

Finlay Engineering Services
625 Chandler Street
Worcester, MA 01602
(508) 757-1595

August 30, 2019

Town of Leicester
Planning Board
3 Washburn Square
Leicester, Massachusetts 01524

Subject: 103 Marshall Street
Leicester, Massachusetts
Site Plan Review

Attention: Ms. Michele Buck, Town Planner / Director of Inspectional Services

Dear Ms. Buck:

Finlay Engineering Services, on behalf of Jason Southwick and Pyramids DGC, is pleased to provide you with our response to the peer review letter prepared by Quinn Engineering, Inc. dated August 21, 2019.

1. The subject parcel appears to be entirely located within Watershed Protection Overlay District. Within that district, restrictions on impervious area, storage of materials and other factors exist. The Engineer should document compliance with those standards.

- a. The proposed alterations to the site will not significantly impact the allowable impervious surface area. Section 7.1.04.2a of the Leicester Zoning Bylaw states that the rendering impervious of 15% or 2,500 square feet of any lot, but not greater than 30% requires the issuance of a Special Permit. The existing structures (dwelling, gazebo, garage, and furnace) render 3,070 square feet impervious. The proposed building will render 4,000 square feet impervious. The site is approximately 19.74 acres which would allow for 128,981 square feet of impervious surfaces before requiring a special permit. The alterations, in combination with the existing structures, will result in a cumulative impervious area of 7,070 square feet or 0.77%.
- b. Section 7.1.04.3f of the Leicester Zoning Bylaw states that individual sewage disposal systems designed in accordance with 310 CMR15.00 to receive more than 440 gallons of sewerage on any one acre under one ownership per day is prohibited. The current sewage disposal system's design flow is 220 gallons per day. The proposed construction of the 4,000 square foot building will increase the design flow by 210 gallons per day for a total of 450 gallons per day. The site is approximately 19.74 acres

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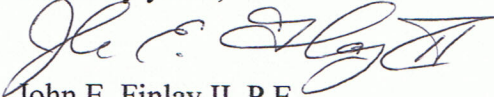
which would allow for a design flow of 8,685 gallons per day. The alterations, in combination with the existing design flow, will not exceed 440 gallons per acre. There will be no storage of materials in violation with this bylaw.

2. **As an unengineered road, Marshall Street does not appear to afford sufficient sight distances for vehicles approaching the site driveway. Plans should identify field verified sight distances, with reference to AASHTO standards. The Planning Board may request the Engineer propose possible improvements onsite which could enhance safety.**
 - a. The applicant was granted a Special Permit on April 26, 2004 by the Town of Leicester Zoning Board of Appeals to allow for a business certified to run a Frisbee Golf Course and a Frisbee Pro Shop. The Special Permit was approved subject to a condition stating: *With the conditions that there will be no external lighting and that there will be no excessive noise. Also, that there will be some kind of sign at the end of the driveway alerting the drivers exiting the property to be cautious of the oncoming traffic and of pedestrians. This petition is in harmony with the intent and purpose of the bylaw.* It appears that the sign requirement addressed in the special permit was intended to address the site distance issue. It does not appear that on-site improvements would afford sufficient sight distances for vehicles approaching the site driveway. An off-site embankment exists to the west of the driveway entrance.
3. **The engineer should document that accessible parking spaces comply with Massachusetts Architectural Access Board Rules and Regulations (521CMR).**
 - a. The site's existing gravel parking lot contains 26 parking spaces. Included on the provided plan are 2 accessible parking spaces in compliance with *Massachusetts Architectural Access Board Rules and Regulations* (521CMR), which requires 2 accessible parking spaces for a parking lot with total parking in the lot between 26-50 parking spaces.

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We have attached copies of the April 26, 2004 and April 22, 2019 special permits for your reference. If you have any questions or require any additional information, please feel free to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'John E. Finlay II', written in a cursive style.

John E. Finlay II, P.E.
Principal Engineer



Office of the Town Clerk

Town of Leicester

3 Washburn Square • Leicester, Massachusetts 01524-1333
Telephone (508) 892-7011 • Fax: (508) 892-7070

DEBORAH K. DAVIS
TOWN CLERK
E-mail: davisd@leicesterma.org

Susan M. Zuscak
ASSISTANT TOWN CLERK
E-mail: zuscaks@leicesterma.org

April 22, 2019



2019 00038991

SPECIAL PERMIT DECISION

Bk: 60350 Pg: 161
Page: 1 of 4 05/01/2019 02:52 PM WD

I hereby certify that the twenty (20) days have elapsed from the date the Decision was filed in my office by the **Zoning Board**, which **APPROVED** the petition of Pyramids DGC, 103 Marshall Street, Leicester, MA 01524. The applicant seeks to modify an existing disc golf operation (Pyramids DGC) by building a 100"x40" structure to be used as a commercial disc golf pro shop and to allow this structure between the existing dwelling and the front lot line on the property. Owner: same as applicant. The applicant requests a Special Permit under 6.4.02 (Special Permit) and Section 3.2.06.3 The property is located in the Suburban Agricultural (SA) District. Special Permit of the Leicester Zoning Bylaws. See Attached.

