



Town of Leicester PLANNING BOARD

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

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PLANNING BOARD AGENDA Tuesday August 3, 2021 @ 7:00PM

In-Person Participation:

Meeting Room 3
Leicester Town Hall, Lower Level

Virtual Participation:

<https://global.gotomeeting.com/join/618553317>

United States (Toll Free): 1 877 309 2073

Access Code: 618-553-317

ORDER OF BUSINESS*

1. 7:00PM **Discussion, Site Plan Review Application, Continued**
SPR2021-01, 488 Stafford Street, marijuana cultivation, manufacturing & transportation, Applicant: Faded LLC dba Dris Production Center
2. 7:10PM **Discussion, Request for Extension of Deadline to Complete Work,**
SP2003-02, Oakridge Estates, Applicant: Kevin Maher
3. 7:20PM **Parking Waiver Request, 200 Main Street**
Parking for proposed retail space, Applicant: Marin Bitar
4. 7:30PM **Public Hearing, Special Permit**
SP2021-07, 1439 Main, Earth Filling, Applicant: Central Land Development Corp.
5. 7:45PM **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.
6. 8:15 PM **General Discussion:**
 - A. Oak Bluff Lane Subdivision
 - B. Zoning Bylaw Amendments
7. 9:00PM **Approval of Minutes**
 - 6/15/2021
8. 9:15PM **Town Planner Report/General Discussion:**
 - A. Miscellaneous Project Updates
 - B. Board Member Committee Updates
 - C. Upcoming Meeting Dates
9. **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"



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Memorandum

TO: Planning Board Members
FROM: Michelle R. Buck, AICP
Town Planner/Director of Inspectional Services
DATE: July 29, 2021
RE: August 3, 2021 Planning Board 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. Site Plan Review Application, SPR2021-01, 488 Stafford Street/Dris Production Center

Just prior to the last meeting on this project (7/6/2021 meeting), the applicant submitted a letter indicating that they intended to modify the project to address comments, particularly from Quinn Engineering. The Board requested revised plans to show the revised project. No new information has been submitted. I recommend that the Board continue discussion again.

2. Request for Extension of Deadline to Complete Work, SP2003-02, Oakridge Estates

The applicant has requested a 2-year extension. I recommend approval, as the applicant has made steady progress and is nearly ready for road acceptance (they've submitted a road acceptance request, which will be addressed at a later meeting). Draft decision enclosed.

3. Parking Waiver, 200 Main Street

This site has an existing gas station, auto sales, and vehicle service bays, with small accessory retail in the area where patrons pay for gas. The applicant wants to convert a portion of a 565± storage building (approximately 565 square feet) to a small convenience store. The new use triggers a requirement for additional parking (3 spaces). The existing uses pre-date our Parking Regulations. However, the site is permitted for 25+ cars on-site, so there's no excess capacity. On 7/6/2021, the Board asked the applicant to submit a more detailed plan; no new information has been submitted.

4. Public Hearing, Special Permit, SP2021-07, 1439 Main, Earth Filling

The application and comments are enclosed. This is the first application under a relatively new section of the Zoning Bylaw (§5.16, copy enclosed). As noted Special Permit Criteria (§5.13.I.1),

the applicant has to meet the special permit criteria for this section, and any additional criteria in the applicable district (in this case the criteria in HB-1 – §5.5.03.2). Applications should also conform to the Planning Board's Special Permit Regulations except where waived by the Board. As the applicant must address comments, this initial hearing will be primarily to hear comments from the Board and the public.

Revised information was received this afternoon as I was finishing up the meeting packets. I've posted these revised submittals online (they're not in this packet). This information has not been reviewed.

5. Public Hearing, Special Permit Amendment, SP2019-02, Smuggler's Cove Open Space Residential Development (OSRD)

I sent a request to Town Counsel (Amanda Zuretti of Petrini & Associates) on the Board's question on the ability to disapprove under §5.13.03.B. I also asked about the Board's authority to rescind a previously-granted special permit. Finally, I asked for an interpretation on what constitutes a project change per §5.13.09.C (the applicant is questioning the need for an amendment if they proceed with the 13 lot/emergency gravel access option). I expect Town Counsel's response prior to the hearing.

Regardless of Town Counsel's opinion, I advise the Board to allow the applicant to present his project in full and respond to Board concerns (and allow for comment for the public) before proceeding to a motion to approve or deny. I've enclosed the prior decision on this project again, as it summarizes the issues and the relevant evaluation criteria. The OSRD bylaw is contained in Section 5.13 of the [Zoning Bylaw](#) (starting on page 56).

6. General Discussion:

A. Oak Bluff Lane: At the last meeting, the developer (Matt Schold) informed the Board that he'd installed a berm to address drainage concerns. I asked Kevin Quinn of Quinn Engineering to visit the site; he continues to have concerns (see enclosed comments).

B. Zoning Bylaw Amendments:

I will plan on scheduling Zoning Bylaw Amendment public hearings for our 9/7/2021 Meeting. The date for the (2nd) Special Town Meeting hasn't been set, but is anticipated to be mid-October. (The 1st Special Town Meeting this fall will be related to Becker College only, and has been scheduled for 9/14/2021).

- *Cherry Valley zoning request* (Nancy Ford): I'm still working on this and will provide an update at the meeting.
- *Marijuana Amendments*: I revised the 5/2021 proposal to delete the section related to retail (enclosed) and I'll submit for the Fall Town Meeting Warrant.
- *Housing Choice Act/MBTA Communities* (Chapter 358 of the Acts of 2020): this legislation a series of revisions to MGL Chapter 40A (the Zoning Act) including: 1) changed voting thresholds for adopting certain Zoning Bylaws and approving special permits for certain projects (this isn't relevant to anything in Leicester to-date), and 2) requires adoption of an Zoning to allow by-right multi-family development in "MBTA Communities" I've enclosed guidance issued 1/2021. No updates on deadlines have been provided, and communities continue to be eligible for grant programs until deadlines & procedures are established. More information is

available here: <https://www.mass.gov/info-details/housing-choice-and-mbta-communities-legislation>

- *Flood Zone Bylaw*: I reviewed my correspondence from my contact at the Flood Hazard Management Program (Eric Carlson), and we do not have to adopt changes this Fall. He will be helping with updates and will be in contact with me when ready (he's assisting more than 300 communities).

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.

From: [Buck, Michelle](#)
To: ["Christopher Fevry"](#)
Cc: [Brooke Hultgren](#)
Subject: 488 Stafford
Date: Thursday, July 22, 2021 9:38:00 AM

To avoid another continuance, please submit revised information as soon as possible. Quinn Engineering needs a minimum of a week to review revised plans. For plans: 2 large copies/2 small copies. Other information: 3 paper copies. Electronic versions (.pdf) of everything submitted must be emailed to planning@leicesterma.org prior to dropping off paper copies or included with paper copies on a USB drive. Thanks you.

Best regards,

Michelle R. Buck, AICP
Leicester Town Planner/Director of Inspectional Services
508-892-7007
buckm@leicesterma.org

Please note that Leicester Town Hall is closed on Fridays.

Kevin Maher

Real Estate Services-Development Consulting

1B Swanson Road
Auburn, MA 01501
(508) 832-5324
Kjmaher2003@yahoo.com

July 21, 2021

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

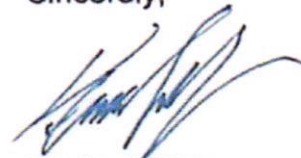
Oak Ridge Estates Condominium
Virginia Drive
Leicester, MA

Dear Ms. Buck;

Please accept this communication as a formal request to extend the sub-division approval for an additional two (2) years.

We will have the project complete within that time period.

