



Town of Leicester PLANNING BOARD

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

PLANNING BOARD AGENDA Tuesday July 20, 2021 @ 7:00PM

In-Person Participation:

Meeting Room 3
Leicester Town Hall, Lower Level

Virtual Participation:

<https://global.gotomeeting.com/join/562708053>

United States (Toll Free): 1 877 309 2073

Access Code: 562-708-053

ORDER OF BUSINESS*

1. 7:00PM **Discussion, Request for Extension of Deadline to Complete Work,**
SP2003-01, Briarcliff Estates, Applicant: Matthew Bassick/Briarcliff
Estates SV LLC
2. 7:05PM **Public Hearing, Definitive Subdivision Plan**
DSUB2021-01, Parker Street North, 3 lot subdivision, Applicant: Schold
Development, LLC.
3. 7:30PM **Public Hearing, Special Permit Amendment**
SP2019-02, Smuggler's Cove Open Space Residential Development
(reduction in road length & # of lots), Applicant: Central Land
Development Corp.
4. 8:30PM **General Discussion:**
 - A. Oak Bluff Lane Subdivision
 - B. Zoning Bylaw Amendments
5. 8:45PM **Approval of Minutes**
 - 5/18/2021
 - 6/1/2021
6. 8:50PM **Town Planner Report/General Discussion:**
 - A. Miscellaneous Project Updates
 - B. Board Member Committee Updates
 - C. Upcoming Meeting Dates
7. **Adjourn**

****Note: Agenda times for items that are not public hearings may be taken out of order.***

"The listings of matters are those reasonably anticipated by the Chair 48 hours before said meeting, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law"



Town of Leicester PLANNING BOARD

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Memorandum

TO: Planning Board Members
FROM: Michelle R. Buck, AICP
Town Planner/Director of Inspectional Services
DATE: July 15, 2021
RE: **July 20, 2021 Planning Board Meeting**

I'll have the Chromebooks available for next week's meeting.

All application materials are also online (on Planning Board Page under Current Applications/ Plans), and some plans may be easier to view directly online versus the version contained in your meeting packets.

Remote Meeting – Suggested Instructions:

1. Ask the public participating to silence cell phones and mute their device during the meeting until called upon to speak
 2. Ask all members of the Board to identify themselves by name for the public at the start of the meeting
 3. When time for public comment, ask everyone to identify themselves before speaking.
-

1. Discussion, Request for Extension of Deadline to Complete Work, SP2003-01, Briarcliff Estates

The Board set the required surety amount at \$263,111 at the 7/6/2021 meeting. The applicant plans to have a new Letter of Credit in this amount on or before the meeting date. I've prepared 2 documents for approval (enclosed): 1) Extension of Approval (the applicant didn't specifically ask for a particular length of extension, but the Board has typically done 2 years for subdivisions) and 2) Amendment to Performance Agreement (to reflect the new surety amount & deadline). I also enclosed the 2013 agreement for reference.

2. Public Hearing, Definitive Subdivision Plan, DSUB2021-01, Parker Street North

The Application and comments are enclosed (the stormwater report is online). The plans submitted are consistent with the Board's 2020 Preliminary Subdivision Plan approval (copy of preliminary approval decision attached). As was discussed during the preliminary approval, there is a long history of applications and legal action related to this roadway. I've enclosed a summary of prior application. The applicant is expecting a continuance for time to address Quinn Engineering's significant concerns related to stormwater, so next week's hearing is expected to focus on the overall project and discussion of waiver requests.

3. Public Hearing, Special Permit Amendment, SP2019-02, Smuggler's Cove Open Space Residential Development

All application materials and comments are enclosed (this includes the 6/2021 application as well as a significantly revised plan submitted yesterday). The Board approved a special permit

in 2020 for a 24 lot Open Space Residential Development (OSRD). The project had a 2,607' roadway, with a 2,692' secondary emergency access). A copy of the prior decision is enclosed, as it summarizes the project, relevant bylaws & regulations, the rationale for the Board's decision, and conditions of approval.

The current application is a proposed amendment of the 2020 special permit, to reduce the roadway length and the number of house lots (June 2021 proposal 13 lots/2,000' paved road w 1,995' gravel emergency access; July 2021 proposal 10 lots, 1,627' dead end). The July plan is also intended to address the comments from Attorney George Harris related to the abutter's property line.

This application is not a reconsideration of the full project (i.e. evaluation of a conventional plan vs. an OSRD) and would not be the final approval needed to proceed with construction. The next step for the applicant after the current application is approved or disapproved would be to proceed to the Definitive Plan stage with either the 2020 special permit design or 2021 amendment design (if approved). If the design without a secondary access is approved, a variance from the ZBA for dead-end length greater than 1,000' would be required. The project also still requires review and approval by the Conservation Commission (this is done at the Definitive Plan Stage).

4. General Discussion:

- A. Oak Bluff Lane: I received a complaint from an abutter to the project and asked Kevin Quinn to visit the site. Comments from Kevin Quinn enclosed.
- B. Zoning Bylaw Amendments: I'll provide an update at the meeting

As always, if you have any questions about anything on the agenda, please feel free to contact me prior to the meeting at 508-892-7007 or buckm@leicesterma.org.



Town of Leicester PLANNING BOARD

3 Washburn Square
LEICESTER, MASSACHUSETTS, 01524-1333
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Certificate of Planning Board Action Extension of Approval - Briarcliff Estates Victoria Drive

Date: July 14, 2021

File #: SP2003-01

Applicant Briarcliff Estates SV LLC
Attn: Matthew Bassick
PO Box 832
Hopkinton, MA 01748

Owner: Same as Applicant

Location: Victoria Drive (off Stafford Street)
Map 36, Parcel B3

Subject: Request to Extend Deadline to Complete Construction of Briarcliff Estates Senior Village Development

A. Procedural History:

1. The Leicester Planning Board approved a plan entitled Briarcliff Estates Senior Village Definitive Site Plan in Rochdale, Massachusetts, as described in a SPECIAL PERMIT DECISION AND CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN, dated May 18, 2004, and recorded at the Worcester Registry of Deeds Book 21454, Page 25.
2. The above-referenced Decision required completion of construction by August 3, 2009 (five years from the date of endorsement), and allowed for extension of this deadline at the written request of the Applicant. The deadline for completion was subsequently extended by the Permit Extension Act and by votes of the Board through June 30, 2021;
3. On May 11, 2021, the Applicant requested an extension of time to complete the project. At the Board's meeting of June 15, 2021, the Board voted to approve a 30 day extension to July 31, 2021 to allow time for review of the performance guarantee amount for the project. At the Board meeting of July 6, 2021, the Board voted to require \$263,111.

B. Findings:

1. The project consists of 34 units. The following units have been constructed: 4, 5, 6, 7, 8, 9, 11, 12, 15, 16, 22, 23, and 24 constructed (11 of these are sold and occupied). Three of these (units 15, 23, & 24) were constructed since the last 2-year extension 2019. Additional construction is planned for the 2021 construction season.
2. Street lights have been installed and are operational. Street trees continued to be installed as new units are completed.

C. Decision:

In view of the foregoing, the Planning Board voted to extend the deadline for completion of Briarcliff Estates to _____, subject to the following terms and conditions:

1. All conditions of the Planning Board's Special Permit Decision dated May 18, 2004 as amended May 2, 2006 (to allow delay in construction of entrance gate) , April 9, 2015 (change in unit type), and May 16, 2017 (change in streetlight type and acceptance of tree planting plan) remain in effect except where specifically modified herein.
2. The _____ deadline for construction and/or installation may be extended upon the written request of the applicant, for good cause shown, prior to the expiration of the approval period, and upon a vote of the majority of the Planning Board.
3. Tree plantings shall be completed as early as practical during construction but no later than the project completion deadline.

-Continued on following page-

D. Vote:

The Board vote was _____ in favor of approval, _____ opposed.

TOWN OF LEICESTER

Jason Grimshaw, Chair

James Reinke, Vice-Chair

Joshua Campbell

Sharon Nist

Jaymi-Lyn Souza

g:\town planners office\special permits\sp2003-01, briarcliff\decisions-modifications\extension briarcliff, 07-2021.docx



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**Leicester, Massachusetts Planning Board
AMENDMENT TO
PERFORMANCE AGREEMENT SECURED BY LETTER OF CREDIT
Briarcliff Estates, Leicester, MA
July 20, 2021**

The Leicester Planning Board hereby amends the Performance Agreement Secured by Letter of Credit (hereinafter the "Agreement") dated February 5, 2013 by and between Briarcliff Estates SV LLC, of 7 Maple Ave, Hopkinton, MA 01748 (hereinafter the "Applicant") its subsidiaries, affiliates, successors and assigns, and the Town of Leicester (hereinafter the "Town"), as follows:

1. The amount of the required performance guarantee was increased to TWO HUNDRED AND SIXTY-THREE THOUSAND ONE HUNDRED ELEVEN AND 00/100 DOLLARS (\$263,111), the payment of which is secured by an [*Irrevocable Standby Letter of Credit #68089750, issued by Bank of America, N.A., dated February 5, 2013, as amended January 6, 2017.*] – *update*
2. The Planning Board has extended the deadline to complete construction to _____
3. The Applicant, consistent with paragraphs 4 and 7 of the February 5, 2013 Agreement, must provide a status report by _____ (forty-five days prior to the deadline).

All other provisions of the original Agreement remain in full force and effect.

Continued on following page

Executed this 20th day of July, 2021

Signatures of a Majority of the Members of the Planning Board of the Town of Leicester

Jason Grimshaw, Chair

James Reinke, Vice-Chair

Joshua Campbell

Sharon Nist

Jaymi-Lyn Souza

Signature of Applicant(s)

Matthew Bassick, Manager, Briarcliff Estates SV LLC

COMMONWEALTH OF MASSACHUSETTS

On this ____ day of _____, 2021, before me the undersigned notary public, personally appeared
Matthew Bassick, Manager, Briarcliff Estates SV LLC,
proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the
person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it
voluntarily for its stated purpose.

Michelle R. Buck, Notary Public

My commission expires December 25, 2026

Leicester, Massachusetts Planning Board
PERFORMANCE AGREEMENT
SECURED BY LETTER OF CREDIT

This Performance Agreement (hereinafter the “Agreement”) dated February 5, 2013 is by and between Briarcliff Estates SV, LLC, of 7 Maple Ave, Hopkinton, MA 01748 (hereinafter the “Applicant”) its subsidiaries, affiliates, successors and assigns, and the Town of Leicester (hereinafter the “Town”).

In consideration of the mutual promises and conditions contained herein and for other good and valuable consideration in the amount of TWO HUNDRED AND FORTY-THREE THOUSAND NINE HUNDRED THIRTY-FOUR AND 30/100 DOLLARS (\$243,934.00), the payment of which is secured by an Irrevocable Standby Letter of Credit #68089750, (hereinafter the “Security”) issued by Bank of America, N.A. (hereinafter the “Lender”), dated February 5, 2013 and incorporated by reference, the Applicant and the Town agree to the following:

1. The Applicant agrees to complete construction of Briarcliff Estates Senior Village. The roadways as shown on a Definitive Subdivision Plan entitled Briarcliff Estates Senior Village Definitive Site Plan in Rochdale, Massachusetts, prepared by Coyle Engineering, Inc. dated April 30, 2004, revised June 30, 2004, and recorded at the Worcester District Registry of Deeds Plan Book 813, Page 33. The security guarantees Applicant’s duty to construct said roadway(s) and utilities and also insure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following:
 - a) The Leicester Subdivision Control Law and the Planning Board’s Rules and Regulations governing this subdivision and dated September 19, 1995, as amended May 6, 2003, as well as Section IV (Performance Guarantees) of the September 20, 2006 Leicester Subdivision Rules and Regulations;
 - b) All applicable conditions included in the SPECIAL PERMIT DECISION issued by the planning Board and dated May 18, 2004 and recorded at the Worcester Registry of Deeds in Book 35322, Page 355 as amended November 17, 2009 and recorded in Book 45419, Page 304;
 - c) The aforementioned Definitive Plan; and
 - d) The remaining work items as described in the surety estimate prepared by Quinn Engineering Inc., dated November 29, 2012, as amended by the Leicester Town Planner December 3, 2012 to add legal contingency, all as attached hereto as Exhibit “A”.
 - e) Work covered by the performance guarantee shall include site stabilization, erosion control, or other measures to secure the site and ensure public safety.
 - f) Work covered by the performance guarantee shall include any corrective work associated with the failure of the Applicant to maintain the road and related infrastructure.

The above hereinafter collectively referred to as the “Work”.

2. This agreement shall remain in full force and effect until the Applicant has fully and satisfactorily performed all obligations set forth herein and any amendments or

- extensions hereto, or until the town completes the work pursuant to Section 7, hereunder.
3. The Applicant shall complete the Work on or before January 15, 2015, unless the date for completion is extended by an amendment to this Agreement and complies with Section 4 herein.
 4. At least forty-five (45) days before the above scheduled completion date or any duly authorized extension thereof, the Applicant shall notify the Planning Board, in writing, whether or not the Work will be completed as scheduled. If the Work will not be completed then the Applicant shall submit a written request to the Planning Board for an extension of time. Any extension of time requested by the Applicant and granted by the Planning Board shall be contingent upon the Applicant supplying an amendment to the Security, if necessary, reflecting an equal time frame for extension of its expiration date.
 5. Upon receipt of a written request from the Applicant, the Planning Board may authorize a reduction in the amount of Security. The Planning Board's approval shall be based upon an inspection of the Work and a report thereon by the Town Engineer. Notwithstanding any decrease in the amount of Security, the Planning Board reserves the right to require corrective work at any time from the Applicant until the roadways secured hereunder have been accepted by the Town by Town meeting vote.
 6. Should the Applicant fail to perform the work and bring it to completion in as continuous and expeditious a manner as possible on or before January 15, 2015, or any extension thereof, the Planning Board may declare the Applicant in default of its obligation hereunder and make a demand upon the thirty (30) day cure period, the Town will withhold all issuance of building permit, occupancy permits and Releases from Covenant for house lots located on the roadways described in Section 1. If the Applicant fails to cure said default within thirty (30) days or a longer cure period as approved by the Planning Board, the Town may proceed to recover the Security pursuant to the terms and procedures in Section 7 hereunder.
 7. In the event the Applicant should fail to complete any stage of the Work, either as specified by the Planning Board pursuant to Section 6, or pursuant to Section 3, the Security shall revert to and become the property of the Town of Leicester for the purpose of the Town in completing the Work. Upon the Town completing the Work and unused portion of such funds shall be released by the Town and returned to the Applicant. The Applicant shall be deemed to be in immediate default and have no right to cure same upon the occurrence of any of the following events:
 - a) the security is cancelled for any reason;
 - b) the Applicant has failed to report the status of the work to the Planning Board on or before 12/1/2014, and has otherwise failed to apply for and receive an extension under Section 4 herein.

In the event of a default without cure, the Town shall withhold all permits for the Development and draw forthwith on the Security.

8. The Town's interest in the Security whether real or inchoate shall not be affected by the subsequent transfer of title by foreclosure, assignment, bankruptcy or imposition of lien by or against the Applicant.

9. Upon the Applicant's completion of the Work, the Town shall release its Interest in the Security by delivering: (a) written notice from the Planning Board that the conditions of this Agreement have been satisfactorily completed; or (b) upon issuance by the Town Clerk of a certificate to the effect that the Planning Board has failed to specify the details wherein the Applicant has failed to comply with the Planning Board's Rules and Regulation (in accordance with MGL c. 41 s. 81U).
10. Amendments to this Performance Agreement and/or the Security shall be in writing and be duly executed by all parties hereto. Whereas the Security and date for completion may from time-to time-be amended by vote of the Planning Board such written amendments shall be kept on file with the Town in the offices of the Planning Board. Such amendments shall not otherwise affect any other substantive terms of the Agreement, which shall remain in full force and effect until the recording of a final amendment releasing the Town's interest and certifying the Applicant's completion of the Work.

IN WITNESS WHEREOF, the parties hereto intending to be legally bound have caused their duly authorized representatives to set their hands and seals this 5th day of **February 2013**

Signatures of a Majority of the Members of the Planning Board of the Town of Leicester

Jason Grimshaw, Chair

Debra Friedman, Vice-Chair

John McNaboe

Sharon Nist

David Wright

Briarcliff Estates, SV LLC by
Matthew Bassick, Manager

COMMONWEALTH OF MASSACHUSETTS

On this ____ day of _____, 20____, before me the undersigned notary public,
personally appeared_____

_____,
members of the Planning Board of Leicester, Massachusetts, proved to me through satisfactory
evidence of identification, which was personal knowledge of identity, to be the persons whose
names are signed on the preceding or attached document, and acknowledged to me that they
signed it voluntarily for its stated purpose.

Notary Public

My commission expires: _____

COMMONWEALTH OF MASSACHUSETTS

On this ____ day of _____, 20____, before me the undersigned notary public, personally appeared Matthew Bassick, as Manager of Briarcliff Estates SV, LLC, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public

My commission expires: _____

**SITE DEVELOPMENT/SUBDIVISION
SURETY BUDGET**

 DATE: November 29, 2012
revised 12/3/2012 MRB (legal added)
PROJECT: Briarcliff Estates

LOCATION: Stafford Street

ITEM	UNITS	UNIT COST	QUANTITY	EXTENDED VALUE
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SITE WORK				
Clear and Grub	Acres	\$2,000.00		\$0.00
Earth Excavation	Cu. Yds.	\$4.00		\$0.00
Borrow (common fill)	Cu. Yds.	\$6.00		\$0.00
Loam & Seed	Sq. Yds.	\$5.50	1750	\$9,625.00
Ledge (mass)	Cu. Yds.	\$30.00		\$0.00
Ledge (trench)	Cu. Yds.	\$60.00		\$0.00
Trees	Each	\$300.00	79	\$23,700.00
Retaining Walls	Sq. Ft.	\$14.00		\$0.00
Finish Grading	Sq. Yds.	\$1.50		\$0.00
Silt Fence/Haybales, Maintain	LF	\$3.50		\$5,000.00
COMMENT:				
SUBTOTAL:				\$38,325.00
ROADWAY				
Prep Subgrade	Sq. Yds.	\$1.20		\$0.00
Gravel Base (12")	Cu. Yds.	\$10.00		\$0.00
Fine Grade and Roll	Sq. Yds.	\$1.50		\$0.00
Binder Course Pavement	Tons	\$120.00	260	\$31,200.00
Finish Course Pavement	Tons	\$120.00	360	\$43,200.00
Bituminous Curb	Lin. Ft.	\$7.00		\$0.00
Cape Cod Berm	Lin. Ft.	\$7.00	2422	\$16,954.00
Granite Curb (VA4)	Lin. Ft.	\$22.00		\$0.00
Sloped Granite Edging	Lin. Ft.	\$15.00		\$0.00
Granite Curb Inlets	Each	\$300.00		\$0.00
Timber Guardrail	Lin. Ft.	\$28.00		\$0.00
Thrie Beam Guardrail	Lin. Ft.	\$35.00		\$0.00
Traffic Signage	Allow	\$200.00		\$0.00
Paint Lines	Lin. Ft.			\$0.00
Streetlights	Each	\$2,000.00		\$0.00
Adjust CB/DMH/SMH Rims	Each	\$250.00	34	\$8,500.00
COMMENT:				
Allow to grind & remove failed existing binder				\$10,000.00
SUBTOTAL:				\$109,854.00

Briarcliff Estates

Page 1 of 3

SIDEWALK

Prep Subgrade	Sq. Yds.	\$1.90	757	\$1,438.30
Gravel Base	Cu. Yds.	\$20.00	107	\$2,140.00
Fine Grade and Roll	Sq. Yds.	\$2.00	757	\$1,514.00
Paving	Tons	\$165.00	85	\$14,025.00
Concrete	Cu. Yds.	\$30.00		\$0.00
COMMENT:				
SUBTOTAL:				\$19,117.30
STORM DRAINS				
12" RCP	Lin. Ft.	\$25.00		\$0.00
15" RCP	Lin. Ft.	\$28.00		\$0.00
21" RCP	Lin. Ft.	\$35.00		\$0.00
24" RCP	Lin. Ft.	\$40.00		\$0.00
30" RCP	Lin. Ft.	\$55.00		\$0.00
36" RCP	Lin. Ft.	\$65.00		\$0.00
Subdrains	Lin. Ft.	\$20.00		\$0.00
Headwalls	Each	\$300.00		\$0.00
Drain Manholes	Each	\$1,500.00		\$0.00
Catch Basins	Each	\$1,600.00		\$0.00
Detention Pond	Allow			\$0.00
Rip-Rap	Sq. Yds.	\$100.00		\$0.00
Fencing (Detention Pond)	Lin. Ft.	\$13.00	450	\$5,850.00
Fire Cistern	gallon	\$2.50		\$0.00
Drainage Layer	Lin. Ft.			\$0.00
COMMENT:				
SUBTOTAL:				\$5,850.00
WATER				
8" IN PLEASANT ST	Lin. Ft.	\$80.00		\$0.00
8" DIP	Lin. Ft.	\$30.00		\$0.00
WATER SERVICE	Lin. Ft.	\$25.00		\$0.00
12" DIP	Lin. Ft.	\$38.00		\$0.00
6" GV	Each	\$700.00		\$0.00
8" GV	Each	\$800.00		\$0.00
12" GV	Each			\$0.00
Hydrants	Each	\$2,000.00		\$0.00
COMMENT:				
SUBTOTAL:				\$0.00
Briarcliff Estates				
SEWER				

8" SDR 35 PVC Sewer	Lin. Ft.	\$40.00		\$0.00
12" SDR 35 PVC Sewer	Lin. Ft.	\$45.00		\$0.00
Manholes	Each	\$2,000.00		\$0.00
2" SDR 21 PVC Force Main	Lin. Ft.			\$0.00
1-1/4" SDR 21 PVC F.M. Service	Lin. Ft.			\$0.00
Grinder Pump Stations	Each	\$7,500.00		\$0.00
6" SDR 35 PVC Laterals	Lin. Ft.	\$25.00		\$0.00
COMMENT:				
SUBTOTAL:				\$0.00
ELEC/CATV/COMM.				
Elec/CATV/Tel Conduit	Lin. Ft.	\$20.00		\$0.00
COMMENT:				
SUBTOTAL:				\$0.00
COMPLETION				
Granite Bounds	Each	\$300.00	21	\$6,300.00
Record & Acceptance Plans	Allow			\$8,000.00
Sweep Streets	Allow			\$1,000.00
Clean Catch Basins	Each	\$65.00	10	\$650.00
SUBTOTAL:				\$15,950.00

SUMMARY

	SUBTOTAL
SITE WORK	\$38,325.00
ROADWAY	\$109,854.00
SIDEWALK	\$19,117.30
STORM DRAINS	\$5,850.00
WATER	\$0.00
SEWER	\$0.00
ELEC/CATV/COMM	\$0.00
COMPLETION	\$15,950.00

SUB-SUBTOTAL:	\$189,096.30
10 % CONTINGENCY/INFLATION:	\$18,909.63
15% CONSTRUCTION ADMIN.:	\$28,364.45
4%LEGAL:	\$7,563.85

TOTAL:	\$243,934.23
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Town of Leicester PLANNING BOARD

LEICESTER, MASSACHUSETTS, 01524-1333

Phone: 508-892-7007 Fax: 508-892-7070

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TOWN OF LEICESTER PLANNING BOARD NOTICE

In accordance with the MGL, Ch. 41, Sec. 81T, the Leicester Planning Board will review a Definitive Subdivision Plan entitled Parker Street (North), Leicester, MA showing 3 lots on Parker Street (off Pine Street) (Assessors Map 42, Parcels A1.0 and B1.0), on Tuesday, July 20, 2021, at 7:00PM or as soon thereafter can be heard in Meeting Room 3 at the Leicester Town Hall, 3 Washburn Square, Leicester, MA 01524. A copy of the plan is on file for review during office hours in the Leicester Town Clerk's Office, as well as online at leicesterma.org. Any person wishing to be heard on the proposed subdivision plan should appear at the time and place so designated or may attend virtually by visiting <https://global.gotomeeting.com/join/562708053> or by calling [1 877 309 2073](tel:18773092073) using access code 562-708-053.

Jason Grimshaw, Chair
Leicester Planning Board

**To be published in the Worcester Telegram & Gazette on Tuesday July 6,
2021 and Tuesday July 13, 2021.**

Jason Grimshaw, Chair
Leicester Planning Board

FORM C. APPLICATION FOR APPROVAL OF DEFINITIVE SUBDIVISION PLAN

Date: June 8, 2021

To the Planning Board of the Town of Leicester:

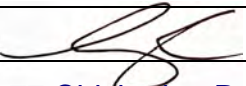
The undersigned, being the applicant as defined under MGL Chapter 41, Section 81L, for approval of a proposed subdivision shown on a plan entitled : Parker Street Definitive Subdivision, Leicester, MA and dated June 8, 2021, located Parker Street off Pine Street, showing 3 lots on +72.7 total acres. Said applicant hereby submits said plan as a Definitive Subdivision Plan in accordance with the Rules and Regulations of the Leicester Planning Board and makes application to the Board for approval of said plan.

The owner's title to the land included within the proposed subdivision, is derived under deed from Webster First Federal Credit Union, dated February 1, 2019, and recorded in Worcester District Registry of Deeds, Book 60004, Page 48, or under Certificate of Title No. _____, registered in Worcester Land Registry District, Book _____, Page _____.

Assessors Map & Parcel # 42/A1.0 (±9.7 Ac) & 42/B1.0 (±63.0 Ac)

Check one of the following (and fill in where appropriate):

- ☐ A preliminary plan of the proposed subdivision has not been submitted to the Board.
- ☐ A preliminary plan of the proposed subdivision, to which the accompanying plan conforms, was approved by the Board on _____.
- ☒ A preliminary plan of the proposed subdivision was approved by the Board on August 4, 2020, with modifications, which modifications have been incorporated in the accompanying plan.
- ☐ A preliminary plan of the proposed subdivision was disapproved by the Board on _____.

Applicant Information		Owner Information* (if not the Applicant)	
Name:	<u>Schold Development, LLC</u>	Name:	
Signature:		Signature:	
Address:	<u>77 Chickering Road</u>	Address:	
<u>Spencer, MA 01562</u>			
Phone #:	<u>508-612-8777 (Mobile)</u>	Phone #:	

Received by the Planning Board _____.

*If there is more than one owner, all must sign.

FORM D. DESIGNER'S CERTIFICATE

Date: June 8, 2021

To the Planning Board of the Town of Leicester:

I hereby certify that the accompanying plan, entitled Parker Street Definitive Subdivision,
Leicester, MA
and dated June 8, 2021, is true and correct to the accuracy required by the Rules
and Regulations of the Leicester Planning Board, and that all pertinent data are shown.



Brian C. MacEwen

Registered Land Surveyor

Registration No. 37736



Paul F. Grasewicz

Registered Professional Engineer

Registration No. 35306

GRAZ Engineering, L.L.C.



323 West Lake Road • Fitzwilliam, NH 03447 • Telephone (603) 585-6959 • Fax (603) 585-6960

June 8, 2021

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

**Subject: Project Narrative
Parker Street (North, off Pine Street)
Definitive Subdivision Plan**

Dear Board Members:

Project Overview

In accordance with the Town of Leicester Zoning Bylaws, the Planning Board's Subdivision Rules and Regulations, and the Planning Board's Preliminary Plan approval dated August 4, 2020, Schold Development, LLC (Owner/Applicant) proposes a three (3) lot subdivision of the land located off from Parker Street and along the existing way which is currently comprised of a gravel and dirt road that is an extension to the south of the existing portion of Parker Street that was improved and laid out by the Town of Leicester in 2004 as depicted in Worcester District Registry of Deeds Plan Book 807, Plan 10. The approximate 72.7 acre site is currently depicted as Parcels A1.0 & B1.0 on Assessors Map 42 and currently with addresses of Parker Street and 89 Parker Street respectively.

For this submittal, the Applicant proposes only three (3) frontage lots, with two (2) of lots having sufficient frontages and areas to be further subdivided into two (2) additional lots. Therefore, the proposed roadway improvement and extension shall be limited to a maximum of only five (5) building lots total.

Existing Site Conditions

The existing property is a ± 72.7 acre undeveloped woodland currently divided by a gravel and dirt cart road (right-of-way status unknown) named Parker Street that extends southerly from the southerly sideline of Pine Street to the northerly sideline of Baldwin Street.

The project site is the land described as recorded in the Worcester District Registry of Deeds (WDRD) in Book 60004, Page 48, and depicted as Parcels A and C in Plan Book 800, Plan 29. The entire project site is located in the Suburban/Agriculture (SA) zoning district.

The northerly boundary of the project site is bounded by lands owned by the Y.W.C.A., the easterly & southerly boundaries are bounded by multiple private owners, and the westerly boundary is bounded by the easterly edge of Stiles Lake. The site consists of a mix of oak, maple, and pine trees along with various mixed hard and soft woods as well as mountain laurel. The site generally slopes uphill in a south to southeasterly direction from the southerly end of the improved portion of Parker Street near the Stiles Lake spillway. There are several Bordering Vegetated Wetlands (BVW) located adjacent to and within portions of the project site.

The proposed work for the roadway improvement beginning at the end of the improved portion of Parker Street is within the 100-foot buffer zone adjacent wetlands. Therefore the project will be subject

to the jurisdiction of the MADEP Wetlands Protection Act and the Leicester Conservation Commission local wetlands regulations. Therefore, a Notice of Intent will be required for the project.

Proposed Site Conditions

The proposed lots will be provided with private septic systems & domestic water wells with overhead electrical and communication services from the existing public utilities located in the improved northerly portion of Parker Street. In addition to those utilities a proposed "country drainage" stormwater management system has been designed to conform to the maximum feasible extent of the Massachusetts DEP Stormwater Management Standards that have been incorporated in the Wetlands Protection Act Regulations. The existing graveled/dirt travelled way currently known as Parker Street shall be laid out and developed into a dead-end cul-de-sac ($\pm 1,480'$) right-of-way and roadway that shall meet the minimum requirements as set forth in the LPB for acceptance as a public way upon completion.

The majority of the remaining land lot shall remain as wooded upland. As depicted on the plans, ground cover for the majority of the proposed developed lots site will be residential lawns with the remainder being the proposed dwellings, driveways, roadway, and undisturbed woodlands.

I trust that this information will assist the Planning Board in their review of the Applicant's Definitive Subdivision Application submittal. Should you require further information, please contact us as soon as possible.

Respectfully yours,
GRAZ Engineering, L.L.C.


Brian MacEwen, PLS, BSCE
Project Manager


Paul Grasewicz, PE, PLS

BCM/PFG/bcm

cc: Matt Schold, Schold Development, LLC (Owner/Applicant)
Paul Grasewicz, GRAZ Engineering, LLC

GRAZ Engineering, L.L.C.



323 West Lake Road • Fitzwilliam, NH 03447 • Telephone (603) 585-6959 • Fax (603) 585-6960

June 8, 2021

Leicester Planning Board
3 Washburn Square
Leicester, MA 01524

**Subject: Waiver Requests
Parker Street
Definitive Subdivision**

Dear Board Members:

On behalf of Schold Development, LLC (Owner/Applicant), GRAZ Engineering, L.L.C. (GRAZ) requests the following waivers from the Leicester Subdivision Regulations adopted on September 19, 1995 as amended through September 20, 2006. Please note that the Applicant shall request that the proposed subdivision road be accepted as a public way upon completion.

