

Leicester Planning Board Meeting Minutes
April 3, 2007

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

ASSOCIATE MEMBERS: Scott Broskey

MEMBERS ABSENT:

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

MEETING DATE: April 3, 2007

MEETING TIME: 7:00 pm

AGENDA:

- 7:00 PM Discussion:
S.H.E/Twelve Oaks Special Permit Application
- 7:30 PM Discussion:
Preliminary Subdivision Plan, Larson Farm Estates
- 8:00 PM Continued Public Hearings:
Zoning Amendments
A. Site Plan Review Procedures
B. Special Permit Procedures
Regulation Amendments
Adoption of new Site Plan Review Rules & Regulations & Amendment of Special Permit Regulations (this hearing will take place concurrently with hearings on Items A & B above)
Zoning Amendments
C. Central Business District Purpose and Intent
D. Adaptive Reuse Corrections
- 8:15 PM Discussion/Review:
Wal-Mart, Amendment to performance Agreement/WRTA issues
- 8:30 PM Public Application:
Chapel Hill Estates Endorsement
- 8:45PM Approval of Minutes:
2/6/07
- 9:00PM Town Planner Report
A. Road Acceptance Requests (Ingram Road and Hillside Road/Tracy Estates)
B. 61A Withdrawal Request (R. Olney White)
C. Open Space Plan
D. Traffic Study
E. 1027 Stafford Street (40B Application)
F. Grant Opportunity
G. Miscellaneous Project Updates
H. February Monthly Report

Deb Friedman, Chairman opened the meeting at 7:10 pm

Ms. Friedman said there is an amendment to the agenda and the first order of business is the Reorganization of the Board.

Reorganization of Board:

MOTION: Ms. Nist – moved to nominate Ms. Friedman for Chairman

SECOND: Mr. Wright – Discussion: None

Vote: UNANIMOUS

MOTION: Ms. Nist – moved to nominate Mr. McNaboe as Vice Chairman

SECONDED: Mr. Wright – Discussion: None

Vote: UNANIMOUS

Discussion, Twelve Oaks /Stafford Hill Estates Special Permit Application

In Attendance: Attorney Marshall Gould.

Ms. Buck said a Draft Decision was mailed to the Board and has just finished a meeting with Attorney Gould finalizing the Decision. Ms. Buck reviewed the changes made and that were requested to be made.

Ms. Nist asked if this include any handicapped accessible and shouldn't it be noted in the plan where it is. Mr. Gould said they would not be able to pull a building permit without that accessibility. Ms. Nist asked if there should be a certain percentage of handicapped spaces per total parking spaces. Mr. Gould said not with this kind of project.

Ms. Friedman asked what the criterion is set for. Mr. Gould said based on the size or the number of the occupancy, something like that. It doesn't count the number of housing units.

Ms. Buck said there aren't any specified on the plan, but the Board can add something in the Order of Conditions that handicap spaces be provided. Mr. Gould suggested adding the words, "handicap parking spaces are provided in accordance to the State Building Code."

Ms. Buck said the applicant is requesting the option of not providing a gate at Stafford Street and has prepared an alternate condition, if the Board agrees with that request. Ms. Nist said she understood that this was supposed to be a gated community. Mr. McNaboe said that is the way it's always been presented. Ms. Friedman asked the applicant the reason for this request.

Mr. Gould said this is a comment that comes from him and not from the applicants. The reason for this is, he represents a number of condominiums that are called gated communities. They have what looks like a gate when you drive in the main entrance and it's suppose to be secure. The problem that they are finding with a lot of these communities is the way weather can affect the operation of these gates. When dealing with 180-units to be occupied by people 55-years and older and if the gate doesn't work correctly, it becomes a maintenance issue. There will not be a 24-hour manager on site to handle that problem and they would have to open up the gate manually or call the police. There would still be the appearance of a gated entrance and the maintenance of it could become a headache.

Mr. McNaboe said would it be replaced with some kind of signage stating residents and visitors only?

Ms. Friedman said the opposite side of this is, as soon as you don't have a gated community, you will have a lot more people driving through who don't belong there.

Ms. Nist said there isn't going to be one of the condo units designated for a maintenance person? Mr. Gould said no, the condo community takes over control and operation of maintenance and make that decision themselves.

Mr. Gould said the second item he asked for has to do with the indoor pool located inside the Community Building. This request also comes from him and not the petitioner and in talking with the condo association, told him they are not having a pool because less than 10% of the residents will use it and most residents complain about paying the fees to keep it maintained. Upon reading the Decision on the indoor pool, it was not a requirement, it just stated if there was going to be one and it had to be in the designated area.