Sincerely,



Kevin J. Maher,
Managing Partner
Oak Ridge Estates



Emerson Realtors
Homes by Emerson
Wind Mill Estates
Oak Ridge Estates



Report To Leicester Planning Board Extension Request Oak Ridge Estates

Project Overview By Units

Total Units	75
• Sold	74
• Under Construction	1
• Last Unit Set To Close Mid August 2021	

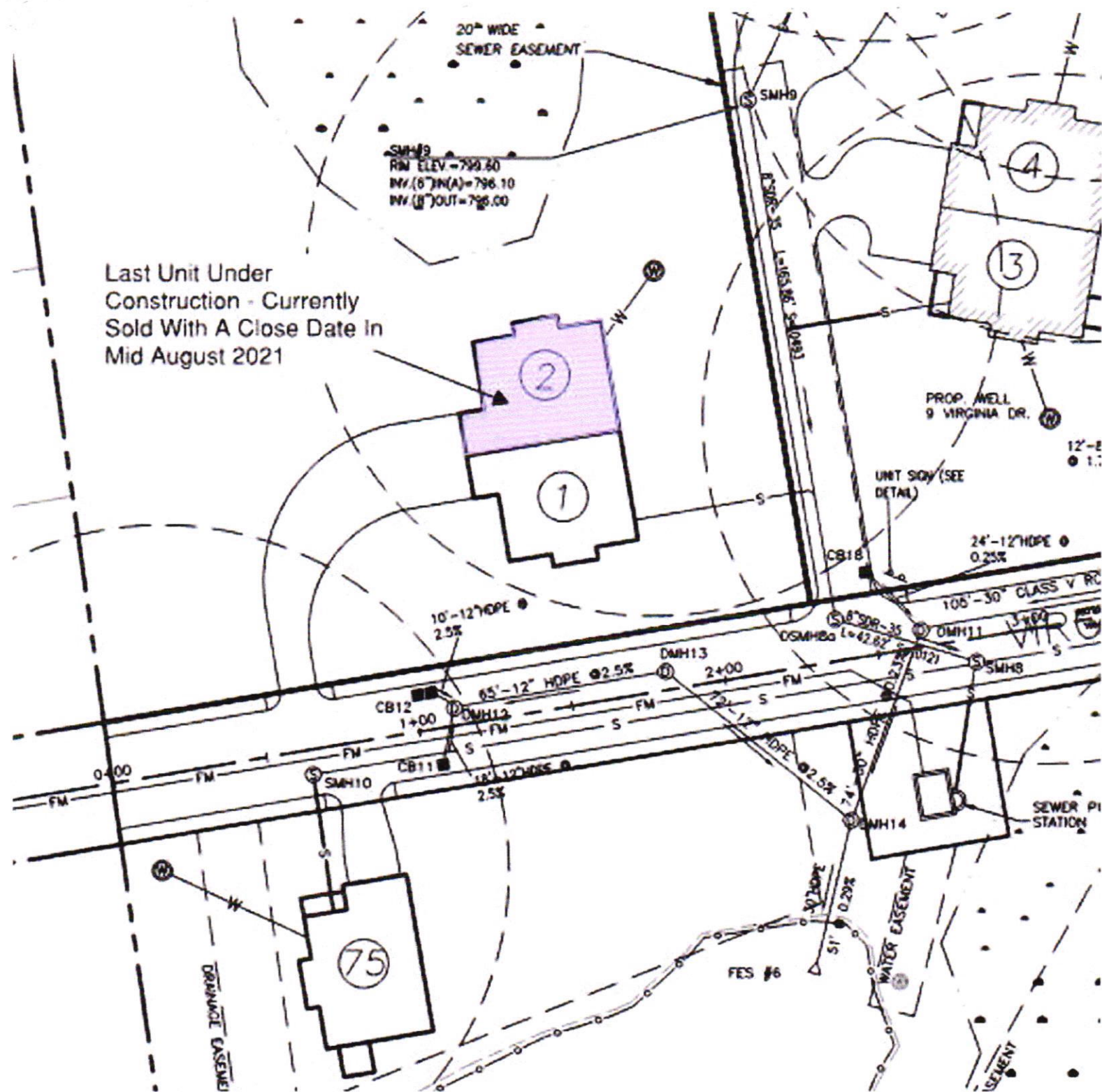
Main Work Completed In The Last 24 Months

- Top Coat Of Pavement Completed In All Phases
- Berms Installed Phase III
- Sidewalks Installed - Base Coat & Top Coat Phase II & III
- Sidewalks Top Coated Phase I
- Loam & Seed Installed Behind Sidewalks & Berms
- Final As-Built Plans & Road Acceptance Plans Completed By McClure Engineering
- Closed Out Final Order of Conditions For Phase III With EcoTec & McClure Engineering

Main Work To Be Completed During Extension

- Complete & Sell Final Unit
- Complete Town Road Acceptance Process

Last Unit Under
Construction - Currently
Sold With A Close Date In
Mid August 2021





Town of Leicester PLANNING BOARD

LEICESTER, MASSACHUSETTS, 01524-1333

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Certificate of Planning Board Action Extension of Approval Deadlines – Oakridge Estates

DRAFT

Date:

File #: SP2015-02 (see also SP2003-02)

Applicant Prospect Hill Estates
Attn: Kevin J. Maher
1B Swanson Road
Auburn, MA 01501

Owner: Same as Applicant

Location: Virginia Drive
Map 46, Parcel C1

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

A. Procedural History:

1. A Special Permit for Oakridge Estates Senior Village Development was originally issued by the Planning Board on March 23, 2004 (SP2003-02) recorded at the Worcester Registry of Deeds at Book 34871, Page 141). The deadline for completion of construction was extended through August 18, 2015 by vote of the Board and the Massachusetts Permit Extension Act.
2. A Special Permit Amendment and extension request was approved on October 21, 2017 (SP2015-02), recorded at the Registry of Deeds at Book 54599, Page 337, extending the project completion deadline through August 18, 2017.
3. The completion deadline was subsequently extended to August 18, 2021 (votes September 5, 2017 and August 20, 2019).
4. On July 21, 2021, the Applicant requested a two (2) year extension of time to complete the project.

B. Findings:

1. The Applicant has continued to make steady progress since the last extension. The project includes 75 units. Of these, 74 units have been constructed, and the final unit is under construction. In addition to construction of units, work completed since the 2019 Extension includes the following:
 - Top coat of pavement completed in all phases
 - Berms installed in Phase 3
 - Sidewalks top coated in Phase 1
 - Loam & seed installed behind sidewalks & berms
 - Final as-built plans and road acceptance plans completed by McClure Engineering
 - Closed out final Conservation Commission Order of Conditions for Phase 3

2. Pending items include the following: complete & sell final unit, and complete the road acceptance process
3. The project remains secured by a Letter of Credit in the amount of \$93,879.75.

C. Decision:

In view of the foregoing, the Planning Board voted to extend the deadline for completion to August 18, 2023, subject to the following terms and conditions:

1. All conditions of the Planning Board's Special Permit Decisions referenced above remain in effect except where specifically modified herein.
2. The August 18, 2023 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.

-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



Town of Leicester PLANNING BOARD

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

Project Name: 1439 Main Street

LEICESTER PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with MGL Ch. 40A, Sec. 9, the Leicester Planning Board will hold a public hearing in Meeting Room 3, Leicester Town Hall regarding an application by Central Land Development for a special permit to fill the site for future commercial use at 1439 Main St., Leicester, MA (Assessors Map 26A, Parcel B28) on **Tuesday, August 3, 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/618553317> or by calling [1 877 309 2073](tel:18773092073) using access code 618-553-317.

