

**Town of Leicester Planning Board
Meeting Minutes**

MEMBERS PRESENT: Jason Grimshaw, David Wright, Debra Friedman, Sharon Nist, Adam Menard

ASSOCIATE MEMBER: Kathleen Wilson

IN ATTENDANCE: Michelle Buck, Town Planner; Barbara Knox, Board Secretary

MEETING DATE: January 6, 2015

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Public Application:
 Request for Extension, Pondview Subdivision (Iqbal Ali)
- 7:15PM Public Application:
 Request for Extension, Briarcliff Estates Senior Village (Joshua Lee Smith)
- 7:30PM Public Application:
 Site Plan Review, Boutilier Road Solar (Borrego Solar System, Inc.)
- 7:45PM Public Application:
 Performance Agreement, Auburn Solar (G&S Solar Installers, LLC)
- 8:15PM Approval of Minutes:
 11/5/2014
- 8:20PM Town Planner Report/General Discussion:
 A. Open Space & Recreation Plan
 B. CMRPC Town Center Study
 C. FY2016
 D. Miscellaneous Project Updates

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

Ms. Buck introduced Alaa AbuSalah, a student from Worcester State University, who was interested in doing an internship, and she invited her to observe at tonight's meeting.

Public Application

Request for Extension, Pondview Subdivision (Iqbal Ali)

No one was present to represent this request. Ms. Friedman suggested continuing discussion to later in the meeting because the applicant could be running late.

MOTION: Mr. Wright moved to continue discussion on the Public Application for an Extension request for Pondview Subdivision to later in the meeting.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Public Application

Request for Extension, Briarcliff Estates Senior Village (Joshua Lee Smith)

Applicant's attorney, Joshua Lee Smith of Bowditch & Dewey, made the presentation and summarized the project. In 2004, the Planning Board approved a Special Permit and a Definitive

Subdivision Plan for the construction of a 34 unit 55 & over development. One of the conditions of approval required a completion period of 5 years from the date of the endorsement of the plan. The initial date of approval was August 3, 2009, subsequent to the initial expiration period it was extended by the Permit Extension Act, bringing the expiration date to January 15, 2015. They are requesting an additional two-year period to further extend the completion period in order for the developer to continue and complete the work required under the Special Permit and Performance Agreement.

Mr. Smith explained that since the new owner acquired this project in 2013, there's been some general site clean-up work done. There was the installation of granite curbing, the installation of Cape Cod berm, some repairs and replacement of the degrading asphalt and a lot of general overall clean-up work done. In addition, there's been completion on the interior work in the buildings that were already constructed. They are requesting a 2-year extension from the existing expiration date, from January 15, 2015 to January 15, 2017.

Ms. Buck said she confirmed with Quinn Engineering that the amount of surety being held remains adequate for the length of time being requested.

Mr. Grimshaw asked for any comments from the Board; no concerns were noted from the Board.

Ms. Buck said Kevin Quinn had indicated he was not made aware on any of the work done at this site, nor was the Planning Office made aware. She asked for the developer to keep in better contact with the Planning Office on work being done at the site, because some of the work may require the Town Engineer to be on site to inspect the work.

Mr. Smith introduced Mathew Bassick, the project developer and he agreed to keep the Planning Office informed on work progress.

Mr. Grimshaw asked for any further comments or questions; hearing none, asked for a motion.

MOTION: Ms. Friedman moved to approve the Request for Extension to complete work for Briarcliff Estates Senior Village to January 15, 2017.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

MOTION: Mr. Wright moved to extend the Performance Agreement secured by a Letter of Credit for Briarcliff Estates Senior Village to January 15, 2017

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Public Application

Performance Agreement – Auburn Solar

The applicant was seeking an occupancy permit and agreed to put down a \$5,000 cash deposit to ensure the looming and seeding done would be stabilized. The applicant submitted the \$5,000 and Ms. Buck drafted a Performance Agreement for the Board's approval.

