

**Town of Leicester Planning Board
Meeting Minutes
January 7, 2020**

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

MEMBERS ABSENT:

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

MEETING TIME: 7:00PM

AGENDA:

1. 7:00PM **Executive Session, MGL Chapter 30A, Section 21A, Exception 3-To discuss potential litigation (Smuggler's Cove ORSD)**
2. 7:05PM **Public Hearing, Special Permit (SP2019-02), continued**
Off Paxton Street/Smuggler's Cove, 24-lot Open Space Residential Development (Applicant: Central Land Development Corp.)
3. 7:35PM **Application, ANR Plan**
Off Mayflower Circle (Applicant: Central Land Development Corp.)
4. 7:45PM **Parking Waiver for Leicester Middle School Design**
Applicant: Warner Larson Landscapes Architects
5. 8:00PM **Status Update, May 2020 Zoning Bylaw Amendments**
 - A. Pleasant Street/Neighborhood Business
 - B. Outside Storage
 - C. Water Resources Protection Overlay District
6. 8:35PM **Approval of Minutes:**
 - 11-5-2019
 - 12-19-2019
7. 8:45PM **Town Planner Report/General Discussion**
 - A. Miscellaneous Project Updates
 - B. Board Member Committee Updates
 - C. March Meeting Dates
8. **Adjourn**

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

Executive Session, MGL Chapter 30A, Section 21A, Exception 3-To discuss potential litigation (Smuggler's Cove ORSD)

A motion was made by Ms. Friedman and seconded by Ms. Nist to enter into executive session at 7:02pm under Mass General Laws Chapter 30A. Section 21A, Exception 3, to discuss possible litigation regarding Smuggler's Cove. The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll call: 5:0:0.

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

Mr. Grimshaw opened the public hearing at 7:15pm and reviewed the hearing procedure. He directed the members of the public to please direct all questions through the Chair so that everyone could be heard.

Ms. Buck introduced the applicant's engineer, Bruce Williams, from Allen Engineering. Mr. Williams informed the Board there is a change in notation regarding the plan. The open space will not belong to the Town it will be maintained in perpetuity by the homeowners' association. There have been no other changes to the plan. Mr. Schold also stated there are no other changes to the plan.

Mr. Grimshaw opened the hearing up to the public for questions and comments.

Mr. Bill Battelle asked about the function of the homeowners' association. It was explained the people who live in the development would maintain the open space. There will be a conservation component with the bylaws spelled out for the homeowners to follow. Ms. Buck explained the Planning Board will lay out general specifications. Any developer would have to go through the Conservation Commission to do work within the wetland buffer. Mr. Battelle expressed concern over the increase in the number of people who would have access to the lake. Mr. Schold explained he has decided to keep the open space private so the number of people accessing the lake would be limited to the people living in the development.

Mr. Kularski asked if there would be a deed restriction so the open space could not be developed. Mr. Schold stated the land would have a deed restriction. Mr. Mike DeLuca, representing Mr. Frank Mackenzie-Lamb asked if the plan had changed or there is still a plan to cross an easement located on Mr. Mackenzie-Lamb's property. Mr. Williams stated there has been no change. Attorney Steven Greenwald, Mr. Schold's attorney, explained he had spoken to First American Title Insurance Company and they confirmed there is an easement. Attorney Greenwald explained the Derelict Fee Statute as it pertains to Mr. Mackenzie Lamb's property. When land, on a road, is conveyed and not reserved that land is unintentionally conveyed ½ way into the road. He also explained the MacKenzie-Lamb's own out to the road and that the road Mr. Schold is proposing is moved out away from Mr. Mackenzie Lamb's property. Mr. Mackenzie-Lamb disagreed with Attorney Greenwald and stated they would wait until the final plan on road placement and then he and his attorney, Attorney George Harris, would get involved. He stated the land belongs to him through the Worcester Superior Land Court. Attorney Greenwald suggested the entire situation be reviewed by Town Counsel.

Ms. Carrie Panepinto asked if the emergency access road is part of the open space and if the Town or the homeowners' association would be maintaining that road. Mr. Williams answered it is part of the open space and Mr. Schold clarified that the town would maintain that road.

Mr. Mark Soojian asked if the development is not approved can the developer go ahead with a standard development. Mr. Soojian was told the developer could go ahead with a standard subdivision if he wanted. Mr. Soojian explained he would prefer the ORSD to the standard development. There were no other questions. The Board moved on to voting on the requested waivers.

MOTION: Ms. Friedman moved to approve the waiver to allow a dead-end street to provide access to 24 building lots on the proposed dead-end roadway as it is not a true dead-end due to the emergency access road.

