

TOWN OF LEICESTER

PLANNING BOARD
3 Washburn Square
Leicester, MA. 01524
(508) 892-7007
www.leicesterma.org



Planning Board Members

Jason Grimshaw, Chair
James Reinke, Vice-Chair
Joshua Campbell, Member
Sharon Nist, Member
Anthony Escobar, Member
Rigoberto Alfonso, Associate Mem.

Planning Board Meeting Minutes

Date: March 07, 2023

Time: 7:00PM

Location:

Commissioners Present: Jason Grimshaw, Sharon Nist, Jim Reinke, Joshua Campbell, Anthony Escobar, Rigoberto Alfonso

Others Present: Alaa Abusalah, Town Planner/Director of Inspectional Services

RECEIVED
2023 JUN 21 PM 12:58
TOWN CLERK'S OFFICE
LEICESTER, MASS.

ORDER OF BUSINESS:

1. **Public Hearing, Special Permit, Site Plan Review, & Stormwater Permit**
69 Main Street (SP2022-08), Rental Self-Storage Facility, Applicant: SNL MA-1, LLC
2. **Public Hearing, Special Permit, Site Plan Review, & Stormwater Permit**
147 Main Street (SP2022-09), Rental Self-Storage Facility, Applicant: SNL MA-II, LLC
3. **Public Hearing, Definitive Subdivision**
1355 Main Street (SP2022-01), single roadway subdivision to provide access to two new lots, Applicant: ZP Battery DevCo, LLC
4. **Site Plan Review**
803 Main Street (SPR2023-01), childcare center/facility and associated site improvements, Applicant: Spencer Child Care Center, Inc.
5. **Request for Surety Reduction**
Parker Street North (DSUB2021-01), Applicant: Schold Development, LLC
6. **Town Planner Report/General Discussion**
 - a. Zoning Bylaw Amendments
 - b. Miscellaneous Project Updates
 - c. Board Member Committee Updates
7. **Adjourn**

Note: recording was not started until Agenda Item #2

2. **Public Hearing, Special Permit, Site Plan Review, & Stormwater Permit**, 147 Main Street (SP2022-09), Rental Self-Storage Facility, Applicant: SNL MA-II, LLC

Ms. Abusalah stated that a request was received from the property owner to withdraw the application. Ms. Main has reached out twice to the applicant, with no response. Mr. Reinke questioned whether the Board can honor requests from the property owner versus the applicant. Ms. Abusalah stated her understanding that the property owner does have the authority to make the request.

Mr. Grimshaw read from received documentation "Please be advised that the P and S granted to the owner and the applicants in the above matter has been terminated," and suggested that that statement covers the authority of the property owner.

Ms. Abusalah suggested that withdrawing without prejudice would allow the application to be picked up again.

Motion: Mr. Reinke made a motion to accept the withdrawal without prejudice.

Second: Ms. Nist

Discussion: None

Vote: 5-0-0

3. Public Hearing, Definitive Subdivision, 1355 Main Street (SP2022-01), single roadway subdivision to provide access to two new lots, Applicant: ZP Battery DevCo, LLC

The Planning Board received a letter from the office Kevin Quinn , disclosing a potential conflict of interest with working on this project. Mr. Grimshaw read the letter aloud for the record.

Mr. Grimshaw stated that he has no concerns with the Town Engineer's involvement with the project. Mr. Reinke concurred and mentioned the disclosure form that should have been completed by the Town Engineer. Ms. Abusalah confirmed that the disclosure form has been filled out and is filed with the town clerk.

Ms. Abusalah distributed the recent comments from Mr. Quinn to the Board, which reviewed them.

Chris Hansen, representing ZP Battery DevCo, LLC, presented and summarized the plan, and answered questions from the Board.

The original plan has essentially remained intact since it first came before the board a few months ago. The project is a 155-foot dead-end roadway system with a T turn-around at the end, to allow access to buildable industrial lots. Access will be from Main Street, to allow connection to the Main Street sewer and water system. The project includes "drastic topography relief," so a series of retaining walls are proposed.

The retaining walls have been discussed with Quinn Engineering, particularly with regard to the right of way in the roadway system. The current plan proposes one large retaining wall around the southern end of the subdivision system; in order to retain that land, portions of it are within the right of way of the proposed roadway system. ZP Battery DevCo would defer to the Planning Board stance on retaining walls within or without the right of way of the roadway system.

Stormwater Management and related documentation are still in process and under discussion with Quinn Engineering. Updated waiver requests were submitted to the Board in January.

Board members had multiple questions about future development plans:

- The site is divided into two separate lots. The battery storage system will be on the East-side lot; the second lot is vacant, and its future use is yet to be determined.
- The 38-foot height of the retaining wall is to keep the disturbed area from encroaching into the 100-foot wetlands buffer zone.
- National Grid should be finalizing area studies within the next couple of weeks, but there is no guarantee on that timeline.
- If the Battery System development doesn't come to fruition, then the property owner will still have the option to use it as a two-lot subdivision.
- The Subdivision plan freezes the approved Zoning for seven years (including setbacks), but they do not have to build the subdivision in order to preserve the Battery site. The Battery site is currently protected for two years only, with a possible two-year extension.
- The stormwater infrastructure is located behind the retaining wall, outside of the geogrid and not interacting with it. The retaining wall will have its own associated stormwater system. As part of drainage analysis, the

manufacturer creates a hydrological model that mimics what the system will do based on contributing watershed to that unit. It is a generic stormwater proprietary treatment system that is usually permitted throughout the state.

