

**Leicester Planning Board Meeting Minutes**  
**February 12, 2008**

MEMBERS PRESENT: Debra Friedman, Sharon Nist, Bill Wright and Jason Grimshaw

ASSOCIATE MEMBERS:

MEMBERS ABSENT: John McNaboe, Scott Broskey

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

MEETING DATE: February 12, 2008

MEETING TIME: 7:00 pm

AGENDA:

- 6:00PM Master Plan Committee
- 7:00 PM Public Application:  
Hammond Street Extension, Endorsement of Definitive Subdivision Plan
- 7:30 PM Public Application:  
Pondview, Endorsement of Definitive Subdivision Plan
- 8:00 PM Public Applications:  
A. Candy Bouquet, Request for waivers of submittal requirements  
B. Collier Acres, Request to modify streetlight plan  
C. ANR Plan, Paxton Street  
D. Hearing Extension Requests (HY-Timber Shores & Grandview Estates)
- 8:30PM Approval of Minutes:  
1/15/08
- 8:45PM Town Planner Report/Old Business:  
A. Traffic Study Update  
B. BC Roadhouse  
C. Waterview Estates  
D. Worcester Car Wash  
E. Stormwater Bylaw  
F. Zoning Articles  
G. CPTC Conference  
H. Vacation Request  
I. Barton Brook Kennels

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Ms. Friedman called the Planning Board meeting to order at 7:00PM

**Public Application:**

Hammond Street Extension, Endorsement of Definitive Subdivision Plan

Ms. Buck said these are plans that the Board approved at its January 15<sup>th</sup> meeting. The appeal period has expired and is back before the Board to the Covenant and the Plans for the filing with the Registry of Deeds.

**Public Application:**

Pondview, Endorsement of Definitive Subdivision Plan

Ms. Buck said this is similar to Hammond Street; this was approved at the January 15<sup>th</sup> meeting and is back before the Board to endorse the Covenant and Plans for the filing with the Registry of Deeds.

**Town Planner Report:**

Worcester Car Wash

Ms. Buck informed the Board that this permit has expired.

**Approval of Minutes:**

1/15/08

MOTION: Mr. Wright moved to approve the minutes of January 15, 2008

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

**Public Application:**

Hearing Extension Requests: (HY-Timber Shores & Grandview Estates)

Ms. Buck said because the February 26<sup>th</sup> meeting is being cancelled, the Planning Office has received requests from HY-Timber Shores and Grandview Estates to continue their public hearings until March 4<sup>th</sup>.

MOTION: Ms. Nist moved to approve the request of HY-Timber Shores and Grandview Estates to continue their Public Hearings to March 4<sup>th</sup>, 2008

SECONDED: Mr. Wright – Discussion: None

Vote: UNANIMOUS

**Town Planner Report Cont:**

CPTC Conference

Brochures for this conference were distributed to the Board. This is a training conference for Planning Board Members to be held on Saturday, March 15<sup>th</sup> at Holy Cross College located in Worcester. Any Board members interested in attending need to notify Ms. Buck ASAP.

**Public Application:**

Candy Bouquet, Request for waivers of submittal requirements

Ms. Buck said the reason this is on the agenda is for waiver requests. There will be a hearing scheduled later because it is for a Special Permit. This is a current business located in the center of Town next to McKenna Insurance building. Part of the building is currently used for the Candy Bouquet business and the applicant would like to expand into the other half of the building and open a teddy bear workshop (brand name Noah's Ark), where birthday parties can be held and the children can make their own teddy bears.

The applicant has requested two waivers; 1) a waiver of submittal of a full Site Plan because this is being proposed in an existing business building; Ms. Buck recommended the Board waive this requirement and 2) a waiver of the Review Fee. Ms. Buck felt this kind of application did not need to be sent to Quinn Engineering for review and recommended the Board waive this requirement also.

MOTION: Mr. Wright moved to waive the requirement for a Site Plan and to waive the Review Fee on the application of the Candy Bouquet/Noah's Ark build-a-bear workshop

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

Collier Acres, Request to modify streetlight plan

Ms. Buck said the Planning Board's approval on this plan required the development to have 2 streetlights and the applicant is requesting a waiver on one of the streetlights. This streetlight to be eliminated would be located in front of one of the resident's home and this particular home owner has requested the streetlight be eliminated.

Ms. Nist asked if the home owner put this request in writing. Ms. Buck said no.

Ms. Friedman said she would like to do a site visit first before making a decision.

Ms. Buck said she will put this on the next agenda in order to give the Board members time to do a site visit.

Ms. Friedman suggested the homeowner who does not want the streetlight, put his request in writing and also have the neighboring homes submit their opinion to this request as well.

ANR Plan, Paxton Street

Ms. Buck said this is a lot located on Paxton Street that has two existing homes on it. There is an exemption in the subdivision control law that allows legally split such a lot in two even if they don't comply with zoning. This is a unique situation, because the lot was previously divided in two, but the dividing line was incorrectly placed and drawn through one of the houses. In order to divide the lot now, they had to get variances approved from the Zoning Board of Appeals from the setback, area and frontage requirements. Ms. Buck felt that the ZBA approval was reasonable under the current circumstances.