Ms. Nist said in the past ten years hasn't the technology improved on these gates. Mr. Gould said no.

Mr. McNaboe said he has seen where the motor had to be removed from a gate and then open it by hand.

Mr. Gould said with 180-units, the gate will be opening and closing potentially 1,000 times a day and that will wear out, no matter how good the technology is.

Mr. Broskey asked what difference it makes to the town. Ms. Friedman said the police, because if you have an ungated community and there are vehicles traveling through with the elderly walking through, this is creating a potential problem.

Mr. Gould asked the Board to consider stating the gate not be required, but if after review by the Police Department, they recommend to the Planning Board a gate be installed, the Planning Board reserves the right to require within a certain amount of days, a gate be installed.

Ms. Buck said it could be the other way around, put the gate in and the applicant can request it be removed. Ms. Friedman said she agreed with Ms. Buck, also because of where the location of this project is situated, there needs to be a gate.

Mr. McNaboe asked if some language could be added in the Conditions stating it would take a 2/3^{rds} vote of the trustees of the Condo Association to have the gate removed. In other words, an overall majority of the people who live there would make that final decision.

Ms. Buck said within the Conditions, it will state that the Board may allow removal or modification of the plan on Stafford Street if said gate becomes a nuisance or maintenance problem upon the request of the Condominium Association at full build out or upon turn over to the residents or private management association.

Mr. Wright said he was not sure if it is a requirement in terms of the gate having to be opened or closed; it's called a gated community. Ms. Friedman said she would like to see it stated that the gate will be used at night.

The text related to the gates in the Decision was left unchanged.

Condition #23 regarding landscaping was reviewed. Ms. Friedman asked if the abutting property owner, Patrick Moran, has been made aware of the change in landscaping. Mr. Gould said he talked with Mr. Moran and he did not have a problem with the proposal. If they should come back with another change, notice will be required to the affected abutters. Ms. Buck said Mr. Antanavica did indicate that he and the Moran's might want a little bit less landscaping.

Ms. Friedman said if the abutters want less landscaping, this doesn't state the abutters can request less landscaping, it says it's up to the applicant to change the landscaping plan. Mr. Gould said the developer is willing to work with the Moran's and he does not see it as a problem.

Ms. Buck said she will send a copy of the Decision along with a letter to the Moran's, so that they will be on notice of the changes that are suppose to be proposed

Ms. Buck said there was not a phasing plan submitted at the time of application, so it will be stated in the Conditions that if the applicant intends to phase construction of the project for purposes of providing a performance guarantee, the applicant must submit a phasing plan for review and approval of the Board. And that any such phasing plans shall include construction of roadways and driveways connecting Stafford Street to Auburn Street as part of phase one.

Mr. Gould said the site work will not be phased because there are cuts and fills. Ms. Buck said the Board is talking about phasing in terms of the release of lots and is stated in the Conditions.

Ms. Buck said there is a new Condition on issues related to soil testing, which asks the developer to provide for soil testing at time of construction and to provide rip rap aprons at all outlets.

Ms. Buck said the only other item that needs to be discussed is whether or not to allow model units for this project.

Mr. McNaboe said it would be tough to sell something without showing it.

Ms. Buck suggested the Condition to state, "the Board may issue a conditional parcel release of covenant to allow the applicant to construct two model units and not be occupied as residential units sold or transferred until fully released from the covenant security project."

Mr. Gould said to his understanding there are be four different model units and asked the Board for permission to build one of each model.

Mr. Wright asked how many buildings that would be. If there are two structures put up, would that allow for four units? Mr. Gould said he wasn't sure on that and asked if the Board would allow for the two structures and if the applicant requires more, they will come back and request it. Ms. Buck said the Condition will state, two structures that consist of four units total.

Ms. Nist asked if construction times been addressed. Mr. Gould asked what the Board normally requires. Ms. Friedman said no Sundays, not after 3PM on Saturdays, no State or Federal Holidays, not before 7AM and not after 7PM. This restriction is on exterior construction and interior construction is allowed. Ms. Buck said that Condition will be added.

Ms. Buck said a vote is needed on the waiver requests and a vote to approve the special permit and the Definitive Subdivision.

MOTION: Mr. Wright – moved to approve the waiver requests within the Special Permit Decision.

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

MOTION: Mr. Wright – moved to approve the Special Permit Decision.

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

Discussion:

Preliminary Subdivision Plan, Larson Farm Estates

Mr. William Coyle, Coyle Engineering addressed the Board.