Section V, A.Streets, 2.Width, (a):

Minimum width of travelled way shall be 28-feet.

To waive the minimum travelled way width of 28-feet and allow a travelled way width of 20-feet.

The Applicant requests a waiver to the 28-foot minimum travelled way width to minimize site disturbance and the amount of impervious pavement while maintaining a width consistent with that portion of Parker Street laid out and approved by the Town around 2004 as set forth in the Easement & Taking Plan recorded in the Worcester District Registry of Deeds Plan Book 807, Plan 10.

By allowing a travelled way width of 20-feet the amount of impervious pavement can be reduced, thereby minimizing the amount of site disturbance required for the proposed “rural country-style roadway shoulder” drainage swale improvements without compromising safe vehicular movements.

Section V, A.Streets, 4.Dead End Streets, (a):

Maximum length of dead end streets shall not exceed 500-feet.

To waive the requirement that dead end streets shall not exceed 500-feet and allow a dead end cul-de-sac length of $\pm 2,205$ -feet.

The Applicant requests that a dead end cul-de-sac length of $\pm 2,205$ -feet, as measured from the intersection of Parker Street with the southerly sideline of Pine Street, be allowed due to the local conditions for this site.

As background, we offer the following: the issue of limiting dead end cul-de-sac length is associated with the number of dwelling units served by the roadway and general public safety (i.e. ingress/egress with emergency apparatus). The Institute of Transportation Engineers (ITE) suggests in general a maximum limit of 25 dwelling units and 750-1000 feet for cul-de-sac in low-density developments. ITE more specifically suggests that the average daily trips/day (ADT) for dead end cul-de-sacs be limited to a maximum of 200. Studies indicate that the average dwelling produces 10 trips/day. Thus, the maximum potential number of building lots accounting for the Y.W.C.A. properties and the proposed project would be 7-9 lots. This would generate 70-90 trips/day. Thus the proposed development along with the full development of the Y.W.C.A. properties along this portion of Parker Street would have both the number of dwelling units (7-9) and an anticipated average daily trips/day (70-90) that are less than 50-percent of the recommended ITE maximums of 25 and 200 ADT respectively. It should be noted that a large portion (± 500 -feet) of the both sides of Parker Street between Pine Street and the proposed cul-de-sac is

undevelopable land due to the Stiles Lake spillway area to the west and the lake discharge stream and associated wetlands to the east.

Granting this waiver would not be inconsistent with the regulations as the proposed dead end street length is acceptable under standard engineering practice for the predicted traffic volume to be generated by the new and existing dwellings anticipated to use this proposed roadway.

Section V, A.Streets, 4.Cross-Section, (a):

Typical cross-section requires sidewalks on both sides of the roadway.

To waive the requirement for sidewalks.

The Applicant requests that sidewalks not be required for the proposed roadway to be consistent with the existing local public and private way conditions and to minimize the amount of impervious and thereby reduce the need for drainage infrastructures.

Section V, C.Drainage, (1-7):

The requirement for the drainage system to be designed in compliance with the Massachusetts DEP Stormwater Management policy.

To waive the requirement for a conventional catch basin roadway drainage system and allow the proposed roadway drainage system to be comprised of grassed roadway shoulder drainage swale consistent with the most northerly section of Parker Street as designed by the State for the Town of Leicester around 2003-2004.

The Applicant requests that the due to the number of proposed building lots that the roadway drainage system be allowed to be a roadway shoulder of grassed and riprap drainage swales with intermittent stone check dams that would be consistent with the existing northerly portion of Parker Street as improved previously by the Town. This would minimize the site disturbance areas for the project and provide mitigation for drainage velocities and site erosion associated with the runoff associated with the proposed roadway.

Section VI, E.Underground Wiring and Lighting, (1):

All wiring, cables and other appurtenances of electric power, and telephone shall be placed underground within the limits of the street right-of-way.

To waive the requirement for underground installation utilities (electrical, telephone, cable, & other communication cables) and allow the utilities to be installed overhead.

The Applicant requests that above noted utilities allowed to be installed as overhead so as to be consistent with existing utilities currently in place on the local public and private adjacent private ways of Pine Street and Parker Street.

Section VI, G.Sidwalks, 4.Cross-Section, (1-3):

Sidewalks shall be installed on both sides of the roadways.

To waive the requirement for sidewalks.

The Applicant requests that sidewalks not be required for the proposed roadway to be consistent with the local public and private way conditions and to minimize the amount of impervious and thereby reduce the requirements for drainage infrastructures.

Section VI, I., Planting:

Shade trees having a trunk diameter of at least two inches shall be planted, usually to be spaced not more than 40-feet apart on both sides of the roadway.

To waive the requirement for roadway shade tree plantings.

The Applicant requests that roadway shade tree plantings not be required for the proposed roadway given the rural nature of the proposed project and to be consistent with the existing improved portion of Parker Street and the other adjacent public and private way conditions.

I trust that this information will assist the Planning Board in their review and approval of the Applicant's Definitive Subdivision Plan submission. Should you require further information, please contact us as soon as possible.

Respectfully yours,
GRAZ Engineering, L.L.C.


Brian MacEwen, PLS, BSCE
Project Manager


Paul Grasewicz, PE, PLS

BCM/PFG/bcm

cc: Matt Schold, Schold Development, LLC (Owner/Applicant)
Paul Grasewicz, GRAZ Engineering, LLC

***Proposed
PARKER STREET
DEFINITIVE SUBDIVISION***

Off Pine Street
Leicester, Massachusetts

**HYDROLOGY &
STORMWATER REPORT**

For Leicester Planning Board Definitive Subdivision Approval
Leicester Conservation Commission Notice of Intent
Submittals

June 8, 2021

PREPARED FOR:

Schold Development, LLC
77 Chickering Road
Spencer, MA 01562



PREPARED BY:

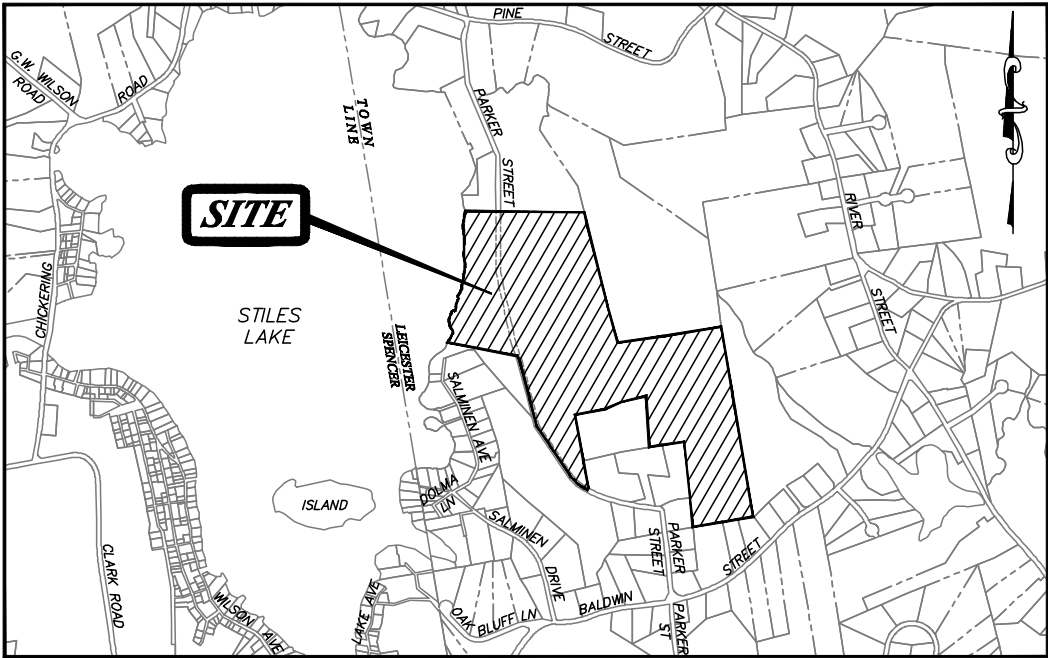
GRAZ Engineering, L.L.C.
323 West Lake Road
Fitzwilliam, NH 03447

PARKER STREET (NORTH)
DEFINITIVE SUBDIVISION
LEICESTER, MASSACHUSETTS

APPLICANT & OWNER:
SCHOLD DEVELOPMENT, LLC, 77 CHICKERING ROAD, SPENCER, MA 01562

ENGINEER & SURVEYOR:
GRAZ ENGINEERING, L.L.C., 323 WEST LAKE ROAD, FITZWILLIAM, NH 03447

ENVIRONMENTAL CONSULTANT
EBT ENVIRONMENTAL CONSULTING, 2 WELLINGTON ROAD, OXFORD, MA 01540



LOCUS PLAN

SCALE: 1" = 750'

GENERAL PROPERTY DATA

LEICESTER PROPERTY

ASSESSORS PARCELS: MAP 42, PARCELS A1.0 & B1.0

LOT ADDRESS: PARKER STREET & 89 PARKER STREET

OWNER OF RECORD: SCHOLD DEVELOPMENT, LLC

LOCUS DEED: BOOK 60004, PAGE 48

PLAN REFERENCE: PLAN BOOK 800, PLAN 29 - PARCELS A & C

PROJECT ZONING REQUIREMENTS

	LEICESTER SUBURBAN- AGRICULTURAL (SA)
LOT AREA	80,000 SQ. FT
FRONTAGE & WIDTH	200 FT
FRONT SETBACK	40 FT
SIDE SETBACK	40 FT
REAR SETBACK	40 FT
MAX. BLDG. HEIGHT	35 FT.
MAX. NO. STORIES	2-1/2
MAX. LOT COVERAGE	30%

ZONING DISTRICT SOURCES:

TOWN OF LEICESTER ZONING BYLAWS AS ACCEPTED ON MAY 12, 1986
AND AMENDED THROUGH JUNE 2, 2020.

PROJECT STATISTICS



- TOTAL LAND AREA: ± 3,195,623 SQ. FT. (± 73.36141 ACRES)
- TOTAL LOT AREA: ± 243,802 SQ. FT. (± 5.59693 ACRES)
- REMAINING LAND: ± 2,912,178 SQ. FT. (± 66.85441 ACRES)
- RIGHT-OF-WAY AREA: ± 50,322 SQ. FT. (± 1.15523 ACRES)
- EASEMENT AREA: ± 72,776 SQ. FT. (± 1.67071 ACRES)

LIST OF DRAWINGS

- | | |
|------------------------|---|
| 1 COVER SHEET | 5 PARKER STREET PLAN & PROFILE (SHT 1 OF 2) |
| 2 KEY PLAN AND NOTES | 6 PARKER STREET PLAN & PROFILE (SHT 2 OF 2) |
| 3 LOT LAYOUT PLAN | 7 CONSTRUCTION NOTES & DETAILS |
| 4 EROSION CONTROL PLAN | 8 DRAINAGE DETAILS |

LEICESTER PLANNING BOARD WAIVERS REQUESTED

SECTION V.A.2.a - MINIMUM WIDTH OF TRAVELLED WAY, 28' MIN. REQUIRED: & SECTION V.A.2 TO ALLOW A TRAVELLED WAY WIDTH OF 20'.	SECTION V.I.E.1 - ALL WIRING, CABLES AND OTHER APPURTENANCES SHALL BE INSTALLED UNDERGROUND. TO ALLOW THE INSTALLATION OF ALL THESE UTILITIES ABOVE GROUND.
SECTION V.A.4.a - MAXIMUM LENGTH OF DEAD-END CUL-DE-SAC, 500' MIN. REQUIRED: TO ALLOW DEAD-END STREET LENGTH OF 22+05.33' & RIGHT-OF-WAY LENGTH OF 22+15.33' BOTH AS MEASURED FROM SOUTHERLY EDGE OF PINE STREET.	SECTION V.I.E.3 - STREET LIGHTING SHALL BE REQUIRED. TO ALLOW STREET LIGHTING TO BE INSTALLED AS STIPULATED IN THE WRITTEN PLANNING BOARD DECISION AND AS SHOWN ON THE FINAL PLANS.
SECTION V.C.4 - STORM DRAINAGE VELOCITIES, 2-10 FEET PER SECOND (FPS) REQUIRED: TO ALLOW A STORM DRAINAGE VELOCITY OF 15 FPS.	SECTION V.I.G.1 - SIDEWALKS SHALL BE INSTALLED ON BOTH SIDES OF THE ROADWAY. TO ALLOW FOR NO SIDEWALKS INSTALLATION.
	SECTION V.I.L - STREET SHADE TREES SHALL BE INSTALLED ON BOTH SIDES OF THE ROADWAY. TO ALLOW FOR STREET TREE PLANTINGS TO BE INSTALLED AS STIPULATED IN THE WRITTEN PLANNING BOARD DECISION AND AS SHOWN ON THE FINAL PLANS.

FOR REGISTRY USE ONLY	<p>THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET THE REGISTRY OF DEEDS REQUIREMENTS AND ARE NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO THE CURRENT TOWNS OF LEICESTER & SPENCER ASSESSOR'S RECORDS.</p> <p>I CERTIFY THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.</p> <p>CONDITIONS OF APPROVAL ARE CONTAINED IN THE WRITTEN DECISION OF THE PLANNING BOARD ENTITLED, "CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN", DATED _____, 2019 AND RECORDED IN THE WORCESTER DISTRICT REGISTRY OF DEEDS IN BOOK _____, PAGE ____.</p> <p>THE CONSTRUCTION OF WAYS AND INSTALLATION OF SERVICES SHOWN ON THIS PLAN ARE SECURED BY WAY OF A COVENANT, DATED _____ TO BE RECORDED HERewith.</p> <p>APPROVAL OF THE LEICESTER PLANNING BOARD IS FOR _____ YEARS ONLY. IN THE EVENT THE WAYS AND SERVICES SHOWN ON THIS PLAN ARE NOT CONSTRUCTED AND INSTALLED WITHIN _____ YEARS FROM THE DATE OF ENDORSEMENT, THE BOARD'S APPROVAL IS RESCINDED, AND THIS PLAN IS AND SHALL BE NULL AND VOID.</p>		<p>CERTIFICATE OF NO APPEAL</p> <p>THIS IS TO CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LEICESTER PLANNING BOARD WAS RECEIVED AND RECORDED AT THIS OFFICE ON _____ AT _____ AND NO APPEAL WAS RECEIVED DURING THE 20 DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.</p> <p>TOWN CLERK - LEICESTER</p> <p>DATE _____</p>	<p>APPROVED UNDER THE SUBDIVISION CONTROL LAW</p> <p>PLANNING BOARD OF LEICESTER</p> <p>_____</p> <p>DATE: _____</p>	<p>SCALE: AS NOTED</p> <p>REV. DATE</p>	<p>DRAWN: BCM</p>	<p>CHECKED: PFG & BCM</p> <p>DESCRIPTION</p>	<p>PLAN DATE: JUNE 8, 2021</p> <p>BY</p>	
					<p>SHEET 1 OF 8</p> <p>REGISTRY SHEET 1 OF 3</p>				

- 1) THE EXISTING TOPOGRAPHY, SITE FEATURES, AND UTILITIES DEPICTED HEREON ARE BASED ON AERIAL PHOTOGRAMMETRY PREPARED BY COL-EAST, INC. FROM AERIAL PHOTOGRAPHS TAKEN IN 2004.
- 2) THE EXISTING BOUNDARY LINES AND THE AERIAL PHOTOGRAMMETRY INFORMATION DEPICTED HEREON ARE THE RESULT OF THE RESULT OF AN ACTUAL ON THE GROUND FIELD SURVEY PERFORMED BY THE BSC GROUP, INC. IN JUNE THROUGH JULY 2005 AND MARCH 2005 AND COMPILATION OF THE DEEDS AND PLANS OF RECORD CITED HEREON.
- 3) THE HORIZONTAL AND VERTICAL DATUMS WERE ESTABLISHED BY NETWORK-RTK GNSS GPS PERFORMED AT THE SITE.

VERTICAL DATUM = NAVD88 (REFER TO PLAN FOR LOCATION OF BENCHMARKS SET DURING SURVEY)

NOTE: THE NGVD 1929 DATUM IS 0.68 FEET HIGHER THAN THE NAVD 1988 DATUM.
1929 NGVD DATUM ELEV = 378.49'

4) THE TOWN LINE DEPICTED HEREON WAS DETERMINED BY NETWORK RTK-GNSS LOCATION OF THE TOWN BOUNDS (MASSACHUSETTS MAINLAND GRID, NAD 83).

5) THE WETLANDS WERE FIELD DELINEATED BY EBT ENVIRONMENTAL CONSULTING, INC. IN OCTOBER 2005 AND WERE LOCATED BY THE FIELD SURVEY CITED ABOVE.

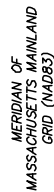
6) THE PORTION OF THE SITE ADJOINING THE EASTERLY SIDE OF STILES LAKE LIES WITHIN ZONE A, SPECIAL FLOOD HAZARD AREA WITH NO ELEVATIONS DETERMINED AS SET FORTH ON THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP (FIRM) 25027C0780E WITH THE REMAINDER OF THE SITE BEING IN ZONE X, MINIMAL FLOOD HAZARD AS SET FORTH ON THE FIRM 25027C0783E, BOTH MAPS BEARING EFFECTIVE DATES OF JULY 4, 2011.

7) THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON, ARE APPROXIMATE AND ARE BASED ON THE FIELD LOCATION OF THE OBSERVABLE STRUCTURES SUCH AS CATCH BASINS, MANHOLES, WATER CATCHES, ETC. AND THE COMPILATION OF INFORMATION OBTAINED FROM VARIOUS UTILITY COMPANIES, AND GOVERNMENT AGENCIES. THE ENGINEER DOES NOT GUARANTEE THAT ALL UTILITIES AND SUB-SURFACE STRUCTURES ARE SHOWN. THE CONTRACTOR SHALL VERIFY SIZE, LOCATION, AND INVERT ELEVATIONS OF THE UTILITIES AND STRUCTURES, AS REQUIRED PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY DISCREPANCIES ARE OBSERVED BETWEEN THE EXISTING CONDITIONS DEPICTED HEREON AND THE ACTUAL CONDITIONS.

8) IN ACCORDANCE WITH CHAPTER 82, SECTION 40, INCLUDING AMENDMENTS, ALL CONTRACTORS SHALL NOTIFY IN WRITING ALL UTILITY COMPANIES AND GOVERNMENT AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE AT 1-888-344-7233 72 HOURS BEFORE ANY EXCAVATION.

9) A FIFTEEN FOOT (15') WIDE TEMPORARY SLOPE AND CONSTRUCTION EASEMENT SHALL BE PROVIDED PARALLEL AND ALONG THE ENTIRE PROPOSED RIGHT-OF-WAY ACROSS THE FRONTAGE OF EACH LOT. THE TEMPORARY SLOPE AND CONSTRUCTION EASEMENT SHALL BE EXTINGUISHED UPON ACCEPTANCE OF THE ROADWAY BY THE TOWN OF LEICESTER.

10) THE DRAINAGE AND UTILITY EASEMENTS DEPICTED HEREON ARE REQUIRED BY THE TOWN OF LEICESTER DEPARTMENT OF PUBLIC WORKS IN ORDER TO MAINTAIN THE DRAINAGE INFRASTRUCTURE (SWALES, PONDS, ETC.) AND SHALL BE GRANTED TO THE TOWN OF LEICESTER.



APPROVED UNDER THE
SUBDIVISION CONTROL LAW
PLANNING BOARD OF LEICESTER

THIS IS TO CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LEICESTER PLANNING BOARD WAS RECEIVED AND RECORDED AT THIS OFFICE ON _____ AT _____ AND NO APPEAL WAS RECEIVED DURING THE 20 DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLERK - LEICESTER

DATE _____

DATE:

FOR REGISTRY USE ONLY

THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET THE REGISTRY OF DEEDS REQUIREMENTS AND ARE NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO THE CURRENT TOWNS OF LEICESTER & SPENCER ASSESSOR'S RECORDS.

I CERTIFY THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

CONDITIONS OF APPROVAL ARE CONTAINED IN THE WRITTEN DECISION OF THE PLANNING BOARD ENTITLED, "CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN", DATED _____, 2019 AND RECORDED IN THE WORCESTER DISTRICT REGISTRY OF DEEDS IN BOOK _____, PAGE _____.

THE CONSTRUCTION OF WAYS AND INSTALLATION OF SERVICES SHOWN ON THIS PLAN ARE SECURED BY WAY OF A COVENANT, DATED _____ TO BE RECORDED HEREWITH.

APPROVAL OF THE LEICESTER PLANNING BOARD IS FOR ____ YEARS ONLY. IN THE EVENT THE WAYS AND SERVICES SHOWN ON THIS PLAN ARE NOT CONSTRUCTED AND INSTALLED WITHIN ____ YEARS FROM THE DATE OF ENDORSEMENT, THE BOARD'S APPROVAL IS RESCINDED, AND THIS PLAN IS AND SHALL BE NULL AND VOID.



KEY PLAN

GRAZ Engineering, L.L.C.

323 West Lake Road, Fitzwilliam, NH 03447
Phone: (603) 585-6959 Fax: (603) 585-6960

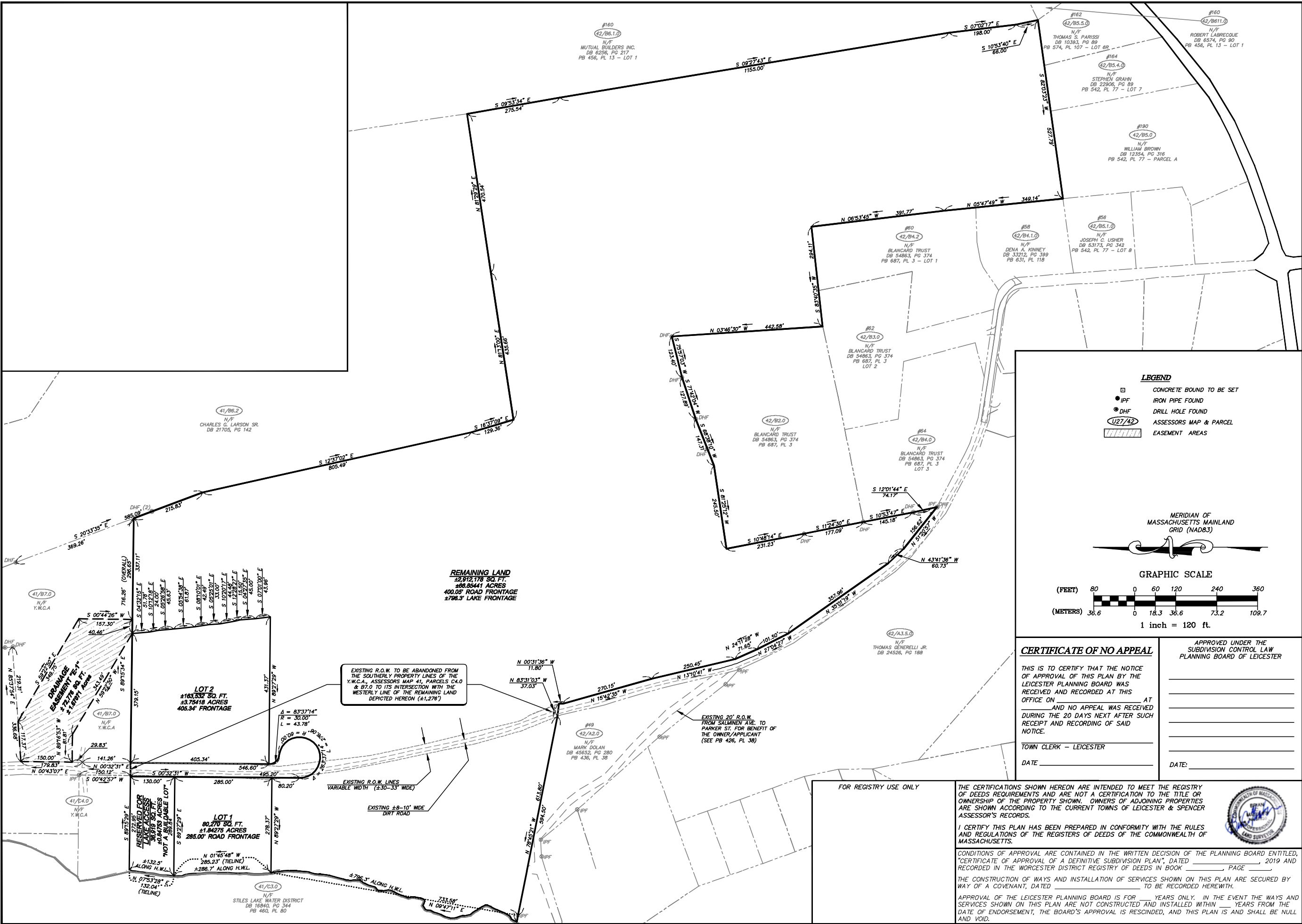
PARKER STREET (NORTH) - DEFINITIVE SUBDIVISION
LEICESTER, MASSACHUSETTS

KEY PLAN & NOTES

PREPARED FOR: SCHOLD DEVELOPMENT, LLC (OWNER/APPLICANT)
77 CHICKERING ROAD, SPENCER, MA 01562

77 CHICKERING ROAD, SPENCER, MA 01562

[illegible]



LEGEND

- CONCRETE BOUND TO BE SET
- IRON PIPE FOUND
- DRILL HOLE FOUND
- ASSESSORS MAP & PARCEL
- EASEMENT AREAS

Meridian of Massachusetts Mainland Grid (NAD83)

GRAPHIC SCALE

(FEET) 0 60 120 240 360
(METERS) 0 18.3 36.6 73.2 109.7

1 inch = 120 ft.

CERTIFICATE OF NO APPEAL

THIS IS TO CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE LEICESTER PLANNING BOARD WAS RECEIVED AND RECORDED AT THIS OFFICE ON _____ AT _____ AND NO APPEAL WAS RECEIVED DURING THE 20 DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLERK - LEICESTER

DATE: _____

APPROVED UNDER THE SUBDIVISION CONTROL LAW PLANNING BOARD OF LEICESTER

DATE: _____

FOR REGISTRY USE ONLY

THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET THE REGISTRY OF DEEDS REQUIREMENTS AND ARE NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO THE CURRENT TOWNS OF LEICESTER & SPENCER ASSESSOR'S RECORDS.

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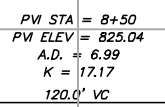
APPROVAL OF THE LEICESTER PLANNING BOARD IS FOR _____ YEARS ONLY. IN THE EVENT THE WAYS AND SERVICES SHOWN ON THIS PLAN ARE NOT CONSTRUCTED AND INSTALLED WITHIN _____ YEARS FROM THE DATE OF ENDORSEMENT, THE BOARD'S APPROVAL IS RESCINDED, AND THIS PLAN IS AND SHALL BE NULL AND VOID.



PINE STREET
PUBLIC - VARIABLE WIDTH



PLAN
SCALE: 1" = 40'



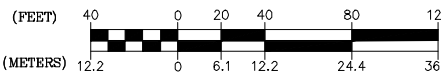
BVCS: 11+40	PM STA = 12+00
BVCE: 853.13	PVI ELEV = 858.95
	A.D. = -8.44
	K = 14.22
	120.0' VC

PVI STA = 15+25
PVI ELEV = 863.01
A.D. = 5.50
K = 27.27

---328---	EXISTING CONTOUR
328	DESIGN CONTOURS
+867.0	DESIGN GRADES
---□---□---	SILT FENCE
-----	WATTLES
-----	LIMIT OF WORK



GRAPHIC SCAL



APPROVED UNDER THE
SUBDIVISION CONTROL LAW
PLANNING BOARD OF LEICESTER

DATE: _____

PROPOSED GRADE
CENTERLINE

EXISTING GRADE
25' RIGHT

EXISTING GRADE
CENTERLINE

EXISTING GRADE

PROFILE LEGEND

GRAZ Engineering, L.L.C.

