

Leicester Planning Board Meeting Minutes
September 18, 2007

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

ASSOCIATE MEMBERS: Scott Broskey

MEMBERS ABSENT: Jason Grimshaw

IN ATTENDANCE: Michelle Buck, Town Planner; Barbara Knox, Board Secretary and Richard Antanavica, Board of Selectmen Liaison

MEETING DATE: September 18, 2007

MEETING TIME: 7:00 pm

AGENDA:

- 7:00 PM Public Application:
ANR Plan, Woodland Road
- 7:15 PM Old Business:
Street Trees, Tracy Estates
- 7:30 PM Public Application:
Request for Release of Performance Guarantee, Wal-Mart
- 7:45PM Town Planner Report:
 - A. Master Plan
 - B. Open Space Plan
 - C. CPTC Training
 - D. Correspondence

Debra Friedman called the meeting to order at 7:00PM

Public Application:

ANR Plan, Woodland Road

Ms. Buck said this is to transfer land to the abutter and to create 2 new building lots. The right-of-way is located in front and the pavement continues for a distance. This was a lot sold at a Town auction, which doesn't actually touch a paved road. The applicant is purchasing land from his abutter to give them frontage on a paved road.

Ms. Friedman asked when a lot line is changed, is the lot still a grandfathered lot. Mr. McNaboe said he didn't think so.

Ms. Friedman asked how much frontage this gives that lot. Mr. McNaboe said 99.6 feet. Ms. Friedman said that still won't give this lot the required frontage or square footage to make it conforming to that zone.

Ms. Buck said this lot is protected for size, because it is a pre-existing lot. Ms. Friedman said once you change a lot line, it is no longer protected for size. Ms. Buck said if this lot is protected on its own (regarding size), adding to it, doesn't necessarily take away from that protection.

Ms. Friedman said he still does not have the frontage and frontage has to be contiguous.

Mr. McNaboe questioned on signing the ANR, because by doing so, would make those lots buildable.

Ms. Buck said that it is noted on the plan "Not to be considered separate buildable lots" (regarding the parcel providing the 99.6 feet).

Ms. Friedman said that ultimately it is up to the Building Inspector to determine whether or not these are buildable lots, it is not up to the Planning Board (when reviewing an ANR plan). Ms. Buck said if a plan notes “not a buildable lot” on a lot without frontage (or without adequate frontage) the Board is required to sign it. She will, however, speak to the Building Inspector regarding the plan. It appears that the Applicant may need relief from the Zoning Board of Appeals. The Board’s endorsement of the ANR plan does not indicate compliance with zoning.

MOTION: Mr. McNaboe moved to approve the ANR Plan on Woodland Road.

SECONDED: Mr. Wright - Discussion: None

Vote: UNANIMOUS

Old Business

Street Trees –Tracy Estates

In Attendance: Fred LaFlash

Ms. Buck said the trees are planted and the Board needs to determine if they will accept them as the required street trees. Mr. LaFlash submitted information showing where the existing trees are and where the new trees have been planted.

A lengthy discussion was held on the determination of where the trees are located.

Mr. LaFlash signified on the plan all existing trees with red dots.

Ms. Friedman said streets trees should be planted within the street right of way, which means right off the road. The plan shows these trees being too far back on the property to be considered street trees.

Mr. LaFlash argued that point.

Ms. Friedman suggested that each Board member go and view the area before the next Board’s meeting and after that, will then inform Mr. LaFlash if the trees there are sufficient.

She also suggested that Mr. LaFlash not do any more planting until after the Board views the area (to avoid any more controversy).

Discussion was held, upon Mr. LaFlash’s departure, regarding some of the problems with the regulations and street trees. Street trees should be put in the right-of-way of the street and put in early before the sale of the house and occupancy.

Ms. Buck said that Mr. LaFlash had mentioned earlier in the week that he also wanted to speak with the Board tonight on having the Town accept half of the road within Whittemore Estates.

Ms. Buck said she advised him that it probably would not be acceptable.

Mr. Antanavica said there are still current problems up there with water and the road itself that will need to be corrected.

Public Application:

Request for Release of Performance Guarantee – Wal-Mart

Ms. Buck said Wal-Mart has asked for the release of the Performance Guarantee and has stated that all work is completed. Ms. Buck read the relevant portion of Wal-Mart’s Request for Release into the record (including request for extension to November 30, 2007 if necessary). She

said there are still some outstanding items, and distributed a draft release document for the Board's review.

There are minor plantings along the on two of the landscaped islands in the parking lot that need to be completed (trees are all in; some shrubs have not been installed). She has notified Wal-Mart and sent them a diagram showing where the plantings need to be done. In the circled areas, they didn't put the small plantings in; upon inspecting the site, some of the plantings were done and not all. Ms. Buck said she did discuss this with Wal-Mart and they agreed to go back out and finish all the plantings, and replace a few dead trees elsewhere on the site.