Mr. Coyle introduced Charles Roberts and Nick Casello who were in attendance. Mr. Coyle said Larson Farm Estates is located on River Street, slightly north of Chris Circle. Mr. Charles Larson currently owns the property. Being proposed is a 7-lot subdivision on 2+ acres and will be requesting 3-waivers.

One is relative to the length of the road being 750-feet constructed as a boulevard style road, with a landscape median. The Second wavier request was for sidewalks on only one side of the road and the third request was to use high-density polyethylene drainage piping.

Mr. Coyle reviewed the comments received from Quinn Engineering and Town Boards.

Comments from Quinn Engineering:

1. Kevin Quinn had recommended breaks in the median of boulevard; on the revised plan they accommodated for that.
2. Rounding at property line; this is is very minor and can be addressed.
3. Rounding of pavement at the entrance and it was recommended the applicant to secure a letter from the abutter who would be affected, indicating he has no objection to the pavement rounding which passes beyond the corner of his property.
4. Site distance should be shown on the Definitive Subdivision Plan. Mr. Coyle said the site distance in both directions is well beyond the radius, which probably exceeds the 40 MPH design speed site distance
5. Lot 7 has a narrow strip of land that might be considered a reserve strip, which is not allowed
6. No open space is identified on the plan. Lot 6 has open space, but at this point it is not shown as open space.

Other comments received were from the Police Chief, Conservation Commission and Historic Commission. The Conservation Commission indicated that the appropriate documents be submitted, such as Notice of Intent, which they will be submitting. The Police Chief wanted a minimum of 125-foot site distance of clear unobstructed view up and down River Street and also a stop sign at the end of Larson Lane. The Historic Commission had no comment.

Mr. Coyle said on the comment from Quinn Engineering talking about the 30-foot radius to the right of way, tying in the property corner. There is a 30-foot radius, but because it's a short distance, that curve is not tangent with the right-of-way line. They have a straight line to the curve which should come in smooth, but this will come in at a blunt point.

The street line that extends in front of the abutting property should not extend in front of the projection of someone's property line and if that's what's proposed, make sure it's not an issue with that abutter. If it does become an issue, he could shift the road slightly to the north to avoid that and does not see it as a big issue.

On the narrow strip of land they are trying to push further away from the abutting property line and avoid filling the wetland that is shown near by. There is that narrow strip that might enhance that situation and will also provide frontage to lot 7, minimizing the length of the road.

Mr. McNaboe asked how narrow is that strip of land, because it hard to pick out. Mr. Coyle said it's about 8-feet. Ms. Friedman asked if that meets the minimum requirement in the Zoning Bylaw. Mr. Coyle said the minimum width depends on where you measure from of 50-feet and

is up to interpretation. Mr. Coyle said the only other option would be to lengthen the road and in doing that, how would that be a benefit to the Town.

There is another alternative to the project that could be done but they do not prefer to do, is to come in through Mr. Larson's current property and tie back in, so at one point there would be no more than 500-feet and creating 9-lots. There would be 1,000-feet more of road.

Mr. McNaboe said the lots would be much more uniform.

Mr. Coyle said there are a number of issues with this, there would be wetland crossings, one for the roadway and for the 2 of the lots themselves.

Under the current plan, there would be no wetland impact and under the alternative, there would be more roadways to be maintained by the Town. Because the lot is elongated and narrow, going back to the original 7-lot proposal with the waivers, the justification is based on the wetland impact and 1,000-feet of new roadway to be maintained.

Mr. Coyle said with the wetland crossing option, it also opens up another 25 to 30 acres in the back that could be developed, but that is beyond the scope of what they want to do.

Ms. Friedman said what will stop anyone from going back there. Mr. Coyle said nothing really. The subdivision rules and regulations require providing an easement for development of the back land. That easement is shown to access that back land. What would be difficult would be crossing the brook and probably would need a bridge type structure to get there.

Ms. Nist asked about the first driveway being only 8-feet away from the abutting property. Mr. Coyle said it's only on paper and won't see it.

Ms. Friedman said she was not sure if that 8-foot strip is something that the bylaws allow. Mr. McNaboe said it's up to interpretation and will need to be looked at closely

Ms. Buck said the bylaw defines lot width as "The width measured along a straight line so placed as to constitute the minimum distance between the side lot lines and upon which no point shall be closer than the required setback to the street." (In this case, minimum lot width would be 50 feet.) Ms. Buck said she will check on that, but believe the bylaw has been interpreted and enforced to mean any lot line.