Jason Grimshaw, Chair
Leicester Planning Board

To be published in the Worcester Telegram & Gazette on: Tuesday, July 20, 2021 and Tuesday, July 27, 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:		Company Name:	
Signature:			
Address:			
Phone:		Email:	
Applicant Information			
Name:		Company Name:	
Signature:			
Address:			
Phone:		Email:	
Primary Contact Person <small>(The person that will be contacted by Planning Board staff during the application process.)</small>			
Name:		Company Name:	
Address:			
Phone:		Email:	

PROJECT INFORMATION

Project Address:		Zoning District:	
Assessors Map & Parcel #		Deed Reference (Book & Page):	
Applicable Zoning Bylaw Section(s):			
Proposed Land Use:			
Existing Land Use:			

For Planning Office Use:
File #: _____

PROJECT INFORMATION, Continued

Size of Proposed Structure(s):		
Total Lot Area:		
Water Source: (Select One)	<input type="checkbox"/> Private Well	<input type="checkbox"/> Cherry Valley & Rochdale Water District
	<input type="checkbox"/> Hillcrest Water District	<input type="checkbox"/> Leicester Water Supply District
Sewer Source: (Select One)	<input type="checkbox"/> Private Septic System	<input type="checkbox"/> Cherry Valley Sewer District
	<input type="checkbox"/> Hillcrest Water District	<input type="checkbox"/> Leicester Water Supply District
	<input type="checkbox"/> 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.]		

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

SPECIAL PERMIT/SITE PLAN

at

1439 MAIN STREET

LEICESTER, MA

- NOTE:
- 1.) PROPERTY LINES/SITE FEATURES ARE TAKEN FROM PLAN PREPARED BY J.R. RUSSO & ASSOCIATES ENTITLED AS-BUILT PLAN FOR 1439 MAIN STREET LEICESTER MA DATED 9-23-10.
- 2.) THE PURPOSE OF THIS PLAN IS FOR THE PREPARATION OF THE EXISTING PARCEL LOCATED AT 1439 MAIN STREET FOR FUTURE A DEVELOPMENTAL.
- 3.) MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH THE LATEST EDITION OF THE TOWN OF LEICESTER'S DEPARTMENT OF PUBLIC WORKS & PARKS STANDARD SPECIFICATIONS & DETAILS, UNLESS OTHERWISE SPECIFIED BY LOCAL AUTHORITY OR THE ENGINEER.
- 4.) THE CONTRACTOR SHALL UTILIZE ALL MEASURES AND MATERIALS NECESSARY TO ENSURE THE SAFETY OF ALL PERSONS AND PROPERTIES AT THE SITE DURING CONSTRUCTION. ALL EXCAVATIONS SHALL CONFORM TO CURRENT OSHA STANDARDS.
- 5.) UNLESS OTHERWISE NOTED, ALL DISTURBED AREAS SHALL BE DRESSED WITH A MINIMUM OF FOUR INCHES (4") OF LOAM AND SHALL BE SEEDED WITH AN APPROVED GRASS MIX.
- 6.) THE CONTRACTOR SHALL PROVIDE APPROPRIATE EROSION AND SEDIMENTATION CONTROL MEASURES AT ALL TIMES. DEWATERING OPERATIONS SHALL BE PROVIDED, IF REQUIRED; ALL DISCHARGE SHALL PASS THROUGH SEDIMENTATION CONTROL DEVICES TO PREVENT IMPACTS UPON WATER BODIES, BORDERING VEGETATED WETLANDS, DRAINAGE SYSTEMS AND ABUTTING PROPERTIES.
- 7.) DISTURBED AREAS SHALL BE STABILIZED BY LOAMING AND SEEDING SOON AFTER THE FINISHED GRADE HAS BEEN MET. IF FINAL GRADING DOES NOT OCCUR DURING THE GROWING SEASON, THESE AREAS SHALL BE MULCHED WITH HAY SECURED BY WEIGHTED SNOW FENCE, CHICKEN WIRE MESH OR JUTE NETTING WITH STAPLES. SEED FOR PERMANENT GRASS COVER SHOULD BE ACCORDING TO SOIL CONSERVATION SERVICE GUIDELINES FOR SOIL AND MOISTURE CONDITIONS FOUND ON THE SITE.
- 8.) SEDIMENTATION CONTROL FENCE AND/OR HAY BALES SHALL BE MAINTAINED UNTIL ALL SLOPES HAVE BEEN STABILIZED AND THERE IS NO DANGER OF EROSION DIRECTLY ONTO ABUTTING PROPERTIES.
- 9.) PRIOR TO INITIATING CONSTRUCTION, SEDIMENTATION CONTROL DEVICES SHALL BE INSTALLED. THE CONTRACTOR SHALL MAINTAIN THE DEVICES UNTIL ALL WORK IS COMPLETE AND ALL AREAS HAVE BEEN STABILIZED.
- 10.) IF THE PROPOSED ROADWAY AREAS ARE NOT PAVED IMMEDIATELY AFTER THE INSTALLATION OF THE DRAINAGE STRUCTURES, HAY BALES SHALL BE PLACED TO PROTECT THE INTEGRITY OF THE STRUCTURES.
- 11.) THE LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES ARE BASED ON FIELD AND RECORD INFORMATION. THE ENGINEER DOES NOT GUARANTEE THEIR ACCURACY OR THAT ALL UTILITIES AND SUBSURFACE STRUCTURES ARE SHOWN. THE CONTRACTOR SHALL VERIFY SIZE, LOCATION AND INVERT ELEVATIONS OF STRUCTURES AND UTILITIES, AS REQUIRED PRIOR TO THE START OF CONSTRUCTION. ANY DISCREPANCIES WITH RECORD DATA SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY PRIOR TO, AND DURING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY AND COORDINATE WITH THE LOCAL UTILITY COMPANIES, WITH THE TOWN OF STURBRIDGE'S HIGHWAY DEPARTMENT, OTHER TOWN UTILITY DEPARTMENTS, APPLICABLE PRIVATELY OWNED UTILITY COMPANIES AND DIG-SAFE (1-888-344-7233) TO VERIFY UTILITY LOCATION AND TO PROTECT UTILITIES DURING AND AFTER CONSTRUCTION.
- 12.) THE CONTRACTOR SHALL PROVIDE FOR ALL TRAFFIC CONTROL IN ACCORDANCE WITH THE TOWN OF LEICESTER REQUIREMENTS.
- 13.) NO TRENCHES SHALL BE ALLOWED TO REMAIN OPEN OVERNIGHT.



LOCUS MAP

LIST OF DRAWINGS:

- | | |
|-----------|---------------------|
| SHEET - 1 | COVER SHEET |
| SHEET - 2 | EXISTING CONDITIONS |
| SHEET - 3 | GRADING PLAN |
| SHEET - 4 | DETAIL SHEET |