MOTION: Mr. Wright moved to approve the ANR Plan for Paxton Street

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

**Town Planner Report Cont:**

Traffic Study Update

The Board had asked for more detail regarding the Traffic Study along the Route 9 Corridor regarding access drives/access management. This was requested to the Consultant and a Draft Copy was mailed to the Board for their review and comments. Ms. Buck asked if the Board required any further work be done with the Study or is what was received satisfactory.

MOTION: Mr. Wright moved to accept the Traffic Study Update as submitted.

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

BC Roadhouse

At the last Planning Board meeting this applicant had requested a withdrawal, but the Board did not take a formal vote to approve withdrawal without prejudice. Ms. Buck asked for a vote of approval from the Board.

MOTION: Mr. Wright moved to approve the request to withdraw without prejudice the Site Plan application for BC Roadhouse/Barber's Crossing, 861 Main Street, Leicester, Ma.

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

### Waterview Estates

This is an extension of Fairview Drive where the Board hired an Engineering Company to put the bounds in and to prepare As-Built Plans. The bounds were put in a couple of weeks ago and the As-Built Plans should be submitted to the Planning Office any day. Ms. Buck asked if the Board would like her to put a request for road acceptance on the Annual Town Meeting Warrant. Board members agreed to have that request placed on the upcoming warrant.

### Stormwater Bylaw

A final draft was submitted to the Board for their review, with minor changes in regards to ANR Lots not requiring meeting this requirement, along with some minor word changes. The next meeting for the Stormwater Bylaw Committee is February 28<sup>th</sup> and at that meeting it will be decided on how to proceed.

Ms. Buck said at the last Stormwater meeting she raised the question again of whether it is mandatory for the Town to have this Bylaw. The Bylaw Consultant had expressed at previous meetings that it was mandatory for the Town of Leicester (in order to comply with State Stormwater requirements). At the committee's last meeting, the consultant changed his position and said it was not mandatory, so she and other Committee members felt maybe not to continue and just adopt regulations.

Ms. Buck said that after some further thought, she felt this proposal should go forward and recommended the Bylaw be submitted for Town approval in the fall, because overall, it will make the process more defined. The Stormwater Bylaw would not go into affect until after the Planning Board adopts the Regulations.

### Zoning Articles

The Adaptive Reuse Bylaw Article will be submitted for a minor amendment basically stating this district is the entire Town, so that a map won't be required of the district. Margaret Rondeau also submitted a zoning change request for her property in the center of Town.

Ms. Buck has submitted both of those article requests to the Board of Selectmen for placement on the warrant.

There are 3 more requests that have been raised. A petition request was received from the Scholds and the Roberts to rezone their properties on Route 9 to HB1. Ms. Friedman asked if the Planning Board holds a hearing on the Route 9 request and votes to disapprove, the request still goes to Town Meeting Floor. If the request does not pass on Town Meeting Floor, it can not be brought back for two years. Ms. Buck said correct, if the request fails at Town Meeting, it can not be brought back for two years, unless the Planning Board supports it.

Ms. Buck said she had previously mentioned that an amendment to the Sign Bylaw was to be submitted. No one has come forward with an amendment, so she met with the Building Inspector and put one together. It is basically reversing the permits for Neon Signs. Currently neon signs are allowed by special permit in the residential district and prohibited in commercial districts. This amendment will reverse that, it will be prohibited in residential and allowed by special permit in commercial districts. Also, the amendment would make it so that awnings signs would be regulated as wall signs, rather than grouping them with neon signs. The sign

amendment has not yet been submitted to the Board of Selectmen because the Planning Board members hadn't gotten the chance to review it first. All this amendment does is address the immediate complaint.

Ms. Buck said there is a flood zone amendment. There is a State agency that reviews flood bylaws, and makes recommended changes. The amendment will make minor changes to definitions, and will remove addresses and dates from the bylaw.

After some discussion, the Board agreed to have Ms. Buck submit the articles proposed to the Board of Selectmen for placement on the warrant.

#### Vacation Request

MOTION: Ms. Nist moved to approve the vacation request of Ms. Buck for the week of February 18<sup>th</sup> to February 22<sup>nd</sup>.

SECONDED: Mr. Wright – Discussion: None

#### Barton Brook Kennels

Ms. Buck said she received a copy of a letter that was sent to the Building Inspector from Coyle Engineering who is representing Patricia Dykas-Gonet of Barton Brook Kennels located at 305 River Street. Ms. Dykas-Gonet is proposing a new building of 135'x45' or 6,075sf & will be removing the old buildings & kennels of 3138sf, resulting in new floor area of 2,937sf.

The letter stated because of the removal of the old buildings and the placement of the new building in that area should not require Site Plan Review because it would fall under the 3,000sf threshold for Site Plan Review.

Ms. Friedman asked who makes that determination, the Planning Board or the Building Inspector.

Ms. Buck said the normal trigger for Site Plan Review is a 3,000sf building and they are proposing a 6,000sf building. Their claim is that Site Plan Review will not be triggered because they will be removing 3,000sf of existing structures. Apparently, there were 11-9x12 kennels to be replaced by 1 building-145'x35'.

Ms. Friedman suggested having the Building Inspector make that determination before the Planning Board makes any comments.

MOTION: Ms. Nist moved to adjourn

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

Meeting adjourned at 7:50PM

Respectfully submitted:

Barbara Knox