

Leicester Planning Board Meeting Minutes
March 18, 2008

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

ASSOCIATE MEMBERS: Scott Broskey

MEMBERS ABSENT:

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

MEETING DATE: March 18, 2008

MEETING TIME: 7:00 pm

AGENDA:

- 7:00 PM Public Hearing:
Candy Boutique; Michelle Albrizio
- 7:30 PM Public Hearing:
A. Request of Bill Roberts & Paul Schold to rezone 1323, 1355 and 1439 Main Street (from Residential A & Residential B to Highway Business-1)
B. Adaptive Reuse Overlay District Amendment (Section 5.10)
C. Floodplain District Amendment (Section 5.2.09)
D. Sign Amendments (Section 5.2.09)
E. Request of Margaret Rondeau to rezone a portion of 1041 Main Street (from Residential B to Business)
- 8:30 PM Public Hearing Cont:
Grandview Shoppes of Leicester, Edward Kooyomjian
- 8:45PM Public Applications:
A. Chapel Hill Estates, Request to Extend Special Permit, Papetti
B. 1141 Stafford Street – Deadline for Construction/Amendment to Performance Agreement, Vasiliadis
C. Boutilier Road, Preliminary Subdivision Plan; Coyle Engineering
- 9:00PM Town Planner Report:
A. Inactive Residential projects
B. Master Plan Update
C. February Monthly Report

Ms. Friedman, Chairman called the meeting to order at 7:00PM.

Public Hearing:

Candy Boutique: Michelle Albrizio, 1065 Main Street

Ms. Friedman read the notice into the record. Instructions were given on hearing procedures.

Ms. Albrizio said she would like to rent the room that is located directly across the hall from where here current candy store is located. Her store is located the big old colonial building located in the center of Town at the corner of Pleasant & Main Streets. Her store is in the front to the right and she wants to put the teddy bear workshop to the front left room.

This is similar to build a bear workshop and will be called Noah's Ark Workshop. The children will come in and create stuffed animals. She will also be offering cake, pizza, and what is needed for a child's birthday party. She has contacted a local pizza shop, who will supply them with the pizza and an area grocery store, Price Chopper, who agreed to supply them the birthday cake.

As for the parking issue, Ms. Albrizio has talked with the owner of the building, who has informed her that there will be 7 parking spots available and at the times she wants to book the parties, the parking lot should be completely open. She also discussed with the owner, because it is a horseshoe driveway, on making one entrance and one exit to keep the traffic flow going the same way. Also, putting on her brochures that parking is limited and would prefer to have the children dropped off and not having all the parents stay. She is in the process of trying to work out a deal with Mr. McKenna next door on renting space in his parking lot.

Ms. Friedman asked on what days the parties will take place. Ms. Albrizio said they will be on Thursday, Friday, Saturday, and Sunday. They will not start until 4PM on school days; the last party will be booked at 7PM and people should be gone by 8:30PM. When school is out, the parties will book earlier in the afternoon starting at 1PM. She will work out the party times with the other business in the building so not to have a conflict in the parking lot.

There are actually 9 parking spots, but there is a tenant living upstairs and two spaces have to be left open for them. She has received permission from Mr. McKenna to park her private vehicle in his lot, so not to take up any open space for her customers.

Ms. Friedman asked how many children will be attending each party. Ms. Albrizio said they are set up for 24 children, but was not sure on how many would be allowed at any given time.

Ms. Friedman asked what the occupancy on the building. Ms. Albrizio said she didn't know. She had asked the building inspector and he was not sure.

Ms. Buck said she believes there are two different issues here; there are building inspector related occupancy issues, and parking issues. This is an unusual circumstance, but this Board could weigh in on how many children are allowed because of the parking issue.

Ms. Nist asked how big the room is. Ms. Albrizio said around 400-square feet. There is enough of room to be able to distance for a handicapped child.

Ms. Friedman asked if the building was handicapped accessible. Ms. Albrizio said the owner told her it has been approved, even though there is no handicapped ramp. The owner had looked into it and was told he was not required to put one in.

Ms. Friedman asked if the owner look into that for this purpose (the proposed business). Ms. Albrizio said yes.

Mr. McNaboe asked how long each party will be. Ms. Albrizio said approximately 1 ½ hours unless the party has pizza, then it will be another ½ hour, so the maximum is 2 hours.

Ms. Friedman asked how long between parties. Ms. Albrizio said the parties will be booked every 2 hours.

Ms. Friedman said there can potential be a 2 hour party of 24 children, because they are having pizza and the next party is at the same time one is ending.

Ms. Albrizio said if they have a 2 hour party, they will have to allow themselves a ½ hour space to allow people to leave before the next one begins.

Ms. Friedman asked if it could be more than ½ -hour between parties.

Ms. Albrizio said yes, but she won't know until someone actually books a party with pizza

Ms. Nist suggested expanding the time in between parties to one hour. Ms. Albrizio agreed to the suggestion.

Ms. Friedman said the occupancy for this building needs to be known.

Ms. Albrizio said when she spoke to the building inspector; he indicated he wasn't sure what the occupancy was.

Ms. Buck asked if the number of 24 children was mentioned when she spoke with the building inspector. Ms. Albrizio said he asked how many children there will be and she told him there is room enough for 24 children, but it doesn't mean there will be 24 children - that is very rare. She will book the amount of children that is allowed.

Ms. Friedman asked about fire escapes. Ms. Albrizio said there is one at the front door and it's marked.

Ms. Friedman asked if there is a second escape. Ms. Albrizio said the owner told her it was not required.

Ms. Friedman said all this information will be needed in writing, because the Board needs to know that this building is ADA compliant and a ramp is not needed.

Ms. Friedman asked if the bathrooms are ADA accessible. Ms. Albrizio said the doorway is large enough for a wheelchair.

Ms. Friedman said an ADA accessible bathroom has to have a special door knob; the sink needs to be at a certain height; there needs to be grabbing bars, etc.

Ms. Albrizio said she had brought all this up to the owner and the owner was told because of the age of the building, it does not require doing any of that.

Mr. McNaboe said many times ADA is only enforced by litigation. If someone can't get into a facility or can't access a bathroom could develop a problem.

Ms. Albrizio asked how to go about finding this information out. Ms. Buck said she will find out and let her know.

Ms. Buck asked what the age of the children would be. Ms. Albrizio said the parties will be from age 3 and up and most likely with 3 year olds, the parents would stay.

Ms. Friedman asked what would happen if there is a party with 24 three year olds. Ms. Albrizio said if she can't fit 24 children, she won't allow 24 children. Twenty four is what the room allows & how many seating is available; this will also include seating for parents. It does not necessarily mean there will be 24 children sitting in each chair, there will be chairs for the parents to sit. Twenty four is just how many can fit in the room.

