

Leicester Planning Board Meeting Minutes
June 19, 2007

MEMBERS PRESENT: Debra Friedman, John McNaboe and Jason Grimshaw

ASSOCIATE MEMBERS: Scott Broskey

MEMBERS ABSENT: William Wright and Sharon Nist

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

MEETING DATE: June 19, 2007

MEETING TIME: 7:00 pm

AGENDA:

- 7:00 PM Public Application:
Submittal of Definitive Subdivision Plan, Hammond Street
- 7:15 PM Approval of Minutes:
5/15/07
- 7:30 PM Discussion:
Preliminary Subdivision, Hy-Timber Shores (Joe & Bob Hyland)
- 8:00PM Public Application:
 - A. Amendment to Performance Agreement, Brookside Estates
 - B. Approval of Change in Plan Notation, Chapel Hill Estates
 - C. Release of Performance Guarantee, Cumberland Farms
 - D. Lot Release Request, Carey Hill Estates
 - E. Endorsement of Approved Plans, Twelve Oakes/S.H.E.
- 9:00PM Appointment of Associate Planning Board Members
- 9:15PM Town Planner Report:
 - A. Tracy Estates, Street Trees
 - B. Stormwater Bylaw
 - C. Correspondence from Board of Selectmen (40B)
 - D. Open Space Plan
 - E. Hillcrest
 - F. FY08 Goals & Objectives

Deb Friedman, Chairman opened the meeting at 7:05PM

Public Application:

Submittal of Definitive Subdivision Plan, Hammond Street

Ms. Friedman called meeting to order at 7:05PM

Ms. Buck said the applicants engineer notified here that they are not ready for submittal this evening and will submit at the next meeting.

Approval of Minutes:

5/15/07

MOTION: Mr. McNaboe – moved to approve the minutes of May 15, 2007

SECONDED: Mr. Grimshaw – Discussion: None

VOTE: Unanimous

Town Planner Report:

Tracy Estates, Street Trees

Ms. Buck said Mr. Paul Doray came into the office last week and is very upset. Attorney Meloche sent all the abutters down there asking them to mark the location of their sprinkler systems and that they might have to move their sprinkler systems to accommodate the mandated tree planting.

has talked with Kevin Quinn

Mr. McNaboe said they can plant them in places where it doesn't affect the sprinkler systems.

Ms. Buck said she has never paid a lot of attention to the street tree requirement in Leicester, because although most of the developers usually do that at the last minute, there haven't been disputes. She had always assumed that the trees were planted in the required right of way.

However, after speaking to Kevin Quinn and reviewing the plans, the trees for Tracy Estates will have to go on private property, and this is apparently often the case. Things are now going to get sticky and all the more reason Mr. LaFlash should have put these trees in before the sale of the property.

Ms. Buck said she did leave a message with Attorney Meloche today with hopes that he can push his client to meet with these abutters and talk about where to put the trees. They seem to be asking the Board to tell them where to put the trees, but they need to submit a simple plan to the Board.

Ms. Friedman said the road will not get accepted and those residents will end up living on a private street.

Stormwater Bylaw

Ms. Buck said this is just to give an update and things are moving along.

She put off providing the Planning Board with a draft copy until after Town Meeting and until the bylaw is more finalized. The Committee is recommending making the Planning Board the primary permitting authority for this Stormwater Bylaw.

She will be working on getting the Board copies of the Draft Bylaw by the next scheduled meeting. The Committee will be meeting again in July and she feels that the draft is still a bit too complicated. It seems to apply to projects that already go through Site Plan Review. Ms. Buck said she is interested in possibly rewriting it, so that it fits more in with the Site Plan Review Bylaw, instead of having a whole separate complicated bylaw.

Correspondence from Board of Selectmen (40B)

Ms. Buck asked for any comments or questions.

Mr. McNaboe said the letter does have some good points. This has been a problem and an ongoing issue for a while.