MOTION: Ms. Nist moved to accept the \$5000 cash Performance Agreement for Auburn Solar

SECONDED: Mr. Menard – Discussion: None

VOTE: All in Favor

Approval of Minutes

11/5/2014

MOTION: Ms. Nist moved to approve the minutes of November 5, 2014 with additional information as amended.

SECOND: Mr. Wright – Discussion: None

VOTE: All in Favor

Town Planner Report

A. Open Space Plan

The Draft Plan was sent to the state [EOEEA] for review a couple of weeks ago and there's been nothing heard back yet.

B. CMRPC Town Center Study

The final report has been posted online.

C. FY2016 Budget

No new information. Development and Inspectional Services has been level-funded from the current fiscal year. There will be a supplemental request submitted to restore the Town Planner's position to full-time and also funding for a GIS system.

D. Miscellaneous Project Updates:

Subdivision Regulations & Bylaw Amendments

Ms. Buck said that she will be getting back to working on amending the Subdivision Regulations and also working on the Central Business District Zoning Amendment. That hearing [on the CB District] is tentatively set for the March meeting. She will also be working on a Wetland Bylaw Amendment.

Ms. Friedman suggested having a draft ready on the CB Zoning Amendment for the February Meeting, so that the Board can give a more comprehensive review at the public hearing in March.

Ms. Buck agreed and then explained that the amendment to the Wetland Bylaw was to address the fee structure, which has been found to be very confusing.

Boutilier Estates

An amendment to the plan might be filed by the next Board meeting in February.

Parker Street

There's a meeting scheduled for this Thursday with the Town Administrator, Town Counsel, Building Inspector and Ms. Buck to talk about the status of the Parker Street Appeal. The property owner may be interested in working out some kind of compromise arrangement.

Public Application Cont.:

Request for Extension, Pondview Subdivision (Iqbal Ali)

Ms. Buck gave a brief review. The applicant jackhammered out a section of the retaining wall to clear a space to extend a section of the sidewalk. Quinn Engineering had several concerns regarding the current state of work.

There has been no input, one way or the other, from the applicant on how they intend to address this concern. It's apparent that they do not want to apply for a variance from the Architectural Access Board and want to smooth it out and repair the sidewalk. Ms. Buck suggested granting a 30-day extension to the next Board Meeting, and try to get someone to attend that meeting.

MOTION: Ms. Friedman moved to extend the deadline to complete work to February 3, 2015.

SECONDED: Ms. Nist – Discussion: Ms. Nist suggested sending notification to the applicant requiring them to attend the February 3rd meeting. Ms. Friedman recommended sending notification by Certified/Return Receipt.

VOTE: All in Favor

Public Application

Site Plan Review, Boutilier Road Solar (Borrego Solar Systems, LLC)

Briony Angus, Tighe Bond Engineering, on behalf of Borrego Solar, made the presentation. In Attendance: Steve Long (Borrego Solar) and Phil Stoddard, Attorney for the property owner, Nicholas Casello, property owner.

Ms. Angus said this is an application for approximately a 650 kW solar system. The plan shows the existing site and existing road. The project site is approximately 8 acres and the fenced area will be approximately 3.25 acres. It is a ground-mounted solar system and the site is presently vegetated. It will be cleared to accommodate the project. No earthwork is proposed; grading will be as is. Currently proposed is a gravel access road that will provide emergency access (access road shaded-in area on plan). The solar array will be fenced and the site plan shows the limit of vegetation clearing. The erosion maintenance control will be placed around the entire perimeter of the work area. The project received a Negative Determination from the Conservation Commission. There are a couple of off-site resource areas that the project will have minor buffer zone impacts.

Ms. Angus continued. Comments were received from the various Boards and Commissions, as well as Quinn Engineering. They did not want to direct any of those comments generally tonight, but proposing to prepare a written response to the Board, addressing the specific concerns and any other concerns that the Board may.

Discussion opened to the Board.