Ms. Friedman asked where Chris Circle is in relationship to this project. Mr. Coyle said center line to center line is probably 50-feet offset and located further north.

Mr. McNaboe asked where Flag Drive is in relationship. Mr. Coyle said Flag Drive is down further and the length of Larson Lane would not be longer than Flag Drive.

Ms. Buck asked if the applicant owns the property that would be involved under the alternative plan. Mr. Coyle said yes.

Mr. McNaboe asked how wide lot 5 was. Mr. Coyle said 50-feet.

Ms. Nist asked where the house is proposed, does that require crossing the wetland. Mr. Coyle said there is an existing cart path that goes through the wetland and does not see it a problem impacting the area.

Ms. Nist asked how wide the other narrow lot was. Mr. Coyle said 50-feet.

Ms. Friedman said that 8 foot strip is a question. Mr. Coyle said it's all up to interpretation. It accomplishes a couple of things; it puts the rear line further away and keeps the length of the road at a minimum.

Mr. McNaboe asked if it states in the bylaw that the back line has to be a certain distance from the road. Mr. Buck said no, there is just that lot-width provision and she will need to discuss that with the Zoning Enforcement Officer.

Mr. Coyle said if they were to eliminate it, they would have to extend the road by 55-feet.

Mr. McNaboe asked if it would be in a positive way. Mr. Coyle said the meeting the required frontage is a struggle, because they are trying to minimize the length of the road.

Ms. Friedman asked if could be done without going into the wetland. Mr. Coyle said yes, if they were to entertain a long enough of a road and with a waiver.

Ms. Friedman said it would give a much cleaner lot by eliminating an 8-foot strip and also helps the Board not set a president by approving a lot that looks like that.

Mr. McNaboe said there's the benefit to the Town.

Mr. Coyle said the length of the road would be 810-feet.

Ms. Friedman said that would not have to go into the wetland for that. Mr. Coyle said they could probably avoid it with a rip rap slope.

Ms. Friedman asked what the grade is like at that end. Mr. Coyle said not bad, it shows a 2% grade down in back, with 4% coming into River Street.

Mr. Coyle asked is that something the Board can vote on the waiver, just for some direction. It won't change the geometry; it will just be extended 55-feet out.

Ms. Friedman asked for any comments or concerns on the waivers requested. Mr. McNaboe said he sees the trade off being worth while and does not have any problems with this.

Ms. Buck said they are requesting 3 waivers; one on the length of the road, the piping and sidewalks.

Ms. Nist asked if the one sidewalk will go all the way around the cul-de-sac. Mr. Coyle said they could, but the more asphalt you have, isn't very environmentally friendly.

Mr. McNaboe asked where the streetlights will be located. Mr. Coyle said street lighting will be the end of the cul-de-sac and one at the intersection. Mr. McNaboe asked about one in the middle; if it's well lit, maybe the sidewalk could be waived within the cul-de-sac.

Ms. Nist asked about the children waiting for the school bus, is there going to be lighting for them.

Ms. Buck said the Selectmen might not pay for street lighting.

Ms. Nist asked if there could be a cut away where the children can wait for the school bus, so they will not be out in the middle of River Street. Mr. Coyle said they weren't proposing that, but will try it.

Mr. Broskey said one options is that if they have the third street light, the Board could waive two sidewalks.

Ms. Buck said under current regulations they have to have one streetlight at the entrance and at the end of the cul-de-sac.

Mr. McNaboe asked what the range of a street light is. Mr. Coyle said it won't be the 400-foot. Mr. McNaboe said it would be good to have one in between. Mr. Coyle said they will show it there.

Mr. Wright said since there is a median, can a light be placed in the median back from River Street and back from the cul-de-sac.

Ms. Friedman said it is actually good at the intersection, but it doesn't have to be at the end of the cul-de-sac. If it's not at the end of the cul-de-sac and put at the end of the median, then it could shine at the entrance of the cul-de-sac and pretty much all the way down to where the median strip is divided, which would be a good compromise.

Ms. Nist asked if the extension of roadway 55-feet has been taken into account. Ms. McNaboe said it will be proportioned.

MOTION: Mr. Wright – moved to approve all three waivers as discussed.

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

MOTION: Mr. Wright – moved to approve the Preliminary Subdivision with noted changes and Lot 7 would be changed so that it would have 200-feet of frontage without the narrow 8-foot strip.