Ms. Nist asked if Noah's Ark is a franchise. Ms. Albrizio said no, the Candy Store is a franchise. Noah's Ark is a company that is online and is not a franchise. She has the right to purchase the product and sell how ever she wishes.

Ms. Nist asked if the Board of Health has been contacted regarding the food. Ms. Albrizio said yes and the Board of Health recommended for her to provide the food and not have the customers provide their own; this way she is in control of where the food is coming from.

Ms. Nist asked about drinks. Ms. Albrizio said she is covered and can provide drinks. All the licenses she currently has will cover her for the parties and there is nothing else she needs to do through the Board of Health.

Mr. McNaboe asked what the plans are for snow removal. Ms. Albrizio said the owner does his own snow plowing and clears the lot. The snow is pushed back into a section past the dumpster along the right side of the building, which opens up all the parking spots; she will not lose any of the 7 parking spots.

Ms. Nist asked if parties would be run 7 days a week during the summer. Ms. Albrizio said no, it will remain Thursday, Friday, Saturday & Sunday all year round.

Ms. Buck asked what time the parties would start on a Saturday & a Sunday. Ms. Albrizio said Saturday and Sunday will start at 12PM, with the last booking will be at 5PM.

Ms. Nist asked how late the parties would go. Ms. Albrizio said the last booking at 7PM; everyone should be done by 8:30PM without pizza and 9PM with pizza. The last booking at 5PM; everyone should be done by 6:30PM without pizza and 7PM with pizza.

Ms. Friedman said the applicant needs to find out about ADA requirements; about the occupancy limit and about fire escapes.

Ms. Nist asked about a sprinkler system and fire extinguishers. Ms. Albrizio said there is a sprinkler system. The owner looked into all this when she first opened the candy store and everything the Town required him to do, was done before the candy store was opened. She does have fire extinguishers & there is a lit exit sign over the front door.

Ms. Friedman asked about a posted fire escape plan. Ms. Albrizio said she was told that was not required.

Ms. Friedman continued this hearing to Tuesday, April 1st at 8PM.

Public Hearing:

Zoning Amendments:

Ms. Friedman called the hearing to order at 7:30PM and read the notice into the record

Ms. Buck noted that there is another zoning hearing that will be held tonight after the other zoning articles. This is a continued hearing from two weeks ago regarding 1041 Main Street rezoning request.

Instructions were given on hearing procedures

A. Request of Bill Roberts & Paul Schold to rezone 1323, 1355 and 1439 Main Street (from Residential A & Residential B to Highway Business-1)

Mr. Bill Coyle of Coyle Engineering represented Bill Roberts & Paul Schold & made the presentation.

Mr. Coyle presented an aerial photograph showing the location of the proposal. Mr. Coyle said the Schold's property is located across from the Leicester Country Club entrance road & Mount Pleasant Ave sits to the west of the site. The Robert's property is located to the east of Schold's property. The Schold's property consist of approximately 14.8-acres and the Robert's property consists of approximately 7 ½ acres.

There are residential homes along Mount Pleasant Ave, but there is a good buffer distance between the houses and Schold's property line at approximately 200-feet. If this was changed to HB-1 zoning, it is required to have 100-foot buffer between residential and this property line. Currently with this lot being residential, there is only a 15-foot sideline setback. At some point this lot will get developed and this change would benefit the residents due to the buffer requirements.

There are concerns about the potential for development and whether it's feasible on the 7 ½ acre parcel. That lot can be cleared even though there are steep grades in that area, with the 100-foot buffer; it still allows enough land to access the property. It could be accessed from the westerly end of the property along the lower end of Route 9. Assuming there was a 10,000-square foot building, with a 100-foot buffer, there would still be ample room for parking along the west side of Route 9.

Route 9 being a state highway, development will occur and should occur on Route 9 & potential Route 56 as well. This particular area, there is approximately 30,000 cars a day that travel along Route 9, so there is a definite potential for business. It opens the tax base for the Town versus being a residential development that would only provide additional housing and increase the children to school system and burden the tax payer. Although the people who live next to this do not want a business next to them, if it does become residential it can go as close as 15-feet from the property line. Anything that would be proposed on either site would have to go through a Site Plan Review and the public process, giving everyone the opportunity to come in and comment.

Mr. McNaboe said when Mr. Roberts was before the Board some time ago, the Central Business Zone was discussed for this property, but nothing was ever submitted. At that time, HB-1 was mentioned as opposed to CB and Mr. Roberts felt HB-1 didn't work for him.

Mr. Bill Roberts said he reviewed that with Mr. Coyle and was advised that there is enough area in there to support rezoning to HB-1.

Ms. Friedman said does Mr. Roberts feel that there is more than adequate amount of property at this point, to add onto his business the way he wants it to? Because according to the map presented, it shows his business being in the buffer zone if this was changed to HB-1.

Mr. Roberts said yes and his business would then have to be grandfathered under the old regulations. He would not be able to do anything with that part of the lot; he would work with the land on the west side of his business.

Mr. Coyle said at that past meeting, also discussed was converting the back 8-acres as part of the HB-1, but at that time, there was frontage only on Rawson Street. So if that were changed and moved forward with this parcel, there would be a piece HB-1 on Rawson Street, with an access off of Rawson Street and that was a concern with the Board at that time as well. The grades are difficult and the place of access would definitely be on the westerly side and the building would be long and narrow; 200 x 50-feet. The majority of Route 9 west is zoned HB-1, which does go through other residential neighborhoods, but would be consistent more with the westerly side of Town.

Mr. McNaboe said HB-1 is pretty much continuous from the point of Mount Pleasant Ave to Spencer line.

Ms. Buck said there is small gap where it is BR-1. These properties would still have residential (zoning) on either side under this proposal.

Ms. Friedman asked what type of natural buffer exists there now.

Mr. Coyle said there are wetlands in the back with no potential development in that area.

Ms. Friedman asked about the east side.

Mr. Coyle said the east side also has wetlands. There is a home on the corner of Rawson Street on the other side of the wetlands, so there would be at least a 300 to 400-foot buffer to the next residence.

Ms. Friedman asked if there was any vegetation growth.

Mr. Coyle said there is mostly wetland.

Ms. Friedman asked what type of planting could be done in that buffer.

Mr. Coyle said they would provide arborvitae type of vegetation to screen.

Mr. Wright asked the distance from both parcels to the residential properties.

Mr. Coyle said both parcels would have the 100-foot buffer. Along Mount Pleasant property line is where the Schold's have cleared to, which is 100 feet away from the property line and then there is additional distance to the homes. All the lots in back are long and narrow, with large backyards and because of that, a couple of hundred feet buffer already exist, then there would be another 100-feet in addition to that.