Ms. Buck said the Town of Walpole must have had a specific problem with a 40B project that this letter is in regards to. She also noted that there have been some serious problems about the financial reporting on 40B projects. A conference she had attended had the Inspector General as speaker and it was surprising to hear how many projects were hiding profits one way or the other.

Mr. McNaboe asked if they were truly a 40B project. Ms. Bucks said they were 40B, but the way the law works is that the profit is suppose to be limited to 20% and any profit earned in

excess of 20% is suppose to be paid to the municipality. However, no one is ever getting this money.

The representative that was at this conference from DHCD has some oversight responsibility with the monitoring and even after this investigation, with a huge amount of criticism, still seemed a bit wishy washy about the monitoring. It should be the opposite, if DCHD wants towns to support this la (which is a very controversial law), they should monitor projects correctly and make every effort to ensure the excess profits are received by local communities.

Ms. Friedman asked to have a letter sent to the Board of Selectmen in response to the Town of Walpole's letter and include the information from the conference, stating those additional concerns with 40B projects.

Ms. Buck said she already had a concern to the long term monitoring of 40B projects, such as the one just approved on Stafford Street.

Discussion was held regarding whether the Board wanted to support the Town of Walpole's recommendation for a moratorium. The Board members agreed that there should be a moratorium until the law is changed and a there is more efficient way to audit 40B projects.

MOTION: Mr. McNaboe – moved to approve a letter to the Board of Selectmen supporting the 40B letter from the Town of Walpole asking for a moratorium and also mentioning some of the financial concerns that were discussed.

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

Open Space Plan

Ms. Buck asked if the Board would like to submit any written comments regarding the draft plan.

There is still plenty of time to comment and because the open space committee has not met recently, there will be an extension for comment.

Ms. Buck said her primary concern is on the Goals and Objective section and felt the rest of the plan was well done.

As for the Goals and Objectives, the Board of Selectmen's comments was to put it in an easier to read format, which she agrees with.

Ms. Buck said she does not know when another meeting of the Open Space Committee will be scheduled; because no one seems to want to show up at any scheduled meetings, it is difficult to schedule new ones.

Ms. Friedman asked who the members of the Committee are. Ms. Buck said Linda Finan; Steve Parette, Mike Wilson, Sharon Nist, and Diana Provencher. Ms. Finan and Ms. Nist were excused from the last meeting and only Dianna attended.

Ms. Friedman suggested letting the Board of Selectmen know that there are problems with attendance at these meetings. They should know that non-attendance is what's holding up the conclusion of this study. Also, cc all material sent to committee members to the Board of Selectmen, so they know what is going on and who does not show up.

Ms. Friedman said the problem is that the Open Space Plan holds up the Master Plan, because the Open Space Plan has to done first, before you can work on the Master Plan.

Hillcrest

Ms. Buck said the Ad-Hoc Committee meeting was postponed, because the consultant didn't have a map she wanted. The Selectmen are meeting with Becker College to talk about the potential use of the property, but there are some issues related to legal issues; on how much the Town can let the college use the property.

Mr. McNaboe said the Town should maintain ownership and lease it to the college. One thing that does drive the Hillcrest Reuse Committee is that their contract for the people who run the place now, is up at the end of this year. The Town needs to know what they are going to do with that property; is it still going to stay a golf course or turned into athletic fields.

FY08 Goals & Objectives

A preliminary project list was passed out for the Board's review.

The Board asked about Burncoat Park. Ms. Buck said the Board of Selectmen want to convert a portion of that property from passive recreation to active recreation, which would require legislative approval. A management plan is needed, which the Selectmen want Ms. Buck to write and also an environmental study is also needed. This apparently has to be done by a staff person, because the committee has not been active at all. The Selectmen are looking for assistance with coordinating consultants that will be needed through the process and to work with Town Counsel.

Ms. Friedman asked who was on this committee. Ms. Buck said she couldn't recall because the committee has only met once, but Diana Provencher is the Chairman.