SECOND: Ms. Nist – Discussion: Ms. Buck said this would be assuming that the zoning would allow it all; it might have to be modified. Ms. Buck said the bus stop area could be included to the right of way of the road. Mr. Coyle said it could be shown as becoming part of the right of way at the out parcel. Ms. Buck said the details can be worked out in the Definitive Plan.

Vote: UNANIMOUS

Mr. Paul Schold said he would like to get his comment on record because he is an abutter on Parker Street, to this project. Going back to the November 15th, 2005 meeting, stated within the minutes he received on Parker Street, Jim Coughlin recommended the 22-feet of pavement for Parker Street. His father was in the hospital and he was unable to get to that meeting until just after the meeting ended. At that meeting, Board Member Rick Antanavica stated he spoke to Jim Coughlin and informed him that other land owners abutting the Schold property are interested in dividing and selling off parcels for home-sites. Mr. Coughlin was unaware of any interest to do this and stated if he had known, he would have recommended a minimum of 24-feet of pavement with one sidewalk.

Mr. Schold said for the record, he never discussed anything about this project with the abutting land owners, Larson and Brouillard and never had any discussion about the roadway coming over to Parker Street.

He wanted to take this opportunity to get this on record and make that clear. It's basically a coffee shop rumor that got going and the only other abutters they have is Mutual Builders and have had no contact with them.

Road Acceptance Request

Mr. McNaboe was approached by the Town Administrator and asked if the Board could take the Road Acceptance Request (Ingram Road and Hillside Road/Tracy Estates) within the Town Planner Report, out of order on the Agenda. The Board of Selectmen presently has this article request under discussion at their meeting and has requested the Planning Board's recommendation before they move forward with their vote for placement on the warrant. Ms. Friedman said before they can take up that request, the Board will need to open their continued Public Hearing on the Zoning Amendments.

Continued Public Hearing:

Ms. Friedman opened the Continued Public Hearings at 8:30PM and continued the hearing until after the Road Acceptance Requests discussion regarding Ingram Road & Hillside Road/Tracy Estates.

Town Planner Report:

Road Acceptance Requests (Ingram Road & Hillside Road)

Ms. Buck said the Road Conversion Committee and the Highway Department are proposing acceptance of Ingram Road from Atwood Terrace to the end, for a total of 1,530-feet and for the entire length of Hillside Road from Ingram Road to the end for a distance of 685-feet.

Mr. McNaboe asked if they have met all the approvals. Ms. Buck said this is a very old subdivision and apparently the Town has done some repaving work on it some time ago, because they thought these were public roads. The request does not include the end piece of Ingram Road that is an unpaved dirt road.

Ms. Friedman said as long it's very explicit as to what has actually been accepted. Mr. McNaboe asked if there were any survey markers.

Ms. Buck said the request states from the intersection of Atwood and dirt portion is on Ingram Road. The Highway Department was looking into repaving them again with the Chapter 90 Funds and that is when it was discovered they weren't actually public.

Generally the Planning Board has been supportive of requesting these older roads when the developers are long gone and there is no surety on the project and there is no way to fix it up. Late today Bob Reed and Rick Antanavica talked with her and indicated that Town Counsel has brought up the issue that the timing may not be right in this instance, because he had a concern that accepting these roads might be used as precedent in relation to the Hammond Street court case that is pending. Town Counsel has advised the Selectmen against acceptance.

Ms. Friedman asked if the Selectmen agreed. Ms. Buck said she believes they want to take the proposal off the warrant, but they still need the Planning Board's recommendation.

Ms. Friedman said she is in agreement.

MOTION: Mr. Wright – moved to recommend not approving the request for Road Acceptance for Ingram Road and Hillside Road, because the Planning Board doesn't feel there is sufficient information at this time and would like to look into the matter further.

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

Road Acceptance Request (Tracy Estates)

Ms. Buck said Kevin Quinn inspected the site and there are very significant problems at the site. Originally it was thought that the only outstanding items were street trees, and the required “thorny vegetation” along the detention basin. However, there is a drainage problem and it turns out that the entire finish coat needs to be redone. The drainage issue is more significant than originally thought and they need to put in a new catch basin. It was felt that there was no way they could get this work done in time for Town Meeting. Ms. Buck said she did inform the applicant that the Board wanted the work done at least a week prior to the Selectmen’s Public Hearing (scheduled for 4/17/07) and it appears that the applicant cannot make this deadline.

Ms. Buck recommended the Board not go forward with this request at this time. She has already informed the applicant verbally and advised him that if he finishes the work, the Board would support going forward with this request at the Fall Town Meeting.