Ms. Nist asked if a portion of the 14.8 acre parcel has already been cleared.

Mr. Coyle said yes.

Ms. Nist said then they would have add 100-feet and then come back in another 100-feet.

Mr. Coyle said yes and with adding a vegetated buffer would bring it to 300-feet between those two properties. Where as if this was residential, there would be 15-feet off the property line. They do get more of a buffer more so than residential would.

Ms. Friedman asked how much of the Schold's property is currently cleared.

Mr. Schold said about 6-acres are cleared.

Ms. Friedman said less than half is cleared, with the rest having the potential to be cleared.

Mr. Schold said yes and there are no wetland issues.

Ms. Friedman asked what the grade is in the back.

Mr. Schold said it slops gently, but not as severe as the left side.

Mr. Wright said in regards to a drop in elevation, how much further does it drop down.

Mr. Schold said it goes currently goes down 10-feet.

Mr. Coyle said they would not be creating any run off issues, because the flow would be away from Mount Pleasant Ave.

Mr. Wright asked about the visual impact to the residents.

Mr. Coyle said it definitely drops off, but would have to look at the topography on that.

Mr. Grimshaw asked in regards to the 100-foot buffer, how could that potentially be used.

Ms. Friedman said it can not be used for anything.

Mr. Grimshaw said runoff from the Schold's property has been discussed, how about the runoff from the Robert's lot, because that lot slopes down toward Rawson Street.

Mr. Coyle said there is a wetland in the back area and any development proposed would require a detention pond be provided to make sure that they would retain a 100-year storm event and would discharge into the wetland system behind the property.

Ms. Friedman asked where the detention pond would be placed on such a tight piece of property.

Mr. Coyle said they haven't gotten into that yet, but would not be placed within the buffer. The problem having a B zone and looking at the constraints would back him into a smaller structure, which would decrease the parking and decrease the runoff for a smaller basin.

Ms. Friedman asked if the property is located in a water overlay zone.

Mr. Coyle said no.

Mr. Broskey said his concern is with the residents in the area and even with a 100-foot buffer, and not knowing what business will be put in there, how this will impact their lives.

Ms. Nist asked if there were any ideas of what type of business is being proposed.

Mr. Schold said they are considering turning the barn on the property into a restaurant.

Ms. Buck asked for the allowed uses under the current zoning, how many homes could go on the property under the current zoning?

Mr. Coyle said on the 14.8 acres, with 150-foot frontage requirement; 40,000-square foot lots and putting in a road; maybe 7 to 8 homes.

Ms. Buck said when she met with the Schold's, it was mentioned on the potential of coming back at a later date with a request to rezone the parcel to the south of the Roberts property. Ms. Buck asked if that is the intent.

Mr. Roberts said at this point, as far as he knows that will not be happening.

Mr. Coyle said the only benefit that would gain him is a buffer.

Ms. Friedman opened up the hearing to the public for questions and comment.

Mr. Donald Lennerton, 9 Rawson Street said on the east side of Robert's property sits 1279 Main Street; 22 Rawson Street & 30 Rawson Street; would the zoning boundaries change or would they remain the same?

Mr. Coyle said the rezoning would run along the property lines.

Mr. Lennerton asked if the Robert's boundary would be the new zoning boundary and the old zoning boundary would be eliminated.

Ms. Buck said there will be a sliver of RA in between.

Mr. Lennerton asked if the little sliver would remain the same.

Ms. Friedman said yes.

Mr. Lennerton he would prefer to see a business in that area rather than houses back there.

Mr. John Bujak, 30 Rawson Street said he abuts the eastern end of the Roberts' property and that is all wetland in the back, which is clear and wide open. Anywhere Mr. Roberts has done clearing has directly impacted his back yard. The topographies of that area, Mr. Roberts sits 130-feet above his property, so any structure proposed will be visible from any part of his property.

Mr. Bujak felt this would be unfortunate thing, because when they moved into this area, it was relatively quite, peaceful area. Ever since Mr. Roberts started, they feel now they need to leave, because the clearing is substantial and has directly impacted the use of his backyard. The noise level has increased substantially from the result of all the clearing.

Ms. Friedman asked if the clearing has all been done on Mr. Roberts' property.

Mr. Bujak said yes, Mr. Roberts has been pushing back and clearing the southern end of his lot, as well as, the northern and eastern end. Currently, Mr. Roberts has a proposal before the Conservation Commission to further clear and level more land easterly and towards Mr. Bujak's property. As far as the 100-foot buffer, is all wetland and means nothing, because nothing can be grown there.

Mr. Coyle said during the Planning Board process, the Board could require additional vegetation up hill from the wetland, to try and give a better visual effect.

Mr. Bujak asked if this zoning request was changed from HB-1 to CB, what size structures would be allowed; is it a more restrictive zone than what is allowed in HB-1.

Ms. Buck said up to 2 ½ stories and 30 percent maximum building coverage.

Mr. Bujak said that is a bit more reasonable from a neighborhood prospective than the size of the structures that could potentially go in there with HB-1.

Mr. Robert Meyers, 1455 Main Street, said his property abuts the Schold's property directly to the west. When Mr. Coyle was part of Mass Highway, proposing a business in there and looking at the traffic onto that hill, how much increase in traffic will this generate, was this part of the Route 9 traffic study. Mr. Schold's had stated that he would be dropping the property down to the Route 9 grade and if that is done, the existing traffic from the Schold's lot will have poor sight distance.

Mr. Coyle said when Route 9 was realigned; it was designed to handle a 50mph design speed.

Mr. Meyers said that is traveled, not park and travel and is not for sight distance.

Mr. Coyle said what that does is flatten out the roadway and when the horizontal curves are flattened, it increases the sight distance.

Mr. Meyers said that was done near his property and the line of sight dropped from 500-feet down to 75-feet. You designed it.

Mr. Coyle said unfortunately, Mass Highway doesn't go through the same do process that a Town would. Any plan going through a town, there is a consulting engineer that reviews the project on behalf of the town and every project done in the Town of Leicester, sight distance has been required.

Mr. Meyers asked if any entrance on Route 9 would require Mass Highway to review it.

Mr. Coyle said yes.

Mr. Meyers said Mr. Schold's need to know that, because he would have to face that hurdle with Mass Highway, along with Mr. Roberts.

Mr. Schold said their driveway would be almost down to Mr. Roberts' property. The current driveway will not be where it is now. Moving it will give over 500-feet of sight in a 30mph zone.

Mr. Meyers said with the amount of volume going in there with the traffic study, it is not like you can put a traffic light in there like Wal-Mart.

Mr. Cove said any development put in here would never trigger the volumes necessary for a traffic signal.