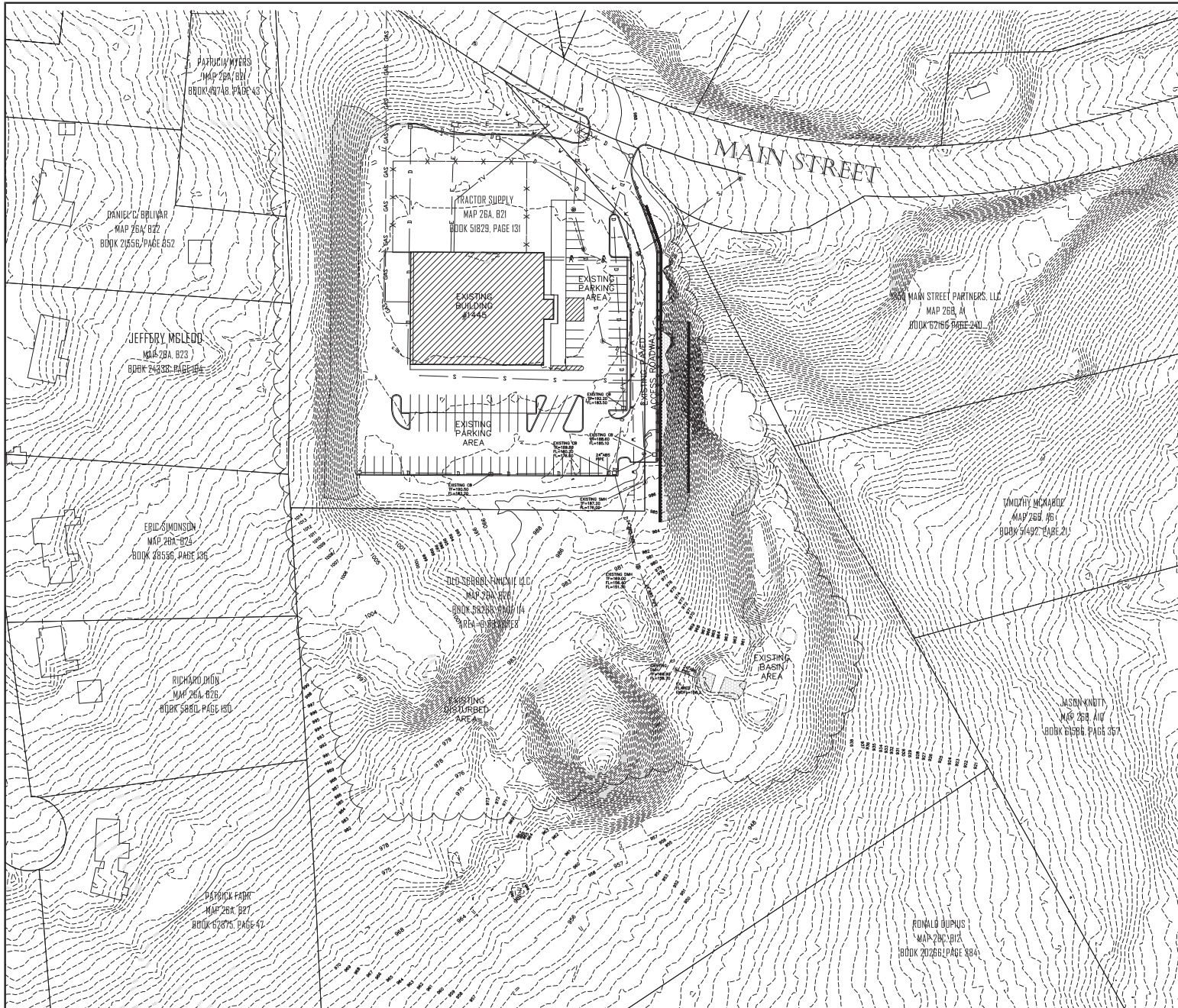
ZONE: (HB-1) HIGHWAY BUSINESS INDUSTRIAL 1 DISTRICT		
	MAX./REQUIRED	PROVIDED
LOT AREA:	60,000 SQ. FT.	408,952 SQ. FT.
FRONTAGE:	200'	247±
BUILDING HEIGHT (MEAN):	55'	N/A
LOT COVERAGE:	40%	N/A
IMPERVIOUS SURFACE:	40%	N/A
SETBACK REQUIREMENTS		
FRONT:	50'	N/A
SIDE:	50'	N/A



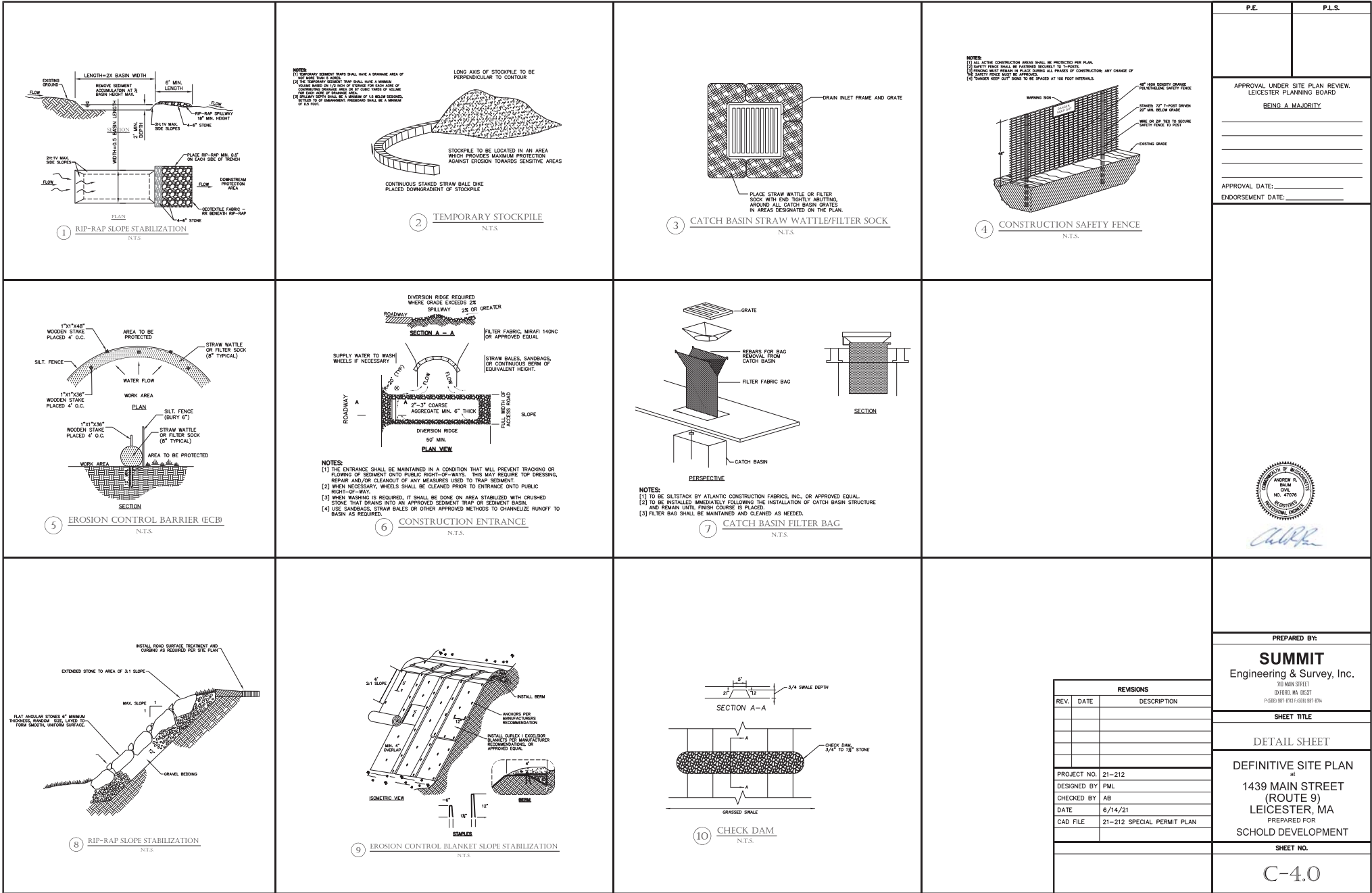
Andrew R. Russo

REVISIONS		
REV.	DATE	DESCRIPTION
PROJECT NO.	21-212	
DESIGNED BY	PML	
CHECKED BY	AB	
DATE	6/21/21	
CAD FILE	21-212 SPECIAL PERMIT PLAN	

P.E.	P.L.S.
APPROVAL UNDER SITE PLAN REVIEW. LEICESTER PLANNING BOARD BEING A MAJORITY	
APPROVAL DATE: _____	
ENDORSEMENT DATE: _____	
PREPARED BY: SUMMIT Engineering & Survey, Inc. 700 MAIN STREET OXFORD, MA 01537 P: (508) 887-8713 F: (508) 887-8714	
SHEET TITLE COVER SHEET	
SPECIAL PERMIT PLAN at 1439 MAIN STREET (ROUTE 9) LEICESTER, MA PREPARED FOR SCHOLD DEVELOPMENT	
SHEET NO. C-1.0	



<div>P.E.</div>		<div>P.L.S.</div>	
<div>APPROVAL UNDER SITE PLAN REVIEW LEICESTER PLANNING BOARD BEING A MAJORITY</div> <div></div> <div></div> <div></div> <div></div> <div></div> <div>APPROVAL DATE: _____</div> <div>ENDORSEMENT DATE: _____</div>			
<div>PREPARED BY:</div> <div><div>SUMMIT</div><div>Engineering & Survey, Inc.</div><div>150 MAIN STREET OXFORD, MA 01527 P (508) 987-8713 F (508) 987-8716</div></div>			
<div>SHEET TITLE</div> <div>EXISTING CONDITIONS PLAN</div>			
<div>SPECIAL PERMIT PLAN at 1439 MAIN STREET (ROUTE 9) LEICESTER, MA PREPARED FOR SCHOLD DEVELOPMENT</div>			
<div>SHEET NO.</div> <div>C-2.0</div>			



Brooke Hultgren

From: Ken Antanavica <antanavicak@leicesterpd.org>
Sent: Thursday, July 8, 2021 2:03 PM
To: Brooke Hultgren
Subject: RE: Request for Comment - Special Permit Application

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Brook:

The Police Department has no issue with the 1439 Main St proposal.