3223 West Lake Road, Fitzwilliam, NH 03447
Phone: (603) 585-6959 Fax: (603) 585-6960

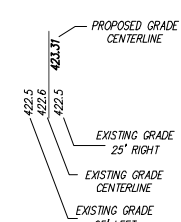
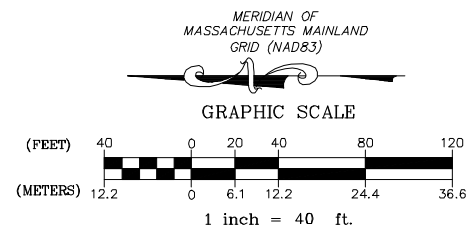
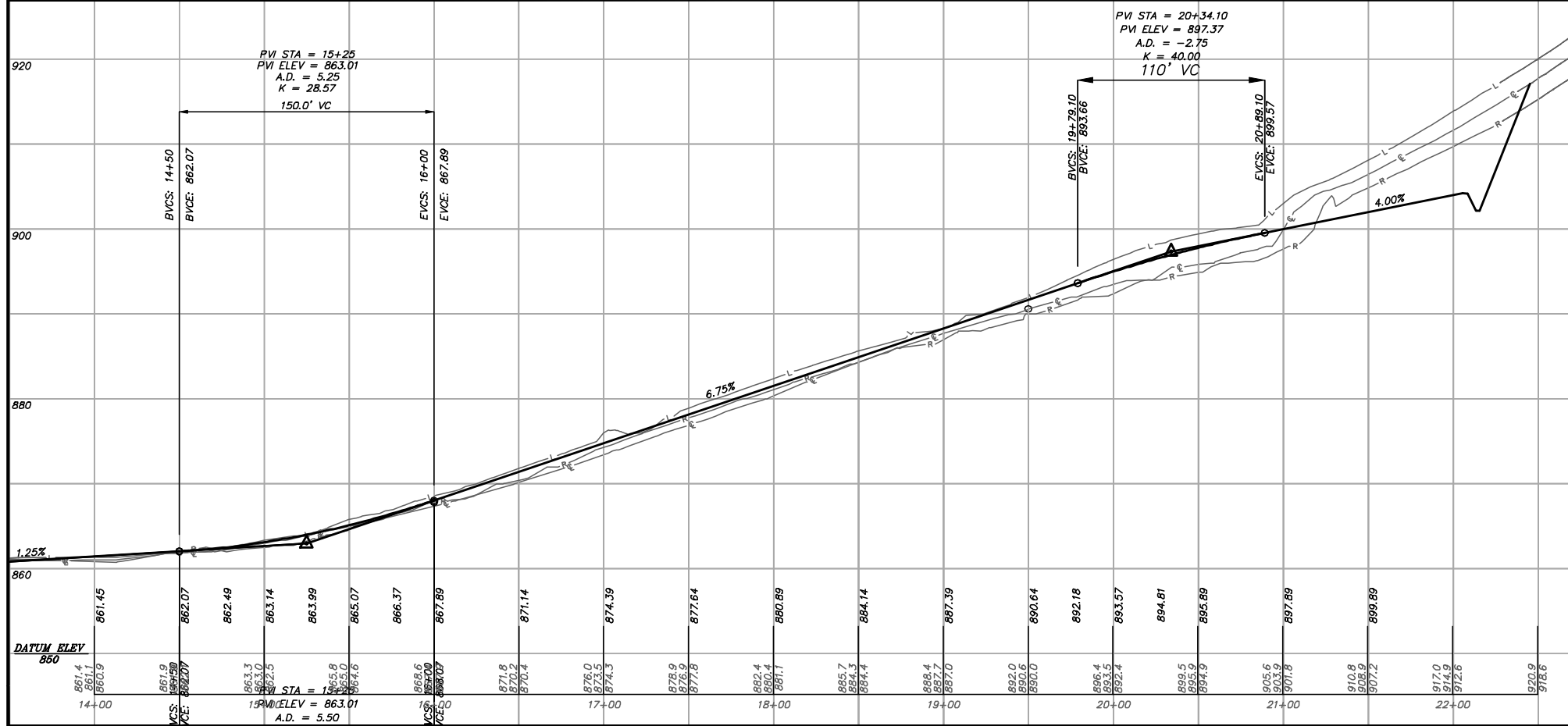
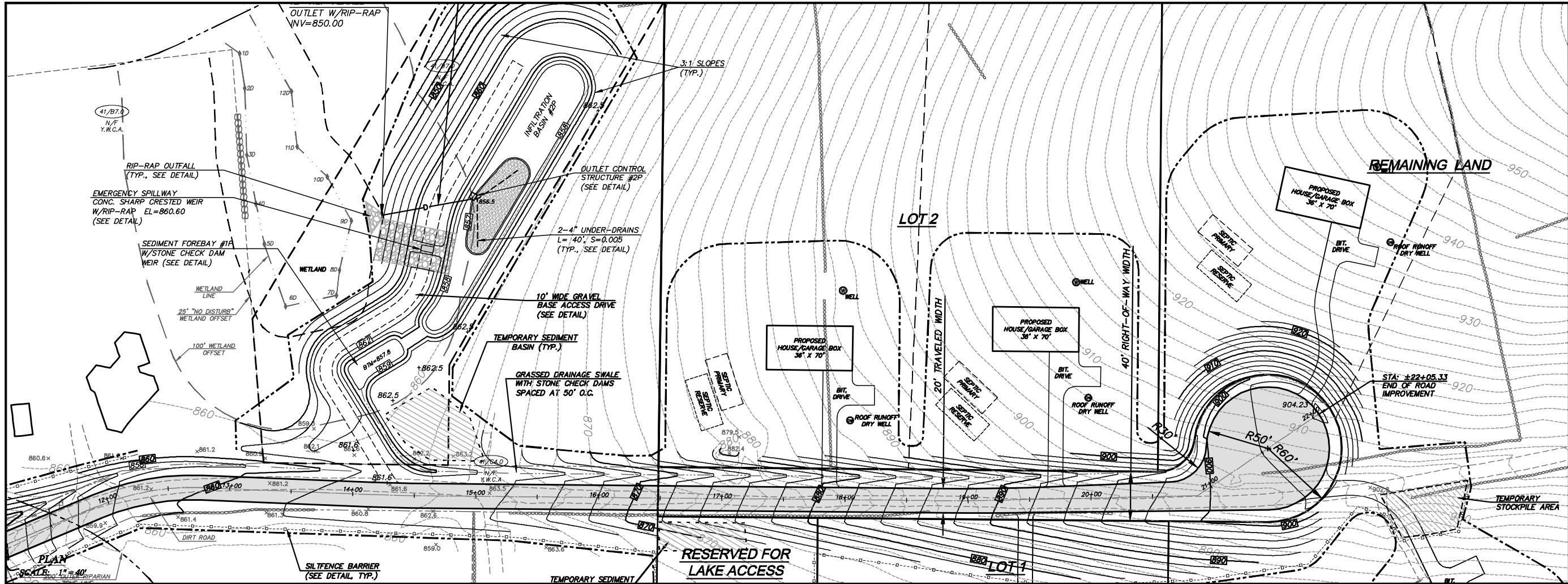
**PARKER STREET (NORTH) - DEFINITIVE SUBDIVISION
LEICESTER, MASSACHUSETTS**

PARKER STREET (NORTH) - PLAN & PROFILE (SHEET 1 OF 2)
PREPARED FOR: SCHOLD DEVELOPMENT LLC (OWNER/APPLICANT)

7 CHICKERING ROAD, SPENCER, MA 01562

[illegible]

SHEET 5 OF 8

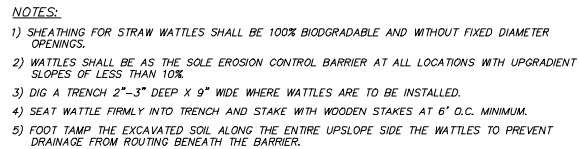
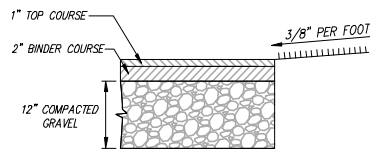


- 3) ALL REQUIRED PERMITS SHALL BE SECURED PRIOR TO COMMENCING ANY CONSTRUCTION ACTIVITIES.
- 2) THE TOWN OF LEICESTER CONSERVATION COMMISSION'S ORDER OF CONDITIONS ARE HEREBY MADE CONDITIONS OF THE JURISDICTIONAL WORK FOR THIS PROJECT.
- 3) AT LEAST 10 DAYS PRIOR TO COMMENCING ANY CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE TOWN LEICESTER PLANNING BOARD, CONSERVATION COMMISSION, BUILDING DEPARTMENT, HIGHWAY DEPARTMENT, & BOARD OF HEALTH, GRAZ ENGINEERING, LLC, AND QUINN ENGINEERING, INC.
- 4) IN ACCORDANCE WITH CHAPTER 82, SECTION 40, INCLUDING AMENDMENTS, ALL CONTRACTORS SHALL NOTIFY IN WRITING ALL UTILITY COMPANIES AND GOVERNMENT AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE AT 1-888-344-7233, 72 HOURS BEFORE ANY EXCAVATION.
- 5) THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON, ARE APPROXIMATE AND ARE BASED ON THE FIELD LOCATION OF THE OBSERVABLE STRUCTURES SUCH AS CATCH BASINS, MANHOLES, WATER GATES, ETC. AND THE COMPILATION OF INFORMATION OBTAINED FROM VARIOUS UTILITY COMPANIES, AND GOVERNMENT AGENCIES. THE ENGINEER DOES NOT GUARANTEE THAT ALL UTILITIES AND SUB-SURFACE STRUCTURES ARE SHOWN. THE CONTRACTOR SHALL VERIFY SIZE, LOCATION, AND INVERT ELEVATIONS OF THE UTILITIES AND STRUCTURES, PRIOR TO THE START OF CONSTRUCTION.
- 6) ALL WORK AND MATERIALS SHALL CONFORM TO THE TOWN OF LEICESTER SUBDIVISION RULES & REGULATIONS, ZONING BYLAWS, PLANNING BOARD DECISIONS, CONSERVATION COMMISSION ORDERS, & HIGHWAY DEPARTMENT STANDARDS, AND THE LATEST EDITION OF THE MASSACHUSETTS HIGHWAY DEPARTMENT OF PUBLIC WORKS (MHDWP) CONSTRUCTION STANDARDS AND THE MHDWP "STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES" AND ALL OF THEIR RESPECTIVE AMENDMENTS, UNLESS OTHERWISE SPECIFIED BY THE LOCAL AUTHORITY OR THE ENGINEER.
- 7) THE CONTRACTOR SHALL COORDINATE ALL UTILITY AND ROADWAY CONSTRUCTION WITHIN THE TOWN RIGHT-OF-WAYS WITH THE HIGHWAY DEPARTMENT SUPERINTENDENT AND/OR THE APPROPRIATE UTILITY COMPANY.
- 8) THE CONTRACTOR SHALL PROVIDE EVERYTHING NECESSARY TO CONSTRUCT THE UTILITIES AND ROADWAY WITHIN THE SPECIFIED PARAMETERS AND IN A WORKMANSHIP LIKE MANNER.
- 9) THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY DISCREPANCIES ARE OBSERVED BETWEEN THE EXISTING CONDITIONS DEPICTED HEREON AND THE FIELD VERIFIED CONDITIONS.
- 10) THE CONTRACTOR SHALL CONTROL AIRBORNE DUST WITH USE OF SPRAYED WATER AS REQUIRED TO MINIMIZE THE IMPACTS TO NEIGHBORING PROPERTIES. THE USE OF CALCIUM CHLORIDE OR OTHER CHEMICALS ARE PROHIBITED.
- 11) THIS ROADWAY PROJECT SHALL BE BUILT ALL IN ONE PHASE. IF AT ANY TIME SHOULD THE DEVELOPER DECIDE TO CONSTRUCT THE PROJECT IN PHASES, A CONSTRUCTION SEQUENCING PLAN SHALL BE SUBMITTED TO THE PLANNING BOARD FOR REVIEW AND APPROVAL PRIOR TO COMMENCING ANY CONSTRUCTION ACTIVITIES.
- 12) ALL PROPOSED LOTS ARE TO BE SERVED BY PRIVATE ON-SITE SEPTIC AND WELLS.
- 13) THE TEST PITS FOR THE PROPOSED STORMWATER INFILTRATION BASIN SHALL BE PERFORMED PRIOR THE COMMENCEMENT OF ANY ROADWAY CONSTRUCTION.
- 14) BACK FILL FOR UTILITY TRENCHES SHALL BE PLACED IN 12-INCH LOOSE LIFTS AND COMPACTED TO 95 PERCENT DRY DENSITY, IN ACCORDANCE WITH ASTM DESIGNATION 1557-70 METHOD D.
- 15) "GRAVEL BASE" MATERIALS SHALL CONFORM WITH THE CURRENT TOWN SUBDIVISION REGULATIONS AND THE 1997 MASSACHUSETTS HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES. M1.03.0 TYPE "B" GRAVEL SHALL BE USED AND PLACED IN CONFORMANCE WITH MASS DOT SECTION 401.
- 16) TOP COURSE, BINDER COURSE, & MODIFIED CAPE COD BERM SHALL BE CLASS 1, TYPE I-1 (M3.11.0 & M3.12.0), PLACED IN ACCORDANCE WITH MASS DOT SECTION 460.
- 17) PLACE 4" OF LOAM AND SEED IN ALL DISTURBED AREAS OF THE PROJECT NOT OTHERWISE IMPROVED (E.G. PAVED, RIP-RAPPED, ETC.).
- 18) ALL PROPOSED GRADES SHALL BE GRADED SMOOTHLY AND EVENLY TO THE EXISTING GRADES AND PROVIDE POSITIVE DRAINAGE. THE TOPS AND BOTTOMS OF ALL SLOPES SHALL BE ROUNDED OFF.
- 19) THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE RECORDS OF THE LOCATION AND ELEVATION OF ALL WORK INSTALLED, INCLUDING TIES TO SERVICE LATERALS, AND SUBMIT ONE SET OF RED-LINED AS BUILT DRAWINGS TO THE ENGINEER OF RECORD.
- 20) FINAL DRIVEWAY LOCATIONS SHALL BE DETERMINED BY DEVELOPER DURING CONSTRUCTION. CURB CUTS AND DRIVEWAY OPENINGS SHALL BE COORDINATED WITH THE HIGHWAY DEPARTMENT SUPERINTENDENT AND COMPLY WITH THE TOWN DPW & SUBDIVISION REGULATIONS.

- 1) THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICES. ANY DAMAGE TO THE EXISTING UTILITIES BY THE CONTRACTOR'S OPERATION SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE.
- 2) THE CONTRACTOR SHALL SAW CUT THE EXISTING BITUMINOUS PAVEMENT ON PARKER STREET WHERE REQUIRED TO CONSTRUCT AND SMOOTHLY BLEND THE PROPOSED ROADWAY AND WITH THE EXISTING PAVEMENT.
- 3) ALL EXISTING FEATURES TO BE REMOVED SHALL BE REMOVED IN THEIR ENTIRETY AND DISPOSED OF LEGALLY OFF SITE UNLESS NOTED OTHERWISE.
- 4) THE CONTRACTOR SHALL COORDINATE WITH RESPECTIVE GOVERNMENT AGENCIES AND UTILITY COMPANIES FOR DETAILS ON THE TEMPORARY REMOVAL, RELOCATION, AND ABANDONMENT OF ALL OVERHEAD AND UNDERGROUND UTILITY SERVICES INCLUDING ELECTRICAL, COMMUNICATIONS, WATER, SEWER, DRAINAGE, CATV, AND GAS.
- 5) THE TREE CLEARING LIMITS SHALL NOT EXTEND BEYOND THE HAYBALE/SILT FENCE BARRIER. AREAS OF EXISTING VEGETATION TO REMAIN ARE TO BE PROTECTED THROUGHOUT CONSTRUCTION. REVIEW THE ACTUAL LIMITS OF CLEARING WITH THE OWNER, AND SELECTIVELY CLEAR AND PRUNE AS REQUIRED TO REMOVE DEAD, DISEASED, OR POORLY FORMED VEGETATION.



ROADWAY PAVEMENT CROSS SECTION
N.T.S.



DATE:



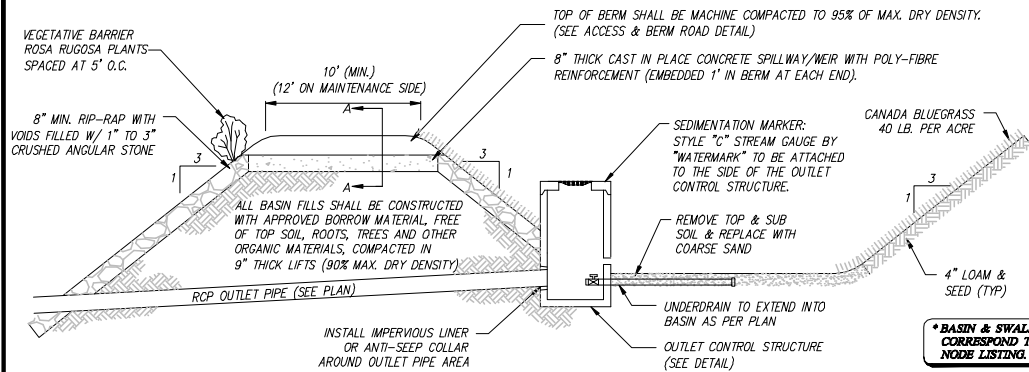
323 West Lake Road, Fitzwilliam, NH 03447
Phone: (603) 585-6959 Fax: (603) 585-6960

**PARKER STREET (NORTH) - DEFINITIVE SUBDIVISION
LEICESTER, MASSACHUSETTS**

PARKER STREET (NORTH) - CONSTRUCTION NOTES & DETAILS
PREPARED FOR: SCHOLD DEVELOPMENT, LLC (OWNER/APPLICANT)

77 CHICKERING ROAD, SPENCER, MA 01562

[illegible]



STORMWATER BASIN CROSS SECTION
N.T.S.

* BASIN & SWALE NUMBERS DEPICTED HEREON CORRESPOND TO THE HYDROLOGY REPORT NODE LISTING.

SEDIMENT FOREBAY WEIR SECTION A-A
N.T.S.

SEDIMENTATION MARKER POST
N.T.S.

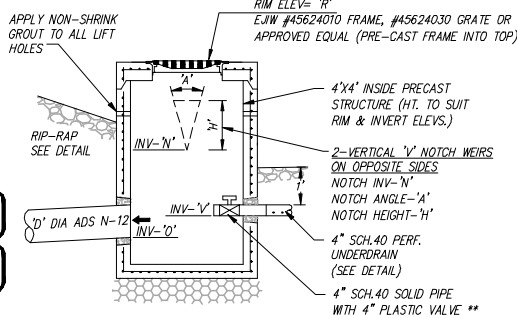
SWALE #*	A	B
53R	1.0'	4'

GRASSED DRAINAGE SWALE
N.T.S.

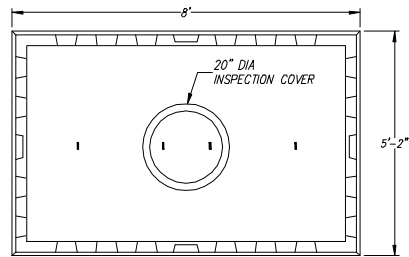
	BASIN #1
ELEMENT	2P
PIPE - 'D'	18"
INV - 'O'	851.20
INV - 'N'	857.30
ANGLE - 'A'	70°
HEIGHT - 'H'	1.5'
NO. OF NOTCHES	2
RIM - 'R'	860.60
INV - 'V'	855.00

*BASIN NUMBERS DEPICTED HEREBY CORRESPOND TO THE HYDROLOGY REPORT NODE LISTING.

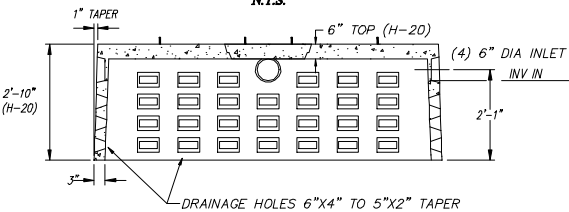
**** VALVE TO BE INSTALLED IN THE CLOSED POSITION.
VALVE IS FOR DRAIN DOWN PURPOSES ONLY.**



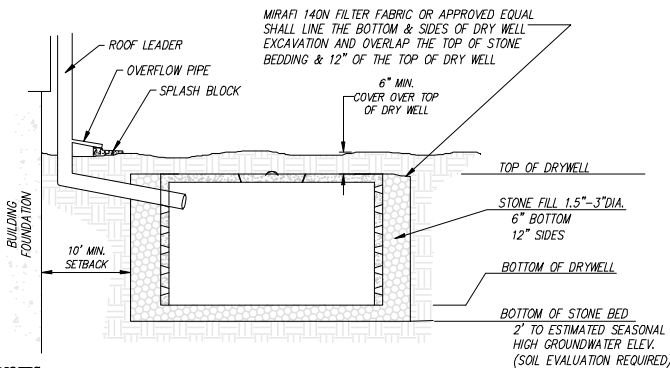
STORMWATER OUTLET CONTROL STRUCTURE
N.T.S.



PLAN VIEW
N.T.S.



SECTION VIEW
N.T.S.



NOTES

- 1) DRYWELLS SHALL BE INSTALLED IN STONE BED AS DEPICTED HEREON FOR THE INDIVIDUAL LOTS FOR STORMWATER RECHARGE WHEREVER THE FIELD CONDITIONS MAKE IT POSSIBLE. EACH LOT SHALL BE EVALUATED BASED ON A SITE SOIL EVALUATION OF THE ESTIMATED SEASONAL HIGH GROUNDWATER ELEVATION AT THE TIME OF LOT CONSTRUCTION.
- 2) THE DRYWELLS SHALL BE SHEA CONCRETE PRODUCTS 500 GALLON SHALLOW RECTANGULAR OR APPROVED EQUAL.
- 3) THE DRYWELLS SHALL BE RATED FOR H2O LOADING.

ROOF DRAIN & DRYWELL CONNECTION DETAIL
N.T.S.

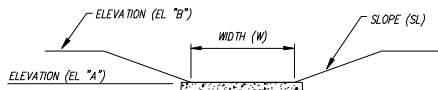
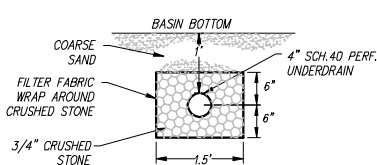
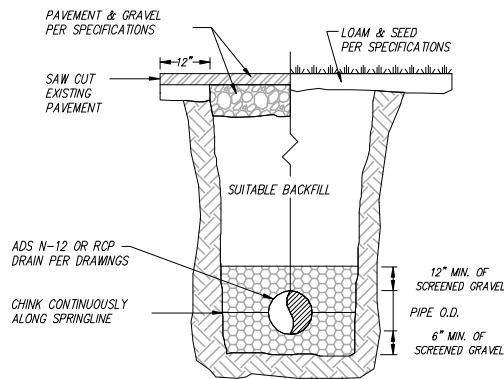


TABLE OF STORMWATER BASIN OVERFLOW WEIR DIMENSIONS

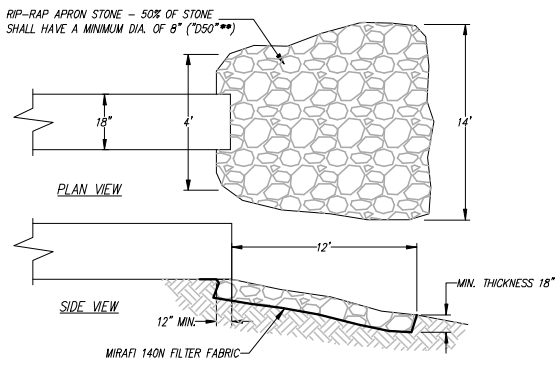
STORMWATER BASIN WEIR SECTION A-A
N.T.S.



STORMWATER BASIN UNDERDRAIN DETAIL
N.T.S.



DRAIN TRENCH SECTION
N.T.S.



FLARED OUTLET & RIP-RAP APRON DETAIL
N.T.S.

APPROVED UNDER THE
SUBDIVISION CONTROL LAW
PLANNING BOARD OF LEICESTER

DATE:

A cross-sectional diagram of a slope stabilization method. The diagram shows a slope with a horizontal line at the top labeled "HILL SLOPES STEEPER THAN 3:1". Below this, a layer of "NORTH AMERICAN GREEN G350 PERMANENT EROSION CONTROL TURF REINFORCEMENT MAT WITH 'E' STAPLES OR APPROVED EQUAL" is shown. This mat is secured to the underlying soil by "WIRE STAPLES". Below the mat is a "GRADED AREA, LOAMED & SEEDED". Arrows point from the text labels to the corresponding parts of the diagram.

INSTALLATION NOTES:

END SEAM OF BLANKETS OVERLAP 2"-4". PLACE STAPLES, ONE ON EACH CORNER OF BLANKET, 12" O.C. ALONG BLANKET END THROUGH BOTH BLANKETS. UPSLOPE BLANKET LAPS OVER DOWNSLOPE BLANKETS IN A SHINGLE AFFECT. (SEE MANUFACTURER'S INSTALLATION INSTRUCTIONS FOR OTHER CONSTRUCTION REQUIREMENTS.)

SLOPE STABILIZATION EROSION BLANKET
NTS

From: [Brian MacEwen](#)
To: [Buck, Michelle](#)
Subject: FW: FW: Smugglers notch amended plan
Date: Thursday, June 10, 2021 9:59:48 AM
Attachments: [ATT00004.htm](#)
[img20210609_0204.pdf](#)
[ATT00007.htm](#)

FYI

From: Schold Development [mailto:scholddev@gmail.com]
Sent: Wednesday, June 09, 2021 5:08 PM
To: Genereux, David
Cc: Brian MacEwen; Steve Greenwald; Emily Walsh; jenny@scholddevelopment.com; griffend@leicesterma.org
Subject: Fwd: FW: Smugglers notch amended plan

David,

I received this letter, that looks to have been written a year ago, today after we submitted plans for Parker Street from Officer Ruth. The plans we have submitted for Parker Street are in line with our approved preliminary plans. We are following the same template completed by the State pertaining to the bridge and road improvements located at the beginning of Parker Street. Please see attached picture to illustrate to Officer Ruth that there is sufficient room for two vehicles to pass safely on the road that the States' engineers designed and built. I would also like to point out that there is a utility pole that does encroach on the ROW that we have requested Verizon to remove.

I would also ask you to please remind each board and department that Schold Development and the Town are trying to work together to mitigate the long standing legal issues that have surrounded Parker Street and come up with a solution that works for both parties.

Thanks,

Matt



Leicester Police Department
90 South Main Street
Leicester, MA 01524



Chief
Kenneth Antanavica
antanavicak@leicesterpd.org

www.leicesterpd.org

Emergency: 911
Non Emergency: 508-892-7009
Non Emergency: 508-892-7010
Fax: 508-892-7012

Chief Antanavica,

I, Officer Derrick Ruth have been a full-time Police Officer in the Town of Leicester, Massachusetts for approximately 19 years. I have attended 80 hours of basic crash investigation, 80 hours of advanced crash investigation and 80 hours of crash reconstruction. I have also attended a 40-hour commercial vehicle crash investigation class.

During my time as a Police Officer and a CEMLEC crash investigation team member, I have investigated numerous motor vehicle crashes, many of which include serious injury and/or death. The investigations of these crashes include investigating the safety of the roadways as well.

On Thursday, August 6, 2020 I responded to numerous streets within this jurisdiction having a cul-de-sac located at the end. The reason for this is to find a safe and reasonable conclusion as to what the width of a street leading up to a cul-de-sac should be.

First, I responded to Parker Street approximately a quarter of a mile east of where Pine Street intersects. In this area, there is a bridge leading to a dirt road that will eventually be constructed into a cul-de-sac neighborhood.

While taking measurements and photographs of this area I immediately noticed how narrow the roadway was. The width of the bridge from guardrail to guardrail was 22 feet, however, the width of the roadway pavement was only 18 feet (refer to attached photographs).

During my safety investigation of other roadways with cul-de-sacs, these were my findings as listed:

- Oak Bluffs Lane 26 feet wide roadway surface pavement. No sidewalks.
- Flagg Drive 27 feet wide roadway surface pavement. Sidewalk on 1 side.
- LaFlash Lane 28 feet wide roadway surface pavement. Sidewalk on 1 side.
- Homestead Lane 28 feet wide roadway surface pavement. Sidewalk on 1 side.

After the completion of my investigation, it is my opinion that no newly constructed streets or cul-de-sac neighborhoods should be constructed unless the streets leading up to the cul-de-sacs and around the neighborhood were minimally 26 feet wide, preferably 28 feet wide, having one sidewalk located on one side of the roadway.

In my opinion, the Parker Street bridge and attached roadway is much too narrow to safely have two lanes of traffic travelling east and west at the same time.

Respectfully submitted,

Officer Derrick Ruth
Leicester Police Department



QUINN ENGINEERING, INC.

P.O. Box 107
Paxton, Massachusetts 01612
Phone: (508) 753-7999
Fax: (508) 795-0939

July 6, 2021

Leicester Planning Board
Town Of Leicester
3 Washburn Square
Leicester MA 01524-1358

Re: Definitive Subdivision Plan
Parker Street (North)

To the Board:

We are in receipt of the following plans and information in association with the above referenced project:

- Plan entitled “Parker Street (North), Definitive Subdivision Plan, Leicester, Massachusetts”, sheets 1 - 8, dated June 8, 2021 without revision date, prepared by GRAZ Engineering, LLC, of Fitzwilliam, NH.
- Letter to Leicester Planning Board dated June 8, 2021, providing Project Narrative, submitted by GRAZ Engineering, LLC, of Fitzwilliam, NH.
- Letter to Leicester Planning Board dated June 8, 2021 with list of Waiver Requests, submitted by GRAZ Engineering, LLC, of Fitzwilliam, NH.
- “Hydrology & Stormwater Report, Proposed Parker Street Definitive Subdivision”, dated June 8, 2021, prepared by GRAZ Engineering, LLC, of Fitzwilliam, NH
- Form C, Application for Approval of Definitive Subdivision Plan, dated June 8, 2021, Schold Development, LLC., applicant.
- Form D, Designers Certificate, dated June 8, 2021 submitted by Brian C MacEwen, RLS and Paul F. Grasewicz, PE.

We have performed a review of the submitted plans for conformance with the current Town of Leicester Subdivision Rules & Regulations, and appropriate sections of the Leicester Zoning Bylaw.

The following waivers are requested from Subdivision Rules and Regulations; our comment on the waiver requests follow in *italics*.

1. Waive §V, A, 2, a of the Subdivision Rules and Regulations, requiring roads 28 feet wide, to permit a roadway with 20 feet traveled way.

Leicester Planning Board should seek input from public safety officials as to proposed width of road. 527 CMR (Commonwealth of Massachusetts Regulation) specifies a minimum fire lane width of 20 feet. It is the opinion of this office that a remote, rural roadway with two-way traffic flow should be at least 20 - 22 feet wide, to permit apparatus to pass parked vehicles or other apparatus.

2. Waive §V, A, 4, a of the Subdivision Rules and Regulations, limiting dead-end streets to 500 feet, to allow a dead-end street length of 2,205 feet +/-.

Concerns for dead-end length center on blockage of the proposed road, isolating homes from public safety access, or other services. Longer dead-end roads have a greater chance of becoming blocked by a fallen tree, stormwater washout, vehicle accident or other unforeseeable event. If a waiver of dead-end length is to be considered, some means of mitigating risks should be proposed.

3. Waive §V, A, 4, and §VI, G, 4 (1 through 3) of the Subdivision Rules and Regulations, which requires sidewalks on both sides of the road, to waive all sidewalks.

We defer to Leicester Planning Board on this non engineering-related request.

4. Waive §V, C, 1 – 7, which requires a catch basin-to-manhole drainage system, to permit “country drainage”: a swale along the side of the roadway.

Although roadside swales can be a cost-effective means of collecting street runoff, typically a greater level of maintenance is required. Leicester Planning Board may wish to request input from Leicester Highway Department. Country drainage is suitable for rural areas, and can be incompatible with sidewalks, if required.

5. Waive VI, E, which requires underground CATV, electric, telephone/communications wiring, to permit overhead utilities.

Overhead utilities are more susceptible to weather-related problems, with tree branches falling and pulling down wires. Overhead utilities are more easily

accessed by the utility, for maintenance. Engineer notes that overhead utilities exist on other parts of Pine and Parker Streets.

6. Waive §VI, I, which requires shade trees every 40 feet of roadway, to permit no street trees be installed.

We defer to Leicester Planning Board on this non engineering-related request.

The subdivision plans identify the two following waiver requests, not listed in the written requests for waivers:

7. Waive §V, C, 4, which limits the design velocity of flow in storm systems to between 2 and 10 feet per second, to permit drainage velocity of 15 feet per second.

No information is found as to where a velocity of 15 feet per second occurs, however, this velocity far exceeds the limits for grassed swales or other system components. Grassed swales can withstand a flow velocity of 4 feet per second or less.

Until this design either clarifies or resolves the velocities of flows in the storm system, we are unable to recommend approval of the plan.

The Hydrology and Stormwater Report provides detailed information for only the 25-year storm; the report must provide full information for all storms.

8. Waive VI, E, 3 which requires street lighting, to waive the requirement for street lights.

We defer to Leicester Planning Board on this non engineering-related request.

Our comments pertaining to the submitted package are found below:

1. The proposed cul-de-sac cuts into a hillside grade, in an area where groundwater appears to be active. A sub-drain must be called out around the cul-de-sac in all cut areas, to control and remove groundwater from the base gravel.
2. Leicester Planning Board may wish to request an area be set aside for Open Space for passive or active recreation. (REF: §V, E)
3. From STA 16+50 to STA 21+50 +/-, a substantial fill slope is proposed on the west side of the roadway. In this area, the engineer should review the Massachusetts

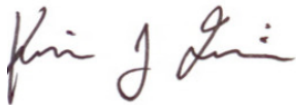
Department of Transportation warrant for guardrail, to evaluate whether guardrail should be installed.

Hydrology and Stormwater

4. The Hydrology and Stormwater Report should provide a topographic plan which outlines subcatchment areas, design points, and runoff flow routes for both the pre-development model and post-development model. We cannot evaluate the stormwater analysis in the absence of this information.
5. The Hydrology and Stormwater Report documents that at Design Points 2 and 3, the post-development rates of runoff are increased over the pre-development rates for all storms. The Applicant states that the stormwater system was designed to conform to standards to the “maximum extent practicable”. Although the Massachusetts Stormwater Management Policy states that projects which propose between five and nine homes may be designed to the greatest extent practicable, historically, the Massachusetts Department of Environmental Protection, Wetland Division, has held that no increase in post-development runoff is permitted, except for the 100 year storm. For that storm, it must be shown that no negative impact results downstream from an increase in the out flow.
6. In Infiltration Basin #2P, no evidence of soils testing is found. Per Massachusetts Stormwater Management Policy, soils testing must be performed within the perimeter of infiltration basins.
7. The Stormwater Basin Cross Section, Sheet 8 of 8, calls for planting a row of thorny rose bushes (“Rosa Rugosa”) along the outside crest of the stormwater basin berm (Infiltration Basin #2P), as a deterrent to entry. The roses cannot be planted on either the gravel access road, nor the Emergency Spillway. Some other means of restricting access over those areas must be developed.