Mr. Meyers said he didn't believe Mass Highway would allow it.

Mr. Cove said only if the volume is there.

Mr. Meyers said because this is on a hill and you figure in weather conditions.

Mr. Meyers asked when cutting into the grade, the RA Zone will be located on both sides, & the Board stated at a previous meeting that given the opportunity to put residential next to residential, it would be done. This is cutting business into residential on both sides.

Ms. Friedman said the Board made that statement in regards to the Grandview Shoppes located on Route 56. The Board was looking at how that proposal had residential against business and on the other side had put the business against residential and was asked to swap it.

Mr. McNaboe said these are two different projects, Grandview was a Site Plan Review Approval and this is a hearing on potential zoning change.

Mr. Meyers said this is a zoning change being dropped in between residential. This is not proposing HB-1 throughout.

Ms. Friedman said the Board would want to consider that, because there is a fairly well established neighborhood there and they would not want to jeopardize that.

Mr. Coyle said Woodland Drive is residential with HB-1 on both sides.

Mr. Meyers said the lots are bigger there and when rezoned, it was decided to only go to Burncoat Road, because of the lot size.

Mr. Frank Lyon, 101 Pine Street asked why that section was not originally considered to be brought in as part of the business zone.

Ms. Friedman said actually it was originally part of the HB-1 Zone. The woman, who owned the Schold's parcel at that time, stood on Town Hall Floor and argued the point so much that the Board removed it.

Mr. Meyers said the Board, as a whole, took that property out of consideration because one person outweighed the rest of the Town.

Ms. Friedman said it was argued during the Public Hearing process and the decision was made early in the hearing process.

Mr. McNaboe said at the time of the vote that curve on Route 9 was not corrected at that time.

Ms. Friedman said it wasn't, the previous owner was still living there.

Mr. Coyle said if that lot was included in the original zoning change, it would have increased the value of that lot.

Ms. Friedman said the owner was made aware of that, but she argued to keep it retained as RB.

Mr. Lyon asked if Mr. Roberts' property was also considered to be zoned business at that time.

Ms. Friedman said no.

Mr. Lyon asked why.

Ms. Buck said there were a number of reasons. When you review the Town of Leicester's Master Plan from 2000, there are recommendations made for each area. In that plan, which is the basis for all the rezoning done, the recommendation for commercial zoning ends at Burncoat Street and doesn't go any further east, which has to be assumed that was playing into the discussion at the hearing.

Mr. Meyers said with a 15-foot side setback, if a road was put in, it would be rear setback, is that the same distance.

Ms Buck said in RA the rear setback is 25-feet.

Mr. Coyle said it would be 150-foot frontage with 50,000-square foot lots.

Mr. Dan Bolivar, 3 Mount Pleasant Ave, said he abuts the Schold's property at the rear. He has a problem with that property being rezoned to commercial, because it will impact the quality of life with the residents living on Mount Pleasant Ave. That is a small piece of residential being put into a commercial area. There is commercial property for sale along Route 9 and none of it has been moving.

Mr. Bolivar said he does not have a problem with a residential development going in there or even a senior community. The impact & quality of life versus the sliver of residential left and the amount of commercial, all of the home values will be affected. The traffic will be a huge problem. There is poor sight distance pulling out onto Route 9 from Mount Pleasant Ave. Commercial development on that piece of property will directly impact Mount Pleasant Ave, as well as a visual impact.

Mr. Schold said the location of any buildings, especially if they relocate the barn, definitely would not be behind any of the homes, it would be placed down more southeasterly, towards the Roberts' property. It would be down so low, only the ridge of the roof might be visible. There will be a buffer and Site Plan Review would address those issues.

Mr. Coyle said in regards to sight distance, when exiting Mount Pleasant Ave; the grade does limits the sight distance, so they would have to make sure on anything they propose, there will be adequate sight distance for the vehicles traveling along Route 9.

Ms. Friedman asked what the sight distance is currently.

Mr. Coyle wasn't sure, but where the driveway is currently located, it is limited because of the grade and that is why they would be looking into moving the driveway towards the east to accommodate the sight distance.

Mr. Meyers said it is not only when you drive it, but it's the curve in the road. He was surprised to hear Mr. Coyle didn't know that, because he thought he designed it.

Mr. Coyle said that was 10-years ago and he wasn't part of the design process.

Mr. Meyers said you stated it was a bad sight design.

Mr. Coyle said the sight distance is limited and they would make the grade changes on the Schold's site to accommodate that.

Mr. Bolivar asked that the existing curb cut will be removed and moved further down.

Mr. Coyle said they would be looking at shifting it further east to improve sight distance.

Mr. Bolivar asked if there were wetland issues in that small pocket right on Route 9.

Mr. Coyle said the wetlands are in the back, but they will have to file with Conservation before construction.

Mr. McNaboe said this Board takes great strides taking into consideration the buffers between commercial and residents and to make sure that the residents are well buffered from any kind of lighting and sight concerns.

Mr. Coyle said as part of the Planning Board process, it is required that the lighting plans are submitted for review, to make sure there is not any spill over lighting onto residential properties.

Mr. Bolivar invited the Board members to come to his property, stand on his deck and look down at this lot. When you try to exist from Mount Pleasant Ave and take a left, you are taking your life into your own hands.

Mr. McNaboe said they have been to Mount Pleasant Ave and understand where it is located to this proposal.

Ms. Joann Schold, 490 Marshall Street said whatever is decided to be done, whether residential or business, the homes that will be put in, will have the same impact on traffic and will be addressed during the Site Plan Review process.

Mr. Coyle said Route 9 being a state highway has a certain amount of volume. This is why they are looking to change these properties to HB-1 because the volume of traffic is suited for business. Unfortunately there are residential areas adjacent to Route 9 that is negatively affected, but no matter what goes on this lot, there will be some negative affect.

Mr. Bolivar said he feels this proposal will affect the value of the homes on Mount Pleasant Ave.

Mr. Coyle said in his opinion it should not change the affect, because right now there is an older building that needs renovating. Once the area is cleaned up, finishes the construction work, put in the landscaping it will improve the visual affect from the backyards.

Mr. Bolivar said looking at a business development in the backyard is better then looking at an old barn.

Mr. Coyle said through the Planning Board process, anything done would be done properly and would look good.

Ms. Buck said one of her concerns is that zoning should always be based on a comprehensive view of the Town and not necessarily what the best economic use of one or two lots is. She emphasized that the Board should be considering the overall impact on whether the best use, Town-wide, of these parcels is commercial. There is a considerable amount of commercial zoning in that area and this Board should be weighing whether additional commercial in that area

is warranted. There are pluses and minuses, but it should be a comprehensive evaluation of the impact and not just thinking on one individual's business proposal.

