

**Leicester Planning Board
Meeting Minutes**

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

ASSOCIATE MEMBERS:

MEMBERS ABSENT: Kathleen Wilson

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

MEETING DATE: December 2, 2014

MEETING TIME: 7:00 pm

AGENDA:

- 7:00PM Public Application:
ANR Plan, Tobin Road (Kerry Scola)
- 7:10PM General Discussion:
Town Center Re-zoning request (Darlene Eager)
- 7:20PM Town Planner Report/General Board Discussion:
A. New Solar Farm Application
B. Open Space & Recreation Plan
C. CMRPC Town Center Study
D. FY2016 Budget
E. Miscellaneous Project Updates

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

Public Application:

ANR Plan, Tobin Road (Kerry Scola)

This plan creates two lots and lot #2 will need to go before the ZBA for a special permit for a limited frontage lot. For the Planning Board to sign the ANR, lot #2 had to be labeled “not a building lot” for now and if the ZBA approves the special permit for a Limited Frontage Lot, the notation can be removed and a new ANR plan will be needed.

Ms. Friedman asked what the minimum amount of square footage allowed was for a limited frontage lot. Mr. Scola said 40,000 with Town Sewer and 50,000 with septic. Ms. Buck said the Bylaw says; “that the lot area is at least equal to or greater than the required amount of area for said zone”.

MOTION: Ms. Friedman moved to approve the ANR for Tobin Road.

SECONDED: Ms. Nist –Discussion: None

VOTE: All in Favor

Ms. Buck noted another option for a Limited Frontage request that under the Subdivision Control Law, if someone has a lot that doesn’t have the required frontage, the Board has the authority to refuse to sign, hold a hearing and waive the frontage under the Subdivision Control Law.

General Discussion:

Town Center Rezoning request- Darlene Eager

Ms. Darlene Eager presented her request asking for her property and Benoit Lighting property to be rezoned to Central Business (CB). She said that after attending the CMRPC Public Forum, it was their recommendation to consider rezoning both those properties to try to make the zoning

fit the land use. She has been considering her options on the use of her building and the option of putting in at least 1 to 3 small-scale businesses, which is exactly what the CB zone wants to promote. She and the Benoit Lighting would like to have some type of conformity with the rest of the district.

Ms. Buck asked if all three parcels were to be included. Ms. Eager said yes.

Ms. Friedman asked where the third parcel was located. Ms. Eager explained that there was a thin strip between her property and Benoit Lighting. The last time this zoning change was requested, the Selectmen sponsored the third parcel, but this time, she will be the sponsor.

Mr. Wright asked who the property owner was for the third parcel, or was it an unknown. Ms. Buck said it was unknown. She explained that there was a list of eligible entities that can submit zoning requests, the Planning Board, the Selectmen, CMRPC and a property owner. Ms. Eager submitted a request for all three properties on her own and was advised on a couple of options. One was for her to come and talk with the Planning Board to see how they felt about sponsoring it or to just submit it as a private request.

Ms. Buck noted that the owners of Crossroads Market were looking to put something else on that property. That business is on two parcels being used as one. When that district was first rezoned a few years back, it was done by parcels that were directly abutting Route 9. Only half of Crossroads parcel is CB and the other half is residential, so only the front portion was rezoned. She raises this issue, because if any rezoning was going to be proposed in that area, that property should be included.

Ms. Friedman questioned if there were any other parcels that should be looked at. After further review, the Board agreed there were no other parcels that came to mind.

Mr. Grimshaw asked what the pros were if the Board were to sponsor this request. Ms. Buck said it would allow the Board to look at the area comprehensively.

Mr. Grimshaw asked if the Selectmen would still need to sponsor the unknown parcel. Ms. Buck said if the Planning Board agrees to take this, they can sponsor the unknown parcel.

Mr. Menard felt it made sense for rezoning those properties, so they fit into the district and he supported the Board to sponsor it.

Mr. Wright agreed but his concern was, where does the line get drawn on Pleasant Street?

Ms. Eager said there was never an actual business in the Benoit Lighting building; it used to be the Town's Grange Hall. The Town allowed that business to go there, so the Town kind of gave their blessing to it. Ms. Buck noted it was more like an accident that business was allowed, but then the Town chose not to do anything after the fact.

Mr. Wright noted the residential properties across from Ms. Eager's on Pleasant Street. He asked if they would get added in. The Board can rezone any parcel regardless of the property owner. What if the property owner doesn't want their property rezoned? Ms. Buck said that has come up and there were property owners in the Center who were concerned about their homes being rezoned to a commercial zone. This is why there is a hearing process, regardless of who sponsors it.

Mr. Grimshaw said he understood the point on where does the line get drawn on Pleasant Street, but he felt it would stop where the properties were clearly used as residential properties.

Ms. Friedman asked what the loss would be for property owners by going over to Central Business from Residential. Ms. Buck said Central Business doesn't allow single-family housing.

Ms. Eager said her building has 3 residential units right now. Ms. Buck said Ms. Eager's building could stay as it exists, but it could get complicated to use as residential if the property was rezoned business, because it would be an undersized lot. Mr. Wright said Ms. Eager's building would be grandfathered in. Ms. Friedman said that was the difficult part, because sometimes with rezoning, it may sound like a great idea, but then they can't get a permit to do what they want.

Ms. Eager said if she moved her real estate business back there or had other small-scale businesses there, that was what the Town is going for, the concept of small businesses. But she would want to wait to see what happens with the vacant gas station lot first before making a total decision on what to do with her lot. The biggest issue will be the parking; there is no parking in the Center of Town.

