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

Mr. Grimshaw gave an overview of the meeting procedure.

**Public Hearing, Smuggler's Cove Special Permit (SP2019-02), continued**

Mr. Schold, developer, introduced himself and engineer Bruce Williams from Allen Engineering. Mr. Schold stated the revised plan shows house lots and tree lines. He also stated no field work has been done yet. Mr. Schold received many comments from abutters and only had time to quickly look at them as they were submitted close to the meeting time. He stated no design issues would be answered at this meeting as no design has been started. He also stated the Board would decide between a standard subdivision and an Open Space Residential Development (OSRD).

Ms. Buck, Town Planner, explained the developer has come to the Planning Board for a special permit to build an OSRD. Ms. Buck addressed several of the general questions the public had submitted via letters. She stated the Planning Board has a lot of discretion in making this decision. The Board can condition the approval. Ms. Buck clarified the 100 foot buffer with regards to the Wetlands Protection Act is the jurisdiction of the Conservation Commission. There is an OSRD bylaw with a 100 foot buffer to visually screen the project from abutters. This buffer is completely different than the Conservation buffer. She explained a complete stormwater analysis would be done at the definitive subdivision stage. Any water/sewer issues would be addressed by the independent district, but there is a letter from the appropriate water district stating there is capacity to service the OSRD. When a plan goes to the definitive stage there is an impact study with regards to traffic and schools. This is just for the town's information to plan ahead. The OSRD bylaw is written with the understanding the developer would apply for more waivers than a typical subdivision. This in no way means the Planning Board will grant all of the requested waivers. With regards to roadway width, the Planning Board has previously approved waivers allowing 24 feet as opposed to the typical 28 feet. This waiver is expected with an OSRD to reduce the impervious surfaces. The dead-end road length and the number of houses

are not typical waivers, though the road length is mitigated by the secondary emergency access road. Police, Fire and the Highway Departments have all signed off on the secondary emergency access road. Typically this Board doesn't entirely waive sidewalks. The developer is allowed to have drainage in the open space, this space is only 1.4% of the open space in this particular project.

Mr. Grimshaw let the public know the Board was in receipt of all of the letters in opposition to the development, but as they had been received the same day as the meeting and some just a few hours before the meeting, the Board had not had a chance to review them all in detail. Mr. Kularski asked Mr. Schold if he would submit plans for a conventional subdivision if the OSRD was rejected. Mr. Schold answered that this land has had many plans for development over the years and he was sure some type of development would happen. The Board requested to see the map of the conventional subdivision plan. Mr. Williams reviewed the plan and explained the differences between the OSRD and the conventional subdivision.

Mr. Grimshaw opened up the questions to the public. There was a discussion regarding the open space being conveyed to the town and it being permanently protected. Mr. Reinke, asked if the town wanted the land. Mr. Schold stated in previous projects he has always donated land and the town has accepted it. There is concern on the part of the public as to who would maintain the land. There was discussion regarding 100 foot buffer around the project. Ms. Buck stated again that this buffer is a visual/screen buffer generally applied to houses abutting the project. There was discussion as to whether or not the people on the other side of the pond are abutters. It was discussed that once the definitive subdivision plan was submitted a detailed wetland delineation would be done. There was discussion regarding water access and whether or not the access would be open to the town or kept for private use only. Mr. Schold explained this is something that would be discussed at the definitive stage as there are many factors to take into consideration. A member of the public wanted to clarify that due to its size, Sargent Pond is a pond not a lake. There is concern over the amount of boat traffic and the overall impact of the pond with the addition of the OSRD.

Mr. Schold explained this project would require strict compliance due to its proximity to the water and that no water quality waivers would be proposed. There was a question as to decreasing the number of proposed houses. Mr. Schold explained he needed 700 feet of roadway to put in the first home and 1,300 feet to get 4 homes built. There was concern expressed over the privately owned dam and what would happen if the owner decided to draw down the lake to its previous state of marshland. Mr. Schold explained with the increase in number of houses it would make the lake association stronger and that would be an issue the association could raise with the dam owner. There was a question regarding the Special Permit deadline. Ms. Buck explained the legal deadline is 90 days from the close of the public hearing. Ms. Buck explained the applicant needed time to respond to the comments submitted and therefore the meeting would likely be continued. Once a project reaches the definitive stage a new review process would begin.

There is concern over water runoff and Ms. Buck explained the developer will have to meet all bylaws on stormwater management. There was a question of street lights and this is something that would be part of the definitive plan. Ms. Buck clarified some confusion over the millings road. The main road into the development will meet all subdivision road construction standards.

The millings road is the emergency access road. There was a question of managing groundwater and Mr. Grimshaw stated that would be something addressed at the definitive stage. Ms. Buck explained if abutters wanted to request a third-party independent peer review of the wetlands that would be something to ask the Conservation Commission.

Mr. Grimshaw thanked everyone for coming to the meeting and for presenting their questions. He stated this hearing would be continued to the next meeting on November 5, 2019. Ms. Buck noted that there will be a brief Executive Session discussion on the November 5<sup>th</sup> agenda regarding easement issues, which could be scheduled at 7:30PM.

MOTION: Mr. Kularski moved to continue the hearing to November 5, 2019 at 7:35pm or as soon thereafter as possible.

SECOND: Ms. Nist

DISCUSSION: None

VOTE: All in favor

### **Approval of Minutes, October 1, 2019**

MOTION: Mr. Kularski moved to approve the minutes of October 1, 2019.

SECOND: Ms. Nist

DISCUSSION: Correction: Ms. Nist recused herself from the vote on the ANR plan for Henshaw St.

VOTE: all in favor

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

Ms. Buck explained the Complete Streets project needs Historical Commission to meet to review the conceptual plan. Mr. Grimshaw stated he is working on this and will follow up.

Ms. Buck told the board the town is working with a consultant on the Municipal Vulnerability Preparedness grant (MVP). They are working on funding for a study of the culverts that need repair.

Ms. Buck continues to work on the Town Meeting report for the zoning amendments to be considered at the 10/22/2019 Special Town Meeting. The two articles on the warrant are deleting two sections of the bylaw: 1) the temporary moratorium on ground mounted solar, and 2., the phase growth bylaw.

Mr. Kularski stated there is no update on the Memorial school bylaw meeting as he was unable to attend their last meeting.

Ms. Nist stated that the Capital Improvement meets again November 13, 2019.

Mr. Grimshaw stated the next Economic Development Committee (EDC) meeting is scheduled for Thursday, 10/17/2019 at Barber's Crossing at 6:00pm.

MOTION: Mr. Kularski moved to adjourn meeting.

SECOND: Ms. Nist

VOTE: All in favor

Meeting adjourned at 8:35pm.

Respectfully Submitted,

Maureen Schur, Department Assistant

**Documents included in meeting packet:**

- Agenda
- Memo from Town Planner dated 10/10/2019
- Letter from Mr. Bruce Williams, Allen Engineering dated 10/10/2019
- Letter to the Board from Mark Allen, Allen Engineering dated 10/10/2009
- Response to Town Planner's comments from Mark Allen dated 9/9/2019
- Comments from Quinn Engineering dated 9/26/2019
- Abutter letters of opposition to Smuggler's Cove
- Minutes 10/1/2019

**Documents submitted at meeting:**

- Three letters from abutters in opposition to Smuggler's Cove