Ms. Friedman asked why HB-1 was proposed as opposed to CB.

Mr. Schold said it's because CB requires special permits.

Ms. Friedman asked if it is because you want it by-right and not having to go through a special permit?

Mr. Schold said yes. That entire corridor in 10-years will not look like it does today, there will be commercial development. For CB, it needs sidewalks. They did offer some land to the fire department, but it was felt it would be too far from the Center of Town. Where this lot is located would not be good for CB.

Mr. Meyers asked if the Board would be voting on this tonight.

Ms. Friedman said this is a hearing and the Board can close the hearing; because this is a citizen petition, it has to be brought to Town Hall Floor whether the Board approves it or not. She stated that if the Planning Board recommends against the article and is defeated, it cannot be voted on for two years.

Ms. Buck said she'd like to clarify this issue. The Planning Board does make a recommendation on Town Meeting Floor and if this gets disapproved at Town Meeting (which requires a 2/3rds approval), it cannot come back to Town Meeting for two years unless the next time it's attempted, the Planning Board issues a positive recommendation.

Ms. Friedman said this is an article that was submitted as a request. There were registered voters who signed the petition to put this on the warrant and why the Board is having this public hearing.

Mr. Schold said there is a lot of available land zoned commercial along Route 9, but a dry piece of land is hard to find.

Mr. Bolivar said there is a lot of commercial land available; there are two lots next to Wal-Mart. If the HB-1 rezoning is approved, it leaves two houses on Main Street residential; isn't that considered spot zoning?

Ms. Friedman said it could be.

Ms. Buck said that is a difficult question to answer easily, because there are a number of factors that go into whether it's spot zoning or not. Generally, rezoning one or two parcels for the benefit of individual land owners is spot zoning. If the Town studies the matter and feels that fits into their goals for the community, as part of proper planning for the area, then that can weight against the spot zoning argument. It is not a hard and fast rule where it says for a parcel of a particular size.

This zoning request is definitely a concern, along with another zoning request before the Board. Which is why she is emphasizing the issue of, do the benefits outweigh the issue of the Town avoiding zoning to only benefiting a small group of people? It [rezoning] should always be finding some kind of general public welfare issue in that zoning request. Zoning should be based on planning for the future as a community.

Mr. McNaboe said if we take this zoning and bring these lots in all the way past Mount Pleasant to where HB-1 is now, there would probably be a lot of objection to that.

Ms. Buck agreed.

Mr. McNaboe said the Board could propose that, then there wouldn't be the issue of spot zoning, but does not believe that is what everybody would be looking for.

Mr. Coyle said he was contacted by a business looking for a site along Route 9 and after looking at the area of wetlands, they backed out, there was too much wet.

Ms. Buck said she was contacted by the same business, which is a Tractor Supply Company and it is her understanding they are considering the Schold's site.

Mr. Lyon said Mr. Schold had indicated that a restaurant was going in there, if this goes to a business zone, what would prevent him from changing his mind?

Ms. Friedman said if this were changed to HB-1, he would be allowed to have by-right anything allowed within that zone, which was why CB was being questioned, because there is a review process through a special permit and it is much harder to get anything into a CB Zone.

Mr. Meyers said a tractor company could go on that lot without any restrictions and starting up its equipment in early morning.

Ms. Buck said the Tractor Supply Company is a retail business, similar to Klem's.

Mr. Lyon asked if this is zoned a commercial business zone, HB-1, then anything is allowed to go into that spot, except residences.

Ms. Friedman said yes.

Ms. Buck said the HB-1 district is the least restrictive commercial district, but it does have wide buffers, with a wide range of business uses.

Mr. Coyle said his concern with CB is that everything is by Special Permit. The intent of changing all of Route 9 to HB-1, there are a lot of residents now and they will need to show that they would be in harmony and if the residents are bought out, how can they show it is in harmony, because they aren't bought out yet. The intent of the Town was to have that area developed and that was why it was changed to HB-1.

Being CB and not HB puts them into a Catch 22, until HB gets developed; it gets more difficult to show the special permit to be in harmony and getting further away from the Center of Town.

Ms. Buck said neither district is a perfect fit.

Ms. Friedman agreed and part of the issue is when the Board rezoned, they were trying to retrofit zoning that was very haphazard to begin with and trying to fit in a new zoning district that gave the depth along Route 9 in order to accommodate business and also to be able to be in harmony with residences, which is why the question of whether or not the CB District might be something that might fit better.

Ms. Schold said across the street from their property and below is HB zoned.

Ms. Friedman said not below, on the north side of Route 9 & the south side of Route 9 from Burncoat Street is not HB.

Mr. Meyers asked purchasing one lot doesn't meet the classification for HB zoning.

Ms. Friedman said correct, they [commercial developers] would have to buy several lots.

Mr. Coyle said changing this property to HB would be consistent with what is across the street.

Mr. Grimshaw said speculation is something is something the Board has to consider, because these are changes that could last for 10, 15 or 20 years and the Board has to keep that in mind. It is part of their responsibility to make sure what is done, is in the best interest of the Town and what might be there in 20 years.

Mr. Broskey said he does not feel business should ever dictate whatever is done in Town, the Town dictates what type of business and how to control them.

Mr. Bujak asked the Board's opinion regarding saturation of commercial property at the top of that hill.

Ms. Friedman asked if he meant the amount of property in HB-1 that is for sale?

Mr. Bujak said yes.

Ms. Friedman said the Board anticipated when that area was rezoned and once something went in that might happen. The Board also suspected that part of the reason many of these parcels are not moving, is because people are holding out for a higher price and not everyone of those parcels are worth what is being quoted. Eventually a developer will be able to come in, get a reasonable price and put several lots together, because each individual parcel cannot be developed and someone is going to have to be willing to buy several. The reason that whole area was rezoned as HB was in order to supply the water and not have residential housing use it up, which is why there is such depth for that area as well.

Mr. Bolivar said he understand the Town wanting to get a commercial tax base on Route 9. Wal-Mart has a history of coming into small towns for a certain amount of years and if they don't make the money that they need to make, they will close down and move on. Wal-Mart is attracting other people to come here and if Wal-Mart closes, we are all in trouble along Route 9. He can see wanting to put the big box stores as far away from residential as possible, because the closer they get to the residential, creates more traffic and more crime; Town services will be taxed.

Ms. Friedman asked for any further comments, questions, or concerns; hearing none, asked for a motion to close this hearing.

MOTION: Mr. McNaboe moved to close the hearing on the request of Bill Roberts & Paul Schold to rezone 1323, 1355 and 1439 Main Street from Residential A & Residential B to Highway Business-1.