MOTION: Mr. Wright – moved to disapprove the acceptance of Tracy Estates.

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

Continued Public Hearing:

Ms. Friedman reopened the hearings at 8:40pm, regarding the following:

Zoning Amendments

- A. Site Plan Review Procedures
- B. Special Permit Procedures
- C. Central Business District Purpose and Intent
- D. Adaptive Reuse Corrections

Regulation Amendments

Adoption of new Site Plan Review Rules and Regulations & Amendment of Special Permit Rules and Regulations

Zoning Amendments, A. & B. above, and Regulation Amendments regarding Site Plan Review and Special Permits (discussed concurrently)

[Note: Article numbers referred to in these minutes are inaccurate because all Zoning Article numbers were subsequently changed by the Board of Selectmen].

Mr. McNaboe asked if these are the same articles that Advisory did not approve. Ms. Friedman said the Advisory Board didn’t disapprove, they didn’t have enough information. Mr. McNaboe asked if they have been completely informed now.

Ms. Friedman said Ms. Buck, Ms. Nist, Mr. Broskey and herself went to the Convention of Boards. At the Convention of Boards, they spent a great amount of time discussing school budget and when it came to the Zoning Articles, there was not much discussion.

Ms. Friedman recognized Mr. James Gonyea of the Advisory Board. Mr. Gonyea said the Advisory Board has approved Article 33; Site Plan Review Procedures, Article 34; Special Permit Procedures, Article 35; Central Business District Purpose and Intent.

Article 36; Adaptive Reuse Corrections, they had a question. Ms. Buck said the Adaptive Reuse Bylaw has not been discussed yet and recommended to the Board that the hearing be continued to April 24th at 7:45PM, because Attorney Cove’s comments have not yet been received.

Mr. Gonyea said the Advisory will table the Adaptive Reuse Article until Attorney Cove's comments are received/reviewed.

Ms. Buck reviewed the changes the Board recommended from the last hearing.

Ms. Buck said at the all Boards Meeting, Mr. Brennan had suggested that everywhere it says "days", changing the wording to say, "calendar days", so it wouldn't be misinterpreted to mean "business days".

Ms. Buck recommended keeping it as it is presently, because the word "days" is stated throughout the bylaw and state bylaw. When it just says "days" it always means "calendar days", if it means "business days" it will state "business day". If "calendar days" is stated in one spot, it would affect other sections of the bylaw.

Ms. Friedman suggested contacting Mr. Brennan and let him know that the Board has discussed his suggestion and because the Board felt it would bring on too many other questions and/or changes that would be required. Also that is the way it comes up in MGL and the Board does not feel the need to change it.

Ms. Buck's recommendation is to approve the Zoning Articles as amended and close the public hearing and continue the public hearing on the Site Plan Review Regulations to May 7th at 6:45PM. The hearing on the Regulations need to be continued until the day of Town Meeting, open it and continue to till the end of Town Meeting, because if the Zoning Article doesn't pass the Board can't adopt the Regulations.

MOTION: Ms. Nist – moved to recommend approval of the Zoning Article as amended and close the public hearing.

SECONDED: Mr. Wright – Discussion: None

Vote: UNANIMOUS

MOTION: Ms. Nist – moved to continue the public hearing on the Site Plan Review Regulations to May 7th at 6:45PM

SECONDED: Mr. Wright – Discussion: None

Vote: UNANIMOUS

Ms. Buck said there were no changes made to the Special Permit Zoning Article and the Special Permit Regulations from the last hearing and she made the same recommendation to approve this article, close the public hearing and continue the public hearing on the Special Permit Regulations to May 7th at 6:45PM.

MOTION: Ms. Nist – moved to recommend approval of the Special Permit Procedure Article and close the public hearing.

SECONDED: Mr. Wright – Discussion: None

Vote: UNANIMOUS

MOTION: Ms. Nist – moved to continue the public hearing on the Special Permit Regulations to May 7th at 6:45PM.

SECONDED: Mr. Wright – Discussion: None

Vote: UNANIMOUS

C. Central Business District

Ms. Buck said she recommends the Board approve the Central Business District Zoning Article as amended and to close the hearing.

MOTION: Ms. Nist – moved to recommend approval of the Central Business District Purpose and Intent as amended and to close the public hearing.

SECONDED: Mr. Wright – Discussion: None

Vote: UNANIMOUS

Ms. Freidman closed the public hearing at 9:50PM

D. Adaptive Reuse Corrections

The public hearing was continued to April 24, 2007 at 7:45PM.