Please contact this office should you have questions.

Sincerely,
QUINN ENGINEERING, Inc.

A handwritten signature in dark ink, appearing to read "Kevin J. Quinn".

Kevin J. Quinn, P.E.
President

Brooke Hultgren

From: Dennis Griffin
Sent: Friday, June 11, 2021 7:50 AM
To: Brooke Hultgren
Subject: RE: Request for Comment - Parker St Definitive Subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

After review of the application for the Parker St. subdivision the Highway Depts. Views on the requested waivers on the sidewalks is an acceptable thought process with the consideration currently no side walks in place nor the available space to the bridge or at the bridge. The placement of sidewalks to this point would then only offer the entering into the vehicle travel lane from the bridge to Pine St. The storm water plans also meet the state and local regulations. Consideration of the road width should be consistent with what is in place at 20'.

From: Brooke Hultgren <hultgrenb@leicesterma.org>
Sent: Thursday, June 10, 2021 10:53 AM
To: Francis Dagle <DagleF@leicesterma.org>; Michael Silva <SilvaM@leicesterma.org>; jlennerton@aol.com; Ken Antanavica <antanavicak@leicesterpd.org>; Mike Dupuis <mdupuis@leicesterfireems.org>; mwilson@leicesterfireems.org; Dennis Griffin <griffind@leicesterma.org>
Subject: Request for Comment - Parker St Definitive Subdivision

The Planning Board has received a new application, as summarized below. Comments, if any, should be submitted by email to hultgrenb@leicesterma.org or planning@leicesterma.org.

Type of Application: Definitive Subdivision Plan

Project Name: Parker Street

Location/Description: Off Pine St

Water/Sewer: Private septic/well

Planning Board Meeting Date: 7/20/2021

Deadline for Comments: 7/15/2021

The application & plans are available at the link below:

<https://www.leicesterma.org/planning-board/pages/current-applications-plans>

Brooke Hultgren

Planning, Conservation, and ZBA Assistant
Town of Leicester
(508) 892-7007

Please note that Leicester Town Hall is closed on Fridays.

From: [Capone, Chris \(DCR\)](#)
To: [Buck, Michelle](#)
Subject: RE: Forestry Permits
Date: Tuesday, June 29, 2021 2:38:02 PM

Hi Michelle,

I've been able to review and discuss these two projects further.

Parker Street FCP:

This has been discussed with the plan preparer, John Clarke, as well as with a Landowner of the property, Matt Schold (Schold Development LLC). They have been reminded that a Forest Cutting Plan cannot be used for a change of land use. This existing approved FCP is to be amended to exclude all areas that show a change of use on these definitive subdivision plans. The land that is shown as "Remaining Land" can remain under a Forest Cutting Plan, as no change of use is currently planned there. Any harvesting within the area(s) to be converted would have to be permitted through the Conservation Commission. The area(s) to be converted will also need to be delineated in the field so there is no confusion on the ground. In these cases, we typically work together to ensure all Conservation Commission requirements are being adhered to where applicable. I've requested the amended FCP and will forward once received and approved. No work is to commence there until the amended FCP is submitted and approved.

Paxton Street: This Forest Cutting Plan is under our final inspection period. All work under the FCP has been completed and I have been inspecting the site for FCP compliance. I expect we will be issuing the "Final Report" on this in early July. Denise Child of MassDEP, who I believe retired in April, said the following about this project if it moves to development:

"One option is, when/if the applicant comes before the commission for wetland permitting for future development, the Commission can require the applicant to retroactively permit the earlier alterations and consider them as part of the total impact of the project going forward. This may result in less total alteration than would otherwise occur and/or restoration of cut/alterd area in order to meet the performance standards for the project as a whole."

If this development comes to fruition and is put before the Conservation Commission in the near future, I would recommend going this route. We obviously are not very happy when someone abuses the Forest Cutting Practices Act and what it stands for, and would support any retroactive permitting of the site as Denise mentioned to the fullest reasonable extent possible. Please don't hesitate to reach out with any questions or concerns here – willing to help in any way we can. The final report should be back to the Conservation Commission by the July 20 hearing.

Thanks,

Chris Capone

Service Forestry
DCR / Bureau of Forest Fire Control and Forestry
355 West Boylston Street

Clinton, MA 01510
cell: [\(857\) 406-0175](tel:(857)406-0175)

[Service Forestry | Mass.gov](#)

From: Capone, Chris (DCR) <Chris.Capone@mass.gov>
Sent: Tuesday, June 22, 2021 6:44 AM
To: Buck, Michelle <BuckM@leicesterma.org>
Subject: Re: Forestry Permits

Hi Michelle,

Thanks for reaching out with this information. My supervisor is away on vacation and should be returning tomorrow. I'd like to discuss our next steps with her.

My feeling is that the Parker Street FCP should have a stop order and be rescinded. I will start working on this stop order today before any work begins there. I will need to discuss Paxton Street with her and our next steps.

I will be back in touch.

Thanks again,

Chris Capone

Service Forestry
DCR / Bureau of Forest Fire Control and Forestry
355 West Boylston Street
Clinton, MA 01510
cell: [\(857\) 406-0175](tel:(857)406-0175)

From: Buck, Michelle <BuckM@leicesterma.org>
Sent: Thursday, June 17, 2021 1:21 PM
To: Capone, Chris (DCR)
Subject: Forestry Permits

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

The Conservation Commission asked me to contact you related to 2 recent Forestry Permits:

1. Paxton Street/Central Land Development. The developer has submitted an amendment to their 2019 special permit for the project called Smuggler's Cove (shorter road length/few houses). Planning Board hearing is 7/20/2021. If the Board approves this amendment, the developer will still need to go through the Definitive Subdivision Plan process before he can proceed with construction.
2. Parker Street/Schold Development LLC. The Planning Board has received a Definitive Subdivision Plan for land on Parker street in the vicinity of the recently approved Forestry Permit. The hearing is also 7/20/2021.

Plans for both of the above applications are available at the links below:

Paxton Street:

2021 Application & Plan: https://www.leicesterma.org/sites/g/files/vyhlif781/f/uploads/21-153_modification_submittal_smugglers_cove_6-2-21_with_plan.pdf

2019 Plan:

https://www.leicesterma.org/sites/g/files/vyhlif781/f/uploads/combined_final_smugglers_cove_plans_for_web.pdf

Parker Street:

2021 Definitive Subdivision Plan:

https://www.leicesterma.org/sites/g/files/vyhlif781/f/uploads/parkerstreet_definitiveplans_2021.06.08.pdf

If you have any questions, let me know.

Best regards,

Michelle R. Buck, AICP

Leicester Town Planner/Director of Inspectional Services

[508-892-7007](tel:508-892-7007)

buckm@leicesterma.org

Please note that Leicester Town Hall is closed on Fridays.

Ms. Fish,

I would like to discuss with you some concerning comments submitted by Chris Capone and forwarded from Denise Childs of DEP regarding the Paxton Street tree cutting in Leicester, MA, to the Town of Leicester Planning Board. I was not able to speak with Ms. Childs as she has recently retired from DEP, and after speaking with Mr. Capone, he suggested that I contact you as you had contact with her about this issue before her retirement.

This past spring my husband, Matt Schold, received a forestry permit to cut trees on the parcel of land on behalf of a partnership our company (Schold Development) is involved with. Originally the land was bought with the intention of developing an over 50 retirement community; however, after that plan was deemed unsustainable, new subdivision concepts were discussed and preliminarily approved. These plans were vehemently opposed by the lake community and, though the land by right could easily receive approval as a conventional subdivision, Matt felt that it was not in the best interest for the land or community. He convinced his partners to think about other options, downsize the number of lots, include a large amount of open space, minimize impact, and simultaneously encouraged those opposing the project to seek conservation organizations and/or lake members to purchase the land for conservation use. After a year of being in limbo, a forestry permit was applied for as the owner's group agreed to keep a majority of the land in "Open Space" regardless of the path forward. This was the catalyst for the cutting plan submittal.

Schold Development is a small company that does not have the resources to donate the land and can not afford to allow much more time to pass without financial return. We have submitted a (preliminary modification) plan to the planning board for their review that we feel will have less impact on the environment and abutters. This is the first step of a long permitting process, and as we navigate this process we are still actively talking with organizations to purchase the property. However, as said earlier, it is our intention to keep a majority of the land in Open Space for which the cutting plan was devised and is present on this modified plan.

For DCR to say that the use of the FCP was an abuse in our case is unfair and ignores both the history of this project and our intentions as a company. From what we understand, according to the Forest Cutting Practices Act, there is no further limitation on change of use after cutting, work inspected, and a final report filed. If changing of use after this point is frowned upon to the extent of being publicly classified as "abuse" of the Act and town conservation encouraged to reprimand, then regulation of change of use after sign-off should be better addressed. From what we understand we are following within the parameters of the legislation.

We are very confused by the commentary by Denise Child of DEP advising that if we were to come before the Conservation Commission, "the Commission can require the applicant to retroactively permit the earlier alterations and consider them a part of the total impact of the

project going forward." We are looking to clarify the meaning of this statement as from what we understand DCR oversees the forestry cutting plan and town conservation commissions can only comment, they do not issue permits. How can the commission retroactively act on a permit that they didn't issue? This is extremely confusing, unclear to all parties, and should have been clarified by DCR and/or DEP before Mr. Capone expressed his favor in his commentary. I was disappointed to learn that though publicly supporting retroactively permitting in his comments to the "fullest reasonable extent possible" he was unable to explain to me in our conversation what that meant or entailed.

Within Mr. Capone's comments, he addressed Schold Development's Parker Street forestry permit application, stating that he "reminded" Matt Schold and John Clarke that the forestry plan "cannot be used for change of landuse" and the "FCP is to be amended". This is not quite the case as Matt brought to Mr. Capone's attention at their June 28th meeting that definitive subdivision plans are in existence on a portion of the parcel and that he knew that they must be excluded from the plan, to which Mr. Capone requested the plan be amended to reflect these exclusions, as expected. Once again we are enormously disappointed in the choice of language used in this commentary, painting us as a company purposefully attempting to use the FCP for change of use.

We know decades of bad builders and unregulated practices in building have put a sour taste in the mouths of those working in the conservation sector. We know there is little sympathy for the struggles of a small developer working in a vilified industry with constant opposition and streams of misinformation feeding dark rumors in small towns, echoed by people who do not want their wooded view from their own homes to be changed. We are aware that some of these people have been in contact with Mass DCR in an effort to taint our company and tie together envisioned subdivisions with the reason for our forestry cutting plans.

Schold Development is made up of Matt and myself and 3 employees. We have 4 young children, all avid hikers, campers, mountain bikers and skiers. We live our values of care and respect for land in our families and business. We are one of few development companies who understand that protecting land is as important as developing it and work with a give and take balance mentality. There have been many subdivisions Matt has revised from larger plans, combining lots, reducing numbers, and making it a practice to offer the opportunity for existing neighbors to purchase. The land on Parker Street has the potential to be subdivided into 15 house lots, yet we are choosing only 3 with restoring farmland and forest management. We believe in making sacrifices to preserve integrity rather than pushing plans forward at all costs. We support a "farm to frame" shake-up in building, awareness of sustainability and local access to materials (when possible) at its core, and that town and government conservation organizations should be close allies in this new generation of construction - not pitted against each other. Yet we field constant assumptions made concerning our motives. These public comments made by DCR and DEP will be detrimental to our company and reputation and will

validate the illogical and untrue rumors passed around among townspeople regarding our ethics, as well as unravel much of the work we have done to redefine the idea of a small town developer. I do wish some communication had taken place and a better understanding of our intentions and history was made before directing final comments to the Leicester Planning Board.

Jennifer Schold

Schold Development

508.450.1770



Parker Street Summary 7/2021:

Date	Type of Application	Action	Description
2003	ANR Plan	Revised, then Approved	A plan was submitted August 2003. The applicants' attorney was notified that the Planning Board would be unable to sign the plan due to inadequate access. The applicants submitted a revised plan in September 2003 with the following notation: "Parcels A, B, C, and D are not buildable lots until such time as unimproved Town road (Parker Street) is improved." (The September plan was endorsed and recorded.)
2006	Definitive Subdivision Plan	Withdrawn by Applicant	Applicant proposed a 13 lot subdivision plan with roadway improvements. After multiple continuances and lack of agreement between Board members and the applicant on the level of improvements required (pavement width, sidewalks, etc.), the application was <i>withdrawn</i> .
2007	ZBA Appeal of denial of Building Permit	Withdrawn by Applicant	The property owners submitted a building permit application for a single lot on the unimproved section of Parker Street. When the building permit application was denied, they appealed to the ZBA. After several public hearings, the application was <i>withdrawn</i> .
2011	Preliminary Subdivision Plan	Approved with Conditions	The property owners proposed a 6 lot subdivision, called Parker Hill Farms, with roadway improvements on the unimproved portion of Parker Street. The plan proposed no sidewalks, a reduction in required pavement width from 28 feet to 24 feet, and a waiver of dead-end length (maximum 500 feet) to allow 1,925 feet. 3/2011: The Board <i>approved the plan with modification, allowing up to 8 lots, with required deed restrictions to limit the number of lots to 8</i> . The Board also required a gravel emergency access through to Baldwin Street.
2012	ANR Plan	Withdrawn by Applicant	Proposed 5-Lot ANR Plan. Planning Board members intended to deny due to lack of adequate access; the owners <i>withdrew their application</i> .
2013	ANR Plan	Approved; (subsequently rescinded by Land Court)	Proposed 13 Lot ANR Plan. Endorsed by the Planning Board on 3/5/2013. <i>This ANR endorsement was later declared "null & void" by the Massachusetts Land Court (see below).</i>
2014-2015	Land Court Decisions	See description	7/2014: Court issues Motion for Judgement with detailed findings. 3/2015: Final Decision by Land Court declared the 2013 ANR Plan "null & void" as "conclusions as to adequate access on Parker Street were not based on substantial evidence."
2018	Preliminary Subdivision Plan	Denied	15 Lot subdivision with minimal proposed improvements (18' gravel roadway and limited stormwater controls). Denied 9/2018.
2020	Preliminary Subdivision Plan	Approved	3 lot subdivision (with potential for 5) approved. Approval requires 20 ft wide roadway. As approved, with conditions: 2,150' dead-end, no sidewalks, drainage swales, underground utilities (applicant originally requested waiver of underground, but later stated he'd provide underground), no street trees.
2021	Definitive Subdivision Plan	Under review	3 lot subdivision (with potential for 5). Proposal has same waivers requested as the preliminary plan, except dead-end length is 2,205'.



Town of Leicester
PLANNING BOARD
3 Washburn Square
Leicester, Massachusetts, 01524-1333
508-892-7007
www.leicesterma.org

RECEIVED

2020 AUG 10 PM 1:50

TOWN CLERK'S OFFICE
LEICESTER, MASS.

CERTIFICATE OF APPROVAL OF A PRELIMINARY SUBDIVISION PLAN

Date: August 4, 2020

Project Name: Parker Street North

Applicant(s): Central Land Development Corporation
Attn: Matthew Schold
77 Chickering Road
Spencer, MA 01562

Owner(s): Same as Applicant

Location: Parker Street, off Pine Street, Map 42 - Parcel A1.0 & B1.0

Deed Reference: Book 60004 / Page 48

Water & Sewer: private wells & septic

Zoning District: Suburban Agriculture (SA)

Number of Lots: 3

Procedural History:

1. An application for Preliminary Subdivision Approval was received by the Planning Board on July 1, 2020. This application, submitted by Graz Engineering, LLC included a project overview, waiver request list, miscellaneous related application documents, and a Preliminary Subdivision Plan entitled:

Preliminary Plan, Parker Street North, prepared by Graz Engineering, LLC., and dated June 30, 2020.

2. Comments were received from the following Boards/Departments: Highway Department, Police Department, and Fire Department. Comments were also received from Quinn Engineering.
3. The project was discussed at the Board's meeting of 8/4/2020.

Project Summary:

The subject property and the proposed new lots shown on the above-referenced plan are located on an unimproved and unpaved portion of Parker Street between Pine Street and Baldwin Street. The project area has been the subject of multiple applications to the Planning Board and Zoning Board of Appeals between 2003 – 2018. As it stands, the Town has determined that approval of roadway improvements under the Subdivision Control Law are required to create new building lots along this section of Parker Street.

The current proposal is development of an extension of Parker Street (from the Pine Street side) with 3 new lots with frontage on that roadway (Lot 1, Lot 2, and Remaining Land). Lot 2

and the Remaining Land lot both have enough frontage to be split into 2 lots each. Without restriction, the total number of available lots on the new roadway would be 5. There is also potential for additional development of 2-4 lots on the adjacent land owned by the YWCA.

The existing graveled and dirt travelled way is proposed to be laid out and developed into a dead-end cul-de-sac ($\pm 2,150'$) with an 18-foot wide paved roadway that is proposed to be submitted to the Town for acceptance as a public way upon completion. The project would also include widening of a portion of the currently paved section of Parker Street to create a uniform 18' pavement width. Conservation Commission approval is also required for this project.

The plan *as submitted* would require the following waivers from Leicester's Subdivision Regulations: roadway pavement width (28' required/18' feet proposed), maximum dead-end length (500' maximum/2,150' proposed), sidewalks (2 required/none proposed), drainage (catch basin roadway drainage system required/grassed roadway shoulder drainage swales proposed), underground utilities (above-ground utilities proposed), planting (shade trees on both side of roadway required/none proposed). At the meeting of August 4, 2020, the Applicant stated that the Definitive Plan would include underground utilities.

Decision

At a duly called and posted meeting of the Leicester Planning Board, held on August 4, 2020, it was voted to approve the above-referenced Preliminary Subdivision Plan as proposed *subject to several conditions and modifications described below*. It is specifically noted that this decision was made considering the unique circumstances related to project and as conditioned herein, and that this decision shall not be used as precedent in viewing other subdivision applications.

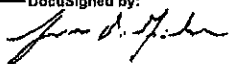
1. The Applicant shall provide a paved road width of 20 feet on the Definitive Subdivision Plan.
2. The Applicant shall provide a fire cistern on the Definitive Plan if required by the Fire Department (it is understood that the Applicant will be seeking a waiver because of the limited number of lots and proximity to Stiles Reservoir).
3. The Applicant shall coordinate with the Leicester Post Office and incorporate their preferences with mailbox locations into the Definitive Plan.
4. The Definitive Plan application shall include an analysis of the full development potential along Parker Street from Pine Street to the end of the new roadway cul-de-sac.
5. The Definitive Plan application shall include proposed deed restrictions or other options to limit development in perpetuity so that the total number of lots served by the new roadway shall not exceed five (5), and to prohibit any further extension of (or new roadways off of) the Parker Street extension proposed by this application.
6. Drainage proposed for the Definitive Plan shall fully address comments from the Town Engineer to adequately address stormwater.

g:\town planners office\subdivisions\parker street north (2020)\parker st north preliminary decision.docx

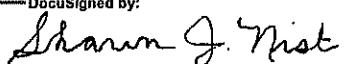
RECORD OF VOTE

The Board vote was 3 in favor of approval and 0 opposed.

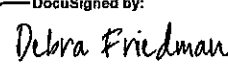
The signatures below are made in accordance with MGL Ch. 110G and pursuant to the Planning Board's electronic signature authorization vote recorded on May 11, 2020 in Book 62374 Page 135 at the Worcester District Registry of Deeds.

DocuSigned by:

48CB7DC4A3FF4F1...

Jason Grimshaw, Chair

DocuSigned by:

762E2B146DC6447...

Sharon Nist

DocuSigned by:

8C0BE53A924D424...

Debra Friedman, Vice Chair

Absent
Andrew Kularski

Absent
Jaymi-Lyn Souza

Copy of Decision sent to:

-Town Clerk	-Building Inspector	-Assessors Office
-Applicant*	-Applicant Engineer	-Applicant's Attorney**
-Owner*	-Town Administrator	-Quinn Engineering

* by certified mail

** where applicable



Town of Leicester PLANNING BOARD

LEICESTER, MASSACHUSETTS, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

Project Name: Smuggler's Cove

LEICESTER PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with MGL Ch. 40A, Sec. 9, the Leicester Planning Board will hold a public hearing regarding an application by Central Land Development to amend a previously-granted special permit for an Open Space Residential Development called Smuggler's Cove (shorter roadway length and number of lots reduced from 24 to 13) off Paxton St, Leicester, MA (Assessors Map 19, Parcel A14, A14.1, A14.2) on Tuesday, July 20, 2021 at 7:30 PM or as soon thereafter can be heard. A copy of the plan is on file for review during office hours in the Leicester Town Clerk's Office, as well as online at leicesterma.org. Any person wishing to be heard on the special permit should appear at the time and place so designated, or may attend virtually by visiting <https://global.gotomeeting.com/join/562708053> or by calling [1 877 309 2073](tel:18773092073) using access code 562-708-053.

Jason Grimshaw, Chair
Leicester Planning Board

To be published in the Worcester Telegram & Gazette on: Tuesday, July 6, 2021 and Tuesday, July 13, 2021

For Planning Office Use:
File #: _____

Leicester Planning Board
Site Plan Review & Special Permit Application Form

PERMIT TYPE: ☒ Special Permit ☐ Site Plan Review

CONTACT INFORMATION

Owner Information			
Name:	Matt Schold	Company Name:	Central Land Development Corp.
Signature:	Matt Schold		
Address:	One Charlesview Road, Suite 1 Hopedale, MA 01747		
Phone:	(508) 612-8777	Email:	ScholdDev@gmail.com
Applicant Information			
Name:	Same as Owner	Company Name:	
Signature:			
Address:			
Phone:		Email:	
Primary Contact Person <i>(The person that will be contacted by Planning Board staff during the application process.)</i>			
Name:	Same as Owner	Company Name:	
Address:			
Phone:		Email:	

PROJECT INFORMATION

Project Address:	Off Paxton Street	Zoning District:	SA
Assessors Map & Parcel #	Map 19, A14,A14.1,A14.2	Deed Reference (Book & Page):	59309/122
Applicable Zoning Bylaw Section(s):	5.13		
Proposed Land Use:	Open Space Residential Development		
Existing Land Use:	Vacant		

PROJECT INFORMATION, Continued

Size of Proposed Structure(s):			
Total Lot Area:	60 acres		
Water Source: (Select One)	<input type="radio"/> Private Well	<input type="radio"/> Cherry Valley & Rochdale Water District	
	<input type="radio"/> Hillcrest Water District	<input checked="" type="radio"/> Leicester Water Supply District	
Sewer Source: (Select One)	<input type="radio"/> Private Septic System	<input type="radio"/> Cherry Valley Sewer District	
	<input type="radio"/> Hillcrest Water District	<input checked="" type="radio"/> Leicester Water Supply District	
	<input type="radio"/> Oxford Rochdale Sewer District		
Brief Project Description: Please include a brief description on this form (i.e. do not write "see attached"). [Examples: New construction of a 20,000s.f. retail building and associated parking; Use of a 1,000s.f. portion of an existing structure for a proposed pet grooming clinic.] Proposed Open Space Residential Development to include 13 residential lots, 31 acres of Open Space, 2,000 foot long cul-de-sac roadway and additional 1,995 foot long gravel drive access. New roadway will front on Paxton Street.			

Application Checklist

Use this checklist to ensure you have provided all required information. See Planning Board Site Plan Review & Special Permit Regulations for details. 13 copies are required except where noted.

<input checked="" type="checkbox"/> Plans (2-full-size & 11-11"x17")	<input checked="" type="checkbox"/> Detailed Project Narrative including any waiver requests ¹	<input type="checkbox"/> Drainage Analysis/ Stormwater Report, (3 copies) <input checked="" type="checkbox"/> n/a
<input checked="" type="checkbox"/> Documentation of Availability of Water & Sewer <input type="checkbox"/> n/a	<input checked="" type="checkbox"/> Certified Abutters List (1 copy) ² <input type="checkbox"/> n/a	<input type="checkbox"/> Traffic Study (3 copies) <input checked="" type="checkbox"/> n/a
<input checked="" type="checkbox"/> Fees ³	<input checked="" type="checkbox"/> .pdf copy of all required submittals (CD or USB Drive)	

¹ See Planning Board Site Plan Regulations for details on what should be included in a Project Narrative. For special permits that don't require conformance with Site Plan Review submittal requirements, submit a narrative explaining conformance with special permit approval criteria (see Special Permit Regulations for details).

² certified abutters lists are required for all Special Permits applications and for Major Site Plan Review Applications (new construction over 30,000 s.f. and ground-mounted solar over 250,000 s.f or 2 acres or more of tree clearing)

³ Please refer to the Planning Board's Fee Regulations. Checks must be made out to the Town of Leicester

For Planning Board Use:			
Date of Submittal:			
Public Hearing/Meeting Date(s):			
Date of Planning Board Vote:			
Date Decision Filed with Town Clerk:			

FORM B. APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

Date: May 25, 2021

To the Planning Board of the Town of Leicester:

The undersigned, being the applicant as defined under MGL Chapter 41, Section 81L, for approval of a proposed subdivision shown on a plan entitled:

Preliminary Plan Open Space Residential Development in Leicester, Massachusetts

and dated May 25, 2021, located Off of Paxton Street,

showing 13 lots on 60.2 total acres. Said applicant hereby submits

said plan as a Preliminary Subdivision Plan in accordance with the Rules and Regulations of the Leicester Planning Board and makes application to the Board for approval of said plan.

The owner's title to the land is derived under deed from Becker College,

dated July 30, 2018, and recorded in Worcester District Registry of Deeds, Book 59309, Page 122, or under Certificate of Title No. _____, registered in Worcester Land Registry District, Book _____, Page _____
Assessors Map & Parcel # Map 19, parcels A14, A14.1, A14.2

Applicant Information Owner Information* (if not the Applicant)		
Name:	Matt Schold-Central Land Development Corp.	Name:
Signature:	<i>Matt Schold</i>	Signature:
Address:	One Charlesview Road, suite 1	Address:
Hopedale, MA 01747		
Phone #:	(508) 612-8777	Phone #:

Received by the Planning Board _____.

*If there is more than one owner, all must sign.

Summit Engineering & Survey, Inc.

Leicester Planning Board
3 Washburn Square
Leicester, Ma 01524

June 2, 2021

Re: **Open Space Residential Development
Off Paxton Street
Assessor's Map 19, Parcels A14, A14.1, A14.2**

Project Narrative: Existing

Conditions

The locus site is a vacant wooded tract of land west of Paxton Street and north of Sargent Pond. The tract comprises 60 acres with the southeastern portion abutting Paxton Street. The site is also accessible via an existing 50 foot wide access easement to Paxton Street at the northeast corner of the tract. The land abuts Sargent Pond with approximately 3,700 feet of water frontage and the entirety of the site slopes from its northern border southerly toward Sargent Pond.

Proposed Conditions

A new roadway will be constructed from Paxton Street through the site and terminating with a cul-de-sac. A second means of access (gravel drive) will continue from the cul-de-sac back through the northerly portion of the subdivision connecting to Paxton Street through the existing access easement.

Abutting the new cul-de-sac roadway are 13 proposed residential lots with 10 of those lots having water frontage on Sargent Pond. The remainder of the site will be designated as Open Space having a total area of 31 acres. The greater portion of the open space will be along the northern side of the tract, directly accessible from the proposed gravel way. Two other open space parcels along the southern border will provide access from the cul-de-sac roadway to Sargent Pond.

Underground utility services will be provided within the new cul-de-sac roadway from Paxton Street. Sanitary sewer service will be a combination of gravity and pressure lines connecting to the existing Paxton Street infrastructure, in addition potable water and fire protection will also be extended from Paxton Street.

A stormwater management system will be constructed within the roadway consisting of deep sump/hooded catch basins, drainage manholes and piping which will flow toward several stormwater basins for solids removal treatment and post-development rate attenuation. The system will be designed and constructed in compliance with local and state stormwater management standards and will utilize the appropriate best management practices under those standards.
information.

Respectfully Submitted,
Summit Engineering & Survey, Inc.

By: *Peter Lavoie*
Peter Lavoie, Project Engineer

Summit Engineering & Survey, Inc.

June 2, 2021

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

via hand delivery

Re: **Modification of Open Space Residential Development
Off Paxton Street "Smugglers Cove"**

Dear Members of the Board,

On behalf of our Client, DJT Properties, LLC, this office submits a Request for Waivers from the requirements of the Town of Leicester's Rules and Regulations Governing the Subdivision of Land as follows;

1. ZONING BY-LAW SECT. 5.13.06,C: TO ALLOW MORE THAN 10 LOTS ON A DEAD- END STREET. (24' Proposed).
2. ZONING BY-LAW SECT. 5.13.07,C,(1): TO ALLOW A BUFFER STRIP LESS THAN 100 AT THE PERIMETER OF THE PROJECT.
(*REDUCED BUFFER AREA AT ROADWAY ENTRANCE FOR CONSTRUCTION/GRADING. NO BUFFER STRIP PROPOSED ALONG THE PORTION OF THE PERIMETER THAT ABUTS SARGENT POND)
3. ZONING BY-LAW SECT. 5.13.07,B,(6): TO ALLOW DRAINAGE BASIN-1 TO BE CONSTRUCTED ON OPEN SPACE PARCEL C.
(BASIN AREA-17,000± SF = 1.4% OF OPEN SPACE PARCEL C)
4. SUBDIVISION RULES & REGULATIONS, SECT. V,2.WIDTH,(a): TO ALLOW A WAY WIDTH OF 24 FT.
5. SUBDIVISION RULES & REGULATIONS, SECT. V,5.CROSS-SECTION: TO ALLOW FOR DELETION OF SIDEWALKS.
6. SUBDIVISION RULES & REGULATIONS, SECT. VI,G.SIDEWALKS,1-3. TO ALLOW FOR DELETION OF SIDEWALKS
7. ZONING BY-LAW SECT. 5.13.06,C: TO ALLOW A DEAD-END STREET OVER 1000 FT. IN LENGTH (2,000 FT. PROPOSED)

We look forward to working with the Board and the other Town Offices on this project. Please do not hesitate to contact this office if you have any questions or require any additional information.

Respectfully Submitted,
Summit Engineering & Survey, Inc.