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

B. Adaptive Reuse Overlay District Amendment (Section 5.10)

Ms. Buck said the Adaptive Reuse Overlay District is a bylaw that was adopted a year ago and after approval, the Attorney General Office had a concern that the district boundary was not shown on the Zoning Map. It was explained to the Attorney General's Office that the intention was to have it apply to the whole Town. So, instead of amending the Zoning Map, only the text needs to be amended slightly. Town Counsel has reviewed this article and it was on last years

Annual Town Meeting Warrant, but was pulled off because of procedural issues. The amendment states that the Adaptive Reuse Overlay District is superimposed over all the underlining zoning districts in the Town of Leicester, so it won't need to be shown on the map.

Ms. Friedman asked for any comments or question. Mr. McNaboe stated that this is a clean up procedure on a Zoning Amendment.

Hearing no further comments; Ms. Friedman asked for a motion to close this hearing.

MOTION: Mr. McNaboe moved to close the public hearing on the Adaptive Reuse Overlay District Amendment (§5.2.09)

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

MOTION: Mr. McNaboe moved to recommend approval on the Adaptive Reuse Overlay District Amendment (§5.2.09)

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

C. Floodplain District Amendment (Section 5.2.09)

Ms. Buck said there are some minor changes to the Town's Floodplain District. These changes were requested by the Mass Division of Conservation Services Flood Hazard Management Program. They recommended some minor changes in the definitions of Zone A1-30, being a change in flood boundaries and flood maps to flood boundaries and floodway maps. There were two other minor changes requested regarding updating the dates and addresses.

Ms. Buck said this amendment has been rewritten to take out the dates and addresses because this bylaw was amended three years ago changing dates and addresses and she felt it unnecessary having dates and addresses in a zoning bylaw.

Ms. Friedman asked for any further comments.

Mr. McNaboe stated this amendment is also part of a clean up procedure.

Hearing no further comments; Ms. Friedman asked for a motion to close this hearing.

MOTION: Mr. McNaboe moved to recommend approval on the Floodplain District Amendment (§5.2.09)

SECONDED: Ms. Wright – Discussion: None

Vote: UNANIMOUS

MOTION: Mr. McNaboe moved to close the public hearing on the Floodplain District Amendments (§5.2.09)

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

D. Sign Amendments (Section 5.2.09)

Ms. Buck said this amendment was recommended by the Building Inspector and it her understanding that it is also supported by a Selectman. Currently, neon signs and awning signs are prohibited in all commercial districts and require special permit in residential districts. This

article reverses that. Also, the amendment makes it so that awning signs are no longer “lumped in” with neon signs. Instead awning signs would be regulated the same as wall signs.

MOTION: Mr. McNaboe moved to recommend approval on the Sign Amendments (§5.2.09)

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

MOTION: Mr. McNaboe moved to close the public hearing on the Sign Amendment (§5.2.09)

SECONDED: Ms. Nist – Discussion: None

E. Request of Margaret Rondeau to rezone a portion of 1041 Main Street from residential B (RB) to Business (B)

Ms. Buck said this is a hearing continued from March 4th and the Board recommended continuing to further discuss.

Mr. McNaboe said because the Chairman was unable to attend the March 4th meeting and the Board agreed to continue to give Ms. Friedman an opportunity to comment.

Mr. McNaboe said there was a lengthy discussion regarding whether Central Business versus Business would have been a better proposal for this particular property; especially given the special permits that would be required for any kind of development.

One issue discussed was that changing this to a Business zone might be considered spot zoning. Also there was discussion about abutting properties (Car Wash and Physical Therapy business), and the potential that someone could come along and purchase all three properties.

Ms. Buck said currently in this area along Route 9, there is a 100 foot strip from the center of the right-of-way on Route 9 for Business. The existing businesses on the other side of Route 9 in this area have portions of their properties in a residential zone(RB) and portions in the business zone (B).

Ms. Buck said has the same concern as the previous rezoning request where it would be better to have a more comprehensive proposal that addresses not just this parcel, but others in the area.

Ms. Nist said CB makes more sense with what is there.

Ms. Buck said there are parcels near this property zoned CB.

Ms. Friedman felt it would make more sense to rezone this CB versus B.

Mr. McNaboe said CB would give Ms. Rondeau the ability to have a Tea Room.

Mr. McNaboe said he did see a For Sale sign on this property and asked if the property was being sold. Ms. Rondeau said not if she doesn't have to. She can't afford her home the way it is, because she is unable to run a business there. Her objective was to have a Bed & Breakfast, but was unable to do that due to requirements with the Fire Department and Board of Health. She needs to operate some kind of business in order to afford her home.

Mr. Grimshaw asked what her intentions were when the house was purchased 6 years ago. Ms. Rondeau said when she looked at the Assessors field cards, she read that the property was 100% Business zoned.

Mr. Grimshaw said because the issue in front of the Board is, if you knew the zoning would not allow a business when you bought the house, then the problem is self-imposed.

Ms. Buck said Ms. Rondeaus went by the Assessor's records (which are not always correct), instead of the Zoning Map.

Ms. Rondeau said she had no idea part of the property was zoned RB. When she tried doing a Bed & Breakfast was when she found out the zoning and that she needed a special permit.

Ms. Buck said the Assessor's office does make it clear to people not to rely on field cards to determine zoning; the zoning map is the only official source used to determine zoning.

Ms. Rondeau said she knows that now. The field card was just recently changed.

Ms. Buck said the Assessor's maps are not up-to-date and that is partly because of an insufficient funding.

Ms. Rondeau said even if all three properties were sold together, nothing substantial will fit, there isn't enough room.

Mr. McNaboe said when a CVS wants to come into an area and put up a store, in Charlton, they bought a brand new gas station and knocked it down.

Ms. Rondeau said that store is very big.

Mr. McNaboe said yes it is big, but the point is, this Board is charged with a fiduciary responsibility so that way that does not happen in an area where it should not happen. No one knows how many houses they would buy of a historic value and do whatever they want to do.

Mr. McNaboe said this Board is charged with doing things in a proper manner and in his opinion rezoning this to CB would alleviate this issue and also protect that area of Town. Because this public hearing was advertised to change this to Business, the request can't be changed to CB without re-advertising and holding a new public hearing; it wouldn't be legal.

Ms. Rondeau asked why this was not mentioned at the last meeting.

Mr. McNaboe said they wanted the full Board present to discuss this fully and make sure this would be the correct process to take. Also, more of the area should be included than just this property.

Mr. Grimshaw said this was all raised and discussed at the last meeting.

Ms. Buck said it was not discussed in-depth, which was one of the reasons the Board decided to continue.

Ms. Rondeau said she did ask at the last hearing if this would still be on the warrant for Town Meeting.

Ms. Friedman said the current proposal can still be put on the warrant for Town Meeting.