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: Brooke Hultgren <hultgrenb@leicesterma.org>
Sent: Tuesday, June 22, 2021 11:40 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: RE: Request for Comment - Special Permit Application

Disregard my last email, the applicant submitted the wrong application form (it was a duplicate of the Smugglers Cove application)

I've updated the website and this project's details below:

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

Project Name: 1439 Main St

Location/Description: 1439 Main St/filling the existing site with 96,000 c.f. of material to create a padded site for a future building

Water/Sewer: LWSD

Planning Board Meeting Date: August 3, 2021

Deadline for Comments: July 26, 2021

The application & plans are available at the link below:

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

From: Brooke Hultgren

Sent: Tuesday, June 22, 2021 9:17 AM

To: jennnerton@aol.com; Michael Silva <SilvaM@leicesterma.org>; Ken Antanavica <antanavicak@leicesterpd.org>; Mike Dupuis (mdupuis@leicesterfireems.org) <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 - Special Permit Application

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

Project Name: 1439 Main St

Location/Description: Off Paxton St/Open Space Residential Development; proposed 13 lots and 31 acres open space

Water/Sewer: LWSD

Planning Board Meeting Date: August 3, 2021

Deadline for Comments: July 26, 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.

QUINN ENGINEERING

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

July 14, 2021

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

Re: 1439 Main Street
Special Permit, Site Plan

To the Board:

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

- Plan entitled “SPECIAL PERMIT/SITE PLAN at 1439 MAIN STREET LEICESTER, MA”, comprised of 4 sheets, C-1.0 - C-4.0, dated 6/21/21 by Summit Engineering & Survey, Inc. of Oxford.
- Special Permit Application form, dated 6/21/2021.

We have performed a review of the submitted plans for conformance with Leicester Zoning By-Laws including §5.16: *Earth Filling and Removal*, §5.2: *Site Plan Review*, and with §5.5 *Highway Business-Industrial District 1*.

Our comments are found below:

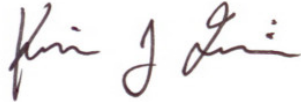
1. Application package must include hydrologic analysis, documenting that proposed plan will not result in an increase in post-development runoff rates. (REF: Zoning Bylaw §5.16, I, 2, c; also §5.2.05, F of *Site Plan Review Rules*).
2. Concern exists for soil stability in 2:1 fill slopes on southern end of the site. In this area, fill will be placed 20 feet deep, on the perimeter of the subject property. Erosion fabric provides surface resistance to erosion, but may not address soil slope stability.
3. Plans should include a means of dust control.

Leicester Planning Board
1439 Main Street
July 14, 2021
Page 2 of 2

4. Stone check dams on the southwest side of the site aren't coordinated with contours, so the flow of water will run askew of the check dam. Check dams should be part of a swale or other stormwater conveyance.

Please contact this office should you have questions.

Sincerely,
QUINN ENGINEERING, INC.

A handwritten signature in dark ink, appearing to read "Kevin J. Quinn". The signature is fluid and cursive, with the first name "Kevin" and last name "Quinn" clearly distinguishable.

Kevin J. Quinn, P.E.
President



Town of Leicester PLANNING BOARD

23

LEICESTER, MASSACHUSETTS, 01524-1333

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

www.leicesterma.org

Memorandum

To: Matthew Schold
Central Land Development Corp.
ScholdDev@gmail.com

FROM: Michelle R. Buck, AICP
Town Planner/Director of Inspectional Services

DATE: July 29, 2021

RE: 1439 Main Street Special Permit Application
PB File#: SP2021-07

As noted in my 7/14/2021 email, your application doesn't include items required by the Board's submittal requirements for Earth Filling & Removal operations contained in the Board's Special Permit Regulations (copy of relevant section attached). Specifically, the application doesn't include a traffic study, stormwater report, restoration plan, or soil management plan.

Your application should also include a project narrative describing the project and how the project meets the criteria for approval (see sections §5.13.I.1 and §5.5.03.2 of the Zoning Bylaw).

- 2) Existing open areas, such as forests, farm fields, meadows and major long views.
 - 3) In the event the parcel includes previously disturbed land, the applicant shall include a reclamation plan.
- b. Conventional Subdivision Sketch Plan
- The applicant shall also submit a sketch plan at the same scale showing how development of the parcel would be achieved by a conventional subdivision plan, in accordance with all applicable land use regulations.

10. Ground-Mounted Solar Energy Systems

- a. Applicants for Small-Scale Ground-Mounted Solar Energy Systems and Medium-Scale Solar Energy Systems less than 3,000 square feet of surface area (Section 5.14) shall submit the following:
 - 1) A Registered Plot Plan prepared by a licensed surveyor or civil engineer. (A tape survey is not adequate and will not be accepted). The plot plan must show:
 - a) Existing and proposed structures and overhead utility lines
 - b) Lot lines
 - c) Zoning District(s) in which the property is located, including boundaries between Zoning Districts where relevant.
 - d) All relevant distances from the base of solar array(s) and existing and proposed structures and property lines
 - e) Lot area
 - 2) Solar energy specifications, including manufacturer and model, area, height and type of ground mounting system.
- b. Applicants for Medium-Scale Ground-Mounted Solar Energy Systems of 3,000 sf. or more of surface area and Large-Scale Ground-Mounted Solar Energy Systems (Section 5.14) shall submit applications in accordance with the Planning Board's Site Plan Review Regulations, including the submittal requirements specific to Ground-Mounted Solar Energy Systems.

11. Earth Filling Operations and Earth Removal Operations

- a. Applicants for Earth Filling and Earth Removal Operations (Section 5.16), shall submit the following:
 - 1) **Site Plan:**
 A site plan prepared by a registered professional engineer at a scale of up to 1:40 or other scale approved by the Board and on standard sheets up to 24"x 36". Only 2 copies are to be submitted full-size, the remaining 11 copies shall be submitted at 11" x 17". All plan sets shall be stapled together as complete plan sets and may be submitted folded or rolled. Site Plans shall contain the following information:
 - a) Name of the project, property boundaries, location map, date, north arrow and scale, and the name and address of the owner and registered engineer, architect or landscape architect who prepared the plan.
 - b) The location of all existing and proposed roads, driveways, parking and loading areas, fences and walls; and the number of parking and loading spaces provided.

- c) The location, height, size, and design of all proposed signage and lighting fixtures.
- d) Proposed landscaping, including size and type of plant material. (Please refer to the Planning Board's Landscaping Regulations.)
- e) The location of existing and proposed utility systems, including water, sewerage or septic systems, storm drainage system, and other utilities.
- f) Existing and proposed topography at two (2) foot contour intervals, including natural features, water sources, wetlands and 100-year floodplain.
- g) The location where earth removal or filling is proposed and the volume of material to be moved.
- h) Erosion and sedimentation control plan

The above required information may be provided on several sheets to legibly show the required information.

2) Locus Plan

The applicant shall provide a locus plan at a scale of one inch equals one hundred feet (1" = 100') or other such scale as may be approved by the Planning Board, showing the entire project site and its relation to surrounding properties, buildings and roadways, and zoning district boundaries within one thousand (1,000) feet of the project boundaries or such other distance as may be approved by the Planning Board. Locus plans shall clearly identify abutting residential structures.

