



Town of Leicester PLANNING BOARD

LEICESTER, MASSACHUSETTS, 01524-1333

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TOWN CLERK'S OFFICE
LEICESTER, MASS.

SPECIAL PERMIT DECISION & STORMWATER PERMIT

Date: March 19, 2019

File Number: SP2018-03

Applicant: Rapid Transit LLC
Attn: Paul Doray
1 Sherri Lane
Leicester, MA 01524

Owner: Same as Applicant

Location: 710 Main Street/Map 21B, Parcel A8

Deed Ref.: Book 58394, Page 30

Zoning: Business (B)

Water/Sewer: Leicester Water Supply/Cherry Valley Sewer

Subject: Application for a Special Permit under §3.2.02.2 of the Leicester Zoning Bylaw to allow four (4) two-family dwellings.

The decision of the Planning Board on the above-referenced application is as follows:

PROCEDURAL HISTORY:

1. On December 11, 2018, an application for a Special Permit was submitted to the Leicester Planning Board (the Special Permit Granting Authority). All application materials are on file with the Planning Board. The Board's decision is based on the following submittals:
 - A. Application packet dated December 11, 2018 (Application Form, Project Narrative, abutters list, confirmation of availability of water and sewer, building renderings/elevation plans and floor plans).
 - B. Storm Water Drainage Report, prepared by Existing Grade, Inc., dated 1/23/2019, revised 2/28/2019
 - C. Letters from Existing Grade Inc. to the Leicester Planning Board dated 2/14/2019 & 2/28/2019, and email to Michelle Buck dated 3/13/2019 (responses to comments)
 - D. Site plan (2 sheets), entitled Proposed Layout Plan for 710 Main Street, Cherry Valley, Massachusetts, 01611, Project No. 1785, prepared by Existing Grade Inc., and dated November 15, 2018, revised through March 13, 2019, as follows: Sheet 1 (Proposed Layout Plan), and Sheet 2 (Proposed Site Plan)

2. The Planning Board held a public hearing on the application on January 15, 2019. The hearing was continued to February 5, 2019 (no discussion), March 5, 2019 (no discussion), and March 19, 2019 to allow the Applicant to address comments from the Board and other Departments. At each hearing date(s) opportunity was given to all those interested to be heard in favor of or opposition to such application. The hearing was closed on March 19, 2019.
3. During the review process, the following documents, exhibits and plans were submitted to the Planning Board:
 - A. The plans and submittals referred to above;
 - B. Written comments from the following Town Boards and Departments: Board of Health (12/12/18), Highway Department (12/13/18), Leicester Water Supply District (12/18/18), Cherry Valley Sewer District (12/27/18), and Police Department (1/14/19).
 - C. Comments from Quinn Engineering dated January 31, 2019, February 27, 2019, and March 13, 2019.

FINDINGS:

1. The proposed project consists of a 4 structure (8 unit) duplex/townhouse project. The current property at 710 Main Street will be divided into 4 conforming lots, with three having 125' of frontage and a fourth lot with 149' of frontage (100' required). Each lot is well above the minimum area requirement of 15,000 s.f. with a proposed townhouse/duplex on each lot consisting of approximately 1,500 s.f. of living area per side and a garage for a total of approximately 3,000 square feet per building with two garages.
2. Each structure will have a double-wide driveway and its own turnaround to avoid having to back out onto Main Street (Route 9). This would also reduce the number of required curb cuts from 8 to 4. Each structure will be served by public water and sewer.
3. Stormwater requirements are proposed to be met to the maximum extent practicable using a cultic roof infiltration system for each proposed building as well as a gravel 1' x 1' drip edge around the entire perimeter of the driveway to capture any sediment/debris as well as to allow for infiltration.
4. The proposed project will require review and approval from the Leicester Conservation Commission.
5. MGL, Chapter 40A, §9 requires that the Board find uses allowed by special permit to be "in harmony with the general purpose and intent of the ordinance or bylaw." The Board finds that this project is in harmony with the purpose and intent of the Bylaw.
6. In accordance with Section 5.8.04.B. of the Leicester Zoning Bylaw, the Planning Board may grant a special permit in the B district if the following criteria are met:
 - 1) **Provision shall be made for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets and property. The service level of adjacent streets shall not be significantly reduced due to added traffic volume or type of traffic in accordance with the most recent edition of the Massachusetts Highway Department Highway Capacity Manual;**
The Board finds that the proposed project meets this standard. Traffic increases from this project are anticipated to be minimal.

- 2) **The proposed use shall not overload the capacity of water and sewer systems, stormwater drainage, solid waste disposal facilities, and other public facilities;**
The Board finds that the project meets this standard. The site is served by Leicester Water Supply District (water) and the Cherry Valley Sewer District (sewer). Other utilities will be provided by the owners at the owners' expense.
- 3) **The design of the project shall provide for adequate methods of disposal of sewage, refuse, or other wastes generated by the proposed use;**
See comments under #2 above regarding sewer. Trash will be picked up by private contractor.
- 4) **The project shall comply with all applicable environmental laws and regulations;**
The Board finds that the proposed project meets this standard as conditioned herein.
- 5) **The proposed project shall be consistent with Leicester's Master Plan; and,**
The project is consistent with Leicester's Master Plan, which encourages a variety of housing types, especially where public water and sewer are available.
- 6) **The project shall comply with B District Site Development Standards.**
The Board finds that these standards are inapplicable as the proposed project does not involve new construction of a non-residential use, expansion of more than 25% of the existing non-residential use, or an increase of more than 10 parking spaces.