SECOND: Ms. Nist

DISCUSSION: Mr. Battelle asked if another lane would be built on Paxton St. to access the development. He was told that would be discussed later.

VOTE: All in favor

MOTION: Ms. Friedman moved to approve the waiver to allow a dead-end road over 1,000 feet

SECOND: Ms. Nist

DISCUSSION: None

VOTE: All in favor

MOTION: Ms. Friedman moved to approve the waiver to allow a buffer of less than 100' at the perimeter of the project.

SECOND: Ms. Nist

DISCUSSION: Ms. Panepinto asked for clarification on the buffer zone. Ms. Buck explained the difference between the Planning Board buffer and the Conservation Commission buffer.

VOTE: all in favor

MOTION: Ms. Friedman moved to approve waiver to allow drainage basin 1 to be constructed in open space parcel C.

SECOND: Ms. Nist

DISCUSSION: Mr. Kularski asked for clarification of the location on the plan. Bruce Williams, Allen Engineering pointed to open space parcel C on the plan.

VOTE: All in favor

MOTION: Ms. Friedman moved to approve the reduction in road width from 28' to 24'

SECOND: Mr. Kularski

DISCUSSION: Mr. Battelle asked why the reduction is important. The Board explained it is less expensive for maintenance and there is less impervious area. Mr. Kularski added studies show a narrower road width generally means a reduction in speed.

VOTE: All in favor

MOTION: Ms. Friedman moved to disapprove the waiver for deletion of sidewalks (as requested) but approved the waiver to allow for the reduction to one sidewalk.

SECOND: Ms. Nist

DISCUSSION: Mr. Soojian asked if the sidewalk would be a path or an actual sidewalk. The board explained the sidewalk would be built to required specifications and inspected by the town engineer Kevin Quinn.

VOTE: All in favor

Mr. Grimshaw asked if there were any questions regarding the findings. There were none.

MOTION: Ms. Friedman motions to approve special permit for Smuggler's Cove open space residential development with the Order of Conditions as read.

SECOND: Ms. Nist

DISCUSSION: Mr. Friedman states that this is conceptual plan. It is meant for the developer to come in and gauge the Planning Board and public's response towards it. The plan will go into the more detailed, Definitive stage and be revisited by the Board. Currently the Board is approving a concept. Mr. Battelle addresses the board and asks if the public will have access to the plans in the Definitive stage which the Board states that they will. Mr. Battelle states that he is concerned about the land being disturbed in order to create access to the water. Ms. Friedman advises Mr. Battelle that it would be the responsibility of the Conservation Commission to determine what would be disturbed within the 100-foot buffer of the water. Mr. Battelle is

concerned that he does not see plans as to how the open space is going to offer access to the water. He wants to know when the more developed plans will be available so that it will be visible as to how the homes will have access to the water. The Board advised him that these plans will be available at the Definitive stage. Ms. Friedman states that there is the green open space that would allow for an association beach. Ms. Friedman refers to Cedar Meadow and states that at Cedar Meadow they have one association lot on the water for use by all the people in the area and it noted that it is a private association lot. Mr. Battelle states that the pond is not going to be able to sustain the amount of people and traffic that will be coming into this project. VOTE: 4 in Favor, 1 Opposed (Ms. Souza)

Ms. Friedman asked why Ms. Souza voted the way she did. Ms. Souza said she wanted to her vote to reflect that there was public opposition. Board members indicated that they were offended by this reason, and that they expected a more specific reason for denial. Ms. Souza indicated she didn't intend to offend the Board.

Application, ANR Plan, Off Mayflower Circle

Ms. Buck passed out copies the ANR Plan to the board. Ms. Buck states that this plan involves the land that was the subject of the Mayflower-Holcomb Subdivision that the Board had previously approved. Ms. Buck states that project is not going forward, so the property owner is dividing the land into three pieces: out-lot A, out-lot B and remaining land. Both out-lot A & B are not building lots as they are backland with no frontage. The purpose of this ANR plan is to define the boundaries so that the ownership can be transferred to abutting landowners. The remaining land is only parcel that has frontage and has access on Mayflower Circle. Ms. Buck recommends approval.

MOTION: Mr. Kularski motions to approve the ANR Plan for Mayflower Circle

SECOND: Ms. Friedman

DISCUSSION: NONE

VOTE: All in Favor

Parking Waiver for Leicester Middle School Design

David Warner, Principal at Warner-Larson Landscape Architects working with Feingold Alexander, the architect for the new school he states that they are in the schematic design phase for the school. Mr. Warner states that typically permits for this kind of project occur in the design/development phase after the project is funded and the engineering is complete. He states that regarding the parking space in the zoning regulations of 10x20 ft and the parking quantity calculation, those special requirements would use a significant portion of the developable area such that it would come at the expense of other programs such as athletic facilities.