By: *Peter Lavoie*

Peter Lavoie, Project Engineer

3:58:48PM

Abutters List

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
15 A15 0	150 PAXTON ST	WHITE VIRGINIA B	TRUSTEE, WHITE TRUST	10 MURPHYS WAY	UXBRIDGE	MA	01569-2916
15 A16.1 0	PAXTON ST	WHITE VIRGINIA M	TRUSTEE, WHITE TRUST	150 PAXTON STREET	LEICESTER	MA	01524
16 A3 0	175 PAXTON ST	LAKEWOOD LLC		PO BOX 20136	WORCESTER	MA	01602
16 A3.2 0	17 WHITTEMORE ST	HYLAND MARY V		17 WHITTEMORE ST	LEICESTER	MA	01524
16 A3.3 0	PAXTON ST	HYLAND ROBERT M		17 WHITTEMORE ST	LEICESTER	MA	01524
16 A3.4 0	PAXTON ST	SOOJIAN MARK	SOOJIAN MATTHEW	1640 MAIN ST	LEICESTER	MA	01524
16 A3.5 0	173 PAXTON ST	CENTRAL LAND DEVELOPMENT		31 WHITEWOOD RD	MILFORD	MA	01757
19 A14.6 0	127 PAXTON ST	MACKENZIE-LAMB FRANK	MACKENZIE-LAMB MEREDI	21 ELMWOOD AVENUE	CHERRY VALLEY	MA	01611
19 A14.7 0	125 PAXTON ST	BATTELLE WILLIAM	BATTELLE CATHY	125 PAXTON STREET	LEICESTER	MA	01524
19 A14.8 0	123 PAXTON ST	BARIL LORI L		123 PAXTON STREET	LEICESTER	MA	01524-1107
19 A15 0	147 PAXTON ST	ANDUJAR JHOEL		147 PAXTON ST	LEICESTER	MA	01524
19 A16 0	149 PAXTON ST	SHEEHAN JOHN M	SHEEHAN CHRISTINA H	149 PAXTON ST	LEICESTER	MA	01524
19 A18 0	LAKE SARGENT DR	CENTRAL LAND DEVELOPMENT		31 WHITEWOOD RD	MILFORD	MA	01757
19 A19 0	LAKE SARGENT DR	LEICESTER COUNTRY CLUB LLC		PO BOX 138	LEICESTER	MA	01524
20A A1 0	144 PAXTON ST	CONSIGLIO ANTHONY P		144 PAXTON ST	LEICESTER	MA	01524
20A A4 0	140 PAXTON ST	KAPURCH GLORIA	BESSE BRIAN M	140 PAXTON ST	LEICESTER	MA	01524
20A A5 0	140.5 PAXTON ST	GAFFNEY & ASSOCIATES LLC		21 SHERMAN GROVE	SPENCER	MA	01562-1429

End of Report

PLEASE NOTE: Sargent Pond is an abutter.

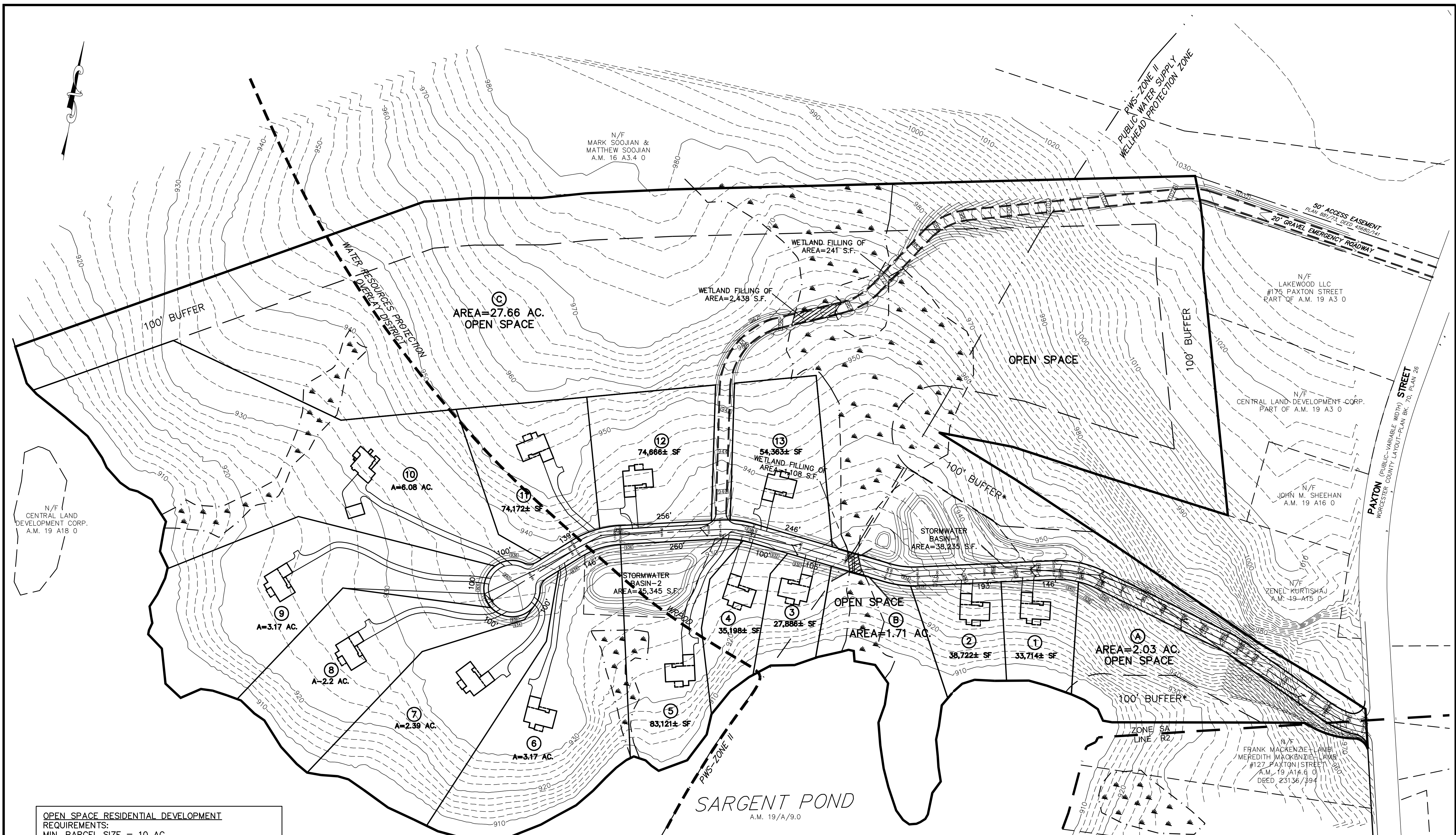
Above is a certified list of abutters and abutters to abutters within 300 feet of subject.

Subject property: Paxton Street, Assessors Map 19-A14, 19-A14.1, 19-A14.2, Deed Ref. 59309/122

Subject owner(s): Central Land Development Corp.

Sandy Genna, Principal Assessor

Prepared by: Kathleen Asquith, Assistant



OPEN SPACE RESIDENTIAL DEVELOPMENT REQUIREMENTS:
MIN. PARCEL SIZE = 10 AC.
MIN. OPEN SPACE AREA = 50% OF TOTAL AREA
MIN. LOT AREA = 20,000 SF
MIN. FRONTAGE = 100 FT.

MIN. SETBACKS
FRONT YARD = 20 FT.
SIDE YARD = 20 FT.
REAR YARD = 20 FT.

PROPOSED CONCEPTUAL OSRD LAYOUT PROVIDED:
TOTAL PARCEL SIZE = 60.2± AC.
MIN. OPEN SPACE AREA = 52% OF TOTAL AREA

PROPOSED CONCEPTUAL OSRD STATISTICS
13 PROPOSED RESIDENTIAL LOTS
(3) OPEN SPACE PARCELS A, B, C AREA=31.4± AC.
ROADWAY LENGTH = 2,000 FT.
ROADWAY WIDTH = 40' WIDE RIGHT-OF-WAY
ROADWAY AREA = 86,995± SF, 1.99± AC.
GRAVEL DRIVE LENGTH = 1,995 FT.

- REQUESTED WAIVERS: (PREVIOUSLY APPROVED JULY 2019)**
1. ZONING BY-LAW SECT. 5.13.06,C: TO ALLOW A DEAD-END STREET OVER 1000 FT. IN LENGTH (2,000 FT. PROPOSED)
 2. ZONING BY-LAW SECT. 5.13.06,C: TO ALLOW MORE THAN 10 LOTS ON A DEAD-END STREET. (13 PROPOSED)
 3. ZONING BY-LAW SECT. 5.13.07,C,(1): TO ALLOW A BUFFER STRIP LESS THAN 100 FT. AT THE PERIMETER OF THE PROJECT. (*REDUCED BUFFER AREA AT ROADWAY ENTRANCE FOR CONSTRUCTION/GRADING. NO BUFFER STRIP PROPOSED ALONG THE PORTION OF THE PERIMETER THAT ABUTS SARGENT POND)
 4. ZONING BY-LAW SECT. 5.13.07,B,(6): TO ALLOW DRAINAGE BASIN-1 TO BE CONSTRUCTED ON OPEN SPACE PARCEL C (BASIN AREA-38,235 ± SF) AND BASIN-2 IN OPEN SPACE B (BASIN AREA-35,235 ± SF) .
 5. SUBDIVISION RULES & REGULATIONS, SECT. V,2.WIDTH,(a): TO ALLOW A TRAVELLED WAY WIDTH OF 24 FT INSTEAD OF REQUIRED 26' WIDE TRAVEL WAY.
 6. SUBDIVISION RULES & REGULATIONS, SECT. V,5.CROSS-SECTION: TO ALLOW FOR THE DELETION OF SIDEWALKS.
 7. SUBDIVISION RULES & REGULATIONS, SECT. VI,G.SIDEWALKS,1-3. TO ALLOW FOR THE DELETION OF SIDEWALKS.

NOTE:

THE PURPOSE OF THIS PLAN IS FOR THE MODIFICATION TO THE APPROVED SPECIAL PERMIT AND PRELIMINARY PLAN GRANTED BY THE LEICESTER PLANNING BOARD BASED ON THE PLAN PREPARED BY ALLEN ENGINEERING AND ASSOACAITES INC DATED JULY 2019.

LOTS WILL BE SERVICED BY MUNICIPAL WATER, PRESSURE/FORCE MAIN SEWER AND UNDERGROUND TELEPHONE, CABLE TELEVISION AND ELECTRIC FROM PAXTON STREET.

THE ROADWAY AND ASSOCIATED DRAINAGE EASEMENTS SHALL BE CONVEYED TO THE TOWN OF LEICESTER UPON COMPLETION.

THE OPEN SPACE PARCELS SHALL BE CONVEYED TO A CORPORATION OR TRUST TO BE OWNED BY THE OWNERS OF LOTS WITHIN THE DEVELOPMENT.

THE WETLAND CROSSINGS SHOWN ARE SUBJECT TO THE APPROVAL OF THE TOWN OF LEICESTER, CONSERVATION COMMISSION AND/OR MASSDEP.

THE EXISTING CONDITIONS SHOWN HAVE BEEN COMPILED FROM RECORD PLANS AND STATE/LOCAL GIS DATA, AND ARE APPROXIMATE ONLY. SUMMIT ENGINEERING, INC. HAS NOT PERFORMED AN ON-THE-GROUND FIELD-INSTRUMENT SURVEY, AND EXISTING CONDITIONS SHOWN HEREON ARE SUBJECT TO CHANGE.



Professional Engineer

REFERENCES

ASSESSORS INFORMATION:
MAP 19, PARCELS A14, A14.1, A14.2

DEED REFERENCE:
BOOK 59309, PAGE 122

NOTES

LOCUS IS LOCATED WITHIN THE ZONING DISTRICT "SA"

UNDERGROUND UTILITIES HAVE BEEN COMPILED FROM AVAILABLE PLANS FROM PUBLIC AND PRIVATE AGENCIES AND ARE APPROXIMATE ONLY. UNDERGROUND UTILITIES OR STRUCTURES OTHER THAN THOSE SHOWN MIGHT EXIST. BEFORE ANY EXCAVATION OR CONSTRUCTION CALL DIG-SAFE AT 811.

OWNER & APPLICANT:

Central Land Development Corp.
One Charlesview Road, Suite 1,
Hopedale, MA 01747

SMUGGLER'S COVE

TITLE:
MODIFICATION
Preliminary Plan
Open Space Residential
Development Plan
in
Leicester, Massachusetts

SUMMIT
Engineering & Survey, Inc.
710 MAIN STREET
NORTH OXFORD, MA 01537
P:(508)987-8703 F:(508)987-8704

SCALE: 1"=100' FEET

SCALE: AS SHOWN
DATE: MAY 26, 2021
JOB NO: 2021-151
PLAN NO: PRELIMINARY PLAN
SHEET NO: 1 OF 1

PRELIMINARY PLAN

July 12, 2021

Dear Members of the Leicester Planning Board and Conservation Commission,

We would like to write in response to a letter written by Mrs. Carrie Panapinto. In the letter, Mrs. Panapinto attempts to tie together events regarding the recent tree cutting and a development project on Sargent's Pond.

She begins by naming Mr. Matt Schold as the applicant of a modification to the Smuggler's Cove subdivision plan. This is incorrect as the applicant is Central Land Development, a partnership of which Schold Development is one part.

Please see our response to her numbered points:

- *1.) Mr. Schold submitted a development plan, which was preliminarily approved by Planning Board late 2019, with the caveat that he needed to maintain a 100' buffer from the development to Sargent's Pond.*

Various preliminary plot plans were presented in 2019, reconfigured to fit the community and waterfront and ultimately not acted upon for the purpose of looking into better solutions for the lake community. Mrs. Panapinto knows this as she worked with Matt for several months trying to find a viable buyer (ie. her church and lake neighbors).

A town bylaw states that construction must remain within a 100' buffer from property borders in an Open Space Residential Design, this is not a caveat for any particular project. This bylaw is often waived in the case of waterfront as the water creates its own natural buffer. When the preliminary subdivision concepts were discussed, Mrs. Panapinto requested this bylaw to be upheld on all proposed waterfront lots; however, in the Special Permit Decision dated January 7th, 2020, the Planning Board voted the waiver to be permitted with no buffer proposed along the perimeter that abuts Sargent's Pond with the intent of minimizing tree removal but allowing tree clearing for water access. During the public hearing process it was understood that this subdivision concept would have waterfront homes and beaches as does every house on the lake. It should be noted, as mentioned in these hearings, that Mrs. Panapinto's home, which we had built in 2016/17, was constructed with the maximum beach and tree clearing allowed by DEP, per her own design, and included a resource area disturbance in order to construct the driveway to access the peninsula on which the house was built.

- *2.) In late 2020, Mr. Schold submitted a short term forestry permit to clear cut the 60 acre parcel of land. This forestry permit made no mention of the preliminary approval of a development nor did it highlight Mr. Schold's intent to build on this land. This permit was granted by DCF and allowed Mr. Schold to cut down anything that he wanted to on this 60 acre parcel with no restrictions and no regard to wetlands buffer protection legislation.*

Central Land received a FCP for a shelterwood tree cutting on the parcel, a DCR regulated forestry cut with the purpose of regenerating forest, preventing forest fires, adding walking trails to any future open space (tree cutting is not permitted after being deemed conservation "open space" land), and to generate revenue to pay taxes and other overhead associated with the land (small developers' pockets are not as deep as people assume). This was not a clear cut. Stating there were no restrictions on tree cutting and no wetland protection practices in place would signify that the FCP approved by the Massachusetts Department of Conservation and Recreation was not followed, the Massachusetts Forest Cutting Practices Act was not followed, the Service Foresters overseeing the job are corrupt or simply did not do their job (though when Mrs. Panapinto inquired at the April 14th conservation meeting how often the service forester was present on the job, she was answered by that forester about once a week), and that the timber harvesters did not work within the parameters of their licensure. It would imply methods practiced in accordance with the Massachusetts Management Best Practices Manual were eschewed, including regulated engineering of skid trails, the building of drainage ditches, and implementing both buffer strips and filter strips. If Mrs. Panapinto's allegations were correct, the timber harvesters would be at risk of losing their licensure, the Service Foresters would be at risk of losing their credentials, and Mass DCR would risk litigation. However, she is unable to differentiate between timber clearcutting and shelterwood removal, and clearly lacks basic knowledge in forestry protocol. Had Mrs. Panapinto attempted to look at the cutting plan, research DCR's wetland legislation and/or actually find any evidence for her claims, she would have learned all regulations with regards to harvesting and wetland protection were followed impeccably.

- *3.) The Leicester Conservation Committee did not comment on this forestry permit – they were told, when it came before them on January 13, 2021, that being informed was a courtesy. Forestry did not know that there was a housing development under discussion or preliminarily approved when they approved the short term permit.*

Leicester Conservation made no comment as DCR oversees a forestry cutting plan, not town conservation. This is a known fact by any Massachusetts conservation commissioner. As boundary lines and resource areas were correctly identified in the cutting plan and no approved subdivision plans were in existence, there was no commentary to be made.

Mass Forestry was in fact aware of the previously submitted preliminary subdivision plans. It was one idea on the table and it was only a portion of the parcel being cut as the goal of the operation was forest management within the Open Space. Matt still had hope to find another solution for the subdivision even after Mrs. Panapinto abandoned her attempt to find a buyer for the land, failed to inform us that the lake had a formed lake association and instead focused her energies on attempting to shut down the project.

Some timber harvesting did take place on what may be future house lots in order to build skid roads to access the back area. To have excluded all cutting on possible future lots with no boundary lines to delineate exclusion and no definitive number or future on land we had hoped would be purchased as conservation land would have been impossible and nonsensical. The point Mrs. Panapinto is attempting to make is that, in her mind, the forestry permit's sole purpose was to underhandedly clear the lots for the subdivision. Had this been our objective,

we would have obtained planning board approval and cleared the specific lots accordingly, moving ahead with the original subdivision plan two years ago.

- *4.) The land was clear cut during the month of March 2021. The clear cut is NOT 100' from the shoreline.*
- *5.) This is in keeping with the forestry permit, however, it does not follow in what the planning board caveated at the preliminary approval of Smuggler's Cove in Jan 2019.*

This was not a clear cut and the fact that the caveat did not exist has previously been discussed.

That being said, the FCP left a clearly marked buffer well within the parameters of forestry regulation along all resource areas and was inspected prior to any cutting by DCR. This includes a minimum buffer of 50' feet from the Sargent's Pond shoreline. Only an estimated 25 percent of the cutting plan actually extended to the 50' buffer. The remaining 75 percent took place 100' or more away from the waterfront. Furthermore, 50 percent of the basal area within the shoreline buffer could have been cut by non-mechanical means (i.e. chainsaws), but was not.

- *6.) It is my opinion that the trees cleared along the water's edge are in the shape of lots for homes and a road.*

The owners' group did not have any guidance as to how the land was cut. As pointed out earlier, Mrs. Panapinto has no authority with which to speak to tree cutting, and she herself stated in her point #3 that she believed there had been no discussion about any future subdivision with forestry (who devised and carried out the cutting plan), directly conflicting with her own opinion.

- *7.) We were told at the April 14, 2021 conservation committee meeting that the land cannot be developed until DCF gives sign off that it has been reforested to their satisfaction.*

It is absolutely true that land can not be developed until DCR signs off. The permitting process is a long process that takes time to complete and though we have made multiple efforts to find a better solution, we seem to be exhausting all other possibilities. If this land will ultimately end up going forward with building, we can not afford to lose any more time and have submitted a modification to the preliminary subdivision plans for the time in which DCR may sign off on the forestry plan.

- *This project continues to find loopholes in our town bylaws such that it can continue to move forward unimpeded, with no regard for state wetland protection legislation.*

A forestry permit is often described as a “loophole” to color development companies in a bad light when a person does not want building to take place in a certain area. It is a term that preys on the general public’s lack of knowledge about forestry and DCR forestry regulation.

The preliminary plans submitted in 2019 did not fit the lake or community in the opinion of Matt Schold and worked with his partners to modify the plan to reduce the number of house lots and include protected open space. He has made multiple attempts to reach out to those on Sargent's Pond in an effort to present a buyer to his partners that would accommodate the lake community.

The truth of the matter is that Mrs. Panapinto simply does not want any further development on Sargent's Pond after recently building a house there. This may be understandable, but as a fully recreational lake with no affiliated conservation protection located close to the center of town, and no willingness through the lake community or local conservation organization to purchase the land, collaborate, or fundraise, building on that land is inevitable, whether done by Central Land Development or another builder.

It is easy to connect perceived dots, creating "evidence" of notions that because land is being developed, the development company has no care for the environment, no integrity, and possesses all bulldozing attributes of the Hollywood-generated, money-grabbing evil-doer. It is easy to assume that when land we love is being changed, the developer can not possibly have the necessary knowledge at his disposal and/or can not possibly be following state and town regulations concerning the environmental impact created by the change. By defining all developers in this way, we drive the small, family-owned, conscientious development and construction companies out of town, leaving behind the large corporate giants that can very well hold these exact characteristics, unlikely to have any regard for reducing lot numbers and retaining open space for the purpose of minimizing environmental impact and working with the community.

Matt & Jenny Schold
Schold Development

Summit Engineering & Survey, Inc.

July 14, 2021

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

via hand delivery

Re: **Modification of Open Space Residential Development
Off Paxton Street "Smugglers Cove"**

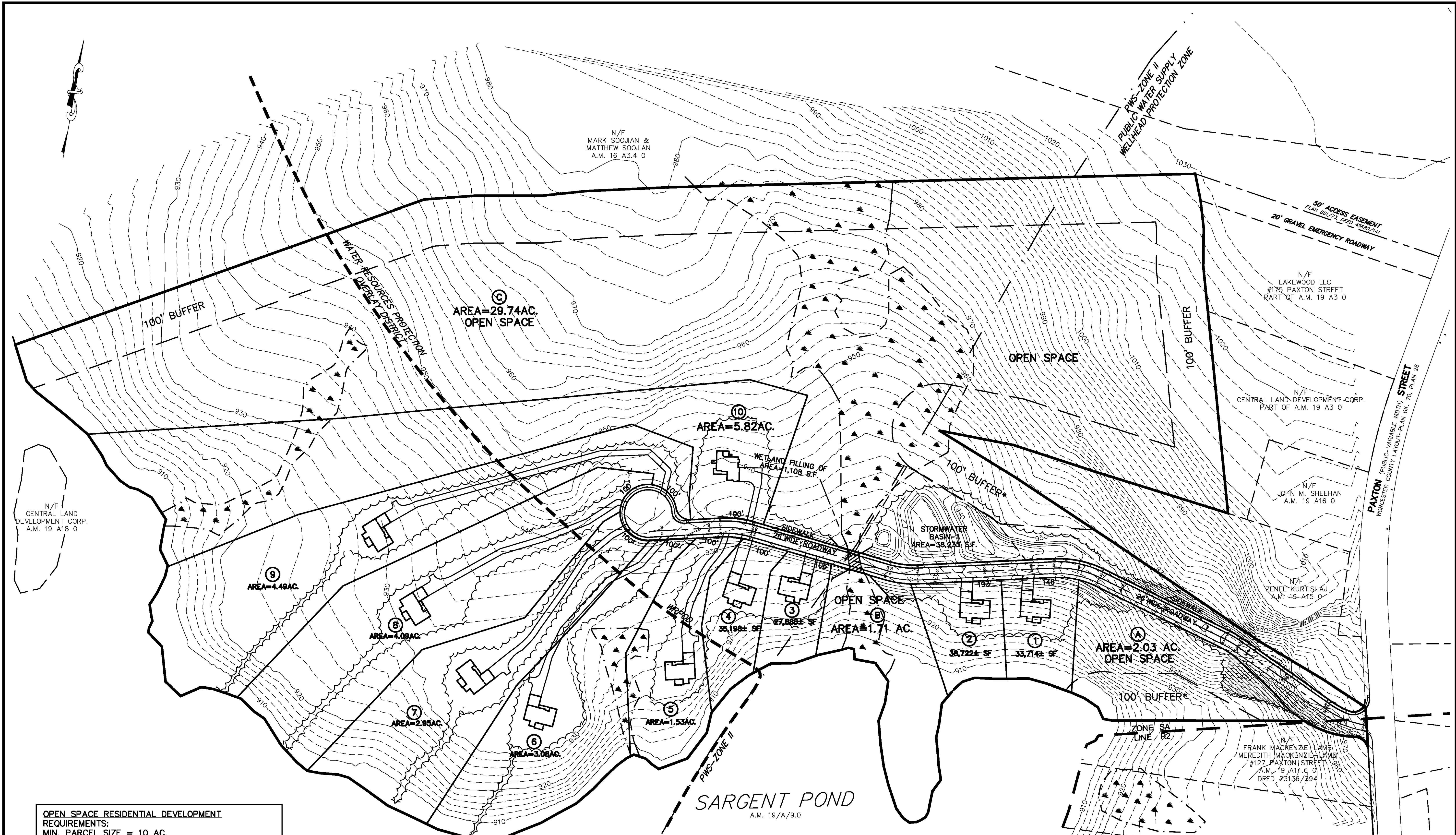
Dear Members of the Board,

On behalf of our Client, DJT Properties, LLC, this office is submitting a Revised Plan per comments from the town departments and abutters concerns. The following changes have been made to the Plan;

1. The proposed roadway pavement width has been increased to 26 feet.
2. Proposed sidewalk has been added to the roadway cross section on the North side of the proposed roadway.
3. The number of Building Lots has been reduced to 10 Lots instead of 13 Building Lots, which was submitted originally.
4. The length of the roadway has been reduced to 1,627 feet instead of 2,000 feet, which was submitted originally.
5. The emergency gravel access road has been removed.
6. The right of way has been adjusted from station 0+00 to station 3+50 as shown on the revised plan.

Respectfully Submitted,
Summit Engineering & Survey, Inc.

By: *Peter Lavoie*
Peter Lavoie, Project Engineer



OPEN SPACE RESIDENTIAL DEVELOPMENT REQUIREMENTS:
MIN. PARCEL SIZE = 10 AC.
MIN. OPEN SPACE AREA = 50% OF TOTAL AREA
MIN. LOT AREA = 20,000 SF
MIN. FRONTAGE = 100 FT.

MIN. SETBACKS
FRONT YARD = 20 FT.
SIDE YARD = 20 FT.
REAR YARD = 20 FT.

PROPOSED CONCEPTUAL OSRD LAYOUT PROVIDED:
TOTAL PARCEL SIZE = 60.2± AC.
MIN. OPEN SPACE AREA = 52% OF TOTAL AREA

PROPOSED CONCEPTUAL OSRD STATISTICS
10 PROPOSED RESIDENTIAL LOTS
(3) OPEN SPACE PARCELS A, B, C AREA=31.4± AC.
ROADWAY LENGTH = 1,600 FT.
ROADWAY WIDTH = 40' WIDE RIGHT-OF-WAY
ROADWAY AREA = 75,369± SF, 1.73± AC.

REQUESTED WAIVERS: (PREVIOUSLY APPROVED JULY 2019)

1. ZONING BY-LAW SECT. 5.13.06,C: TO ALLOW A DEAD-END STREET OVER 1000 FT. IN LENGTH (1,627 FT. PROPOSED)
2. ZONING BY-LAW SECT. 5.13.07,C,(1): TO ALLOW A BUFFER STRIP LESS THAN 100 FT. AT THE PERIMETER OF THE PROJECT. (*REDUCED BUFFER AREA AT ROADWAY ENTRANCE FOR CONSTRUCTION/GRADING. NO BUFFER STRIP PROPOSED ALONG THE PORTION OF THE PERIMETER THAT ABUTS SARGENT POND)
3. ZONING BY-LAW SECT. 5.13.07,B,(6): TO ALLOW DRAINAGE BASIN-1 TO BE CONSTRUCTED ON OPEN SPACE PARCEL C (BASIN AREA-38,235 ± SF).
4. SUBDIVISION RULES & REGULATIONS, SECT. V,5.CROSS-SECTION: TO ALLOW FOR ONE SIDEWALK.
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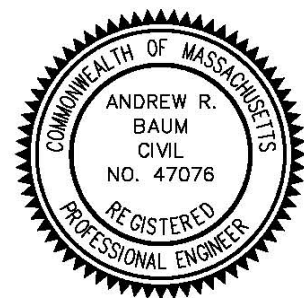
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Professional Engineer

REFERENCES:

ASSESSORS INFORMATION:
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DEED REFERENCE:
BOOK 59309, PAGE 122

NOTES:

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OWNER & APPLICANT:

Central Land Development Corp.
One Charlesview Road, Suite 1,
Hopedale, MA 01747

SMUGGLER'S COVE

TITLE:

MODIFICATION
Preliminary Plan
Open Space Residential
Development Plan
in
Leicester, Massachusetts

17/13/21 Reduced number of lots and length of road. Added 26' wide pavement and sidewalk on one side. Adjusted entrance.

SUMMIT
Engineering & Survey, Inc.

710 MAIN STREET
NORTH OXFORD, MA 01537
P: (508) 887-8783 F: (508) 887-8784

SCALE: 1"=100 FEET
0 100 200 300

SCALE: AS SHOWN
DATE: MAY 26, 2021
JOB NO: 2021-151
PLAN NO: PRELIMINARY PLAN
SHEET NO: 1 OF 1

PRELIMINARY PLAN

Brooke Hammond

From: Dennis Griffin
Sent: Wednesday, June 9, 2021 1:11 PM
To: Brooke Hultgren
Subject: RE: Request for Comment - SP Smuggler's Cove

Follow Up Flag: Follow up
Flag Status: Flagged

The Superintendent believes that a single sidewalk would meet the needs for pedestrian traffic for the size of the development also a bump in or short transition for the south bound traffic would be acceptable . As for road width 26 ' would be good.

From: Brooke Hultgren <hultgrenb@leicesterma.org>
Sent: Wednesday, June 9, 2021 9:49 AM
To: jlennerton@aol.com; Michael Silva <SilvaM@leicesterma.org>; Ken Antanavica <antanavicak@leicesterpd.org>; Mike Dupuis <mdupuis@leicesterfireems.org>; mwilson@leicesterfireems.org; Dennis Griffin <griffind@leicesterma.org>; Francis Dagle <DagleF@leicesterma.org>; Joe Wood <joe@lwsd.net>
Cc: Buck, Michelle <BuckM@leicesterma.org>
Subject: Request for Comment - SP Smuggler's Cove

The Planning Board has received a new application, as summarized below. Comments, if any, should be submitted by email to hultgrenb@leicesterma.org or planning@leicesterma.org.

Type of Application: Special Permit Amendment

Project Name: Smuggler's Cove

Location/Description: Off Paxton St/Open Space Residential Development w/ 13 lots

Water/Sewer: LWSD

Planning Board Meeting Date: 7/20/2021

Deadline for Comments: 7/5/2021

The application & plans are available at the link below:

<https://www.leicesterma.org/planning-board/pages/current-applications-plans>

Brooke Hultgren

Planning, Conservation, and ZBA Assistant

Town of Leicester

(508) 892-7007

Please note that Leicester Town Hall is closed on Fridays.

July 2, 2021

Leicester Planning Board
Town Of Leicester
3 Washburn Sq
Leicester MA 01524-1358

Re: Amended Preliminary Subdivision Plan/OSRD Plan
Smuggler's Cove

To the Board:

We are in receipt of the following plans and information in association with the above referenced project:

- Plan entitled "MODIFICATION, Preliminary Plan, Open Space Residential Development Plan in Leicester, Massachusetts", 1 sheet, dated May 26, 2021 without revision date, prepared by Summit Engineering & Survey, Inc. of Oxford, MA.
- Letter to Leicester Planning Board dated June 2, 2021 with Project Narrative, submitted by Summit Engineering & Survey, Inc. of Oxford, MA
- Letter to Leicester Planning Board dated June 2, 2021 with List of Requested Waivers, submitted by Summit Engineering & Survey, Inc. of Oxford, MA

Plans of Smuggler's Cove Open Space Residential Development were approved in January 2020. It is understood that the submitted plans propose to modify the approved plans. We have reviewed the submitted plans in relation to proposed amendments to the approved plans. We have not conducted a re-review of the project plans.

The following waivers are being amended under the proposed plan; our comment on the waiver requests follow in *italics*.

1. Waive §5.13.06, C, of the Zoning Bylaws, to permit more than 10 lots on a dead-end street.

See comment 7, below.