DECISION:

In view of the foregoing, at the meeting of March 19, 2019, the Planning Board voted to approve the Special Permit application for the above-described project. In addition, the Planning Board grants a Stormwater Permit pursuant to the Leicester Stormwater Bylaw and associated Regulations. As used in this decision, the term "Applicant" shall mean the Applicant, its heirs, successors and assigns. Unless otherwise specified, the Board may designate an agent or agents to review and approve matters set forth in this decision. The Planning Board's approval is subject to the conditions and waivers contained herein.

CONDITIONS:

Pre-Construction

1. The Special Permit shall not take effect until it has been recorded at the Worcester District Registry of Deeds and evidence of such recording is delivered to the Planning Board.
2. Prior to commencement of authorized site activity, the Applicant shall fully resolve any remaining issues identified by the Town review engineering firm, Quinn Engineering (see related condition #9). The Applicant shall also provide paper copies of all final approved plans (2 full-size, 1 11"x17" and related documentation).
3. Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address, email, and business phone number of the individual who shall be responsible for all construction activities on site.
4. Prior to the issuance of a building permit, all required federal, state, and local permits and licenses for the construction of the proposed project which is the subject matter of the building permit shall be obtained and presented to the Building Inspector. This shall specifically include MassDOT curb cut permit approval.

5. Prior to issuance of a building permit for any unit shown on the approved plan, the required Approval Not Required (ANR) plan shall be endorsed by the Planning Board and recorded at the Registry of Deeds (see related condition #10).

General

6. Final design and construction shall be in substantial conformance to the plans submitted to the Planning Board and this Order of Conditions. No substantial corrections, field modifications, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board, which in its sole discretion, may determine such substantiality. Any requests for substantial modifications shall be made to the Planning Board for review and approval and shall include a description of the proposed modification, reasons the modification is necessary and supporting documentation.
7. Unauthorized deviations from the approved plan may result in the Planning Board seeking the issuance of a Cease and Desist Order until the deviation is addressed. Violation of any condition contained herein or failure to comply with the approved plan shall subject the Applicant to a zoning enforcement action in accordance with the remedies set forth in M.G.L. c. 40A.
8. Construction on the site must be started or substantial activity commenced by March 19, 2020 (one year from the date of approval). Construction, once begun, shall be actively and continuously pursued to completion within by March 19, 2021 (two years from the date of approval). Such deadlines may be extended for good cause upon the written request of the applicant prior to the specified deadline. If the time period for commencement or completion has elapsed, the rights granted by this approval shall expire and may be reestablished only after another application.

Project-Specific Conditions:

9. This approval is subject to final review and approval of the Applicant's March 13, 2019 submittals by Quinn Engineering.
10. This approval is subject to endorsement and recording of an ANR plan showing final separate lot lines for each parcel.
11. Although all four (4) duplex structures are permitted by this single special permit, construction of each unit is not contingent on construction of the other units.

Occupancy

12. The Applicant shall notify the Planning Board when work is complete and ready for inspection.
13. No final certificate of occupancy for the building(s) shall be issued until the building is complete and all conditions of approval have been addressed. Prior to the issuance of a certificate of occupancy for the building, site improvements and infrastructure specified on the plans shall be constructed and installed so as to adequately serve said building and landscaping shall be substantially completed, unless adequate security has been provided, reasonably acceptable to the Board, to ensure such completion. Any such performance guarantee shall be approved as to form by the Board's designee.
14. If there are field changes from the approved site plans referenced above, Board may require plans showing such changes prior to the final certificate of occupancy. No final certificate of

occupancy shall be issued until the Planning Board or its agent confirms that all improvements or alterations substantially comply with the approved Site Plan.

Approval by the Planning Board shall not be construed as approval from any other board, official or regulation that is needed regarding permitting for this project.

RECORD OF VOTE

The Board vote was 4 in favor of approval 0 opposed.



Jason Grimshaw, Chair

Absent

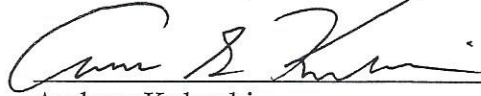
Alaa AbuSalah



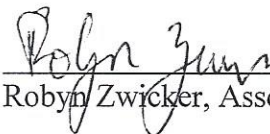
Sharon Nist

Absent

Debra Friedman, Vice Chair



Andrew Kularski



Robyn Zwicker, Associate Member

Copy of Decision sent to:

<i>Applicant*</i>	<i>Building Inspector</i>	<i>Police Department</i>
<i>Owner*</i>	<i>Quinn Engineering</i>	<i>Fire Department</i>
<i>Town Administrator</i>	<i>Assessors Office</i>	<i>Highway Department</i>
<i>Applicable Water District</i>	<i>Applicable Sewer District</i>	<i>Historical Commission</i>
<i>Applicant Engineer</i>	<i>Applicant's Attorney (where applicable)</i>	

* by certified mail

Notice of Decision delivered to "Parties in Interest" (abutters & Planning Boards of abutting Towns)

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