Discussion:

Preliminary Subdivision, Hy-timber Shores (Joe & Bob Hyland)

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

In Attendance: Mr. William Coyle, Coyle Engineering and Mr. Joe Hyland

Mr. Coyle said he did receive comments back from the fire department and they request fire hydrants with a flow of 750 gallons per minute with a 20 pound square inch of pressure. Also, hydrants and based coat of pavement must be in place before any building permits are issued. They are in agreement with that request.

Water is available; the Applicant will provide septic systems instead of using public sewer.

He received the comments from the Conservation Commission, which was to file a Notice of Intent and they will acknowledge that.

He also received comments from Kevin Quinn.

Ms. Friedman asked if he had received the comments from Highway. Mr. Coyle said no and reviewed the copy given. Mr. Coyle said the Highway Department comments regard the elimination of the center island.

Mr. McNaboe said the highway department does not want to maintain the island. Mr. Coyle suggested having the neighborhood association maintain the island. Mr. McNaboe said he had discussed that with Ms. Buck and they suggested putting it in a covenant and have the residents be responsible for maintenance of the island.

Mr. Coyle said they will definitely willing to consider that, because it is a nice looking roadway, but does understand the Highway Department's concerns.

As for Kevin Quinn's comments, he identified the waivers; the dead-end length limits from 500-feet to 1,450-feet; sidewalks on one side and to permit use of HDPE piping.

Mr. Quinn's comments were: the roadway radius of curvature on the curve appears to be slightly less than 200-foot minimum. Mr. Coyle said he will look at that again, but does believe that the outer ring misses the 200-foot and when it was laid out that was the way it was established. They could maintain the radius to 200-feet and just shift the roadway slightly.

Comment #3, the radius of curvature at the entrance to Paxton Street appears to be less than required and they will also take another look at that.

Comment #4; the plan should demonstrate that adequate sight distances at the intersection with Paxton Street. Mr. Coyle said he does not believe there will be a problem with sight distance and will show that on the definitive plan.

Comment #5; the plan should show the drainage easement on Lot 6 extending onto the remaining land and they have acknowledge that.

Comment #6; the remaining land appears to have enough frontage and area to be an eighth buildable lot. Mr. Coyle felt that Mr. Quinn was confusing a separately owned piece of property as part of this plan.

Comment #7; a liver of land identified as "remaining land" exists with the curve of the first 300-feet on the north side of Hy-Timber Lane and the Board may wish to review the status. Mr. Coyle said that 300-feet are owned by Joe Hyland and they could leave that as part of the right of way and make a place for the children to wait for the school bus as an option.

Ms. Friedman said that is a good option, because with a 1,500-foot road, there will be children walking a good distance.

Comment #8; the Board may wish to review and consider possible Open Space and #9; the Board may wish to request the Engineer to define the means of wastewater disposal and drinking water service. Mr. Coyle said that will be private septic and public water.

The public water will be, at a minimum, provide the fire protection and would serve the abutters. One concern is that the last lot is pretty far back near the water and running a water service to that point would be very costly; so they may look at doing a well on that lot, if water department allows it.

Ms. Friedman asked if they would still have to pay the betterment. Mr. Coyle said possibly.

Mr. Coyle said the maintenance of the retention pond does not become the Town's responsibility; it would be whether or not the association would maintain the retention pond and the median strip as well.

Mr. McNaboe said he would like to see, if the Board does grant the waiver for one sidewalk, a sidewalk on the north side.

Ms. Friedman said the houses are on the other side.

Mr. Coyle said they could extend the sidewalk and provide a cut through of the median before the intersection and make it safer to cross.

Mr. McNaboe asked about the lighting. Mr. Coyle said street lights will be placed towards the middle, one at the end of the cul-de-sac and at the beginning.

Ms. Buck said she would like to address the comments from the highway department. Is their concern primarily with plowing around the islands?