Ms. Buck said at the last meeting she raised the issue as to whether the Selectmen would allow this request to remain on the warrant if it was changed. She spoke with the Town Administrator and he indicated that as long as the Selectmen didn't oppose the article, they would allow a change in it. There are two Boards involved and there a certain procedures, but Ms. Buck agrees that if this request is changed, it will need to be re-advertised because it is an entirely different zoning district.

Mr. McNaboe said any articles passed on Town Hall Floor have to be approved through the Attorney General's Office and if they see it advertised as one thing and voted on as another, there is a good chance it will be kicked out.

Ms. Friedman said in the letter requesting this zoning change, the applicant requested a rezoning from RB to B and then half way down the letter it states, "why can't this be included with the CB district where it is".

Ms. Rondeau said she didn't fully understand the difference between B and CB. She requested this change to run a Tea Room in her home, also she does not have a problem having her request changed to CB and have restrictions in place so the building will never be torn down.

Ms. Friedman asked Ms. Rondeau if she determined that this request should be made from RB to B.

Ms. Rondeau said yes.

Ms. Buck said that was because part of her property is located in B.

Ms. Friedman felt it would make more sense to put this property in the CB zone for the whole area and asked if there was enough time to hold another hearing.

Ms. Buck said yes.

Ms. Friedman suggested holding another hearing and asked Ms. Rondeau to submit another letter requesting the change to CB and to confirm with the Selectmen's Office that they will not object to this change.

Ms. Rondeau agreed.

Ms. Friedman said the Board will need to close this hearing and re-advertise for another public hearing, as long as there is time before Town Meeting.

Ms. Buck said she received a phone call from Rose Wolanski who owns the Physical Therapy Business next door to this lot and she indicated she was generally in support of the article and didn't have any major issues with it. Some concern was expressed with not wanting to see a bar or a noisy or rowdy business on the site.

Mr. Lee Zagorski said the Selectmen are meeting on Monday night and informed Ms. Rondeau that this request will be put on their agenda for discussion.

Ms. Friedman said the Planning Board can hold a new hearing on Tuesday, April 15th and will have it advertised on April 1st and 8th.

Without further discussion, a motion was presented.

MOTION: Mr. McNaboe moved to close this public hearing on the request of Margaret Rondeau to rezone a portion of 1041 Main Street from Residential B to Business.

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

Public Hearing Cont:

Grandview Shoppes of Leicester, Edward Kooyomjian

Mr. Bill Murray made the presentation.

Mr. Murray said at the last hearing there was a continuing discussion regarding the design of the project and buffering for the abutters. Their original proposal showed two multi-story/multi-family structures, as well as a retail development. A concern of the Board was that they wanted the retail development moved to the north, because of the existing large excavating/construction equipment to the right adjacent to Route 56. Another concern was whether residential multi-family parking could be located in RA and the last concern was growth rate bylaw. That instituted them to take an additional look at this project and take a slightly different approach.

Mr. Murray said that this is an alternate concept for discussion purposes only. This shows the proposed commercial development on the northerly side of the site; they reduced the residential components from 44 units to 20 units, done in a Town House configuration, circling around that will be encroaching 30-feet into the RA Zoning District.

The new plan shows a modification of the entire concept. They have taken off the issue of parking in the RA zone; the rotation of the retail development and a reduction of the overall density of the entire project. They are no longer showing a restaurant and will be marketed retail/office. The parking spots have been increased to support the retail.

Mr. Murray asked the Board if this modified plan was something they would be more inclined to review in a more detailed fashion.

Ms. Nist said this new proposal doesn't mean a restaurant couldn't still go in there. Mr. Murray said no.

Ms. Friedman asked if each Town House will each have a garage. Mr. Murray said the Town Houses will have about 2000-square feet with a two-car garage.

Ms. Friedman said the parking shown will be for the retail units? Mr. Murray said yes, it is approximately 70-spaces.

Ms. Friedman said she likes this plan a lot better than the previous plan.

Ms. Nist asked if this plan has taken into consideration visitor parking for the residents.

Mr. Murray said yes, because they will have drive in two garages and there will be a little more than 20-feet of driveway between the building and actual pavement. Mr. Murray said the intent is that this will be a more up-scale project than Grandview Estates and will not be designated an over 55 or affordable.

Ms. Friedman asked if because these units are separate, will this comply with the Phase Growth Development? Mr. Murray agreed and said it will comply with that Bylaw much easier and will also accommodate market swing.

Mr. Murray said this will comply with subdivision road standards, with a 10% grade along the straight away, leveling out; traveling out at a 5% grade all the way down, until it's level and back out to Route 56.

Also, informally presented was a concept to utilize the back area by eliminating one of the residential structures, gaining access to the area and presenting a 40B Development there. It will either be a L.I.P. or a 40B. Mr. Murray said this is not a formal proposal, just being tossed out for maybe a future presentation.

Ms. Friedman asked how many units are being thought of. Mr. Murray said that is open for discussion, but thought maybe in the 30 unit range.

Ms. Buck said regarding the 40B, one concern the Board should be considering is where they would like to see this kind of development, because the Town is vulnerable to this and there will 40B applications eventually.

Mr. McNaboe said he likes the modifications to this project with switching the commercial/retail to abut the other commercial business; the proposal of a two-car garage and the length of the driveways to support visitor parking and he is not necessarily against a 40B proposal in the back area.

Mr. Murray said they felt the 100-foot required buffer could be designed into the project without a problem.

Ms. Friedman asked how many units would be designated 40B. Mr. Murray said 40B in itself requires a percentage of the units be affordable and 10% is what is required.

Ms. Buck said for this project a special permit for multi-family is issued through the Zoning Board of Appeals; the Planning Board's purview is special permits for the commercial and the overall site or Site Plan Review.

Mr. Murray said these are wood frame buildings, multi peaked at 2 ½ stories; 2000-square feet with 3 to 4 bedrooms. The roadway will handle emergency apparatus and is designed to subdivision standards at 24-feet wide and will have granite curbing where it meets Route 56.

Discussion was held on the possibility of re-advertising this hearing due to the modifications.

Ms. Friedman said if the project was modified to be bigger, she would suggest re-advertising, but the fact it was scaled back, felt re-advertising wasn't necessary. Mr. Murray expressed wanting to continue. It was also mentioned that the hearing may need to be advertised if one of the members seeking re-election isn't re-elected.

Ms. Friedman asked for any further questions or comments; hearing none asked for a motion to continue.

MOTION: Mr. McNaboe moved to continue the public hearing for Grandview Shoppes of Leicester to Tuesday, April 15, 2008 at 8:00PM

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

Public Application:

A. Chapel Hill Estates, Request to Extend Special Permit, Papetti

Ms. Buck said this request was discussed at the Board's last meeting and there was some confusion about whether or not the Board was in possession of the signed plans, so discussion was continued. Upon further research, the Planning Office was not in possession of the signed plans.