2. Waive §5.13.07, C (1) of the Zoning Bylaws, to permit a buffer strip less than 100 feet at the perimeter of the project, to accommodate construction at the entrance, and along Sargent Pond.

We defer to Leicester Planning Board on this non engineering-related request.

3. Waive §5.13.07, B (6) of the Zoning Bylaws, to permit Drainage Basin 1 to be located within Open Space.

We defer to Leicester Planning Board on this non engineering-related request

4. Waive §V, 2 of the Subdivision Rules and Regulations to allow a traveled way of 24 feet width.

A subdivision roadway of 24 feet width may be expected to provide suitable service, and will require less maintenance than the required 28 foot wide roadway. The lesser width will also reduce impervious area, lowering associated stormwater runoff.

5. Waive §V, 5, of the Subdivision Rules and Regulations, Cross Section to waive sidewalks on both sides of the road.

We defer to Leicester Planning Board on this non engineering-related request.

6. §VI, G, 1 of the Subdivision Rules and Regulations to waive sidewalks on both sides of the road.

We defer to Leicester Planning Board on this non engineering-related request.

7. Waive §5.13.06, C, of the Zoning Bylaws, to permit roadway length in excess of 1,000 feet; proposed roadway length 2,000 feet.

The plan proposes a 20 foot wide gravel road as a secondary means of emergency access, presumably to mitigate concerns for both the length of the dead end roadway, and the number of proposed lots. Leicester Planning Board may wish to seek input from Leicester Police and Fire Departments on this. In general, secondary access roads tend to be treated as a low priority for maintenance, often falling into disrepair. Snowplowing these roads is often overlooked, as high traffic roadways demand those efforts. Gravel road surfaces can be subject to erosion, or washout under surface water flow. The proposed emergency access road will be exceptionally long (2,000 feet), raising the potential for blockage by tree fall, washout or other occurrence.

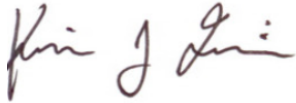
The proposed waiver seeks to double the length of the subdivision road over that allowed, with greater than 10 lots (13 proposed) served. Any proposed mitigation should provide a highly reliable means of secondary access.

Our comments pertaining to the OSRD plan are found below:

1. Previously the Applicant provided evidence that municipal water service and sewer disposal capacity was sufficient to serve this project. Leicester Planning Board may wish to confirm that the capacity for such services to this project remains sufficient.
2. Comments on the previous project, pertaining to the Emergency Access Road, which is partially located within an existing easement remain. If it did not take place previously, the Applicant should research and document that the terms of the easement are compatible with the Emergency Access Road, and its maintenance.

Please contact this office should you have questions.

Sincerely,
QUINN ENGINEERING, Inc.

A handwritten signature in dark ink, appearing to read "Kevin J. Quinn".

Kevin J. Quinn, P.E.
President

Smuggler's Cove Paxton Street- Special Permit Amendment Review

Leicester Water Supply District Review

The LWSD approves the Special Permit Amendment with the following requirements.

- The District requires one full paper set of detailed plans for review/ approval.
- The District requires one full paper set of As-Built plans once construction is completed.
- Water and Sewer application must be completed and approved.
- Must meet LWSD standards and specifications and be approved.
- Connection Fees must be paid in full before construction started.
- Road opening permits will be pulled by the owner/ contractor.

From: [Panepinto, Carrie](#)
To: [Leicester Planning Board](#); [Buck, Michelle](#)
Subject: Smuggler's Cove/Paxton St development (revised development plan)
Date: Thursday, June 10, 2021 10:44:13 AM

Members of the Planning Board and conservation committee,

I learned that Mr. Matt Schold has just submitted his new housing development plan for Smuggler's Cove/Paxton Street. I would like to tie a few details together on the on-goings of this plan, as I feel that many of these details may have been forgotten from the beginning of Mr. Schold's intent to develop to now.

Please note, my dates are approximate, to provide you the ability to pull records if needed.

1. Mr. Schold submitted a development plan, which was preliminarily approved by Planning Board late 2019, with the caveat that he needed to maintain a 100' buffer from the development to Sargent Pond.
2. In late 2020, Mr. Schold submitted a short term forestry permit to clear cut the 60 acre parcel of land. This forestry permit made no mention of the preliminary approval of a development nor did it highlight Mr. Schold's intent to build on this land. This permit was granted by DCF and allowed Mr. Schold to cut down anything that he wanted to on this 60 acre parcel with no restrictions and no regard to wetlands buffer protection legislation.
3. The Leicester Conservation Committee did not comment on this forestry permit – they were told, when it came before them on January 13, 2021, that being informed was a courtesy.
4. Forestry did not know that there was a housing development under discussion or preliminarily approved when they approved the short term permit.
5. The land was clear cut during the month of March 2021. The clear cut is NOT 100' from the shoreline. This is in keeping with the forestry permit, however, it does not follow in what the planning board caveated at the preliminary approval of Smuggler's Cove in Jan 2019.
6. It is my opinion that the trees cleared along the water's edge are in the shape of lots for homes and a road.
7. We were told at the April 14, 2021 conservation committee meeting that the land cannot be developed until DCF gives sign off that it has been reforested to their satisfaction.

This project continues to find loopholes in our town bylaws such that it can continue to move forward unimpeded, with no regard for state wetland protection legislation. It is very important that planning board and conservation committees understand the history of what has happened to date as you each consider this request for development for Smuggler's Cove/Paxton Street.

Regards,

Carrie

Carrie Panepinto
43 Water Street (formerly 2 Sconset Aveue)
Leicester, MA
Resident 17 years
774-615-9910

ICON plc made the following annotations.

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Thank You,

ICON plc
South County Business Park
Leopardstown
Dublin 18
Ireland
Registered number: 145835

Brooke Hammond

From: Ken Antanavica <antanavicak@leicesterpd.org>
Sent: Wednesday, June 9, 2021 10:51 AM
To: Brooke Hultgren
Subject: Smugglers notch amended plan
Attachments: img20210609_0204.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Brook:

I have reviewed the amended proposal for Smugglers Cove and find a few problem. As the Chair of Public Safety and Chief of Police I am apposed to any changes that diminish public safety which eliminating sidewalks will do. Sidewalks generally are an elevated area designated for pedestrian traffic and eliminating them puts pedestrian traffic at the same level at motor vehicle traffic and eliminating the designated pedestrian area. Paxton St does have a sidewalk that is directly across from the driveway entrance which is heavily used and I anticipate the sidewalks in the waterfront community to also be heavily used.

As the Parker St project was unfolding I had Officer Ruth conduct a survey of several other road projects and I agree with his conclusions that the roadways should be a minimum of 26-28 ft wide and have at least 1 sidewalk. There are several other streets listed on Officer Ruth's report showing that these short, cul-de-sac act roads have sidewalks which are part of the road construction regulations in Leicester and should not be eliminated. At the public safety meeting that this project was discussed we agreed to a smaller version of a turning lane for the southbound traffic to turn into Smugglers Cove which is not on the current drawings. This is an absolute necessity for the safety of traffic turning into the this project as to avoid rear end collisions by southbound traffic in this hilly area esp. in the slippery winter months.

Thank You

*Chief Kenneth M Antanavica
Leicester Police Department
90 S. Main St.
Leicester, Ma 01524
(508) 892-7010 ext 2010
Fax (508) 892-7012*

From: [Capone, Chris \(DCR\)](#)
To: [Buck, Michelle](#)
Subject: RE: Forestry Permits
Date: Tuesday, June 29, 2021 2:38:02 PM

Hi Michelle,

I've been able to review and discuss these two projects further.

Parker Street FCP:

This has been discussed with the plan preparer, John Clarke, as well as with a Landowner of the property, Matt Schold (Schold Development LLC). They have been reminded that a Forest Cutting Plan cannot be used for a change of land use. This existing approved FCP is to be amended to exclude all areas that show a change of use on these definitive subdivision plans. The land that is shown as "Remaining Land" can remain under a Forest Cutting Plan, as no change of use is currently planned there. Any harvesting within the area(s) to be converted would have to be permitted through the Conservation Commission. The area(s) to be converted will also need to be delineated in the field so there is no confusion on the ground. In these cases, we typically work together to ensure all Conservation Commission requirements are being adhered to where applicable. I've requested the amended FCP and will forward once received and approved. No work is to commence there until the amended FCP is submitted and approved.

Paxton Street: This Forest Cutting Plan is under our final inspection period. All work under the FCP has been completed and I have been inspecting the site for FCP compliance. I expect we will be issuing the "Final Report" on this in early July. Denise Child of MassDEP, who I believe retired in April, said the following about this project if it moves to development:

"One option is, when/if the applicant comes before the commission for wetland permitting for future development, the Commission can require the applicant to retroactively permit the earlier alterations and consider them as part of the total impact of the project going forward. This may result in less total alteration than would otherwise occur and/or restoration of cut/alterd area in order to meet the performance standards for the project as a whole."

If this development comes to fruition and is put before the Conservation Commission in the near future, I would recommend going this route. We obviously are not very happy when someone abuses the Forest Cutting Practices Act and what it stands for, and would support any retroactive permitting of the site as Denise mentioned to the fullest reasonable extent possible. Please don't hesitate to reach out with any questions or concerns here – willing to help in any way we can. The final report should be back to the Conservation Commission by the July 20 hearing.

Thanks,

Chris Capone

Service Forestry
DCR / Bureau of Forest Fire Control and Forestry
355 West Boylston Street

Clinton, MA 01510
cell: [\(857\) 406-0175](tel:(857)406-0175)

[Service Forestry | Mass.gov](#)

From: Capone, Chris (DCR) <Chris.Capone@mass.gov>
Sent: Tuesday, June 22, 2021 6:44 AM
To: Buck, Michelle <BuckM@leicesterma.org>
Subject: Re: Forestry Permits

Hi Michelle,

Thanks for reaching out with this information. My supervisor is away on vacation and should be returning tomorrow. I'd like to discuss our next steps with her.

My feeling is that the Parker Street FCP should have a stop order and be rescinded. I will start working on this stop order today before any work begins there. I will need to discuss Paxton Street with her and our next steps.

I will be back in touch.

Thanks again,

Chris Capone

Service Forestry
DCR / Bureau of Forest Fire Control and Forestry
355 West Boylston Street
Clinton, MA 01510
cell: [\(857\) 406-0175](tel:(857)406-0175)

From: Buck, Michelle <BuckM@leicesterma.org>
Sent: Thursday, June 17, 2021 1:21 PM
To: Capone, Chris (DCR)
Subject: Forestry Permits

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

The Conservation Commission asked me to contact you related to 2 recent Forestry Permits:

1. Paxton Street/Central Land Development. The developer has submitted an amendment to their 2019 special permit for the project called Smuggler's Cove (shorter road length/few houses). Planning Board hearing is 7/20/2021. If the Board approves this amendment, the developer will still need to go through the Definitive Subdivision Plan process before he can proceed with construction.
2. Parker Street/Schold Development LLC. The Planning Board has received a Definitive Subdivision Plan for land on Parker street in the vicinity of the recently approved Forestry Permit. The hearing is also 7/20/2021.

Plans for both of the above applications are available at the links below:

Paxton Street:

2021 Application & Plan: https://www.leicesterma.org/sites/g/files/vyhlif781/f/uploads/21-153_modification_submittal_smugglers_cove_6-2-21_with_plan.pdf

2019 Plan:

https://www.leicesterma.org/sites/g/files/vyhlif781/f/uploads/combined_final_smugglers_cove_plans_for_web.pdf

Parker Street:

2021 Definitive Subdivision Plan:

https://www.leicesterma.org/sites/g/files/vyhlif781/f/uploads/parkerstreet_definitiveplans_2021.06.08.pdf

If you have any questions, let me know.

Best regards,

Michelle R. Buck, AICP

Leicester Town Planner/Director of Inspectional Services

[508-892-7007](tel:508-892-7007)

buckm@leicesterma.org

Please note that Leicester Town Hall is closed on Fridays.

GEORGE H. HARRIS
ATTORNEY AT LAW
8 HOLIDAY ROAD
WAYLAND, MASSACHUSETTS 01778

Tel & Fax: (508) 358-2379

E-mail: geoharris2@gmail.com

July 12, 2021

By email only to buckm@leicesterma.org

Leicester Planning Board
c/o Michelle R. Buck, AICP, Town Planner
3 Washburn Square
Leicester, MA 01524

Re: Smuggler's Cove Preliminary Plan, Meeting 07/20/2021

Dear Planning Board Members:

I represent Frank and Meredith MacKenzie-Lamb, who are direct abutters to the proposed "Smuggler's Cove" Open Space Residential Development off Paxton Street. I am writing in regard to the Preliminary Subdivision Plan presently under consideration by the Board.

Our principal concern addressed here is that the Preliminary Plan as prepared by Summit Engineering & Survey, Inc., dated May 26, 2021 (as well as the predecessor Plan prepared by Allen Engineering & Associates, Inc., dated July 2019) appears to be inaccurate, or at least incomplete, in representing the northern boundary of my clients' property in the vicinity of the main (southern) entrance to the Subdivision off Paxton Street. The Preliminary Plan references only my clients' 2000 deed (Book 23136, Page 394; see Exhibit 1 attached hereto), but fails to reference their 2004 deed (Book 32771, Page 25; see Exhibit 2).¹

The 2004 deed makes clear that my clients' land is presently bounded on the north in part by Camelot Drive, as shown on a plan recorded at Book 625, Plan 104 and also at Book 630, Plan 28 (1989) (see Exhibit 3, Sheet 3 of 5)².

Furthermore, the 2004 deed references a permanent easement for access to the proposed Subdivision roadway, as described in a 1988 deed recorded at Book 11648, Page 361 (see Exhibit 4) and shown on a plan of land recorded at Book 607, Plan 71 (see Exhibit 5). The 1988 deed includes a Transfer Covenant requiring the Subdivision owner to convey to my clients "so

¹ All recorded instruments are at Worcester Registry of Deeds.

² The MacKenzie-Lamb's property on Sheet 3 is denoted "Lot 5." (Approval of Tanglewood Shores Subdivision shown here has presumably been automatically rescinded due to failure to timely commence construction.)

much of that easement parcel as lies southerly of the roadway approved to be built on said parcel.”³

Thus, my clients’ fee simple interest in their property will extend to the southerly sideline of the proposed Subdivision roadway yet to be built. This should be, but is not, shown on the Preliminary Plan.

The exact boundary of the proposed Subdivision roadway is not delineated on the Preliminary Plan. However, it appears that (1) a small portion of the proposed roadway is on my clients’ land and (2) some of the land designated “Open Space” and “100’ Buffer” may also be on my clients’ land.

The above information is already known to the applicant’s personnel because we discussed it at length over a year ago.

We respectfully request that the Preliminary Plan be revised by the applicant to reflect accurately the MacKenzie-Lambs’ property interests as abutters. Thank you for your consideration.

Sincerely yours,

/s/ George H. Harris

Encl: Attached Exhibits (5)

cc: Frank & Meredith MacKenzie-Lamb (by email); Steven Greenwald, Esq. (by email)

³ Conveyance by the applicant owner to my clients “to be accomplished not later than 60 days from the date of posting of any bond or the execution of any covenant required by the Planning Board in connection with the approval of said roadway.”

129927

QUITCLAIM DEED

EXHIBIT 1

aka LORENZO CACCIALANZA

I, LORENZO CACCIALANZA, of Los Angeles, California in consideration of sixty-five thousand (\$65,000.00) dollars grant to FRANK MACKENZIE-LAMB and MEREDITH MACKENZIE-LAMB of (Wayland,) Massachusetts, as tenants by the entirety, with Quitclaim covenants,

A certain parcel of land located on the westerly side of the 1932 Worcester County Highway location of Paxton Road, Route 56, in Leicester, MA and being shown as Lot #5 on a plan of Tanglewood Shores formerly owned by Josephine P. Turturro dated August 10, 1989 and revised November 28, 1989, by A.F. Paige, Assoc. and being recorded in the Worcester District Registry of Deeds in Plan Book 630, Plan 28. (marked and surveyed by Donald Para - Land Surveyor - #33001)

Beginning at a point at the westerly side of Paxton Street (Route 56) at the northeasterly corner of Lot 6 as shown on said Plan;

Thence S. 89° 28' 10" W. 579.43 feet, more or less, to a point on the easterly shore of Sargent Pond;

Thence running northwesterly along the easterly shore of Sargent Pond about 100 feet to a point at Lot 4 as shown on said Plan;

Thence North 81° 08' 39" E. 443.24 feet to a point at the southerly line of Camelot Drive;

Thence easterly along the southerly line of Camelot Drive by a curve to the left with a radius of 220.00 feet a distance of 118.31 feet to a point;

Thence continuing by Camelot Drive at a curve to the right with a radius of 24.00 feet a distance of 35.33 feet to a point at the westerly line of Paxton Street;

Thence by the westerly line of Paxton Street S. 13° 26' 45" E. a distance of 112.27 feet to an iron pipe;

Thence continuing by the westerly line of Paxton Street S. 13° 26' 45" E. 18.09 feet to a point at Lot 6 being the point of beginning.

Containing an area of 78,018 square feet, more or less, and being a portion of land described in Book 11648, Page 361, shown as Lot marked 1 (25.6 acres) on Plan by Donald A. Para recorded with the Worcester District Registry of Deeds Plan Book 607 Plan 71.

Executed as a sealed instrument this day of September, 2000

Lorenzo Caccialanza

WORCESTER
DEEDS REG 20
WORCESTER

State of California
County of Los Angeles

On Sept 20 2000 before me,
(DATE) (NAME, TITLE OF OFFICER, NOTARY PUBLIC)

personally appeared
(NAME(S) OF SIGNER(S))

? personally known to me -OR- ? proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/ their authorized capacit(ies), and that by his/her/their

CUSHING & DOLAN, P.C.
520 PROVIDENCE HIGHWAY, #10
NORWOOD, MA 02062
781-278-9901

10/26/00 11:41AM
000000 #7135

CANCEL

FEE \$296.40
CASH \$296.40

PROPERTY : 127 PAXTON STREET, LEICESTER
Grantee Address

1 of 2

9/19/00 2:37 PM

signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted,
executed the instrument.

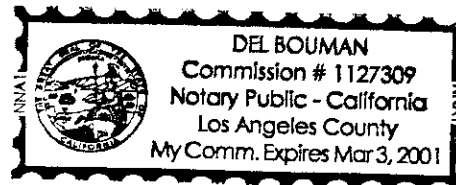
Witness my hand and official seal.



(SEAL)

(SIGNATURE OF NOTARY)

MAIL TO: George L. Garfinkle, Esquire
99 Pond Avenue, Suite 621
Brookline, MA 02445



127 PAXTON ST
LEICESTER 01524

2004 00018019

Bk: 32771 Pg: 25 Doc: DEED
Page: 1 of 3 02/03/2004 02:06 PM**QUITCLAIM DEED**

We, **Joseph W. Hyland** of 175 Paxton Street, Leicester, Massachusetts and **Robert M. Hyland** of 17 Whittemore Street, Leicester, Massachusetts, tenants in common, (hereinafter referred to as the "Grantors") for consideration of less than One Hundred & 00/100 Dollars (\$100.00), grant to **Frank MacKenzie-Lamb** and **Meredith MacKenzie-Lamb**, husband and wife, tenants by the entirety, with *quitclaim covenants*:

That parcel of land bounded on the north in part by Camelot Drive, as shown on a plan entitled "Definitive Plan of Camelot Shores Estates, Leicester, Massachusetts," prepared by A. F. Paige Associates, Registered Engineers & Surveyors, dated May 16, 1989 and revised July 10, 1989, and recorded with the Worcester District Registry of Deeds as Plan 104 in Plan Book 625, and needed to complete the parcel shown as Lot 5 on a plan entitled "Plan of Tanglewood Shores, Leicester, Massachusetts," prepared by A. F. Paige Associates, Registered Engineers & Surveyors, dated August 10, 1989 and revised November 28, 1989, and recorded with said Registry of Deeds as Plan 28 of Plan Book 630, and as described in the deed from Lorenzo Caccialanza to Frank MacKenzie-Lamb and Meredith MacKenzie-Lamb, tenants by the entirety, dated September 20, 2000 and recorded with said Registry of Deeds at Book 23136, Page 394.

The parcel is further described as being a portion of Lot 2 as shown on a plan entitled "Plan of Land in Leicester, MA Surveyed for Louis Landon and Josephine P. Turturro," prepared by Donald A. Para, R.P.L.S., dated September 19, 1988, and recorded with said Registry of Deeds as Plan 71 of Plan Book 607, and bounded as follows:

On the north in part by said Camelot Drive;

On the east by Paxton Street (Route 56), as shown on said Definitive Plan of Camelot Shores Estates;

On the southwest by land now of Frank MacKenzie-Lamb and Meredith MacKenzie-Lamb, formerly owned by Josephine P. Turturro, as shown on said Definitive Plan of Camelot Shores Estates; and

On the north in part by Lot 4, now or formerly owned by Josephine P. Turturro, as shown on said Plan of Tanglewood Shores.

Being a portion of the same premises conveyed to the Grantors by deed of Richard J. Pentland, Ralph F. Sbrogna, and Francis J. Polito, Trustees of the SPP Trust, dated November 2, 2000, recorded with said Registry of Deeds at Book 23191, Page 313, and meaning and intending to satisfy an obligation to convey contained therein at Page 315.

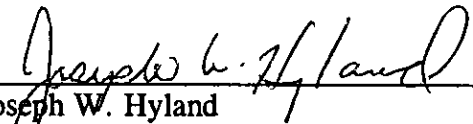
3 GRANTEES
Address
FRANK & MEREDITH MACKENZIE-LAMB
21 ELWOOD AVE
CHERRY VALLEY, MA 01611
Mail

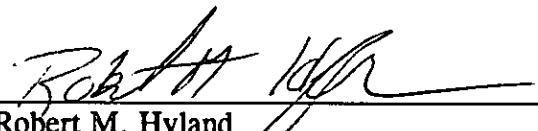
127 PAXTON ST
LEICESTER, MA
01524

Also meaning and intending by this conveyance to comply with an order and judgment of the Worcester County Superior Court, dated October 17, 2003, Civil Docket No. WOCV2002-01145, a copy of which is attached hereto as Exhibit A.

And SUBJECT TO existing rights to a permanent easement of access granted by Louis Landon and Josephine P. Turturro to Josephine P. Turturro by deed dated September 28, 1988 and recorded with said Registry of Deeds at Book 11648, Page 361.

Executed as a sealed instrument this 23rd day of January, 2004.


Joseph W. Hyland



Robert M. Hyland

The Commonwealth of Massachusetts

Worcester, ss.

Jan 23rd, 2004

Then personally appeared the above-named Joseph W. Hyland and Robert M. Hyland, being known to me, and acknowledged the foregoing instrument to be their free act and deed, before me.


Mark C. Darling, Notary Public
My Commission expires: 07/21/06

Commonwealth of Massachusetts
County of Worcester
The Superior Court

CIVIL DOCKET# WOCV2002-01145

Frank MacKenzie-Lamb and
 Meredith MacKenzie-Lamb

vs.

Joseph W. Hyland and Robert M. Hyland

SUMMARY JUDGMENT M.R.C.P. 56

This action came on to be heard before the Court, Thomas P. Billings, Justice, presiding, upon motion of the plaintiff(s), Frank MacKenzie-Lamb and Meredith MacKenzie-Lamb, for Summary Judgment pursuant to Mass. R. Civ. P. 56- the parties having been heard - and the Court having considered the pleadings-admissions- and affidavits, finds there is no genuine issue as to material fact and that the plaintiff is entitled to a judgment as a matter of law,

It is **ORDERED** and **ADJUDGED**:

That the plaintiff (s), Frank MacKenzie-Lamb and Meredith MacKenzie-Lamb, are entitled to specific performance against the defendants, as follows;

1. Within thirty-one (31) days of the date of this entry of this Judgment, the defendants shall convey to the plaintiffs, by quitclaim deed, that parcel of land bounded by Camelot Drive (as shown on the Definitive Plan of Camelot Shores Estates, Worcester District Registry of Deeds Plan Book 685, Plan 104) and needed to complete the parcel described in the deed from Lorenzo Cacialanza to Frank MacKenzie-Lamb and Meredith MacKenzie-Lamb dated September 20, 2000 and recorded in the Worcester Registry of Deeds at Book 23136, Page 394 (i.e., the "Contested Portion" referred to in the Memorandum of Lis Pendens).
2. The defendants' counterclaim is dismissed, defendants/plaintiffs-in-counterclaim to take nothing.
3. Statutory costs to the plaintiffs.

Dated at Worcester, Massachusetts this 17th day of October, 2003.

On Paid
 Copies Mailed 10/17/03

By: *Alfonso Rodriguez, III*
 Assistant Clerk

WORCESTER COUNTY
RECEIVED
630 JAN 28
12-14-88
11 36 5 A.M.
Faint text and stamps in the top right corner, including a date stamp and a signature.

EXHIBIT 3

TANGLEWOOD SHORES

LEICESTER , MASSACHUSETTS

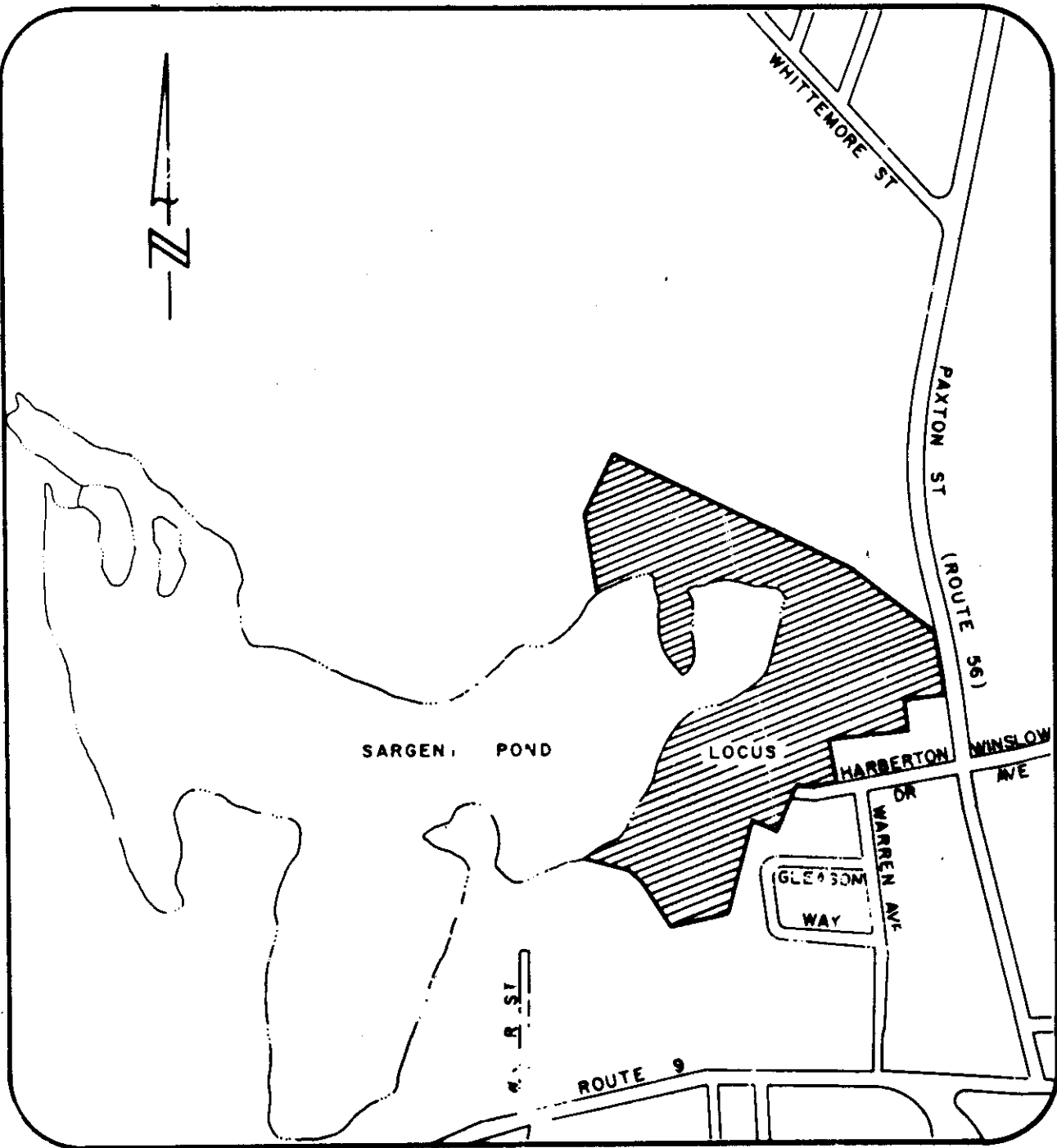
OWNED BY
JOSEPHINE P. TURTURRO
P.O. BOX 390
LEICESTER, MA 01524

DATE: AUGUST 10, 1989 REVISED: NOVEMBER 28, 1989

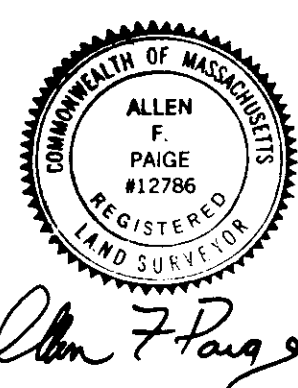
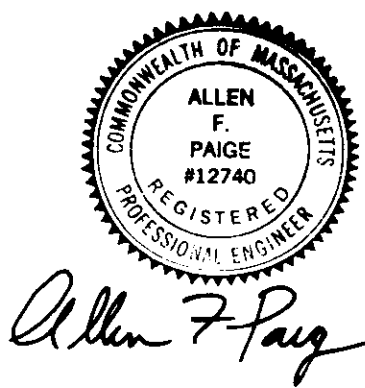
A. F. PAIGE ASSOCIATES
PROFESSIONAL ENGINEERS & LAND SURVEYORS
714 B SOUTHBRIDGE STREET
AUBURN , MASSACHUSETTS 01501

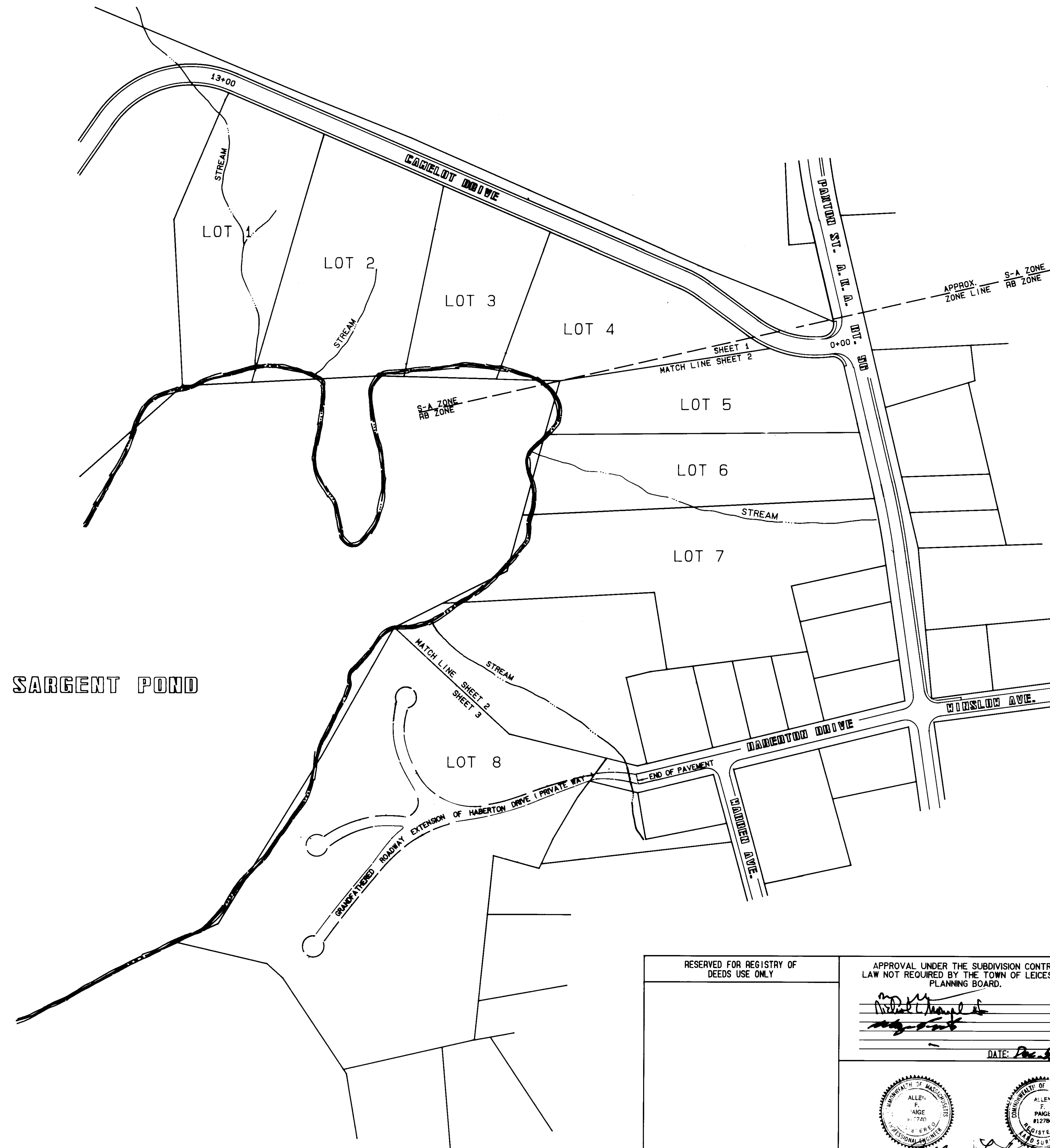
8 LOT SUBDIVISION
TOTAL LAND AREA = 26.1 ACRES
SUBURBAN / AGRICULTURAL ZONING
MINIMUM LOT SIZE = 50,000 Sq. Ft.
LARGEST LOT = 142,785 Sq. Ft.
SMALLEST LOT = 60,667 Sq. Ft.