3) Stormwater Report

Three (3) paper copies shall be submitted at the time of application, although the Board may request additional copies. Refer to the Planning Board's Stormwater Regulations for details.

4) Traffic Study

A traffic study (3 paper copies) that includes information on placement of access roads, sight distance at the point of entrance onto public ways, proposed truck routes to and from the site and estimated numbers of trucks per day entering and exiting the site.

5) Restoration Plan

The applicant shall submit a detailed plan for restoring the premises upon cessation of earth removal or earth filling operations. Restoration shall be completed within one year of the expiration of the permit or upon completion of removal of the area covered by the bond or other security.

6) Additional Requirements

a) Earth Removal Operations

Documentation and information pertaining to the following: location of proposed earth removal site or sites, type of earth material to be removed, depth of excavation, estimate of total material to be removed, purpose of earth removal, method of earth removal, method of and routes of transportation, duration of earth removal operations, phasing schedule and amount of material estimated to be removed per phase if applicable, the

finished grade of the site, disposition of all rocks, boulders, stumps and brush, and depth of normal high groundwater.

b) **Earth Filling Operations**

A Soil Management Plan (3 copies) signed and stamped by a Massachusetts Licensed Site Professional (“LSP”). The LSP shall specifically state that

"The subject plan has been designed to meet the requirements of Leicester's Earth Filling Bylaws and Regulations, and any other applicable Federal or State regulation pertaining to the transport and use of earth materials for fill. It is my professional opinion that this plan and the proposed regulated activity, once executed and completed, will be substantially protective of human health, public safety, welfare and the environment". The Soil Management Plan shall contain sufficient detail to document that requirements of this Leicester's Bylaws and Regulations will be met. The plan shall specifically require that Massachusetts Contingency Plan Bill of Lading (“BOL”) documents and procedures (310 CMR 40.0030) will be exclusively used for the transport and acceptance of earth materials for fill. The Soil Management Plan shall specifically include the following, at a minimum:

- i. Summary of environmental pre-fill characterization findings and sample locations;
- ii. Verification of Fill Material Origin and Acceptance Procedures;
- iii. Record Keeping Practices;
- iv. Site Security, Fill Operation Inspection, and Site Control;
- v. Transport Routes, Times, and Duration of Anticipated Fill Activities;
- vi. Qualifications of Applicant Personnel Responsible for adhering to the Soil
- vii. Management Plan and Leicester's Earth Filling Regulation;
- viii. Erosion, Dust, and Storm Water Controls, Inspection and Maintenance;
- ix. Quality Assurance/Quality Control Procedures;
- x. Emergency Response and Notification Procedures, including pertinent telephone numbers and contact individuals/firms;
- xi. Total proposed Fill Material volume;
- xii. Daily Personnel Responsibilities and Operation Management Procedures;
- xiii. Environmental monitoring plan to maintain protection of human health, public safety, welfare and the environment during the fill operations;

5.16: Earth Filling & Removal

[New Bylaw ATM 5-7-2019, Article 24]

A. Purpose

The purpose of this bylaw is to regulate filling of land and earth removal operations to protect of public health, safety and welfare, and to protect the integrity of natural resources in the Town of Leicester.

B. Definitions:

1. EARTH: This term shall include soil, loam, sand, gravel, clay, peat, rock, or other earth material in solid form.
2. EARTH FILLING OPERATION: the permanent filling of land that involves greater than 1,000 cubic yards of or more of earth and/or fill material per calendar year (January through December)
3. EARTH REMOVAL OPERATION: Any commercial mining, stripping, quarrying, filling, digging or blasting of earth originating from the Town of Leicester and its transportation into or out of the Town of Leicester.
4. FILL MATERIAL: Any geologic, man-made, recycled or processed material including in its entirety or as a proportion containing clay, rock, sand, gravel, peat and sediment. Material meeting the Federal and/or State definition of solid or hazardous waste or as toxic, infectious, radioactive, corrosive, or reactive material is specifically excluded.
5. FILLING OF LAND: The importation, use, redistribution, alteration or movement of earth and or fill material on or within any land area or water body within the Town of Leicester.
6. GRAVEL: Loose fragments of rock or coarse aggregate resulting from natural disintegration and abrasion of rock or processing of weakly bound conglomerate.
7. LOAM OR TOPSOIL: A soil consisting of a friable mixture of varying proportions of clay, sand, silt, and organic matter.
8. PROCESSING: The sorting or separation of earth into distinct categories based on particle size or type usually through the use of a screening process, not including stone crushing.
9. SILT: Loose sedimentary material with rock particles usually less than 1/16 mm or less in diameter based on the Wentworth scale of measurement.
10. SITE: A distinct portion of contiguous lots, under the same or different ownerships, on which an earth removal and/or fill operation is conducted, or is proposed to be conducted, under the Permit.
11. STONE CRUSHING: The mechanical operation which creates smaller sized stones or stone products from larger sized stones, boulders or particles typically using a crushing plant or similar machinery.
12. SIGNIFICANTLY GREATER CONCENTRATION: The concentration of a substance in earth or fill materials as measured by Federal or State-approved analytical methods, which is one order of magnitude or greater in concentration than the same substance measured in existing, pre-fill earth materials.

C. Applicability

1. A Special Permit from the Planning Board shall be required for:
 - a. The filling of land that involves greater than 1,000 cubic yards of or more of earth and/or fill material per calendar year (January through December).
 - b. Earth removal operation that that involves excavation of more than 1,000 cubic yards of earth material per calendar year (January through December).
2. Contiguous parcels under the same ownership or right of operation shall be considered one location for the purpose of this bylaw.

D. Exemptions from Special Permit Requirements

1. Earth removal or placement of fill associated with the installation of septic systems, which shall be governed by the Commonwealth of Massachusetts Environmental Code (Title 5, 310 CMR 15.00).

2. Earth removal or the placement of fill associated with the installation of foundations for new buildings and/or building additions, which shall be governed by M.G.L. c. 143 and the Commonwealth of Massachusetts Building Code (780 CMR).
3. Earth removal or the placement of fill associated with grading and/or landscaping in connection with the otherwise lawful construction of new driveways, structures, buildings and/or building additions.
4. Earth removal or the placement of fill associated with the normal use of a cemetery.
5. Earth removal or the replacement of fill in connection with commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture compliant with the provisions of MGL c.40A, §3.
6. Earth removal or the placement of fill, where the operation occurs entirely within an individual parcel or between contiguous parcels under common ownership and where a town-accepted public way is not used for the transportation of the material.
7. Earth removal or the placement of fill related to a new subdivision road that has been approved by the Planning Board, or by the Zoning Board of Appeals pursuant to M.G.L. c. 40B, where there is already a bond in place with the Town to ensure performance.
8. Earth removal or the placement of fill for the construction, maintenance and repair of fire ponds, existing public roadways or the installation of public utilities and appurtenances.
9. Operations lawfully in existence at the time of adoption of this bylaw to the extent that such operations are protected by MGL c.40A, §6.