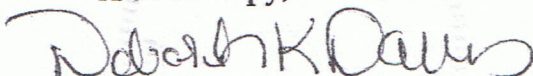
Deed Reference: Book: 51300 Page: 383

Map: 5 Parcel: A3.1

Special Permit Filed: April 1, 2019

No Appeal has been filed with my office against this Decision.

A True Copy, Attest:


Deborah K. Davis



Town of Leicester
ZONING BOARD OF APPEALS

3 Washburn Square
Leicester, Massachusetts, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

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2019 APR - 1 PM 12:42
TOWN CLERK'S OFFICE
LEICESTER, MASS.

Certificate of Decision on Special Permit

Approval Date: March 27, 2019
Project Name: Pyramids DGC
Location of Project: 103 Marshall Street, Leicester
Assessors Reference: Map 5, Parcel A3.1
Deed Reference: Book 51300/Page 383
Zoning District: Suburban-Agricultural (SA)
Total Acreage: 12.17 acres
Type of Use: To modify an existing disc golf operation (Pyramids DGC) by building a 100' x 40' structure to be used as a commercial disc golf pro shop and to allow this structure between the existing dwelling and the front lot line on the property.
Building Area: 100' x 40' (steel building)
Applicant(s): Jason Southwick
103 Marshall Street
Leicester, MA 01524
Owner(s): Same as Applicant
Plans Prepared by: Finlay Engineering Services
Plans Dated: May 2, 2018, revised January 3, 2019
Application Date: February 20, 2019
Public Hearing: March 27, 2019 duly noticed and posted in accordance with the provisions of the Zoning Act, MGL c.40A and the Open Meeting Law, MGL c. 39, §23A - §23C.
Voting Members: Vaughn Hathaway, Jim Buckley, Richard Johnston, Mary Moore, and Jim Reinke
ZBA Action: Approved

Summary Description of Application:

The Applicant was granted a Special Permit April 26, 2004 under Section 3.2.06.3 to operate a disc golf course and pro shop (Pyramids DGC) on this site in the Suburban Agriculture (SA) district. The existing pro shop is located inside the single-family home on the premises. The applicant requests a Special Permit under Section 6.4.02 (Special Permits) and Section 1.5.01 (Accessory Buildings). The proposed project is to modify the existing disc golf operation by building a 100'x 40' structure to be used as a commercial disc golf pro shop. The existing pro shop is proposed to be relocated to the new structure. A special permit is required to allow this modification and to allow a structure between the existing dwelling and the front lot line on the property (Section 1.5.01). The proposed building will be served by the existing well and septic system on the site, subject to Board of Health review and approval. The proposed project will also require Site Plan Approval by the Planning Board.

Findings:

Leicester Zoning Board of Appeals made the following findings as required by M.G.L. Chapter 40A, Section 9 and Section 6.4.02 of the Leicester Zoning Bylaws:

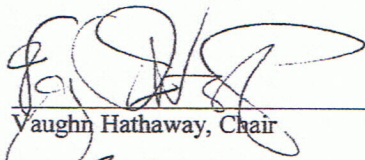
1. That the proposed use is in harmony with the general purpose and intent of the Zoning Bylaw (MGL40A§9).
2. That the site is an appropriate location for the use or structure, is adequately served by water and sewer (or septic), will not cause adverse effect on the neighborhood, will not cause nuisance or serious hazard to vehicles or pedestrians, and has adequate and appropriate facilities to ensure the operation of the proposed use, structure, or condition (Zoning Bylaw §6.4.02).

Based on these findings, the Leicester Zoning Board of Appeals, as the Special Permit Granting Authority, pursuant to Section 6.4 of the Leicester Zoning Bylaws, voted **4 in favor/1 opposed** to **approve** the Special Permit as herein described, with the following conditions:

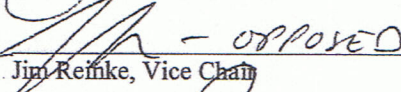
Conditions:

1. No outside storage of items between the proposed building and the road.
2. No outside waste dumpster.
3. The building shall be a neutral color.