RESIDENTIAL B ZONING
MINIMUM LOT SIZE = 20,000 Sq. Ft.
LARGEST LOT = 435,069 Sq. Ft.
SMALLEST LOT = 78,018 Sq. Ft.

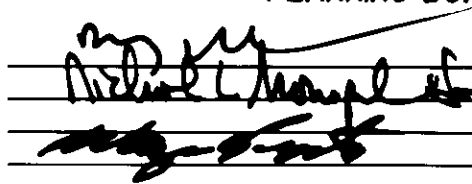
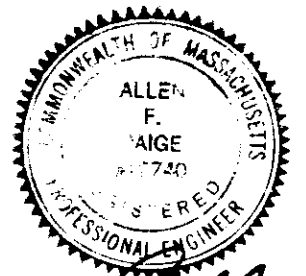
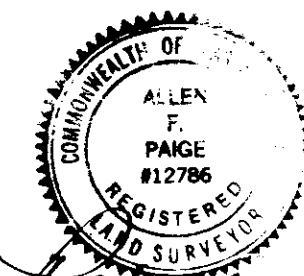


LOCUS MAP
SCALE: 1"=600'





SHEET 2 of 5

RESERVED FOR REGISTRY OF DEEDS USE ONLY	APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED BY THE TOWN OF LEICESTER PLANNING BOARD.
	
	DATE: Dec 5, 1989
	 

INDEX PLAN OF
TANGLEWOOD SHORES
LEICESTER, MASSACHUSETTS
OWNED BY
JOSEPHINE P. TORTORRO

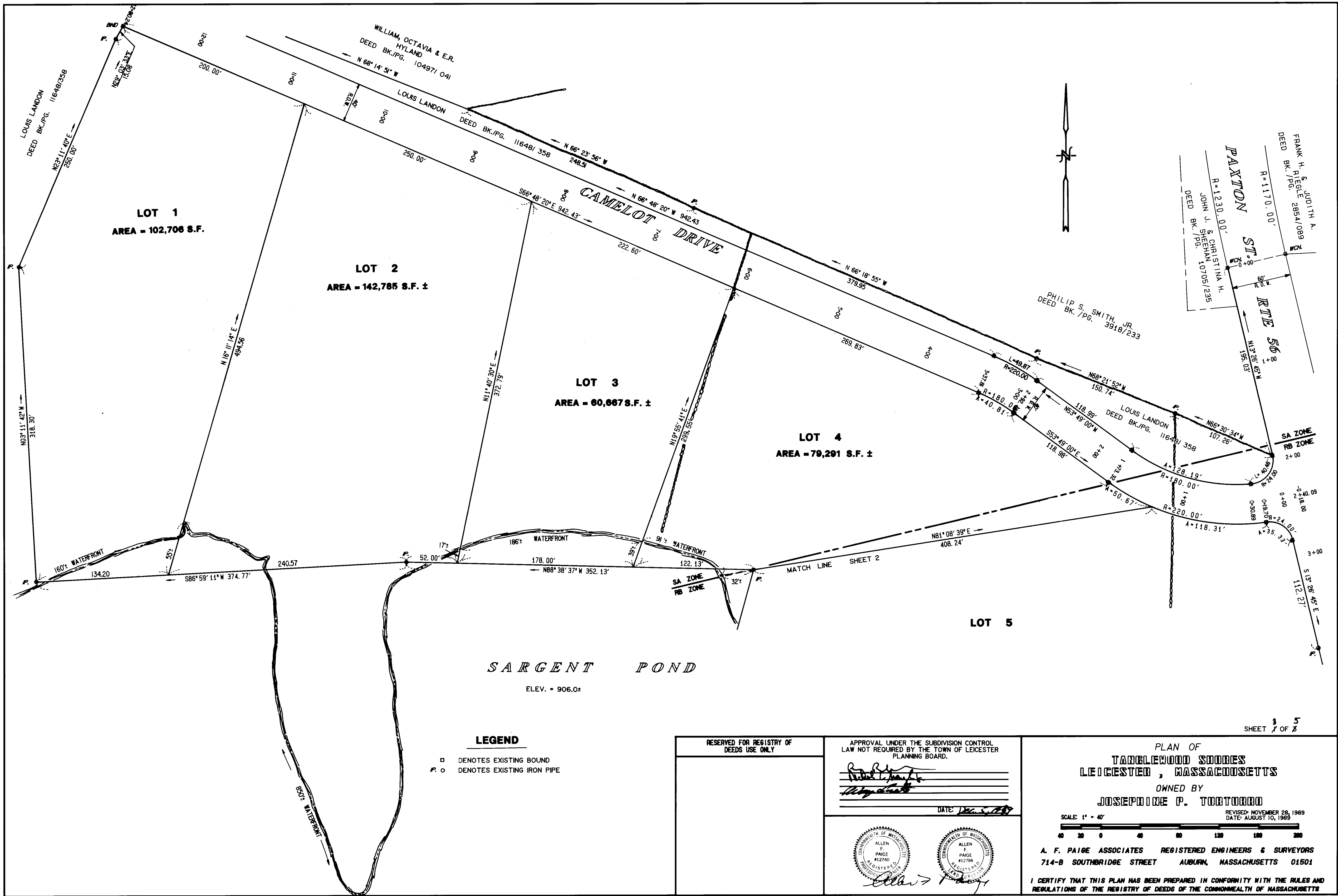
SCALE: 1" = 100'

100 50 0 100 200 300 400 500

A. F. PAIGE ASSOCIATES REGISTERED ENGINEERS & SURVEYORS
714-B SOUTHBRIDGE STREET AUBURN, MASSACHUSETTS 01501

REVISOR: NOVEMBER 28, 1989
DATE: AUGUST 10, 1989

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS



SHEET 3 OF 5

LEGEND

- DENOTES EXISTING BOUND
- P. O DENOTES EXISTING IRON PIPE

RESERVED FOR REGISTRY OF DEEDS USE ONLY

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED BY THE TOWN OF LEICESTER PLANNING BOARD.

DATE: Dec. 5, 1989

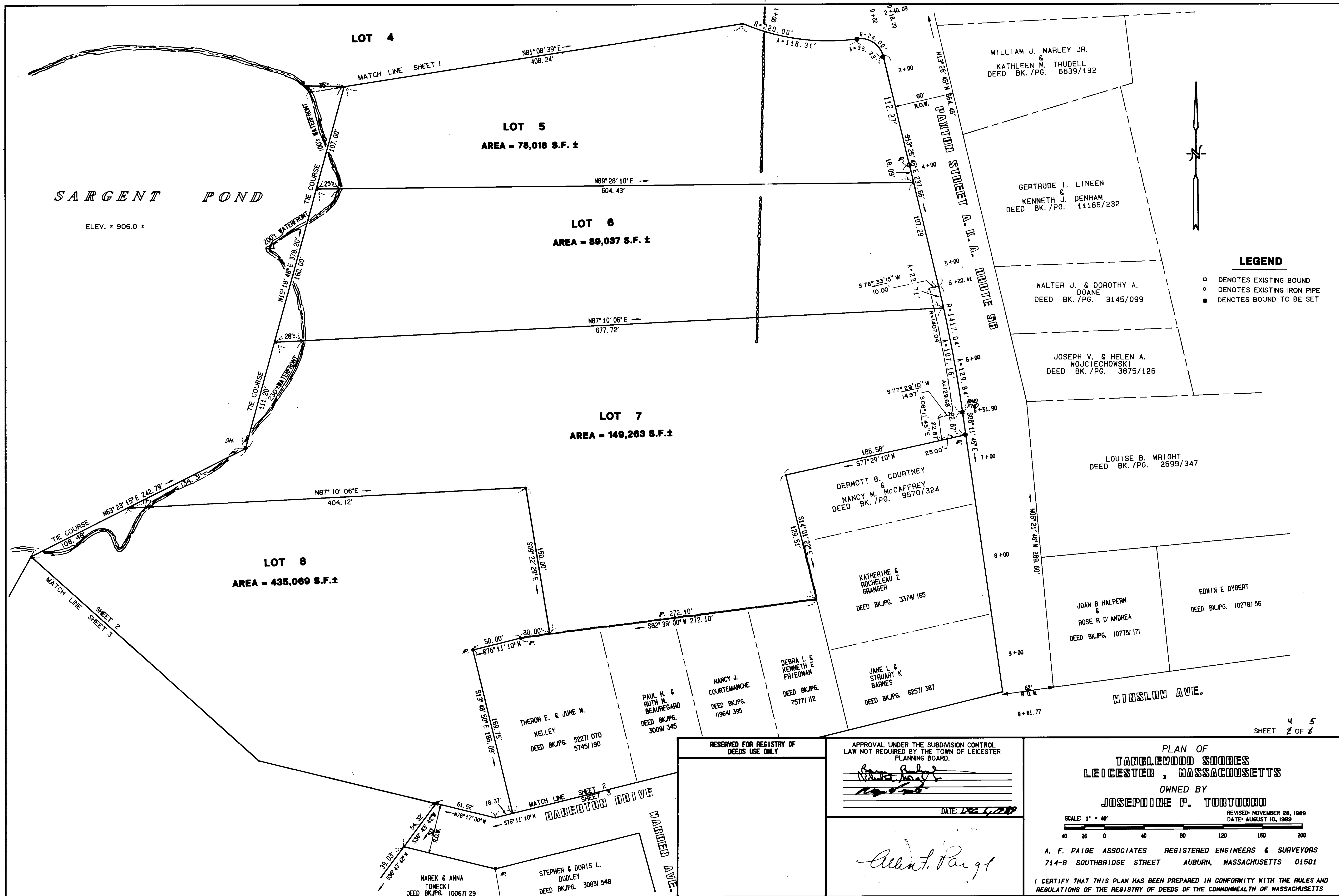
PLAN OF
TANGLEWOOD SHORES
LEICESTER, MASSACHUSETTS
OWNED BY
JOSEPHINE P. TORTORRO

SCALE: 1" = 40'

A. F. PAIGE ASSOCIATES REGISTERED ENGINEERS & SURVEYORS
714-B SOUTHBRIDGE STREET AUBURN, MASSACHUSETTS 01501

REVISED: NOVEMBER 28, 1989
DATE: AUGUST 10, 1989

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS



LEGEND

- DENOTES EXISTING BOUND
- DENOTES EXISTING IRON PIPE
- DENOTES BOUND TO BE SET

RESERVED FOR REGISTRY OF
DEEDS USE ONLY

APPROVAL UNDER THE SUBDIVISION CONTROL
LAW NOT REQUIRED BY THE TOWN OF LEICESTER
PLANNING BOARD.

DATE: *Dec 5, 1989*

Allan F. Paige

PLAN OF
TANGLEWOOD SHORES
LEICESTER, MASSACHUSETTS

OWNED BY
JOSEPHINE P. TORTORNO

SCALE: 1" = 40'
40 20 0 40 80 120 160 200

A. F. PAIGE ASSOCIATES REGISTERED ENGINEERS & SURVEYORS
714-B SOUTHBRIDGE STREET AUBURN, MASSACHUSETTS 01501

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND
REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

SARGENT POND

ELEV. = 906.0 ±

LOT 8

LOT 7

LOT 8
AREA = 435,069 S.F. ±

LEGEND

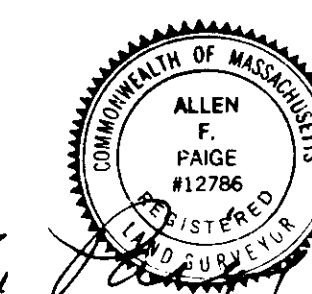
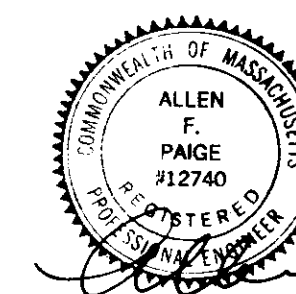
I.P. ○ DENOTES EXISTING IRON PIPE

NOTE:
EXISTING ROADWAY SPEC. FOR TANGLEWOOD SHORES
-15' GRAVEL BASE
-18' WIDE ROADWAY
-40' RIGHT OF WAY

RESERVED FOR REGISTRY OF
DEEDS USE ONLY

APPROVAL UNDER THE SUBDIVISION CONTROL
LAW NOT REQUIRED BY THE TOWN OF LEICESTER
PLANNING BOARD.

DATE: DEC 5, 1989



PLAN OF
TANGLEWOOD SHORES
LEICESTER, MASSACHUSETTS

OWNED BY
JOSEPHINE P. TORTORBO

SCALE: 1" = 40'
40 20 0 40 80 120 160 200

A. F. PAIGE ASSOCIATES REGISTERED ENGINEERS & SURVEYORS
714-B SOUTHBRIDGE STREET AUBURN, MASSACHUSETTS 01501

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND
REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

MALCOLM C. & ELIZABETH
RUSSELL
DEED BK./PG. 4328/145

HANNA J. JOSEPH
DEED BK./PG. 6285/126

WILLIAM G. &
SUSAN B. LYON
DEED BK./PG. 7841/111

GARY W. & CAROL A.
NESKE
DEED BK./PG. 6891/295

RUSSELL D. & BARBARA S.
MILLER
DEED BK./PG. 4036/070

EDWARD P. & CONGETTA
BURNHAM
DEED BK./PG. 7220/98

MAREK & ANNA
TOMECKI
DEED BK./PG. 10067/29

STEPHEN & DORIS L.
DUDLEY
DEED BK./PG. 3083/548

DOUGLAS M. & ELEANOR M.
MENARD
DEED BK./PG. 8967/141

GARY E. ROBINSON
DEED BK./PG. 6403/204

DEBRA L. &
KENNETH E.
FRIEDMAN
DEED BK./PG. 7577/112

NANCY J.
COURTEMANCHE
DEED BK./PG. 11964/395

PAUL H. &
RUTH M.
BEAUREGARD
DEED BK./PG. 3009/345

THERON E. & JUNE M.
KELLEY
DEED BK./PG. 5227/070
5745/190

JANE L. &
STUART K.
BARNES
DEED BK./PG. 6257/387

KATHERINE &
ROCHELEAU Z.
GRANGER
DEED BK./PG. 3374/165

EXHIBIT 4

LOUIS LONDON AND JOSEPHINE P. TURTURRO

of Spencer and West Brookfield, respectively, Worcester County, Massachusetts,

in consideration of less than One Hundred Dollars (\$100.00) and in settlement of a dispute as to division of the land owned by the parties as tenants in common,
 WORCESTER DISTRICT REGISTRY DOC # 88E0067-61

grant to JOSEPHINE P. TURTURRO

of Route 9, West Brookfield, MA

with quitclaim covenants

the land in Leicester, Worcester County, Massachusetts on the westerly side of Paxton Street (Route 56), being Lot 1 as shown on a plan of land in Leicester, Massachusetts surveyed by Donald A. Para, R. P. L. S. dated September 19, 1988 recorded in Worcester District Registry of Deeds Plan Book 607 Plan 71, said lot being more particularly bounded and described as follows:

beginning at a point in the westerly line line of Paxton Street at the northeasterly corner of land now or formerly of McCaffery and Courtney;

thence North 8° 11' 45" West along the westerly line of Paxton Street twenty-two and 87/100 (22.87) feet to a point;

thence northerly on a curve to the left having a radius of 1,417.04 feet and arc length of one hundred twenty-nine and 84/100 (129.84) feet to a Worcester County Highway bound, opposite station 125 + 03.94 of the 1932 Worcester County Highway Layout of said Paxton Street;

thence North 13° 26' 45" West along the westerly line of Paxton Street one hundred twenty-five and 38/100 (125.38) feet to a point in the easternmost corner of Lot 2 as shown on said plan;

thence North 53° 49' 00" West three hundred eighty-six and 70/100 (386.70) feet along Lot 2 to a point;

thence North 88° 48' 20" West still along Lot 2 nine hundred eighty five (985) feet to a point;

thence South 23° 11' 40" West along Lot 2 two hundred fifty (250) feet;

thence South 3° 11' 42" East along Lot 2 three hundred eighteen and 30/100 (318.30) feet to a point in the northerly shoreline of Sargent Pond;

thence following the shoreline of Sargent Pond as shown on said plan easterly and southerly approximately two thousand seven hundred fifty (2,750) feet to a drill hole in the end of the stone wall at land now or formerly of Malcolm Russell;

thence South 76° 50' 51" East along a stone wall one hundred seventy (170) feet more or less to a drill hole;

thence following said stone wall on a curve to the right to a point which is South 48° 12' 54" East a distance of forty-one and 25/100 (41.25) feet from the last previous drill hole mentioned;

thence South 33° 46' 43" East following a stone wall two hundred ten and 35/100 (210.35) feet the last three courses being along the land of said Russell;

thence North 77° 13' 46" East along land now or formerly owned by Joseph Hanna and land of William Lyon two hundred fifty-eight and 15/100 (258.15) to a drill hole in an angle of stone walls;

thence North 5° 42' 10" East along land now or formerly of Neske, the land of Burnham and the land of Miller three hundred fifty-five and 01/100 (355.08) feet following a stone wall to an iron pin at an angle in stone walls;

thence South 74° 33' 34" East along a stone wall and land of said Miller ninety and 98/100 (90.98) feet to an iron pin;

thence North 24° 57' 06" East along a stone wall and land of said Miller and land now or formerly of Tomecki sixty-two and 40/100 (62.40) feet to a drill hole in the stone wall said drill hole being northerly of a barway;

thence North 30° 18' 40" East following said stone wall and land of Tomecki ninety-two and 97/100 (92.97) feet to a drill hole;

(No Number) Paxton Street, (Lot 1, Plan Book 607 Plan 71), Leicester, MA

SEP 29 3 28 PM '88

thence North 36° 43' 42" East along said stone wall thirty-nine and 03/100 (39.03) feet to the northwesterly terminus of Harberton Avenue;
 thence North 36° 43' 42 " East along Harberton Avenue fifty-four and 32/100 (54.32) feet to a point;
 thence South 76° 17' 00" East along Harberton Avenue sixty-one 52/100 (61.52) feet to an iron pin;
 thence North 76° 11' 10" East along Harberton Avenue eighteen and 37/100 (18.37) feet to an iron pin;
 thence North 13° 48' 50" West one hundred sixty-nine and 75/100 (169.75) feet;
 thence North 76° 11' 10" East fifty (50) feet to an iron pin;
 thence North 82° 39' 00" East following a stone wall three hundred two and 10/100 (302.10) feet along lands now or formerly of Kelley, Beauregard, Menard and Watters to a drill hole in the corner of stone walls;
 thence North 14° 01' 22" West along land now or formerly of Granger fifty-nine and 51/100 (59.51) feet to an iron pin;
 thence continuing North 14° 01' 22" West along land now or formerly of McCaffery and Courtney seventy and 00/100 (70.00) feet to a point;
 thence North 77° 05' 43" East one hundred eighty-six and 58/100 (186.58) feet along land of said Courtney and McCaffery to the point of beginning;
 containing 25.6 acres and being a portion of the premises conveyed to the grantors by deed of Dorothy W. Smith dated October 23, 1987 recorded in Worcester District Registry of Deeds Book 10894, Page 62.

Premises are conveyed TOGETHER WITH a permanent easement for access by foot and motor vehicle and use for all purposes of a public way including but not limited to installation and maintenance above and below the land over which said easement runs, of all types of utilities incident to the use of the Lot 1 and any lots sub-divided therefrom for residential purposes and other purposes permitted under the zoning by-laws of the Town of Leicester as the same may from time to time amended. This easement is over the following described land:

Beginning at a point in the southeasterly end of a stone wall said point being the easternmost corner of land now or formerly of Phillip S. Smith;
 thence South 13° 26' 45" East along the westerly line of Paxton Street two hundred (200) feet to the northeasterly corner of land shown as Lot 1 on said plan;
 thence North 53° 49' 00" West along Lot 1 three hundred eighty-six and 70/100 (386.70) feet to a point;
 thence North 66° 48' 20" West along Lot 1 nine hundred eighty-five (985) feet to a point;
 thence North 23° 11' 40" East to the stone wall in the southerly line of land now or formerly owned by William and Octavia A. Hyland;
 thence South 67° 34' 36" East along said stone wall and land of Hyland one hundred fifty-seven 20/100 (157.20) feet to a drill hole in the end of said stone wall;
 thence South 68° 14' 51" East one hundred ninety-eight and 89/100 (198.89) feet partly along land of said Hyland and partly along land now or formerly of Phillip S. Smith to an iron pin;
 thence South 66° 23' 56" East two hundred forty-eight and 51/100 (248.51) feet following a stone wall to an iron pin;
 thence South 66° 18' 55" East still along said stone wall three hundred seventy-nine and 95/100 (379.95) feet to a drill hole in said stone wall;
 thence South 66° 21' 52" East one hundred fifty and 74/100 (150.74) feet along said stone wall to an iron pin;
 thence South 66° 30' 34" East one hundred seven and 26/100 (107.26) feet along said stone wall to the point of beginning the last four courses being along land now or formerly of said Phillip S. Smith.

Premises are conveyed TOGETHER WITH the obligation of the owner of Lot 2 to convey to the owner hereof (or that portion hereof which remains adjacent to the land over which the easement runs) so much of that easement parcel as lies southerly of the roadway approved to be built on said parcel, said conveyance to be accomplished not later than 60 days from the date of posting of any bond or the execution of any covenant required by the Planning Board in connection with the approval of said roadway.

Executed as a sealed instrument this 28th day of September 19 88

Walter A. [Signature]
Josephine P. Turturro
Louis Landon
Josephine P. Turturro

The Commonwealth of Massachusetts

Worcester

ss.

September 28, 19 88

Then personally appeared the above named Louis Landon and Josephine P. Turturro

and acknowledged the foregoing instrument to be their free act and deed,

Before me, [Signature] Notary Public - 200200000000

My commission expires 19

NEILL W. SCHOONMAKER,
 My Comm. Expires 12/9/88

ATTEST: WORC., Anthony J. Vigliotti, Register

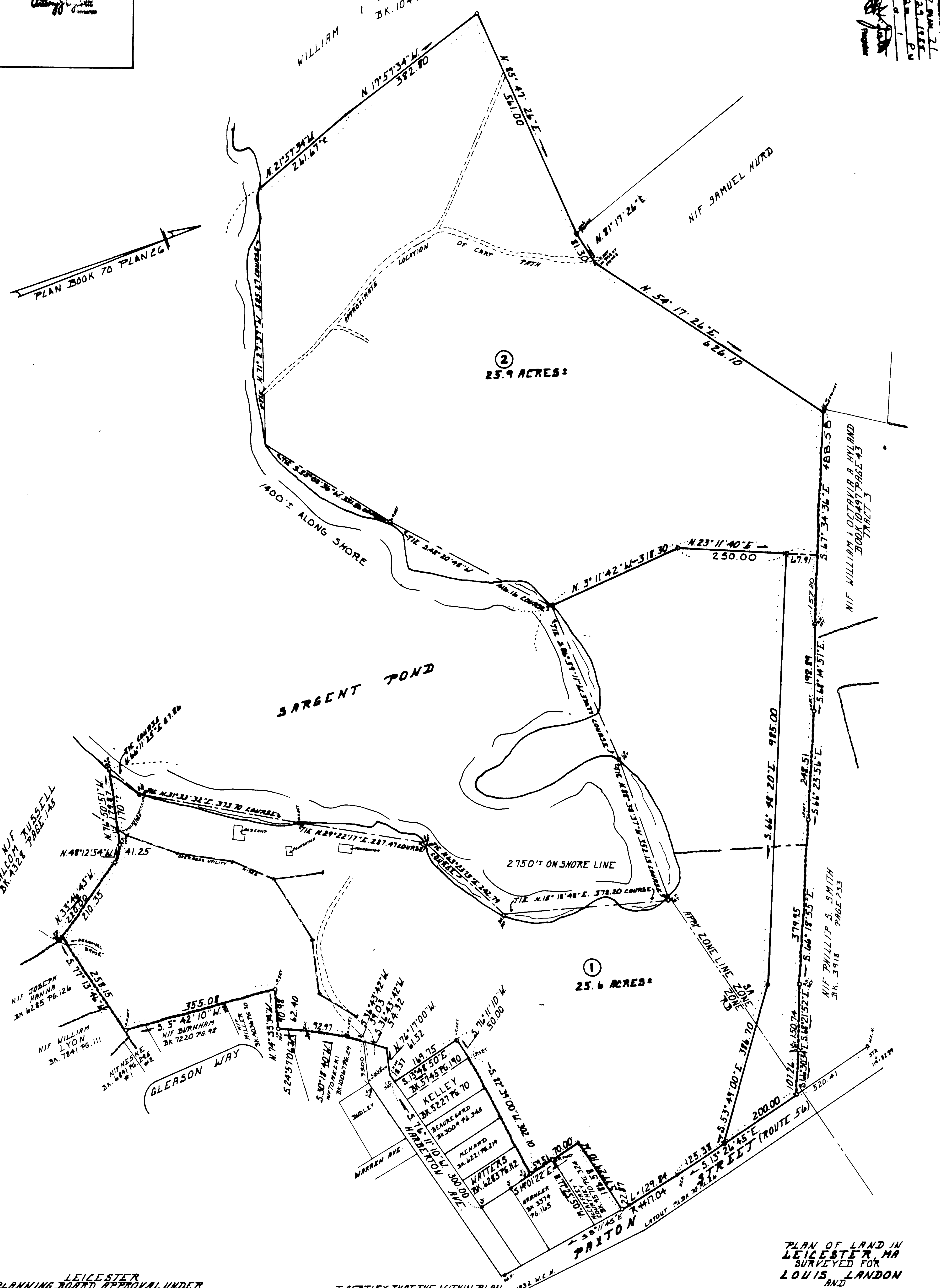
EXHIBIT 5

RECORDED
WORCESTER DISTRICT
REGISTER
SEP 23 3 42 PM '88
C. H. H. H.

Worcester District
OF DEEDS - WORCESTER, MA
PLAN BOOK 602 PAGE 2
PLAT 522.23.13.13.13
3 1/2 1/2 1/2 1/2
ATTN: C. H. H. H.

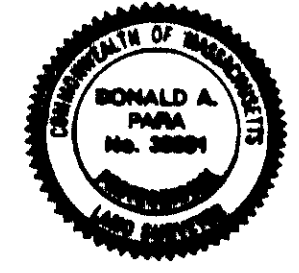
WILLIAM OCTAVIA
BK. 10497
A. HYLAND
PG. 42
TRACT 2

PLAN BOOK 70 PLAN 26



LEICESTER
PLANNING BOARD APPROVAL UNDER
SUBDIVISION CONTROL LAW NOT REQUIRED
Thomas J. Marzulli
Stephen H. Colburn
Nicholas L. Mang

I CERTIFY THAT THE WITHIN PLAN
CONFORMS TO THE RULES AND
REGULATIONS OF THE REGISTERS
OF DEEDS.
Donald A. Para



PLAN OF LAND IN
LEICESTER, MA
SURVEYED FOR
LOUIS LONDON
AND
JOSEPHINE P. TURNURO
SCALE 1"=100' SEPT. 19, 1988
DONALD A. PARA, R.P.L.S.
NEW BRANTREE, MA



MAJORITY OF THE BOARD
DATE: 9-20-88



Town of Leicester
PLANNING BOARD
3 WASHBURN SQUARE
LEICESTER, MASSACHUSETTS, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

RECEIVED
2020 JAN -8 PM 2:44
TOWN CLERK & OFFICE
LEICESTER, MASS.