She said there were also some minor items that were identified by Quinn Engineering, regarding a problem with paving over water gates; and that they need to submit revised "As Built Plans". Wal-Mart agreed to correct those within the next week or so.

Ms. Buck said she was just notified by the Fire Chief today about a problem with the Opticom unit at Route 9 and 56. It is functioning, but doesn't work until the vehicles are right on top of the intersection, which is related to the curve of the road. The Fire Chief has asked to have it repositioned. She said will put in that request, but was not sure what type of reaction to expect.

Mr. McNaboe said the Town should be assured that the unit is in working order.

Ms. Buck said Wal-Mart appears to be agreeable to extending the deadline; it's the contractor who is pushing to get this released and are aiming to finish the work by September 30th. Part of why this is on the agenda now is the issue of the Board not meeting again before September 30th.

Ms. Buck said what also needs to be discussed is the divider road that Ms. Nist was concerned about. It was built according to plan, which would make it difficult to ask them to do something about it now unless there is an obvious danger. Ms. Nist disagreed and said the arrows have been painted incorrectly (one arrow points in two directions). Motorists don't know it is a two-way road; the arrows need to be fixed. The Board felt that a painted line, similar to at the other end of the entrance drive, would be a simple way to address this concern in addition to fixing the arrow.

After some discussion Ms. Buck said the markings should be easy to fix and will add to the list correction of the pavement markings and addition of a line delineating the lanes. The list of outstanding work will then include the following:

- Installation of shrubs in the two westernmost landscaped islands in the parking lot (see attached) and replacement of dead trees where applicable throughout the site.
- Correction of items identified in correspondence from Quinn Engineering dated September 12, 2007 and September 14, 2007 (related to as-built plans and water gates - attached)
- Correction of Opticom unit at Routes 9 & 56 to improve function (when heading east on Route 8 approaching the intersection with Rte. 56)
- Correction of arrow (double-headed arrow should be single arrow pointing south) and addition of painted line to more clearly delineate two-way traffic lanes on entrance drive (see attached)

Ms. Buck said the stonewall work being done out front of Wal-Mart on Route 9 may not be covered by the Surety. However, the hope is they will finish the work before the Board has to

release the surety; otherwise the Board will receive some criticism from the abutters if the work does not get done.

MOTION: Mr. McNaboe moved to approve the Certificate of Planning Board action to extend the deadline to complete the work until November 30, 2007, including list of remaining work as amended.

SECONDED: Ms. Nist – Discussion: None

Vote: UNANIMOUS

The Board can release the surety when the work is completed, which may as soon as the Board's next meeting on October 2, 2007.

Town Planner Report:

Master Plan

Ms. Buck said the first meeting has been set for October 2, 2007 at 6:00PM and she has sent out reminder notices asking, if a representative has not yet been appointed, to please appoint or recommend someone by that date. Conservation Commission, School Department, Fire Department, Police Department and Advisory Board have not yet appointed a representative. Board of Health, Board of Selectmen, Highway Department, Historical Commission, Zoning Board of Appeals and Building Inspector have each appointed a representative.

Ms. Buck told the Board she spoke with the Town Administrator regarding the question on the appointing authority for the Master Plan Committee that was brought up at the last Board meeting. Mr. Reed advised her that the Planning Board, being an elected board, should be the appointing authority for their own Master Plan Committee. Ms. Buck had also inquired of other Town Planners, and although the appointment process varies, it is common for Planning Boards to appoint Master Plan committees.

Ms. Friedman asked if there were any Members at Large interested. Ms. Buck said not yet, but the deadline is September 20th. Ms. Buck asked if it was the Board's preference to appoint the current representatives or wait and do the appointing at the first meeting.

Ms. Friedman suggested the first meeting be more of an informational meeting and to organize the scope of work.

Ms. Buck said Rosemary Scrivens of CMRPC will be attending the first meeting on October 2nd to listen in, rather than doing any presentation. Ms. Scrivens will be submitting a suggested scope of work from CMRPC.

Ms. Buck received an email from Ms. Scrivens indicating that the Town of Leicester should not be doing their own Public Outreach section or conducting the inventory of Town facilities; this should be done by an outside consultant. Ms. Buck disagreed.

CMRPC is interested in doing the Public Outreach within the Economic Development chapter. Ms. Buck said she has spoken with Ms. Scrivens explaining the primary reason CMRPC is not doing the outreach on the Economic Development chapter was because of budget constraints. However, if it can fit within the budget, outreach (for the Economic Development portion) could be done by CMRPC.