E. Prohibited Activities and Uses:

The following activities and uses are prohibited in the Town of Leicester:

1. Use or importation of earth or fill materials whose quality would either meet Federal or State criteria for definition as being toxic, reactive, radioactive, corrosive, explosive, hazardous, infectious, oil-impacted, or as a hazardous or solid waste.
2. Use or importation of earth or fill containing toxic, reactive, corrosive, hazardous, infectious, or solid waste at individual concentrations, or presence by weight or volume, which would render such material a regulated substance or material subject to M.G.L. c. 21E or as a Solid Waste as defined in the regulations promulgated by the Massachusetts Department of Environmental Protection as 310 Code of Massachusetts Regulations (CMR) 19.00.
3. Use or importation of earth or fill at any location not otherwise regulated or permitted for acceptance of earth materials containing toxic, reactive, radioactive, corrosive, hazardous, infectious, oil, solid waste, or metals when such fill materials contain concentrations of these substances less than regulatory criteria established for reporting or special handling purposes but with one or more significantly greater concentrations by weight or volume than existing, pre-fill concentrations.
4. Transport of earth or fill materials in a manner which is prone to release the same during transport.
5. Use of earth or fill materials in a manner which renders the fill area structurally unstable, produces uncontrolled leachate or off-gases, creates nuisance conditions, creates uncontrolled storm water run-off, siltation, or visually apparent erosion of fill materials, or where finished fill grading slopes are not properly stabilized.
6. Construction of permanent structures over or adjacent to areas of fill unless the fill material is structurally stable and free of emissions or other hazardous criteria relative to permanent building construction and use.
7. Use of fill material which may cause chemical or physical impact to off-site ground water, surface water, or wetland resource areas without specific Soil Management Plan and field procedures designed to prevent degradation of these natural resources. This prohibited use specifically includes, but is not limited to, fill materials containing nutrient or salt concentrations at significantly greater concentrations than pre-existing soil conditions on the site.

F. General Standards**1. Earth Filling Operations:**

- a. Throughout the length of the project, the applicant must identify the point of earth material origin and receiving location for fill material and must document that 1) that the earth material is not otherwise prohibited from use as fill material in accordance with Leicester's Zoning Bylaw and Regulations or other applicable Federal and State standards, regulations, and guidelines; and, 2.) that a Massachusetts Licensed Site Professional (LSP) has compared analytical results of earth materials to existing, pre-fill conditions specific to the location and determined that the concentrations of substances in the earth materials intended for use as fill do not contain significantly greater concentrations than existing, pre-fill conditions for that location. The applicant will facilitate off-site inspections at points of origin for earth materials if requested by the Planning Board or its agents.
- b. The LSP shall perform site inspections during the course of the project as specified by the Planning Board to ensure compliance with Leicester's Bylaws and Regulations and shall upon completion of work provide written certification signed and stamped stating that all earth materials used for fill comply with Leicester's Bylaws and Regulations and applicable Federal and State Regulations.
- c. Should an applicant or Special Permit holder seek an Administrative Consent Order (ACO) from the Massachusetts Department of Environmental Protection to use or deposit earth or fill materials in the Town, the Town reserves all rights to impose additional requirements upon the applicant or Special Permit holder to assure mitigation of all impacts or effects of the activities undertaken pursuant to such ACO.

2. Earth Removal Operations

- a. All topsoil and subsoil stripped from operation areas shall be stockpiled, seeded with an erosion control seed mixture, and used in restoring the area.
- b. If erosion control structures are utilized, these devices shall be in place and stabilized before excavation can begin in the affected area. These structures shall be inspected and maintained in accordance with the approved plan and the capacity of the structural device.
- c. Except for fire ponds, no area shall be excavated so as to cause the accumulation of free-standing water. Drainage shall be provided as needed in accordance with accepted engineering and conservation practices. Measures shall be taken to ensure that silting and sedimentation of nearby streams is not caused by a temporary or permanent drainage systems on site. Drainage shall not lead directly into streams, ponds, abutting properties nor shall drainage from access roads drain directly onto public ways.
- d. The active excavation area shall not exceed a total of three (3) acres at any one time. Natural vegetation shall be left and maintained on undisturbed land for screening and noise reduction purposes.
- e. Restoration shall be carried on simultaneously with excavation, so that when any three (3) acre operation area has been excavated, at least two (2) acres shall be restored before work commences on the next contiguous three (3) acres.

G. Financial Security; Inspection of Conditions

1. The applicant shall provide financial surety in the form of a cash deposit or bond, or similar financial surety acceptable to the Planning Board, to insure faithful performance of the work to be undertaken pursuant to the conditions of approval or approval with modifications, and conditioned upon completion of the regulated activity in accordance with the conditions established by the Planning Board at the time of granting of the Special Permit or any subsequent changes of such conditions.
2. The Planning Board may waive or reduce the financial surety requirements, but no such financial surety shall be released, until the applicant has complied with the conditions of approval and this bylaw. The Planning Board shall act on a requested release of the financial surety within sixty-five (65) days of submission of the applicant for such release.

H. Special Permit Procedures

1. The Planning Board may adopt and periodically amend its Special Permit Regulations for the implementation of this Bylaw. Such Regulations may set forth performance standards for earth removal

and fill operations, impose filing and consultant fees, define additional terms not inconsistent with the Bylaw, and establish administrative procedures. Failure by the Planning Board to adopt such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.

2. Any person wishing to obtain a Special Permit under this Section shall file a completed application for a Special Permit together with any required supporting data, maps, and the filing fee in accordance with the Planning Board's Special Permit Regulations and Fee Regulations.
3. Any Permit issued is non-transferable and shall automatically expire upon completion of the earth removal or fill project for which it was issued or at such time as may be specified in said Special Permit. In no case shall a Special Permit be issued initially for a period longer than three years. A Special Permit may be renewed for up to two years or lesser time as determined by the Planning Board after evidence is presented that all conditions of the expiring Special Permit have been complied with and the work has been performed in good faith. There is no limit on the number of Permit renewals an Applicant can apply for. A public hearing may be required by the Planning Board, at its discretion, for renewal of Special Permits.
4. The applicant shall pay reasonable fees for independent inspection to assess adherence to the Planning Board's special permit conditions in accordance with the Planning Board's Special Permit Regulations and Fee Regulations. Said fee shall be deposited into a Revolving Fund Account pursuant to M.G.L. c. 40, §53G.

I. Special Permit Criteria for Earth Removal & Fill Operations

1. The Planning Board shall use the general standards for Special Permit Approval contained in the Planning Board Special Permit Regulations, any district-specific special permit requirements, and the additional standards contained herein
2. Permits for earth removal and/or fill operations shall be granted by the Planning Board only upon its written determination that the proposed use shall not cause substantial detriment to the neighborhood, or the Town, considering the characteristics of the site and the proposal in relation to the site and surrounding environment. In addition to any specific factors that may be set forth elsewhere in this Bylaw and its associated Regulations, such determination shall include consideration of each of the following:
 - a. Impacts on the natural environment
 - b. Traffic flow and safety, including loading and unloading; and
 - c. Management of stormwater
3. No Special Permit shall be issued for the removal of earth or the placement of fill in any location if such an operation will:
 - a. endanger the public safety, public health or constitute a nuisance; or
 - b. produce noise, dust, or other noxious effects observable at the lot lines of the property in amounts objectionable or detrimental to the normal use of adjacent properties; or
 - c. result in the transportation of materials in such manner as to cause traffic congestion, dust, spillage, noise, or other nuisances or hazards, particularly on residential streets; or
 - d. result in the transportation over ways which will be unduly injured thereby; or
 - e. cause irreparable harm to or loss of important wildlife, wildlife habitat or rare plant species indigenous to the area; or
 - f. result in stormwater damage to abutting properties.

J. Conditions of Special Permit

The Planning Board may impose reasonable conditions on any special permit granted under this bylaw for earth filling or earth removal operations, including but not limited to the following:

1. Limitations on the size, number, and maximum weight of trucks that may access the property in any 24-hour period as well as routes of travel
2. Requirements for site security procedures
3. Limitations on hours of operation

4. Requirements for regular access to the Town of Leicester or its agents for the purpose of inspection of records or field conditions, and enforcement of this Bylaw
5. Implementation of erosion and sedimentation control measures to prevent material from moving offsite or into wetland or water resource areas
6. Limitations on slope
7. Requirements for ongoing monitoring by licensed professionals at the Applicant's expense to document full conformance with this bylaw and any conditions of approval.
8. Requirements for site stabilization and restoration

K. Violations and Enforcement

1. The Planning Board or its authorized agent shall enforce this Bylaw, its regulations, and the requirements and conditions of Permits issued thereunder, and may pursue civil and criminal remedies for violations of the same including but not limited to fines per Zoning Bylaw 6.5 (Penalty).
2. The Building Inspector or other authorized agent of the Planning Board is authorized to conduct inspections on behalf of the Planning Board. To the extent permitted by law, or if authorized by the owner, operator, or other person in control of the site, the Building Inspector or other agent of the Planning Board may enter on the site to conduct inspections.
3. The Building Inspector or other authorized agent of the Planning Board may issue such orders as are deemed necessary to stop violations and ensure compliance with this Bylaw, its regulations, and Permits, including an order to cease and desist operations.
4. If the violator holds a Special Permit issued under this Bylaw, the Planning Board may without prior hearing order that the violator cease and desist from violations of this bylaw and/or conditions of the Special Permit, or may suspend or revoke the Special Permit after a public hearing, at which point all operations shall cease until such time as the necessary measures are taken to assure compliance with this Bylaw and a new Permit is issued.