SPECIAL PERMIT DECISION

Date: January 7, 2020

File Number: SP2019-02

Applicant: Matt Schold
Central Land Development Corp.
One Charlesview Road, Suite 1
Hopedale, MA 01747

Owner: Same as Applicant

Location: off Paxton Street. Assessors' Map 19, Parcels A14, A14.1, and A14.2

Deed Ref.: Book 59309/Page 122

Zoning: Suburban Agriculture (SA)/Residential 2 (R2)
Water Resources Protection Overlay District

Water/Sewer: Leicester Water Supply District (water & sewer)

Subject: Application for a Special Permit under §5.13 of the Leicester Zoning Bylaw to allow an Open Space Residential Development

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

PROCEDURAL HISTORY:

1. On July 11, 2019, 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 July 10, 2019 (application forms, project narrative, waiver request letter, letter from the Leicester Water Supply District, abutters list, CD with all application materials)
 - b) Letters from Greenwald & Greenwald, LLP Attorneys at Law dated August 16, 2019 and October 23, 2019 (easement information)
 - c) Letters from Allen Engineering to the Leicester Planning Board dated September 9, 2019 (response to Town Planner review letter)
 - d) Letters from Allen Engineering to the Leicester Planning Board dated September 9, 2019 and October 10, 2019 (responses to Quinn Engineering review letter)
 - e) Letter from Allen Engineering to the Leicester Planning Board dated October 10, 2019
 - f) Letter from Matthew Schold, Principal, Central Development, Inc. dated December 10, 2019

- g) Letters from Greenwald & Greenwald, LLP Attorneys at Law dated August 16, 2019 and October 23, 2019.
- h) The following Plans (2 sheets) prepared by Allen Engineering & Associates, Inc., dated July 8, 2018, revised through January 7, 2020:

Sheet Title	Sheet #
Preliminary Plan: Open Space Residential Development Plan in Leicester, MA	1 of 2
Preliminary Plan: Conventional Subdivision Plan of Land in Leicester, MA	2 of 2

- i) Color presentation plan showing estimated location of houses and tree clearing, prepared by Allen Engineering and Associates, Inc. dated July 8, 2019, revised through January 7, 2020.
2. The Board engaged Quinn Engineering of Paxton, Massachusetts, pursuant to G.L. c. 44, s. 53G, to review the Applicant's proposed development.
 3. The Planning Board held a public hearing on the application on August 20, 2019*. At the applicant's request, the hearing was continued to September 3, 2019*. The September 3, 2019* hearing was re-scheduled for September 10, 2019, then continued to October 15, 2019, November 5, 2019*, November 19, 2019**, December 3, 2019** December 17, 2019**, December 19, 2019* and January 7, 2020 to allow the Applicant to address comments from the public, 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 January 7, 2020.
**no discussion*
***meeting cancelled*
 4. 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) Correspondence of Quinn Engineering, Inc. to Leicester Planning Board dated August 12, 2019 and September 26, 2019;
 - c) Written comments from the following Town Boards and Departments: Conservation Commission, Historical Commission, Police Department, Leicester Water Supply District, and Town Planner.
 - d) Written comments from the French River Connection dated November 12, 2019
 - e) Written comments from the following Leicester residents: Marisa Cantara Ayyvazian, David Baril, William & Cathy Battelle, Robert Bembridge, Adam Ceredona, Ed & Sandy Dickinson, Sean Fadden, Sarah Giguere, Marie Harrington, Kevin & Bonnie Layden, Pamela Bembridge Murphy, Mark & Carrie Parapinto, and Robert & Dolores Richmond.
 - f) Letters from Town Counsel Petrini & Associates (not public record)

FINDINGS:

1. The proposed 24 lot Open Space Residential Development (OSRD) is on a 60.2± acre vacant wooded tract of land (3 parcels) west of Paxton Street and north of Sargent Pond in the Suburban Agriculture (SA) zoning districts and Water Resources Protection Overlay District (a tiny portion of the site is in the Residential 2 (R2) zoning district). The site is also accessible via an existing 50-foot wide access easement to Paxton Street at the northeast corner of the tract. The land abuts Sargent Pond with approximately 3,700 feet of water frontage and the entirety of the site slopes from its northern border southerly toward Sargent Pond.
2. The OSRD project as submitted proposes 24 residential lots (14 with water frontage) on a proposed new roadway off Paxton Street and terminating with a cul-de-sac. A second means of access will continue from the cul-de-sac back through the northerly portion of the subdivision connecting to Paxton Street through the existing access easement. The remainder of the site (31 acres) will be designated as Open Space. The greater portion of the open space will be along the northern side of the tract, directly accessible from the proposed secondary access way. Two other open space parcels along the southern border will provide access from the cul-de-sac roadway to Sargent Pond.
3. In response to comments received during the review process, the secondary access is proposed as a gravel base with 6-8" of compacted asphalt millings. In addition, the Applicant will provide a transition strip (approximately 4' wide and 40' long) along the west side of Paxton Street for southbound traffic entering the project. The Leicester Public Safety Committee approved the secondary access and transition strip as described above at their meeting of September 10, 2019.
4. The proposed site will be provided with public sewer, water, underground electrical and communication services from the existing public utilities located Paxton on Street. In addition to those utilities a proposed stormwater management system will be designed for the developed site to conform to the current Massachusetts DEP Stormwater Management Standards. The project will require Conservation Commission review and approval.
5. The Conventional lot plan required to determine the total number of lots to be created for the OSRD concept shows 27 lots on ±5,249 lineal feet of new roadway with two entrances on Paxton Street. The formula in Section 5.13.05.B(3) of the Zoning Bylaw results in a yield of 28 lots.
6. The OSRD development plan is designed to allow single family residential dwelling units to be "clustered" closer together to minimize the total area of site disturbance for the proposed number of dwellings as compared to a conventionally zoned development and thereby provide for more permanent protected open space. The OSRD concept proposes 2,607 feet of roadway (and a 2,692 foot secondary access way as described above). Along this proposed roadway would be twenty-four (24) frontage lots in conformance with the current Zoning Bylaws. The OSRD bylaw requires a minimum lot size of 20,000 square feet in the SA district; all lots proposed are well in excess of this requirement. Proposed lots range in size from 27,664 - 154,157 square feet (average of 47, 865 square feet). All lots exceed the minimum required frontage of 100 feet.

7. Both the conventional and OSRD proposals show roadways over easements on land owned by others.
8. Leicester's Zoning Bylaw, Section 5.13.07 (A) requires that "no less than 50% of the land area shall be devoted to open space" and "no more than 50% of the open space may contain wetlands." The OSRD plan shows ± 31.3 acres of open space (52% of the total land area of ± 60.2 acres). The proposed open space contains 2.3 acres of wetlands (7.3%).
9. The Applicant proposes that the open space remain private as part of a Homeowners' Association that will maintain it in perpetuity. The Open Space will be available to residents of the subdivision to access the open space using existing logging trails. In addition, a beach and swim area will be provided for homeowners that don't have direct water access.
10. 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.
11. Special Permit Criteria in Section 5.13.09 (B) of the Zoning Bylaw:
 - a) **The development meets the purpose of an Open Space Residential Development as described in Section 5.13.01.**

The OSRD plan preserves ± 31.3 acres (52% of the total land area of ± 60.2 acres) as permanently protected open space. The project accommodates the site's physical characteristics, particularly wetlands and topography, by reducing the overall footprint of roadways and residential development areas thereby minimizing impacts on the site's wetland areas. The open space area will preserve scenic vistas of Sargent Pond below. The peninsula extending into Sargent Pond from the site will also be preserved as open space restricted to use by the residents of the subdivision.
 - b) **The site design shall preserve and, where possible, enhance the historic and natural features of the property, including scenic views, by adapting the location and placement of structures and ways to the existing topography in order to minimize the amount of soil removal, tree cutting and general disturbance to the landscape and surrounding properties.**

As noted above, the project preserves a significant amount of open space and is designed to adapt to existing topography. The project minimizes soil removal, tree cutting and land disturbance. Special historic and natural features will be further identified and provided for in development of the Definitive Subdivision Plan.
 - c) **The site design shall identify and ensure preservation of significant and special historic and natural features.**

The site design protects significant wetland areas and scenic views of Sargent Pond. The Applicant will investigate potential historic cave of historic interest per comments from the Historical Commission. The Notice of Intent process through the Conservation Commission will also be required.
 - d) **The open space is designed in accordance with the standards set forth in this Section 5.13.**

The Board finds that the project meets these standards as conditioned herein and as modified by vote of the Board (see WAIVERS, below). [Note: these are specifically the standards in Section 5.13.07 – Open Space Use & Design Standards. The project meets these standards except where the Applicant has requested waivers to allow a drainage basin in the open space and reduce buffers as described below.]

- e) **The parcel could be developed as a conventional subdivision under existing local, state and federal land use regulations.**

The Board finds that the site could be developed as a conventional subdivision.

- f) **The Open Space Residential Development provides for efficient use and delivery of municipal and other services and infrastructure.**

The residential lots will be served by public water and sewer. The project will minimize road maintenance costs as compared to a standard development.

WAIVERS:

Zoning Bylaw:

1. Section 5.13.06.C.: To allow a dead-end street to provide access to 24 building lots on the proposed dead-end roadway off Paxton Street (10 permitted). The Board approved this waiver as the roadway is not a true dead-end; a gravel emergency access road connects the end of the new roadway back to Paxton Street, providing a secondary means of access.
2. Section 5.13.06.C.: To allow a dead-end road over 1,000 feet in length (2,607 proposed). The Board approved this waiver request. As noted above, an emergency access drive is provided.
3. Section 5.13.07.C.1: To allow a buffer of less than 100' at the perimeter of the project. The Board voted to approve a reduction in the buffer, as follows: a) reduction at the roadway entrance to allow for construction/grading and; and b) no buffer proposed along the portion of the perimeter that abuts Sargent Pond, subject to conditions herein (specifically conditions #10 and #11).
4. Zoning Bylaw Section 5.13.07.B.(6): to allow drainage basin 1 to be constructed in open space parcel C. (Board may allow clearing of up to 5% for this purpose). The basin area is 17,000± square feet (1.4% of open space parcel C.) The Board voted to approve this waiver.

Subdivision Rules and Regulations

In accordance with Section 5.13.06.D of the Zoning Bylaw, the Planning Board approved the following reduction of minimum subdivision standards after finding that such waivers will result in better site design, improved protection of historic, natural and scenic resources, and will be consistent with the purpose of this Section 5.13:

5. Section V.2.(A): To allow a travelled way width of 24 feet (28 feet required). The Board voted to approve the requested waiver.
6. Sections V.5 and VI.G: to allow for the deletion of sidewalks (sidewalks required on both sides of proposed roads). The Board did not approve this request. The Board voted to approve a reduction of the sidewalk requirement, so that sidewalks will be required only on one side the proposed roadway.

DECISION:

In view of the foregoing, at the meeting of January 7, 2020, the Planning Board voted to approve the Special Permit application for the above-described project. 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 following conditions:

CONDITIONS:

General

1. This 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. If the rights authorized by this Special Permit are not exercised by January 7, 2022 (two years from the date of approval), they shall lapse and may be re-established only after notice and new hearing in accordance with MGL, Chapter 40A. For the purposes of this special permit, approval of the related Definitive Subdivision Plan (hereafter referred to as the Definitive plan) shall be considered exercising the rights granted herein. This deadline may be extended for good cause upon the written request of the applicant *prior to the specified deadline*.

Project-Specific Conditions:

3. The Definitive plan shall be in substantial conformance with the plans submitted to the Planning Board and this Special Permit Decision.
4. The Definitive Plan shall include a revised calculation of the formula in Section 5.13.05.b (3) based on final wetland delineation. If the formula results in fewer than 24 lots, the Board may reconsider the total number of allowable lots.
5. The Definitive Plan shall show a transition strip (approximately 4' wide and 40' long) along the west side of Paxton Street for southbound traffic entering the project.
6. The Definitive Plan shall show the secondary access as a minimum of a gravel base with 6-8" of compacted asphalt millings.
7. The Definitive plan shall clearly show the boundaries of the buffer required by Section 5.13.07.C. (as reduced in certain areas by vote of the Board).
8. The Planning Board's approval specifically allows a model home for the project to be located on adjacent property owned by the applicant at 173 Paxton Street.
9. The applicant shall notify the Historical Commission if evidence of a cave used by an early Leicester settler is found on the site.
10. Where the required 100 foot buffer has been reduced at the entrance to the project, landscaping and/or other screening shall be provided to the satisfaction of the Planning Board to screen the project from abutting landowners. The Definitive plan shall show detailed plans for such landscaping and/or other screening. Screening may consist of existing vegetation where sufficient to screen the project from abutting landowners.
11. Where the required 100 foot buffer has been reduced along the shoreline of Sargent Pond, the Definitive plan shall show details of no-cut easements, conservation restrictions or similar

land use restrictions in accordance with Section 5.13.07.C.(2) of the Zoning Bylaw where the buffer has been reduced, with the intent of minimizing tree removal within the 100 foot buffer, allowing only limited tree clearing for water access for residents.

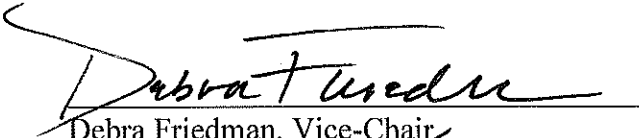
12. The Open Space shall be maintained in perpetuity in accordance with Section 5.13.08 of the Zoning Bylaw (Open Space Ownership and Management). The open space shall be conveyed (or otherwise protected) as soon as practical; the specific deadline shall be determined by the Planning Board at the Definitive plan approval stage.

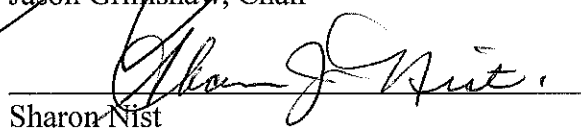
Approval by the Planning Board shall not be construed as approval from any other board or official that is needed regarding permitting for this project.

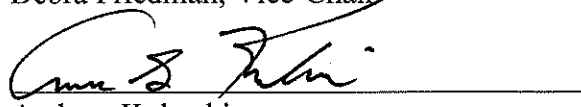
RECORD OF VOTE


The Board vote was 4 in favor of approval 1 opposed.


Jason Grimshaw, Chair


Debra Friedman, Vice-Chair


Sharon Nist


Andrew Kularski


Jaymi-Lyn Souza

-opposed

APPEALS

Appeals, if any, shall be made pursuant to M.G.L., Ch. 40A, §17 and notice of appeal shall be filed within 20 days after the date of filing of this notice in the office of the Town Clerk.

Copy of Decision sent to:

*Applicant**

Building Inspector

Police Department

Owner

Quinn Engineering

Fire Department

Town Administrator

Assessors Office

Highway Department

Conservation Commission

Applicable Water District

Applicable Sewer District

Historical Commission

Board of Health

Applicant Engineer

Applicant's Attorney (where applicable)

* by certified mail

Notice of Decision mailed to:

"Parties in Interest" (abutters & Planning Boards of abutting Towns)

QUINN ENGINEERING, INC.
P.O. Box 107, 579 Pleasant Street
Paxton, Massachusetts 01612-0107
Phone (508) 753-7999
Fax: (508) 795-0939

MEMORANDUM

To: Michelle Buck
From: Kevin Quinn
Re: Oak Bluffs Lane Subdivision

Date: 7/12/2021

I conducted a site visit to Oak Bluffs Subdivision today, at your request. Conditions were light rain, 62 degrees. The site soils were very wet; approximately 6 inches of rain has fallen in the two weeks preceding this site visit.

It is understood that the resident at 20 Oak Bluffs Lane reported that his property is receiving stormwater runoff originating from this site. The home at 20 Oak Bluffs Lane is not part of this subdivision, and is located roughly north of the Oak Bluffs Lane cul-de-sac, on Stiles Reservoir.

Upon my arrival, I observed:

- A large area immediately north of the Oak Bluffs Lane cul-de-sac has been cleared and rough graded, but the soils are unstabilized and saturated. The open soil surface can cause a significant increase in the rate that stormwater leaves the site.
- Oak Bluffs Lane has been binder paved, but the stormwater system has not been activated. As a result, runoff from the cul-de-sac drains uncontrolled, flowing in a northerly direction, contributing to the volume of stormwater in that area.
- The stormwater basin which will serve Oak Bluffs Lane, also located north of the cul-de-sac, was found to be rough graded, but unfinished. Soil surfaces in and around the basin remain unstabilized.

The developer of the Oak Bluffs Lane subdivision must act to get the stormwater system activated, and stabilize all open areas to control and minimize runoff.

LEICESTER PLANNING BOARD

MEETING MINUTES 5/18/2021

MEMBERS PRESENT: Jason Grimshaw (Chair), Deb Friedman (Vice-Chair), Sharon Nist, Jaymi-Lyn Souza, James Reinke (Associate Member)

STAFF PRESENT: Michelle Buck, Town Planner; Brooke Hultgren, Department Assistant

TIME: 7:00 PM

7:00PM **Parking Waiver Request**

207 Main Street, Sweet Annie's Primitive Designs (Applicant: Justin Hayes)

7:05PM **Discussion, Preliminary Subdivision Plan**

Skyview Estates (PSUB2021-01), 651 Main Street, 35 Lot Residential Subdivision (Applicant: Mark Klinger/MKEP770 LLC)

7:45PM ***Discussion, Request to Allow Temporary Operation Pending Site Plan Approval***

1535 Main Street, Black Sheep Bah-Bah-Q & Kitchen LLC (Applicants: Patrick Flynn & Jennifer Wright)

8:00PM **Approval of Minutes**

- April 20, 2021

8:30PM **Town Planner Report/General Discussion:**

- A. Miscellaneous Project Updates
- B. Board Member Committee Updates
- C. Upcoming Meeting Dates

Adjourn

Mr. Grimshaw opened the meeting at 7:00 PM

Students from Leicester Middle School present an idea for their civic engagement project which involves putting 5 trash cans per acre at Leicester's public parks to reduce litter. Ms. Friedman tells the students to contact the Parks & Recreation Committee and the Highway Department for projects involving local parks. Ms. Nist asks students to consider who will maintain the trash cans.

1. Parking Waiver Request, 207 Main Street/Sweet Annie's Primitive Designs

The uses at 207 Main St require 8 parking spaces, the current site has 7 spots. Ms. Buck recommends the Board grant a parking waiver for the new use.

Motion: Ms. Friedman moves to approve the parking waiver for 207 Main St.

Second: Ms. Nist

Amended Motion: Ms. Friedman moves to approve the parking waiver with one designated handicap space.

Second: Ms. Nist

Roll-Call Vote: (4-0-0)

2. Skyview Estates (PSUB2021-01) 651 Main St.

David King says his team is looking to develop 651 Main St. The development would be 29-30 acres consisting of 36 duplexes, with variable sized units and each unit having their own 0.5 to 1-acre yard. Mr. King met with the water and sewer district to make sure the development wouldn't raise water/sewer prices for neighbors.

Ms. Buck requests granite headers be added to the plan per the Highway Departments request and advises against only having one entrance. Ms. Buck asks if the proposed roadway will affect the existing home's driveway. Mr. Malynowski, the project engineer, says there is an easement plan for the driveway and provisions will be made to accommodate the driveway. Ms. Buck asks if the applicants have contacted National Grid about the proposed work under the power lines on site. Mr. Malynowski plans to minimize impacts under the power lines.

Mr. Reinke asks why only one entrance is proposed. Mr. Malynowski explains that this proposed point for the one driveway is because it utilizes the highest point on Route 9 while maintaining the maximum 10% slope for a municipal road. The other possible location for a driveway, which would front on Colonial Drive, would result in a roadway exceeding 10% slope because of the topography of the site. The road to Colonial Dr would be an emergency access road if added to the plan; The applicant would need to request a waiver from the Board to allow for a slope greater than 10% as well as a permit from the Conservation Commission to work near the existing wetland that is on Colonial Dr.

Mr. Reinke asks why a waiver is requested to allow high density polypropylene (HDPE) drainage lines versus RCP lines. Mr. Malynowski says one reason for the waiver is the lesser cost of HDPE, the other is that HDPE lines are lighter and smaller equipment is required to install it while maintaining the same functional capacity as RCP pipes.

Mr. Reinke asks what the reason for not using granite headers is. Mr. Malynowski explains that a material like precast or slipform concrete is more cost effective and easier to install. Mr. Reinke also expresses concern over the reduction in the size of the sidewalks. Mr. Malynowski says it is unlikely residents will be walking on both sides of the road, much less walking up to Rt. 9. Ms. Friedman asks if the applicants have been in touch with the School to address bus access into the subdivision for any potential school-age residents; she notes normally in neighborhoods similar to this that children do walk to the main road to get on the bus. Mr. King says he can reach out to the school regarding this concern.

Ms. Friedman notes that with the number of proposed homes, there is going to be an increase in car volume onto Route 9. She says the church down the street, St. Josephs, used to have one-way traffic in from Route 9 with an exit elsewhere because of the traffic on Route 9. Mr. Malynowski says a test of the site line from the future driveway can be done to determine any potential traffic or safety hazards. Mr. King plans to meet with the Fire and Police departments.

Resident Comments

Richard Jubinville asks what type of units are going to be on Lots 7 and 8. Mr. King says lots 7 and 8 could potentially be townhomes. Mr. Jubinville does not approve of townhomes abutting his property. Additionally, Mr. Jubinville says there are too many accidents on Route 9 already to be adding 36 duplexes worth of cars exiting onto that road. Mr. King is open to signage indicating reduced hours for left turns.

Kurt Parliment raises concerns about the transportation of water and water to/from the homes. The water district assured that there is sufficient water pressure to reach all the homes. Allen & Major designed the sewer lines so they will all be at the same grade.

Jan Parke says the proposed subdivision will negatively affect the skyline views in town.

Ms. Friedman notes that a right-turn only sign would need to be approved by Mass Highway before the Planning Board could approve it.

John Dolan says the property abutting Colonial Drive has a stream running through it, but Mr. King says they will not be developing within any wetland buffer.

Motion: Ms. Friedman moves to approve the Preliminary Subdivision Plan at 651 Main St.

Second: Ms. Souza

Discussion: The Board agrees that a second point of access, granite headers, and a sidewalk on both sides of the street will be necessary. Sidewalks should be reviewed by both Police and Fire departments before the definitive plan stage. Mr. King asks the Board to consider one sidewalk on the condition of approval by the School Committee to allow bus pick-up in the subdivision as opposed to the end of the road.

The Board is willing to approve a waiver for increased roadway slope at an alternate entrance location.

Roll-Call Vote: (3-0-0)

3. Temporary Site Plan Approval, 1535 Main Street, Black Sheep Bah-Bah-Q & Kitchen LLC

Jennifer Wright, owner of the food truck says the truck will be open seasonally pending approval from the Planning Board. Only the front half of the site would be used per the property owner.

Ms. Buck says the unpaved lot is specifically what requires site plan review; other food trucks in town have been either accessory uses or been put in existing parking lots. The applicant would submit their official site plan application to be reviewed at the June 1st Planning Board meeting but wants comments from the Board as well as conditional approval to open pending site plan approval. Ms. Friedman asks what they plan on doing with the abandoned building on site. Mr. Flynn, Ms. Wright's partner, says the property owner plans to board up the building.

Ms. Wright plans on having nighttime solar lighting on the picnic tables, supply water from greywater and blackwater tanks, with a back valve on the blackwater side. There will be companies that take the used water, waste, and trash off-site, so no plumbing connection will be necessary. Mr. Reinke asks about ADA accessibility on site. Ms. Wright says there will be a small ramp but having ADA accessibility for a food truck is difficult. The Board agrees one

egress/ingress on the east side of the property across from the existing Cumberland Farms driveway will better suit the expected traffic to this site. Until the official site plan review application is heard, the applicant just needs entrance/exit signage, a minimum of 25' for said egress/ingress, and a barrier blocking the unstable west side of the property to operate temporarily.

Motion: Ms. Friedman moves to approve the temporary operation of the food truck pending site plan review.

Second: Ms. Nist

Discussion: The Board agrees it won't be necessary to send this application to Kevin Quinn for review due to the nature of the project.

Roll-Call Vote: (4-0-0)

4. Minutes Approval

Motion: Ms. Nist moves to approve the minutes from April 20, 2021.

Second: Ms. Friedman

Discussion: None

Roll-Call Vote: (3-0-0)

5. Town Planner Report/General Discussion

Ms. Buck says the special permit hearing for Blueberry Lane Self-Storage scheduled for June 1 will most likely be continued and the extension request for Briarcliff Estates is pending.

Economic Development Committee met last week to discuss the annual business event.

Open Space and Recreation Plan Committee meets next week to analyze survey results. Mr. Grimshaw notes that as a part of their civil engagement projects, some high school students took the Open Space survey.

Future Meeting Dates

June 1, 2021

June 15, 2021

Miscellaneous

Patrick Carroll asks a question about the zoning amendments presented at Town Meeting, specifically amendments regarding rental self-storage. Ms. Buck says rental self-storage is allowed by special permit in commercial structures in existence prior to the creation of the NB district (ATM 5/6/2002, Article 34), elsewhere in the NB district, that use is prohibited.

Motion: Ms. Nist moves to adjourn the meeting. to adjourn: SN

Second: Ms. Friedman

Discussion: None

Roll-Call Vote: (4-0-0)

The meeting was adjourned at 9:48 PM.

Respectfully Submitted,

Brooke Hultgren, Department Assistant

Documents included in the meeting packet:

- Town Planner Memo dated 5/10/2021
- Parking Waiver Request, 207 Main Street, Sweet Annie's Primitive Designs
- 651 Main St/Skyview Estates
 - Preliminary Subdivision Application dated 4/20/2021
 - LWSD memo
 - CVRSD memo dated 3/9/2021
 - Email from Allen & Major Associates to Ms. Buck dated 3/5/2021
 - Site plans dated 4/20/2021
 - Quinn Engineering comments dated 5/6/2021
 - Highway Department comments dated 4/23/2021
 - Historical Commission comments dated 4/22/2021
 - Police Department comments dated 4/27/2021
 - CVRSD comments dated 4/26/2021
 - SAMPLE Preliminary Subdivision Decision
- Black Sheep Bah-Bah-Q - *Request to Allow Temporary Operation Pending Site Plan Approval*
 - Project Narrative
 - Aerial site photo
- Meeting minutes 4/20/2021

LEICESTER PLANNING BOARD

JUNE 1, 2021

Members Present: Jason Grimshaw (Chair), Deb Friedman (Vice-Chair), Jim Reinke, Sharon Nist

Members Absent: Jaymi-Lyn Souza

Staff Present: Michelle Buck, Town Planner and Brooke Hultgren, Department Assistant

- 7:00PM **ANR Plan**
 Mayflower Circle & Sterling Street (Assessors Map 30A-Parcel A19.1),
 Applicant: Ronald Jr. & Christine Davis
- 7:05PM **Public Hearing, Special Permit Application**
 SP2021-06: Blueberry Lane Self-Storage (Assessors Map 26A, Parcel
 B2), Applicant: Justin Zuffante
- 7:30PM **Discussion, Site Plan Review Application**
 SPR2021-01: Black Sheep Bah-Bah-Q Food Truck, 1535 Main Street,
 Applicant: Jennifer Wright
- 7:45PM **Discussion, Request for Zoning Map Amendment**
 18 & 18A Sargent Street, Applicant: Nancy Ford
- 8:00PM **Appointment of Associate Planning Board Member**
- 8:05PM **Approval of Minutes**
 • May 4, 2021
- 8:15PM **Town Planner Report/General Discussion:**
 A. Miscellaneous Project Updates
 B. Board Member Committee Updates
 C. Upcoming Meeting Dates

Mr. Grimshaw called the meeting to order at 7:01 pm.

ANR Plan- Mayflower Circle & Sterling Street (Assessors Map 30A-Parcel A19.1), Applicant: Ronald Jr. & Christine Davis

Ms. Buck explains the existing lots have no frontage and are deemed not buildable lots. The land is being transferred to abutters.

Motion: Ms. Friedman moves to approve the ANR Plan.

Second: Ms. Nist

Discussion: None.

Roll-Call Vote: (3-0-0)

Public Hearing, Special Permit Application, SP2021-06: Blueberry Lane Self-Storage

Mr. Grimshaw reads the public hearing notice.

Jason Dubois, project engineer, is present. The proposed self-storage facility will be located on the second parcel on the east side of Blueberry Lane. The site is 0.7 acres, and the building footprint is 6,600 sf with 20 feet of access around the entire building. Wall-pac lighting will be installed on each exterior side of the building; the illumination levels are shown on the plan. The

drainage system will consist of natural swales leading into a detention area. Snow storage will be along the outer perimeter of the parking area. No comments have been submitted from Quinn Engineering.

Ms. Buck says a minimum of 20' of greenery is required around the perimeter of the lot. Elevation plans and correct dimensional requirements are required from the applicant. Mr. Dubois will submit cut sheets of the proposed business sign and ADA accessibility before the next meeting per Mr. Reinke's request.

Ms. Nist asks where the dumpster will be located. Mr. Dubois does not want to encourage trash removal on site, so there are no plans for a dumpster.

Justin Zuffante, project applicant, has not yet decided on hours of operation but is open to discussing the necessity of an entrance gate with the Board in the future.

Public Comment

Richard Becker of 7 Blueberry Lane has concerns about water runoff onto his property. Mr. Dubois says the site will be designed to meet stormwater regulations and will hopefully not contribute any more water runoff onto Mr. Becker's property.

Abutters Barry Besse and Martin Pratte say the site was cleared and changes were made prior to approval from the Planning Board. Mr. Grimshaw says one of the Board members can do a site visit.

Ms. Buck says the site changes done prior to Planning Board approval are not explicitly prohibited under the bylaws.

Multiple abutters to Blueberry Lane express safety concerns about a storage facility on a small residential road, especially the traffic it will generate.

Motion: Ms. Friedman moves to continue the public hearing on Blueberry Lane Self-Storage to June 15, 2021 at 7 pm.

Second: Ms. Nist

Discussion: None

Roll-Call Vote: (4-0-0)

Discussion, Site Plan Review Application - SPR2021-01: Black Sheep Bah-Bah-Q Food Truck, 1535 Main Street, Applicant: Jennifer Wright.

Revised plans were received on June 1 before the meeting. The proposed deck was eliminated and the applicants no longer plan on having tables for on-site dining. ADA signage and parking spaces were added to the plan. The driveway measured to be over 25' and the snow fence will be moved to the front to deter customers from driving in/out of the second driveway on site.

Mr. Reinke notes there are other ways to achieve ADA accessibility other than a ramp such as adding signage indicating that accommodations are available for those with disabilities.

Motion: Ms. Friedman moves to approve the Site Plan Review.

Second: Ms. Nist

Discussion: The hours of operation will be 11 am to 9 pm, seven days a week. A company was hired to transport all waste off site daily.

Roll-Call Vote: (4-0-0)

Discussion, Request for Zoning Map Amendment, 18 & 18A Sargent Street

Applicant not present due to lack of computer access. Continued to next meeting.

Appointment of Associate Planning Board Member

Motion: Ms. Nist moves to appoint Ms. Friedman as the Associate Planning Board member.

Second: Mr. Grimshaw

Discussion: None

Roll-Call Vote: (3-0-0)

Minutes Approval

May 4, 2021

Motion: Ms. Nist moves to approve the May 4, 2021 meeting minutes.

Second: Ms. Friedman

Discussion: None

Roll-Call Vote: (3-0-0)

Town Planner Discussion

The Open Space and Recreation Plan Survey was reopened and the deadline extended to mid-June. The Committee is looking for more responses from the 65+ age range.

Ms. Buck was advised by Town Counsel to update the town Subdivision Regulations; these amendments will be heard at an upcoming meeting.

Adjourn

Motion: Ms. Nist

Second: Sn

Discussion: None

Roll-Call Vote: (3-0-0)

The meeting was adjourned at 8:43 pm.

Respectfully Submitted,

Brooke Hultgren, Department Assistant

Documents included in the meeting packet:

- Agenda
- Town Planner Memo dated 6/27/2021
- ANR Plan Application dated 5/12/2021 – Mayflower Circle

- Site Pan dated 5/17/2021
- Blueberry Lane Self-Storage
 - Public Hearing Notice
 - DC Engineering Memo dated 4/13/2021
 - Application
 - Plans dated 4/12/2021
 - Town Planner comments dated 5/24/2021
 - Highway Dept. comments dated 4/14/2021
 - LWSD comments dated 4/15/2021
 - Police Dept. comments dated 4/14/2021
- Black Sheep Bah-Bah-Q Site Plan Review
 - Application
 - Project Narrative dated 5/25/2021
 - Aerial Site Photo dated 5/19/2021
 - Town Planner Comments dated 5/20/2021
 - Fire Dept. comments dated 5/26/2021
 - Police Dept. comments dated 5/26/2021
 - Draft decision dated 5/25/2021
- Zoning Map Amendment - Map of affected parcels
- May 4, 2021 meeting minutes