Ms. Friedman asked about the site's frontage and the road's status. Mr. Long said they understand that part of Boutilier Road is in question. He wanted to take a step back and understand what the subdivision has put in place and what the Town has maintained prior to the subdivision being put in. There are various opportunities to help work around this issue, such as the Zoning Bylaws allowing 50 feet frontage. He felt there were several different ways to address the problem, but first he wanted to understand the Town's perspective. Ms. Friedman said what she was asking was for clarification on their viewpoint about the road frontage.

Mr. Wright asked what would be placed in between the rows of arrays. Would it be gravel or some sort of vegetation? He also asked about addressing Quinn Engineering's comments regarding water runoff, because he felt having gravel may create more of a problem.

Ms. Angus said there was a complete re-vegetation layout plan included with the application. The area where the arrays would be will be cleared and re-vegetated; there is no gravel proposed. There will be some additional planting, where needed, in any of the other cleared areas. This

plan also addresses the Stormwater Management. The ability of the site to be able to infiltrate Stormwater will actually increase a little, because of the conversion from the forested area to a grassy vegetated area. The gravel access road will not be crushed stone.

Ms. Friedman asked what will prevent the mud from entering onto Boutilier Road. Ms. Angus said there would be an anti-traction construction pad bought in and felt it was something that would be accommodated.

Mr. Wright explained the anti-traction construction pad is for while the work is going on and bringing vehicles in. There isn't going to be a gravel road at the time of clearing the site. Where the gravel road will go, what are you doing at the intersection of the road, once you have it in, to prevent any excessive runoff of gravel and mud running into Boutilier Road?

Mr. Long explained that the site is pretty steep in back and slopes away from the roadway and slopes into the site. Ms. Friedman asked if this was on the south side of Boutilier Road. Mr. Long said yes.

Mr. Wright asked about the maintenance, as far as mowing and keeping the growth down. Mr. Long said the vegetation is low growing and will be cut back a couple of times during the growing season.

Ms. Buck asked if there was any kind of landscape buffer being proposed on either side of the existing houses on Boutilier Road. Ms. Angus said the project complies with the buffer requirements and they weren't considering planting any additional vegetation, other than what affects the property line. Ms. Buck explained that she asked the question because from what she has witnessed, the projects that end up becoming controversial are the ones close to existing homes.

Ms. Friedman asked if they would consider putting in a buffer or a chain link fence. Mr. Wright noted there was a fence proposed. Ms. Buck asked if the fence could be one that screened the area (rather than chain link).

Ms. Angus showed from the plan where the property lines were and where the proposed fence line was to the solar site. There would still be a 20 foot strip of vegetated buffer between the fence line and the property lines. The project is in compliance with the regulations and didn't think there were any requirements for a vegetated buffer for solar projects.

Ms. Nist said the entire 8 acres won't be used and asked what was planned for the remainder of land. Mr. Long said a portion will be where the utility shed will be placed, but the remainder will be left alone.

Ms. Buck said that there wasn't a specific buffer requirement, although it is customary during a site plan approval process to think about things like that, to avoid getting complaints after the fact. If there's a simple need to address that, then that would be preferable. She noted that the comments received from the Building Inspector noted a question about getting National Grid approval. Mr. Long said their project ends before National Grid's right-of-way.

Ms. Buck asked if the Board had any other concerns regarding the fence. They had none.

Mr. Long said National Grid will be walking the site and they have a certain requirement for fencing. It will be an 8 foot fence having 1 inch slats with barbed wire at the top.

Ms. Friedman asked if there was a way he could send the Board the schematics to the fence, to see what it will look like. Mr. Long agreed.

Ms. Friedman asked if there was a place, existing, the Board could go and look at it before the next meeting. Mr. Long said he will look into that and get back to her.

Mr. Stoddard asked about the Board's concern regarding the access off of Boutilier Road. Ms. Friedman said the concern was whether the access was on a portion of the approved road.

Mr. Stoddard said a portion is approved. Ms. Friedman noted that portion is before this project.

Mr. Stoddard said the Town maintains the road. Ms. Friedman said it's maintained up to before the project, after that is all new construction of road, unapproved.