Mr. Warner explains the general site plan. He states that they are proposing to construct a new driveway closer to the tennis courts for parent drop off access that is separate from the bus drop off. Mr. Warner states that they determined parking quantity calculation by figuring how many parking spaces currently exist at the Primary School, Middle School and Memorial School and came up with 179 spaces. The traffic engineer working for Feingold Alexander also looked at the parking utilization of the schools in operation excluding the High School and determined that 160 spaces are necessary.

Ms. Friedman asks for clarification as to what schools the 160 spaces are needed for. Mr. Warner said that they are evaluating the existing conditions and that the number of cars that are currently serving the student population where the students are going to school at this time which is at the Primary School and the Middle School. When evaluating these two locations they determined that 160 spaces is what is needed for the daily operations of the student population.

Ms. Friedman asks if they currently have an excess of spaces. Mr. Warner confirmed this stating the currently parking spaces are under-utilized. Mr. Warner states that the Parking Regulations require two spaces for every classroom, and 1 space for every 5 occupants in an area of assembly such as an auditorium or a cafeteria. In this case they evaluated the cafeteria which has the largest potential seating capacity at 750 seats and calculated that 270 spaces would be needed in accordance with zoning regulations. Mr. Warner states that in a school type facility it is not typical that the classrooms would be at full utilization while holding a large event. He states that this is a great location for a new school because of the shared campus for larger events that may occur and that the shared campus parking. The parking spots on the shared campus, which includes the Primary School, High School and the proposed new Middle School totals 433 for shared parking for events that may occur at the schools.

Mr. Kularski asks if the 433 campus parking spots include the spots at the Primary School. Mr. Warner states that this is correct and that there are 71 parking spaces at the primary school and that what the town decides to do with the Primary School after the new school is constructed is an unknown. Mr. Warner states that there are also about 70 parking spaces at the Senior Center so in the case of a very large event people could park there and walk. He pointed out that there is a walking connection path proposed within the campus of the redeveloped area. Mr. Warner states that they measured the parking space size at all the schools, including Becker College and they are all mapped out at 9x18 which he states is a very typical size that they have incorporated at many schools. This is also the parking space size that they are proposing to use at the new middle school. Mr. Warner states that by granting these waivers there is a reduction of 23,220 s.f. of impervious surface. He states that this is in the Water Resource Protection Overlay District and that this is significant in terms of being able to accommodate the needed parking program and athletic program and not have to inflate the cost of the project any larger than it needs to be in terms of paving and stormwater management associated with it.

Mr. Warner states that they believe it is the environmentally and fiscally responsible thing to do. He states that this an opportunity to see where the Board stands with the project as they will be going before the Planning Board again and the Conservation Commission during the design and development stage.

Ms. Friedman asks how many parking spaces are currently at the High School since Mr. Warner is saying that it will be used for overflow parking for events at the new school. Mr. Warner states that most events at schools happen after hours, in the evening. Ms. Friedman disagreed and states that family members attending events such as a Christmas concerts, Memorial Day concerts or other daytime events would not be able to utilize the High School or Senior Center parking spaces because would not be available during that time. Mr. Warner states that they have an excess of 30 parking spaces after the daily operations of the school built into the plan with 190 spaces. He states that the number of spaces at the three existing schools (not including the High School) is 179 and they have added additional spaces to that number to accommodate. Ms. Friedman asks that if there is a daytime event at the school will they only be able to accommodate 30 extra cars.

Harry Brooks, Select Board member, states that daytime events at the schools are scheduled only for a certain grade at a time and are typically at staggered times so parking could be accommodated.

Ms. Souza asks what the implications would be to the athletic fields if they added more parking spaces to their plan. Mr. Warner responds by saying that they have exhausted the possibilities of what can go where on the site. He states that the land layout limits the developable area and that paving 23,000 square feet more than planned would displace another part of the site.

Luke Soojian, Route 9 resident, asks how many spaces are expected to be lost due to snow removal equipment and snow piles in the winter. Mr. Warner states that every year snow removal is variable and that this site plan allows for a lot of space for snow storage with the islands between the parking areas and the lawn areas that exist adjacent to paved areas. He believes that there is the potential to not have any long-term loss of parking during even major snow events. Mr. Soojian states that pushing snow onto grass areas would damage the lawns and the landscaping would need to be repaired every year. Mr. Warner responded that they have had many meetings which included maintenance staff, safety officials, and highway superintendent and they have addressed these types of concerns. One of the possible solutions for this would be to complete the islands in the parking lot with stone material so that the snow removal equipment would not cause damage and eliminate having to repair grassy areas.