Ms. Eager felt there's been a complete turnaround on something that happened two years ago that was very devastating to her and now two years later, her thought about her building and what had happened is completely different. She is looking at this, right now, as an asset she wants to hang onto. The fear there was on having an historical building demolished, etc., just doesn't exist any longer. She has recognized the value of her building as being one of her bigger assets and it makes sense to her to hang onto it for a lot of reasons.

Ms. Friedman questioned what could be done with the unknown parcel of land. She noted that because of the parking issue in the Center, could that parcel be used for parking. Ms. Buck wasn't sure and felt that was a question for an attorney.

Ms. Friedman said if a business wanted to go in Ms. Eager's building that needed a site plan review, that unknown parcel could not be used as part of the site plan, but maybe in some way the ownership could be conveyed. If the Selectmen wanted to pursue, it would make a lot of sense and it would be advantageous to both property owners.

Mr. Grimshaw said he didn't have a problem sponsoring the article, because it does seem to fit it, according to the CMRPC's study, and asked for other comments.

Ms. Buck said it does make sense to have the zoning match the existing land uses. Where it got complicated two years ago, was everyone knew that the intent was to demolish several historic structures, which isn't consistent to the purpose and intent of the Central Business District. She asked if the Board felt that the underlying zoning provides enough protection, when looking at this.

Ms. Friedman agreed the Board should take a look at what the zoning says and decide whether this is following the intent of the zone. Ms. Buck said at the end of the CMRPC report, it says the intent behind their recommendation is to protect existing businesses and not promote building demolitions.

Mr. Grimshaw asked the Board for their recommendations.

MOTION: Ms. Friedman moved that the Planning Board sponsor the Zoning Change request for Darlene Eager.

SECONDED: Mr Menard – Discussion: None

VOTE: All in Favor

Ms. Buck reviewed that the Planning Board will hold a public hearing on the zoning change request before going to Town Meeting in May. The Office will notify Ms. Eager when the public hearing is scheduled.

Town Planner Report

New Solar Farm Application

There is a solar farm being proposed on Boutillier Road on Nick Casello's property and there seems to be a frontage issue. The plan shows the access beyond where the Town maintains the road, but it's before Mr. LaFlash's property where he extended the road. As of right now, there doesn't appear to be legal frontage.

Mr. Casello claims that when the last house was built, the Town required him to include the road 100 feet beyond his property, which would go beyond where the solar farm access is.

Ms. Buck asked the Board if they knew anything about what Mr. Casello claims. No one was aware of the Town requiring that.

Ms. Buck said she informed the applicant that they needed either to work with Mr. LaFlash or apply for a variance on the frontage.

Ms. Friedman said she didn't remember Mr. Casello's claim ever being before the Board, and thought maybe the Building Inspector, at that time, gave Mr. Casello the building permit.

Ms. Buck said Mr. Casello's other argument was that it shouldn't matter because it's not a structure it's for a solar farm. But to counteract that comment, she noted that the Board already reduced the frontage requirement in all the zoning districts for solar farms to 50 feet.

Auburn Street Solar Farm

The As Built plans for this project were submitted today and the applicant is asking for a final sign-off. Ms. Buck noted that before final sign-off, they will be required to submit a \$5,000 cash bond. Once a full growing season has passed and the site is stable, the bond will get released.

Open Space & Recreation Plan

The plan is near completion. All the remaining corrections were done, except one; there's a map in the plan that had the parks incorrectly labeled and needs to be corrected. Once completed, it will be mailed to the State for review.

CMRPC Town Center Study

The draft report should have been received last week, but was just received yesterday, which did not give the Board time to review for tonight's meeting. The project deadline is December 31st and Ms. Buck asked CMRPC if it could be extended by two weeks to give the Board time to review and she was told it could not be extended. Therefore, the Board needs to review the report and get comments, if any, back to Ms. Buck as soon as possible.

FY2016 budget

All 5 budgets will be consolidated in the new FY2016 budget.

Miscellaneous project updates

- Pondview
A few issues have come up, so this will be on the January meeting agenda.
- Briarcliff
This approval expires in January of 2015. The applicant's attorney has submitted a request for extension and will be on the January meeting agenda
- CMRPC
CMRPC is offering another Public Assistance Grant and is due January 30th. It's a technical assistance grant having three categories for funding: Planning ahead for Housing, Economic Development and Preservation; Regional collaboration of service; assistance request for regional planning. Ms. Buck suggested reviewing the Master Plan and the Open Space Plan for potential projects.
Ms. Friedman suggested if there was money and/or time that could be used in looking at possible collaboration expansion of the Becker College and the Town for Economic Development purposes. She felt as for Economic Development in this Town, the expansion of the college is one of the ways Leicester will be able to expand business in the Center of Town.
- Parker Street
The Land Court hearing was continued because judge was waiting for a determination from bankruptcy court.
- Request for Vacation
Ms. Buck is requesting the week of December 29th for vacation.
MOTION: Mr. Wright moved to approve Ms. Buck's vacation request.
SECONDED: Ms. Nist – Discussion: None
VOTE: All in Favor

With no further discussion, Mr. Grimshaw asked for a motion to adjourn.

MOTION: Mr. Wright moved to adjourn

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:10pm

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in meeting mailing packet:

- Agenda
- Memo to Board from Michelle Buck dated November 26, 2014

Documents submitted at meeting:

- None

Approved at the 2/3/2015 meeting