Mr. Coyle said it is both, when the Town plows, it is one more area for their plows to strike a berm, but these berms are designed so the plow would drive up on it, so that should not be an issue. Their comments might be more in terms of having to mow the median and maintaining that area.

Mr. McNaboe said the highway comments had to do with plowing and the island being much more costly to maintain.

Ms. Friedman felt it would be easier to plow than doing a 28-foot road, because that takes two to three passes to clear.

Mr. Broskey said it might be because they have to go in between the islands, which makes it a little more difficult to plow.

Ms. Friedman said the reason for so many breaks in the island, is so that people do not have to go all the way down and turn around. Maybe putting in fewer breaks might solve the concern.

Mr. Coyle agreed and suggested having only two breaks, eliminating one.

Ms. Friedman suggested putting two breaks together and shortens the other end.

If the first two lots access off the first break; shortens the other end, there would be only one break going all the way down.

Mr. McNaboe said that would allow a cross over for the children walking to the bus stop.

Mr. Coyle said they can put in a small pedestrian walk for that area.

Ms. Friedman said that would be much more doable for the highway department and if the median does not have to be taken care of by highway, it is easier to plow than a 28-foot road.

There would be a covenant on the property that would make the land owners responsibility to maintain the island.

Ms. Friedman asked to have the driveways shown on the definitive plan; to show the street trees on the plan and have something on the covenant that will go with the Deed explaining that the street trees will be put in.

Ms. Buck asked about the availability to extend this project in the future. Mr. Coyle said they would be willing to have as part of the condition that there will be no further development on the road, without a secondary means of access.

Ms. Buck said the Board needs to vote on the waivers.

MOTION: Mr. McNaboe – moved to waive the requirement for the concrete culvert, to permit use of HDPE piping.

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

MOTION: Mr. McNaboe – moved to waive the dead-end length limit from 500-feet to 1,450-feet, given with the island adjustments.

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

MOTION: Mr. McNaboe – moved to waive the requirements for sidewalks on both sides of the street, to permit a walk on one side, which would be the southerly side of the road and to use the “Remaining Land” for a bus stop area. Those sidewalks will be placed on both sides for the first 300-feet, to allow for safe access to the school bus waiting area.

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

Ms. Friedman said the Board now needs to vote on the Preliminary Subdivision.

MOTION: Mr. McNaboe – moved to approve the proposed Preliminary Subdivision Plan for Hy-Timber Shores with said amendments; to require a bus waiting area; to require that maintenance of the median be done by the private homeowners association; the applicant will be required to show driveways and street trees on the definitive plan; that there be no further development without a secondary means of access to the property and that the applicant should address the comments from other Boards and Departments on the definitive plan.

That the maintenance of the detention basin be part of the covenant and the lighting will be shown on the definitive plan, showing three street lights at the beginning, middle and end of the roadway.

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

Public Applications:

Amendment to Performance Agreement, Brookside Estates

Ms. Buck said the Board’s vote from the last meeting was formalized into a legal document and to review at the bottom was condition #3. It is specifically indicated that, even though the Board extended approval by a year, the work is to be done by the proposed deadline, which is before the fall. Because the landscaping has not yet been inspected, added to the conditions was “all work considering landscaping shall be completed to the satisfaction of the Planning Board on behalf of the Town of Leicester”, which gives the Board more standing to challenge the quality of the landscaping. Also attached to the agreement will be the original agreement that is being amended and Mr. Konan’s schedule of work.

No action can be taken, because Mr. Grimshaw is unable to vote, due to a conflict of interest.

Approval of Change in Plan Notation, Chapel Hill Estates

Ms. Buck said this plan has come back numerous times for endorsement and now the Registry of Deeds will not accept the plans. The Registry will only accept plans that say there is no change in the lot lines, or it’s an ANR lot plan, or states subdivision approval is required. That wording was left off their plan, because they are not actually dividing the property.

The applicants asked permission to hand write that on the plan “Approval under the Subdivision Control Law.” Ms. Buck said she does not have a problem with the applicant adding that, if it

gets them to record the plan. There will be no other changes made to the plan; they will just add that notation.