Jim Reinke, Zoning Board of Appeals member, states that one of the main concerns of the project is the preservation of as much fields as possible and that there are so many different aspects that have gone into the planning on this. Mr. Reinke states that there needs to be compromise at all levels.

MOTION: Mr. Kularski motions to waive the following provisions of the Leicester Planning Board Parking Regulations: Table of parking space requirements to allow 190 parking spaces for the Leicester Middle School building project.

SECOND: Ms. Nist

DISCUSSION: None

VOTE: 4 in Favor, 1 Opposed (Ms. Friedman)

MOTION: Mr. Kularski motions to waive the following provisions of the Leicester Planning Board Parking Regulations: Parking space size to allow a parking space size of 9'x18' for the Leicester Middle School building project.

SECOND: Ms. Nist

DISCUSSION: None

Vote: All in Favor

Approval of Minutes

MOTION: Ms. Nist moved to accept the minutes of 11/5/2019

SECOND: Ms. Friedman

DISCUSSION: none

VOTE: 3 in favor, 2 abstentions (Mr. Kularksi and Ms. Souza)

MOTION: Ms. Nist moved to accept the minutes of 12/19/2019

SECOND: Mr. Kularski

DISCUSSION: none

VOTE: 3 in favor, 2 abstentions (Ms. Friedman and Ms. Souza)

Miscellaneous Updates:*Oak Bluff Lane Subdivision*

Ms. Buck states that she took Oak Bluff Lane off the agenda for discussion of the surety estimate because it came in Thursday right before meeting packets were going out and because the applicant has not yet met all the Conditions of Approval required for lot releases. There are currently discussions going on between the developer, the developer's engineer and the Town Engineer on a surety amount.

Hillcrest Sewer District

The Hillcrest Sewer District came in about a year ago for a special permit for the height at which time they were leasing the parcel that the water tower is on. Now they want to buy the parcel. They will need another special permit to waive the dimensional requirements of the lot, which is smaller than the required lot size. This application will be added to the second February meeting agenda if it's submitted soon.

Economic Development Coordinator

Ms. Buck noted that the Town's new Economic Development Coordinator, Bryan Milward started last week. Mr. Milward was in attendance and met the Board.

Wal-Mart

Walmart is requesting a parking lot change to do away with one space. They will submit an application and will be on the next January agenda.

Mulberry Solar 3

There has been a complaint regarding possible clear cutting by Mulberry Solar #3. Ms. Buck informed the board she emailed the project manager and requested a licensed land surveyor confirm the limits of clearing. The applicant is also requesting an alteration of drainage structures. Ms. Buck explained to the applicant that he needs to put a proposal in writing and submit it to the office for the Board's review.

Zoning Amendments

Ms. Buck indicated that she is still working on these and they will be discussed at the next meeting, with a tentative public hearing date of March 10, 2020.

Board Updates: None

The next Planning Board meeting is scheduled for January 22, 2020 at 7:00pm

MOTION: Mr. Kularski moved to adjourn

SECOND: Ms. Friedman

DISCUSSION:None

VOTE: Unanimous

Meeting adjourned at 9:15PM

Respectfully Submitted,

Maureen Schur, Department Assistant

Documents included in meeting packet:

- Agenda
- Executive Session Motion protocol
- Memo from Town Planner dated 1/2/2020
- Letter from Mr. Schold dated 12/10/2019 regarding Smuggler's Cove
- Letter from Michael Juster dated 10/23/2019 regarding Smuggler's Cove
- Letter from John Josti dated 11/12/2019 regarding Smuggler's Cove
- Email/information on Pond Mussels from Carrie Panepinto dated 12/2/2019
- Letter from Adam Ceredona regarding Smuggler's Cove (received 10/15/2019) undated
- Letter from Sean Fadden regarding Smuggler's Cove (received 10/15/2019) undated
- Letter from David Baril regarding Smuggler's Cove (received 10/15/2019) undated
- Letter from Carrie & Mark Panepinto dated 10/24/2019 re: Smuggler's Cove
- Outline of Findings & Potential Conditions for Smuggler's Cove OSRD
- Letter from Warner Larson Landscape Architects regarding 70 Winslow Ave
- Minutes 11/5/2019 and 12/19/2019

Documents submitted at meeting:

- None