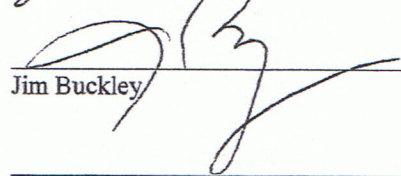
Leicester Zoning Board of Appeals:



Vaughn Hathaway, Chair

 - OPPOSED

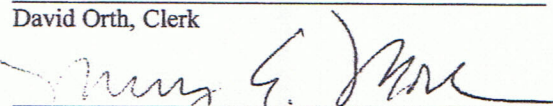
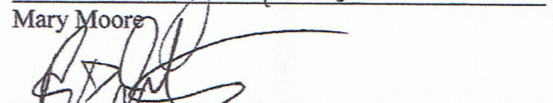
Jim Reimke, Vice Chair



Jim Buckley

- Alternate

David Orth, Clerk


Mary Moore
Richard Johnston - Alternate

- Alternate

This **Special Permit** shall not take effect until a copy is recorded with the Worcester District Registry of Deeds Pursuant to MGL, Chapter 40A§11. Any construction authorized hereunder must commence no later than one year from the granting of the Special Permit.

Notice of this Decision will be sent by the Board to persons notified of the hearing (parties in interest) pursuant to MGL Chapter 40A§9.

Any appeal to this Decision must be made to the Superior Court within 20 days after the filing of this Decision with the Town Clerk, in accordance with MGL Chapter 40A§17.

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**TOWN OF LEICESTER
ZONING BOARD OF APPEALS**

TOWN CLERK'S OFFICE
LEICESTER, MASS.

April 26, 2004

Petition: Denied.....
Approved: XXX.....

To Whom It May Concern:

Upon Petition of..... Jason Southwickwhose address is located at
103 Marshall Street, Leicester, Ma.for a Special Permitunder
Section..... 3.2.06 #3of the Leicester Zoning By-Laws, on April 26, 2004
at 9:20 P.M., a hearing was held in the Town Hall, 3 Washburn Square, Leicester, Massachusetts, after
publication and notice to abutters and others as required by Chapter 40A, of the Massachusetts General
Laws.

Present were Board Members: Laurence Todd; Chairman, Jim Buckley; Clerk,
Linda Finan, Vaughn Hathaway, David Orth

Speaking in Favor: Jason Southwick

Speaking in Opposition: No one

The Petitioner..... Jason Southwickwhose address is
103 Marshall Street, Leicester, Ma.is/are the owner of certain premises
situated at 103 Marshall Street, Leicester, Ma.as more particularly described in a
deed recorded with the Worcester District Registry of Deeds in Book 27731 Page 130 & 327

Said land is situated in a district classified under the Town of Leicester Zoning Ordinance as
Suburban Agriculture

Presently said locus consists of 19.74 acres of land with a one family dwelling and
a Frisbee Golf Course

The Petitioner desires to use said premises for to allow for a business certified
to run a Frisbee Golf Course and a Frisbee Pro Shop

- Page 2 -

Petition: Denied.....
Approved: XXX.....

Approval subject to the following conditions:

With the conditions that there will be no external lighting and that there will be no excessive noise. Also, that there will be some kind of sign at the end of the driveway alerting the drivers exiting the property to be cautious of the on coming traffic and of pedestrians. This petition is in harmony with the intent and purpose of the bylaw.

Statement of reasons for action of Board of Appeals:

The Leicester Zoning Board of Appeals moved to approve the petition of Jason Southwick of 103 Marshall Street, Leicester, Ma. for a Special Permit to allow for a business certified to run a Frisbee Golf Course and a Frisbee Pro Shop at property located at 103 Marshall St., Leicester, Ma.

Vote: UNANIMOUS

This Special Permit shall not take effect until a copy is recorded hereof with the Worcester District Registry of Deeds Pursuant to General Laws, Chapter 40A, Section 11, as amended; and further that said recording shall be accomplished not later than six months from the date of this Decision; and further that any construction hereunder must commence no later than one year from the said recording.

It was ordered by the Board that persons notified of the hearing be notified of the foregoing Decision.

Any appeal to this Decision must be made to the Superior Court with 20-days after the filing of this Decision with the Town Clerk, in accordance with Section 17 of Chapter 40A of the Massachusetts General Laws.



Board of Appeals:

[Handwritten signatures of Board of Appeals members]

Filed with the Town Clerk on the 29th day of April 2004

[Handwritten signature: Linda A. Rowden]
Asst. Town clerk

ATTEST: WORC. Anthony J. Vigliotti, Register