Since then, Mr. Papetti had submitted a set of the plans that were endorsed. Mr. Papetti is requesting an extension of a special permit that was good for two years. The applicant is supposed to show good cause for an extension.

Ms. Buck said her recommendation has not changed and felt an extension is not warranted because "good cause" has not been shown. None of the actions required post-approval took place. The decision was never recorded, the Board was never given copies of the plans, and it is now too late to record without a separate action of the Board to allow a late recording.

Ms. Friedman asked why nothing has been done. Mr. Papetti said this is two separate parcels owned by two different people and their attorney had advised them not to record the plans, because when a developer steps in, it would have to all be put into one parcel at that time to be recorded. Their attorney advised them to keep moving forward towards getting a developer and that is what he has been working on.

Mr. Wright asked when the special permit expires. Ms. Buck said March 28, 2008.

Mr. Wright asked what kind of extension is being requested. Mr. Papetti said the 6 month extension that is allowed under the bylaw. The parcel has not been touched, because they didn't want to go in and tear everything up to do nothing. They would like to bring someone in who will do the right thing with the property and get the project done.

Mr. McNaboe asked if the extension request is approved, what could the Board expect. Mr. Papetti said he can't guarantee anything, other than when the 6 months are up, he will not be back looking for another extension.

Ms. Friedman said the Town's concern is that someone will go in and start tearing the area up.

Mr. Papetti said they want to get the right developer in hand to do the right thing.

Ms. Buck said if the Board is leaning towards an extension, which she does not recommend, the Decision still needs to be recorded before the two years are up. This isn't even a valid special permit without being recorded at the Registry; action on a decision and/or plan can't be put off forever.

Mr. Wright said he understands the issue with recording the plan and having it put into one parcel and being taxed as one entity. If it doesn't work out, the parcel has to be split again, but why wasn't the Decision filed? Ms. Buck said she wasn't sure if this Decision can be recorded without a plan, because it's a subdivision approval and special permit approval made under a single decision.

Ms. Friedman said if this Board decides to extend for 6 months, they would also have to issue a certificate of late recording. Ms. Buck said yes, which basically says the plan has not changed.

Ms. Friedman said Mr. Papetti would then have to record the plan.

Ms. Buck felt this situation has changed; the conditions under which this Board might approve this project are different than they were 2 1/2 years ago when it was under review.

Mr. McNaboe said this plan will still have to be recorded within 30-days.

Mr. Papetti asked if that was the law to record an extension within 30-days. Ms. Buck said right now these plans can not be recorded without a late recording certificate from the Planning Board and then it has to be recorded within 30 days of the date on the late certificate.

Mr. McNaboe suggested to Mr. Papetti having his attorney contact Town Counsel.

Mr. Papetti asked if there was still money in the review account to cover that cost. Ms. Buck said yes there is money left in the account, but was not sure if that money can be used for that; although, if the permit expires, the money will be refunded.

Ms. Friedman said as long as the applicant made the request, the review account money should cover that cost.

Ms. Friedman asked for any further comments or concerns; hearing none, asked for a motion.

MOTION: Mr. McNaboe moved to approve a 6 month extension from March 28, 2008 to commence construction on Chapel Hill Estates, contingent upon the requirements determined by Attorney Cove regarding the recording with the Registry of Deeds.

SECONDED: Ms. Nist – Discussion: Ms. Nist asked that the applicant submit something in writing stating that attorney fees will be paid through the review account.

Mr. Papetti agreed, for the record, to having attorney fees be paid from the Chapel Hill Estates review account (the minutes of the Board will be the written record).

Vote: UNANIMOUS

B. Boutilier Road, Preliminary Subdivision Plan; Coyle Engineering

Mr. Coyle submitted the application and plans and gave a brief overview. Mr. Coyle said this is a 23 lot development that will be located off of Stafford Street. Boutilier Road is not a through street and is understood to be a private way. The road goes in 250 feet as a town road from Henshaw Street and then turns into a private road/gravel pathway out onto Stafford Street. They are proposing coming in beside the existing Boutilier Road from Stafford Street that will not be a part of Boutilier Road.

They were advised by Attorney Meloche to have a title search done on the property, because they need to know who owns Boutilier Road and who has rights to that road. Typically on private roads, it's common that the people who own the land on either side, have sole access of that private road, unless someone's Deed states otherwise.

Mr. McNaboe said from the Board's point of view, this proposal will be improving Boutilier Road to 28-foot standard, with sidewalks on both sides from Stafford Street to Henshaw Street; other than that, it won't work.

Ms. Nist asked how long the road will be. Mr. Coyle said from Stafford Street to Henshaw Street it will be around 3,500 feet.

Ms. Friedman asked for any further discussion; hearing none, scheduled discussion of this application for Tuesday, April 15th at 8:30PM.

C. 1141 Stafford Street – Deadline for Construction/Amendment to Performance Agreement, Vasiliadis

Ms. Buck said at the last meeting a deadline to complete the work was overlooked and a vote is needed to set a deadline date. Also, the applicant wants to submit a Bond instead of cash and the a vote is needed to accept the bond

MOTION: Ms. Nist moved to set the deadline date to complete work to June 30, 2008

SECONDED: Mr. McNaboe - Discussion: None

Vote: UNANIMOUS

MOTION: Mr. McNaboe moved to accept a Bond instead of Cash subject to Town approval

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

Town Planner Report:

A. Inactive Residential projects

Ms. Buck said this is on the agenda because there are a couple of projects that have been inactive for a while and wasn't sure if the Board wanted to consider calling some of these developers in.

Ms. Friedman asked if these projects were close to expiring. Ms. Buck said yes, these projects have gone way beyond the deadline to record and endorse, also some are very close to their expiration to commence work.

After some discussion, the Board recommended letting these projects expire.

B. Master Plan Update

Ms. Buck said the amount of surveys received is close to 400; roughly 50% completed online and 50% mailed. That is approximately 10 percent of the households in Town, which is a very high percentage.

Ms. Friedman said in order to get the Master Plan done by November, the meetings need to be increased and recommended holding a 2 hour meeting once a month, rather than two 1 hour meetings. This would mean holding the Master Plan meeting from 6PM to 8PM and have the Planning Board meeting starting at 8PM.

If the Board finds more time is needed with the Planning Board business, the second meeting of the month could start at 6PM.

The Board agreed.

C. February Monthly Report

Town Planner's Monthly Reported was submitted for review.

MOTION: Mr. McNaboe moved to adjourn

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

Meeting adjourned at 11:00PM

Respectfully submitted:

Barbara Knox