Ms. Nist drew attention to comment number 10 on February 9, which states that the performance of the treatment units must be certified by the manufacturer and Mr. Hansen indicated that he and Mr. Quinn are in conversation about that. Mr. Reinke suggested that further discussion should take place after Mr. Hansen and Mr. Quinn come to agreement on those details.

Ms. Nist asked Mr. Hansen to point out on the plan where the 38-foot-high portion of the retaining wall would be. Mr. Reinke asked about the slope on the road; Mr. Hansen responded that there is a 4% slope on the road.

Mr. Reinke said his preference would be to have the retaining wall outside of the right of way. The rip rap is not a problem as long as Quinn Engineering approves it. Mr. Reinke expressed concern about the safety of having a 38-foot retaining wall. Ms. Nist asked for clarification on the building of the retaining wall - Mr. Hansen responded that if the Battery site is installed, the retaining wall will not be built.

Mr. Grimshaw summarized the open issues: a) Regarding the theoretical retaining wall, the Board prefers it to be built outside of the right of way, b) the rip rap is acceptable pending approval from Quinn Engineering, and c) comment 10 made by Quinn Engineering should be resolved. If these questions are addressed, the Board is amenable to the plan progressing.

Motion: Mr. Reinke made a motion to continue the public hearing.

Second: Mr. Campbell

Discussion: None

Vote: 5-0-0

4. Site Plan Review

803 Main Street (SPR2023-01), childcare center/facility and associated site improvements, Applicant: Spencer Child Care Center, Inc.

The Applicant distributed a list of the items that the Planning Board requested at the last meeting. She presented a revised plan that addresses some of the concerns about the placement of the schoolyard. The location of the schoolyard and the parking lot have been swapped, and the schoolyard is now behind the building, protected from potential traffic incidents. It will be fenced and turfed.

The new plan includes the same amount of parking and provides a better location for snow removal.

The drop-off and pickup plans, as discussed previously with the Police Department, have not changed. Signs will clearly delineate the drop-off/pickup parking spaces, and parents will need to sign a form indicating that they understand that those are the only places they can park to pick up their child. Staff parking will also have signage.

The applicant indicated her willingness to install Stop Signs as previously recommended by the Board. She also discussed the businesses that occupy the other units in the building, in order to summarize the expected daily traffic in and out of those units. There will be very little traffic coming and going due to the nature of the businesses (storage, office space where employees arrive in the morning and remain for the day, etc.)

Ms. Nist asked about the plans to ensure children get safely to the playground from the building; there will be steps, railings, and gates in the appropriate areas.

Mr. Reinke asked for details about the safety measures surrounding the playground, and the applicant reviewed the plans for the retaining wall, stone wall, chain link fence, and asphalt/gravel division. He suggested large landscape boulders for further protection between the street and the playground. Mr. Reinke asked about handicap access to the playground, and the applicant indicated that a wheelchair could access the playground by going around the stairs as it is fairly level. Mr. Reinke requested that the applicant have an ADA-compliance policy in place.

Mr. Grimshaw explained how the Planning Board entertains conditional motions, which allow the applicant to move forward while also ensuring that the Board's conditions are met - i.e., the inclusion of large landscape boulders and the ADA-compliance policy in an updated plan.

The Board has not heard from the fire department; this is generally a quick signoff. The Board discussed the feasibility of a conditional signoff; Ms. Abusalah indicated that she could request Police and Fire departments for a written response for the record, to ensure all signoff requirements are met.

The applicant is currently paying staff and rent, but does not have enrolled children yet, so time is of the essence for her. Mr. Grimshaw expressed some concern about setting a precedent for conditional approvals but indicated that he would be okay with a conditional approval in this case, since the Town Planner approves it.

Motion: Mr. Reinke Made a motion to approve with the following conditions: that landscape rocks be placed around the fenced-in playground to provide a barrier against traffic, that the applicant create a policy that addresses ADA accessibility concerns regarding the playground, and that the technical review team from the town of Leicester accepts that plan as amended.

Second: Ms. Nist

Discussion: Mr. Grimshaw summarized the conditional approval process, including that if the technical review team has issues to address with the revised plan, the matter may be continued to a future meeting.

Vote: 5-0-0

5. Request for Surety Reduction

Parker Street North (DSUB2021-01), Applicant: Schold Development, LLC

Ms. Abusalah distributed packets to the Board. Quinn Engineering included a breakdown of the outstanding items. The Board reviewed the packet.

Mr. Grimshaw entertained a motion to reduce the surety bond for Parker Street North to the amount recommended by Kevin Quinn.

Motion: Ms. Nist made a motion to reduce the surety bond for Parker Street North to \$162, 918.75.

Second: Mr. Campbell

Discussion: None

Vote: 4-0-1

Town Planner Report/General Discussion

- a. Zoning Bylaw Amendments: Ms. Abusalah pushed off this item to the next meeting. There are no other updates.
- b. Miscellaneous Project Updates: None.
- c. Board Member Committee Updates: None.

Mr. Grimshaw entertained a motion to adjourn.

Motion: Ms. Nist
Second: Mr. Reinke
Discussion: None
Vote: 4-0-0

Meeting Minutes Respectfully Submitted by:
Donna K. Main, DIS Assistant
Date Approved: 06/20/2023
Vote: 4-0-1