Discussion/Review:

Wal-Mart, Amendment to Performance Agreement/WRTA issue

Ms. Buck said the attorney representing Wal-Mart has requested two changes to the performance agreement. One was referred to Town Counsel and has not heard back on that, so action cannot be taken. The second is a request that the completion date for the opticom system at the intersection of Route 9 & 56 be extended to no later than July 1, 2007. The contractors have had difficulty making a firm commitment to having the equipment available and installed. This extension will provide some additional time for this to occur. The Board briefly discussed the issue and had some concerns about the extension. Ms. Buck asked for a vote on this from the Board and will have a written document for the Board to sign at the next Board Meeting.

MOTION: Mr. Wright – moved to approve the request for extension on the installation of the opticom equipment at Route 9 & 56.

SECONDED: Ms. Nist – Discussion: Ms. Friedman said to make sure that the Wal-Mart Officials are aware that the Board expects this to be completed on time and that the Board doesn't want further requests for extension.

Vote: UNANIMOUS

Ms. Nist asked what the WRTA issues were. Ms. Buck said this issue was brought to her attention at the Convention of Boards. Copies of Wal-Mart's original site plan were distributed. Ms. Buck said there is a little bump out shown at the end of the drive that looks like a small cul-de-sac. The original site plan approval did not have that turn around on it. When Wal-Mart submitted new plans for the Special Permits for the pharmacy drive-thru and the tire and lube center, that turn around was added to the plan. It was never discussed at the public hearing.

Mr. McNaboe asked if that was for the buses. Ms. Buck said yes, but the Board was never informed it was for the bus. Ms. Friedman said that was never discussed by Wal-Mart or by anybody else that was why it was added. There was a discussion of a bus going in there, but that turn around was never identified as a bus turn around. Ms. Buck said technically Wal-Mart should have noted that they were amending the plan, when they submitted the revised plan.

Ms. Friedman said it was never identified as a bus turn around. The Board would have had it reviewed for adequacy of a bus turn around and this is not adequate for a bus turn around.

Ms. Buck said the store is opened and there is an internal memo from WRTA evaluating the Wal-Mart, which is highly critical that the turn around is not big enough for a bus. The Selectmen has asked the Planning Board to look into it and asked why the Board didn't look at that issue. Ms. Freidman said that was because it was never a part of the original plan.

Ms. Buck said she had asked Quinn Engineering to go on site and measure the turn around as constructed and determine if it was built according to the approved plan; the answer was yes, it's 60-feet across as shown on the plan.

The second question asked to Quinn Engineering was to evaluate if a 60-foot diameter turn around is adequate for a bus. Based on the turning radius as prepared by the Mass Highway Department, a 60-foot diameter turn around will accommodate passenger vehicles, however, larger vehicles may not make a full 180 turn around, without making a three point turn.

There was definitely some kind of miscommunication, between Wal-Mart, WRTA and the Board of Selectmen and no one talked to the Planning Board, because if this Board had known about it, it could have been addressed during the review process.

Ms. Buck said she has discussed this with Bohler Engineering and they did not have an explanation as to why it was not big enough a turn around for a bus. Bohler Engineering did submit those plans to WRTA for comment and did not get a response. Wal-Mart did say they are willing to put in a 100-foot diameter cul-de-sac, which will have a 50-foot radius and will get those plans showing that to the Planning Office within a couple of days. These plans will be submitted to the Planning Board and to WRTA.

Ms. Buck said the only caution that John Kucich from Bohler Engineering said they are willing to put in that 100-foot diameter turn around, but they want to leave the option to alter bus access in the future if that out parcel at the end of that turn around is developed. Ms. Friedman said if someone puts a business in there, they need to be willing to look at how it can be kept as a continued truck route service road.

Public Application

Chapel Hill Estate Endorsement

Ms. Buck said the applicant has taken a long time to submit plans for endorsement and then there was another two months to receive the Covenant. The Covenant has been received and is ready for signature, but upon reviewing the Covenant, took one last look at the plan and found a problem with the plans. The applicant was notified immediately and was told they would get back to her and have not yet heard back.

The problem with the plan is, the plan the Board approved was dated June 7, 2005 and revised through February 21, 2006, and the Board voted March 28, 2006. The plan submitted for endorsement has a revision date of April 14, 2006 and it is not specified what those revisions are. It says revisions per Tata and Howard report, so it's something to do with water.

The application is suppose to be bringing in the plan that the Board approved for endorsement. Ms. Friedman tabled discussion until further explanation is received. The Board did not endorse the plans.