Ms. Friedman informed the Board that every CMRPC Meeting attended, the Town gets one hour of Technical Assistance. Ms. Buck said CMRPC is trying to put a positive spin on the situation, because what they did was they took away Local Technical Assistance that use to be for free and now it has to be earned by attending meetings. Ms. Friedman said CMRPC counts other sub-committees and if people attend these meeting regularly and two people attend, it adds up. CMRPC keeps track of the attendance and Ms. Friedman suggested the Board keep track as well, just to make sure the numbers match.

Open Space Plan

Ms. Buck said there is not much to report on this, because once again, there was not a quorum. She will try and reschedule the meeting.

CPTC Training

CPTC Fall Training Brochures were distributed. Ms. Buck informed the Board that if anyone was interested in attending one of the classes offered to let the office know. She said that CPTC will also do seminar upon request. The Spencer Town Planner has requested that CPTC come to Spencer to do a seminar on "Writing Defensible Decisions." It will be held at the Spencer Town Hall with a date to be determined and it will most likely be held on a Wednesday night.

Correspondence

A letter was received from Quinn Engineering informing the Board that he has been retained for work on a parcel of land in Paxton that extends into Leicester. At this time, no subdivision of land is proposed in Leicester. He felt this project would not represent a conflict of interest with his work for Leicester Planning Board; however he wanted to apprise the Board of this work. The Board agreed that with no physical work being done in the Town of Leicester, it would not be an issue.

A memo was received from Selectmen Brennan urging all Leicester Town Boards and Committees to read the T & G Article regarding the Town of Charlton and e-mails. The Attorney General's Office has determined that if 3 members of a Board discuss meetings by e-mail, it constitutes an illegal meeting. The Board acknowledged that they were aware of this issue, and that they don't email each other regarding Board business.

A letter was received from the Town of Walpole Board of Selectmen in response to the Communities that responded to them regarding Chapter 40B projects. They are saying thank you and informing the communities that they have put together a coalition, calling themselves, "The Municipal Coalition for Affordable Housing". There has been a conference scheduled for Friday October 26, 2007.

A letter was received from the Building Inspector regarding awning signs in the CB District. An application was submitted for an awning sign by Affordable Doors and Windows, which is located in the CB District. The Building Inspector made a very understandable error. This area was recently rezoned from RA (Residential A) to CB (Central Business) and the way the bylaw is printed, it is difficult to read. The owner was told he had to apply for a special permit from the Zoning Board of Appeals.

Upon review by the Zoning Board, it was apparent that awning signs are prohibited in that district. The Building Inspector decided, because of this error, to issue the permit for the awning sign. The letter was just to make the Board aware of it.

Ms. Buck said although she is not too concerned, if this is an isolated incident. It was unfortunate that this property owner was misinformed about the permits necessary, but it should not be an ongoing policy, unless the Bylaw is amended. It should not be assumed that it was an error to prohibit awning signs, because there might have been a reason back from an old Town Meeting that prohibited awnings in commercial districts.

Mr. McNaboe said that comes under the signage bylaw, which this Board has tried to amend on a couple occasions. Ms. Buck said yes it does and one member of the Zoning Board of Appeals has asked that the Planning Board, at a minimum, fix that line in the Bylaw. She advised him that she will bring that request to the Planning Board, but it would not be considered until the Spring Town Meeting.

A brief discussion was held regarding the “Farm Stand” located on Henshaw Street advertising a “Tag Sales” on weekends and the legality of that posting and what is being sold. Ms. Buck said the Board might need to consider amending the bylaw to include regulations and/or restrictions on operating “Tag Sales/Yard Sales” on a continuous basis if this is an ongoing concern.

Ms. Buck informed the Board that a new application for Site Plan Review and Special Permit was submitted. The project name is “Grandview Shoppes of Leicester, Inc.” and is located next to the Grandview Estates on Route 56, Huntoon Memorial Highway. This is a proposed mixed residential/commercial project.

Discussion was held regarding when to schedule this hearing in a timely manner, the best date to hold it on would have been November 6th, but that day is Election Day. Ms. Buck suggested either October 30th, which is the 5th Tuesday in October or Wednesday, November 7th. After brief discussion, the Board agreed to schedule the hearing for October 30th.

Ms. Buck informed the Board that there have been many issues with this submittal and went on to describe the problems (missing information on application forms, potential zoning violation if the residential units are over 35 feet, etc.). Ms. Friedman suggested sending a certified letter to the applicant informing them that their application is incomplete; state all the problems related to that and inform them that if the problems aren’t addressed their request will be denied due to an incomplete submittal. Ms. Buck stated that she will speak to the Applicant first, then address as necessary.

Ms. Buck distributed her August Monthly Report to the Board.

MOTION: Ms. Nist moved to adjourn.

SECONDED: Mr. McNaboe

Vote: UNANIMOUS

Meeting adjourned at 8:35PM

Respectfully submitted:

Barbara Knox