MOTION: Mr. McNaboe – moved to allow the statement “Approval under Subdivision Control Law” to be added to the final Chapel Hill Estates plans endorsed by the Board May 1, 2007, as described in a letter from Holland Shaw of Heritage Design Group received June 11, 2007. No other changes may be made to the plans.

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

Release of Performance Guarantee, Cumberland Farms

Ms. Buck said she and Kevin Quinn have gone out and inspected the property and found all the work has been completed. Cumberland Farms is now seeking release of the Bond and the Cash Deposit the Town is holding.

One thing that was holding this up was that Ms. Buck wanted to make sure there was enough money in the review to cover Mr. Quinn’s final inspection. The bill was received today and there are enough funds to cover that bill.

MOTION: Mr. McNaboe – moved to release the Board’s interest in the Performance Guarantee for Cumberland Farms, which consists of a \$47,000 Bond from Western Surety Company and a Cash Bond of \$8,740.

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

Lot Release Request, Carey Hill Estates

Ms. Buck said she does not believe that they need a lot release, because the Board released this lot years ago. The lot was sold and built on, it is now being sold again and the Title Company said the Board’s previous release didn’t release all restrictions. The written decision for Carey Hill Estates presents the word Covenant in the title of the decision and the Title Company is viewing that as needed to be released from that, in addition to the actual Covenant of the project.. Ms. Buck doesn’t agree, but doesn’t see any harm in doing another release.

MOTION: Mr. McNaboe – moved to approve the Release of Covenant for 16 Hyland Ave.

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

Endorsement of Approved Plans, Twelve Oakes/S.H.E.

Ms. Buck said this has been postponed. They have been unable to get a covenant and they need to make the same notation change as Chapel Hill.

Appointment of Associate Planning Board Member

MOTION: Mr. McNaboe – moved to appoint Scott Broskey as Associate Planning Board Member through June 30, 2008

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

Town Planner Report, continued:

Hearing notices

Ms. Buck said the Planning Office receives hearing notices from abutting towns and these two in particular were included in the Board's mailing because they are reasonably close to Leicester's Town line and thought maybe one of the Board members had an interest in attending. One notice is for a new cell tower in the Town of Paxton.

The second notice is for the Kettle Brook Project, which is the project located at the former Duffy's location and being converted to Condo's. The office did receive new plans showing that they are relocating the bridge to avoid having the traffic for that project come through Leicester. They will move the bridge several hundred feet west. They purchased the property next door and will be adding more parking spaces in the front. Copies of that plan are available in the Town Clerk's Office.

Land Trust

Ms. Buck said there is a new land trust called, Common Ground Land Trust, it is for Leicester and Spencer. There is a meeting scheduled this Thursday, June 21st from 5:30PM to 7:00PM at the Spencer Public Library.

Community Meeting

Ms. Buck said a Community Meeting regarding Becker's expansion plans on Thursday, June 28th at 6:30Pm in the Senior Center.

Traffic Study

Ms. Buck said a Draft plan has been received and she distributed copies to the Board members. Ms. Buck asked how long she should have the public comment period. Ms. Friedman said given the fact it is now going into summer vacation time, it should be at least an 8-week comment period. Also put it on LCAC and on the WEB.

Conflict of Interest Issue

Ms. Buck obtained some material related to the Conflict of Interest Law and made copies for Board for their review.

July Meeting schedule

After a brief discussion the Board agreed to cancel the July 3rd and July 17th meetings due to vacations and hold one meeting in July on July 10th. Barbara will call Board members to confirm availability of Board members and post with the Town Clerk's Office.

MOTION: Mr. McNaboe – moved to adjourn meeting.

SECONDED: Mr. Grimshaw – Discussion: None

Vote: UNANIMOUS

Meeting adjourned at 8:40PM

Respectfully submitted:

Barbara Knox