Approval of Minutes

2/6/07

Ms. Friedman said the 2/6/07 minutes cannot be approved because there are not enough of members available to approve.

Town Planner Report Cont:

61A Withdrawal Request (R. Olney White)

Ms. Buck said a request was received to remove property on Henshaw Street owned by R. Olney White, who would like to remove it from Chapter 61A and they are required to notify the Planning Board to see if they would have any comments. This involves the land shown on an ANR Plan the Board signed at a previous meeting.

MOTION: Ms Nist – moved to approve the withdrawal request.

SECONDED: Mr. Wright – Discussion: None

Vote: UNANIMOUS

Open Space Plan

Ms. Buck said this is just for an update. The students have finished the plan, but have not submitted it yet. They are currently on Spring Break and will mail it to her the finished plan when they return.

Traffic Study

MS Transportation submitted a letter to Mass Highway regarding the Route 9 & 56 intersection.

1027 Stafford Street (40B Application)

Ms. Buck said the Hearing of March 26th was continued to April 23rd. The applicant has made some concessions, but did not address every concern. They agreed to eliminate the decks on the second floor, they have relocated some of the parking on the east side of the property to provide more of a buffer and also agreed to have individual trash pick up to eliminate the dumpster pad in the rear of the site, which will make room for some of the guest parking. They did not make any changes to the size or density of the structure. It is anticipated that the Zoning Board will close the hearing on April 23rd. The Grant Consultant will be preparing a draft decision that will be reviewed by Ms. Buck and Attorney Cove.

Grant Opportunity

Ms. Buck said she received notice from CMRPC on a new grant program. This is not for money; it's for free local technical assistance. The grant is for one of three things; 1) technical assistance on streamline permitting. The state has passed what is called, Chapter 43D, which is a streamline permitting bill and the money could be used to assess whether that would be a good thing for the Town of Leicester or not. 2) Assistance with economic development, unspecified. CMRPC could work with communities to assist and implement best practices that improve the permitting process and make local government more efficient. Also assist in writing bylaws and ordinances for mixed used developments and other initiatives that promotes economic development. 3) Regional planning, smart growth and sustainable community technical assistance, which include transportation studies, regional land use analysis, regional GIS data analysis and other planning that would promote regionalism.

Ms. Friedman suggested looking at Route 9 and how the Town can incorporate the Cherry Valley section of Route 9 with Worcester, as far as growth and redevelopment, also Route 9 West with growth and redevelopment with Spencer.

Ms. Buck said she will research this more and try to find if there is a specific economic development initiative that would fit in with Category 2. Ms. Friedman said an economic development initiative would be something that would be discussed and is the best choice out of the three.

Miscellaneous Project Updates

Ms. Buck said Mr. Edward Kooyomjian, Sr. came into the Planning Office today with a proposal. This individual owns the property along Route 9 near the new police station and he has suggested building a new town hall and purchasing the present town hall for the development of condominiums. The Planning Board did not have interest in this proposal.

Ms. Friedman said regarding Mr. Kooyomjian's development over on Route 56, the access is supposed to come out onto Pleasant Street. The lots located on Pleasant Street are marked for sale and one of them is pending sale. Ms. Friedman said she would like to make sure that Mr. Kooyomjia has left himself enough room to improve the right of way that is necessary for him to do phase 2 of his development over on Route 56. Mr. Wright said the plan shows the 50-foot right of way. Ms. Friedman said she just wants to make sure that there is enough of a right of way that is deeded before any lots are sold.

Parker Street Application before the ZBA

Ms. Buck gave an update on the status of the application before the ZBA. The continued hearing on the Appeal of the Decision Building Inspector is on Monday, April 9th at 7:30PM. Ms. Buck said the only matter of consideration is the appeal on their requested building permit that was denied. The plan submitted to the ZBA is significantly different than what they submitted to the Building Inspector. Ms. Buck will provide another update after the hearing.

Henshaw Street Store

Ms. Nist said this store is currently opened and operating in spite of their Cease and Desist Order. Ms. Buck said she was informed by the Building Inspector that he had inspected the site and the site was closed, the sign was taken down and it didn't appear that it was operating any more. Ms. Nist said she noticed the open flag was out in front. Ms. Buck said she will inform the Building Inspector.

February and March Monthly Report

Ms. Buck submitted the reports to the Board for review.

MOTION: Ms. Nist – moved to adjourn meeting.

SECONDED: Mr. Wright – Discussion: None

Vote: UNANIMOUS

Meeting adjourned at 9:40PM

Respectfully submitted:

Barbara Knox