Mr. Long asked how the Board views Boutilier Road today. Ms. Friedman said Boutilier Road that has been approved, goes up to the first house roughly. Mr. Stoddard asked about the recent improvements in results of the subdivision. Ms. Friedman said it was not complete.

Mr. Stoddard asked if Boutilier Road remains a Town road. Ms. Buck didn't know if there was a definitive answer found on that yet, one way or the other. The developer proposing to put the road through to Stafford Street basically didn't want to debate the point. This was because even if this was a Town road, the Town's position is that in order to make it with the frontage, it still has to be improved and all the procedural requirements will be the same: submit a subdivision plan and build it through.

Ms. Friedman explained that if this proposal was for a house, it would not be allowed.

Mr. Stoddard said there won't be a structure put on this property, it's all personal property. Ms. Friedman said then it becomes if that is legal frontage, then across the street is now legal frontage and beyond that becomes legal frontage. Ms. Buck noted the model home that is there cannot be occupied or sold.

Ms. Angus said that the access needs to be addressed. Some comments raised tonight by the Board, in addition to comments received in writing, will be followed up with more detail. They will also follow up with more detail regarding the fencing and will be addressing Quinn Engineering's comments as well.

Ms. Buck noted that the Highway Department, although they checked approval on the comment form, the superintendent indicated to her a concern over the frontage and that they don't currently plow down that far.

Mr. Wright asked the Board if anyone knew where the extension of the road started. Ms. Buck said there is a document in file, from the former Highway Superintendent indicating the length of road that was paved and Town maintained.

Mr. Grimshaw asked for any further discussion; hearing none, asked for a motion to continue.

MOTION: Mr. Wright moved to continue discussion on the Public Application, Site Plan Review, Boutilier Road Solar Farm to Tuesday, February 3rd 2015 at 7:30PM.

SECONDED: Ms. Nist – Discussion: Ms. Buck said currently the deadline for the Board to make a Decision is January 24th, therefore there needs to be a request for extension signed by the applicant and a motion.

VOTE: All in Favor

MOTION: Ms. Friedman moved to extend the deadline to make a decision to Tuesday, February 10, 2015.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Town Planner Report Cont:

E. Miscellaneous Project Updates Cont:

Chapter 61 Property/Mulberry Street

First right to refusal-In accordance with provisions of MGL Chapter 61, Section 8; A Notice of Intent to sell property presently owned by Mulberry Street Realty, LLC; David DeLollis, Manager, intends to sell 23.95-acres situated on Mulberry Street. Also, a Notice of Intent to sell property presently owned by Kettlebrook Construction, LLC; David DeLollis, Manager, intends to sell 5.58-acres situated on Mulberry Street.

The property is being sold to Seaboard Solar Holdings for the purpose of a Solar Farm.

Hearing no further comments or questions; Mr. Grimshaw asked for a motion to adjourn.

MOTION: Ms. Friedman moved to adjourn meeting

SECONDED: Mr. Wright – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:05PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in meeting packet:

- Agenda
- Copy of Site Plan Review Application for Boutilier Road Solar Project
- A memo to the Board from Michelle Buck, dated 12/23/2014
- A Request for Extension for Briarcliff Estates dated 12/26/2014 from Joshua Lee Smith.
- Draft copy of Certificate of Approval for Briarcliff Estates
- Draft copy of Amendment to Performance Agreement for Briarcliff Estates
- Email memo from Kevin Quinn to the Board regarding Pondview Subdivision, dated 12/19/2014
- Quinn Engineering comments regarding Boutilier Road Solar Project, dated 12/22/2014
- Draft copy page of Performance Security Agreement for Auburn Street Solar
- Minutes of 11/5/2014
- Comments received from Highway, Police, Board of Health, Historical Commission, Building Inspector, Conservation Commission and the Water & Sewer Depts. regarding Boutilier Road

Documents submitted at meeting:

- None

Approved at the 2/3/2015 meeting