L. Change of Conditions

1. Any change in the activities not included in, or contemplated by, the Special Permit application or approved pursuant to a modification to a Special Permit shall be brought to the attention of the Planning Board or its agents prior to, or immediately following, such change in activities.
2. This notice shall be in writing and include specific actions recommended by the applicant to correct or to demonstrate compliance with the Special Permit and this bylaw. All operations shall be suspended within one operation day following such occurrence and remain suspended until the Planning Board or its agents have reviewed and amended the Special Permit with the applicants recommended change(s). Nothing herewith shall be interpreted to require acceptance of changed conditions or recommended corrective actions by the Planning Board.



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 2:46
 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

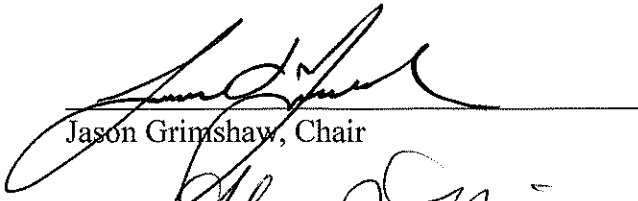
land use restrictions in accordance with Section 5.13.07.C.(2) of the Zoning Bylaw where the buffer has been reduced, with the intent of minimizing tree removal within the 100 foot buffer, allowing only limited tree clearing for water access for residents.

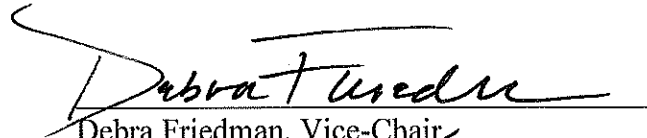
12. The Open Space shall be maintained in perpetuity in accordance with Section 5.13.08 of the Zoning Bylaw (Open Space Ownership and Management). The open space shall be conveyed (or otherwise protected) as soon as practical; the specific deadline shall be determined by the Planning Board at the Definitive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

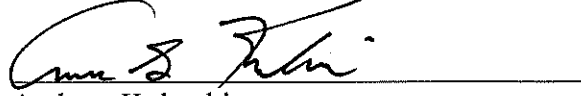
RECORD OF VOTE

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, Followup Site Visit
Date: 7/22/2021

I conducted a site visit to Oak Bluffs Subdivision today, at your request. Conditions were partly sunny 74 degrees.

It is understood that following complaints of site runoff entering the property at 20 Oak Bluffs Lane, the developer made efforts to control stormwater.

Upon my arrival, I observed that an earthen berm, approximately 1 foot high, had been installed across Lot 10, just north of the Oak Bluff lane cul-de-sac.

It is my opinion that under a major storm, this berm will not be a sufficient to divert runoff away from the downgradient property at 20 Oak Bluff Lane. Additionally, surface water runoff generated on Lot 10 will continue to flow toward 20 Oak Bluff Lane.

It remains my recommendation that the Developer move forward on subdivision construction, including:

- completing the stormwater basin on Lot 10
- activating the drainage system in Oak Bluff Lane
- stabilizing the surface of Lot 10

Other efforts aimed at reducing runoff flowing toward 20 Oak Bluff Lane would also be appropriate. A swale to intercept and direct stormwater flow into the basin on Lot 10 could reduce or prevent runoff from flowing onto 20 Oak Bluff Lane.

Zoning Bylaw Amendments: Marijuana Establishments 7/29/2021

A. Amend Section 1.3 (Definitions), by inserting new definitions and amending existing definitions, as follows:

MARIJUANA COURIER: an entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from a Medical Marijuana Treatment Center, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: *Definitions* or 935 CMR 500.050: *Marijuana Establishments* and shall be subject to 935 CMR 500.050(1)(b): *Control Limitations*.

MARIJUANA DELIVERY LICENSEE: an entity that is authorized to deliver marijuana and marijuana products directly to consumers and as permitted, Marijuana Couriers to patients and caregivers

MARIJUANA DELIVERY OPERATOR: an entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: *Definitions* or 935 CMR 500.050: *Marijuana Establishments* and shall be subject to 935 CMR 500.050(1)(b): *Control Limitations*.

MARIJUANA ESTABLISHMENT: a licensed Marijuana Cultivator, Marijuana Testing Facility, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Delivery Operator or any other type of licensed marijuana-related business or businesses at a single location except a medical marijuana treatment center.

MARIJUANA ESTABLISHMENT, NON-RETAIL: a marijuana establishment that does not involve on-site retail sales to consumers, including Marijuana Cultivators, Marijuana Product Manufacturers that only sell to Marijuana Establishments but not consumers, Marijuana Testing Facilities, and Marijuana Transportation or Distribution Facilities. Not to include Marijuana Outdoor Cultivator or Marijuana Delivery Operator. *[amended ATM 6/2/2020]*

MARIJUANA RETAILER, CONSUMER SALES ONLY: a marijuana establishment that involves on-site retail sales to consumers and may also involve delivery to consumers by Marijuana Courier, excluding Marijuana Social Consumption Operators.

B. Amend Section 3.2.03, by inserting new use #23 (and renumbering later uses), as follows:

3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
23.	<u>Marijuana Delivery Operator</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>Y</u>



Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lieutenant Governor ♦ Jennifer D. Maddox, Undersecretary

January 29, 2021

PRELIMINARY GUIDANCE FOR MBTA COMMUNITIES REGARDING COMPLIANCE WITH SECTION 3A OF CHAPTER 40A (BY RIGHT MULTIFAMILY ZONING)

Section 18 of chapter 358 of the Acts of 2020 adds a new section 3A to the Zoning Act (Chapter 40A of the General Laws) applicable to MBTA communities. The purpose of section 3A is to encourage MBTA communities to adopt zoning districts where multifamily zoning is permitted as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development (the “Department”), in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with section 3A. This preliminary guidance is to (1) inform MBTA communities about the process the Department will undertake to establish compliance criteria for section 3A, and (2) notify MBTA communities that they will remain eligible for grant programs administered by the Executive Office of Housing and Economic Development or its agencies until more detailed compliance criteria and guidelines have been issued.

What is an MBTA community?

The Zoning Act was amended to add the following definition of “MBTA Community”: a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

What does the new section 3A of Chapter 40A require of MBTA communities?

New section 3A of the Zoning Act provides that each MBTA community “shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right.” The statute further provides “that such multi-family housing shall be without age restrictions and shall be suitable for families with children,” and that each such district “shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.”

What happens if an MBTA Community does not comply?

If an MBTA community does not comply with section 3A, it will not be eligible for funds from the following grant programs: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2E of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

How does an MBTA community know if it is in compliance?

The Department intends to issue more detailed guidelines on compliance criteria and timelines after consulting with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, as required by the statute. The Department expects to seek and consider input from affected MBTA communities as well. The Department will begin this consultation process promptly and expects to have more complete guidance available as soon as possible.

Based on information currently available, the Department expects that some MBTA communities already have zoning districts that meet the statutory criteria, while others will need to enact new zoning. The Department anticipates that its compliance guidelines will account for the fact that different communities have different needs and that communities considering the adoption of new zoning will, in many cases, require time for a planning process and community input.

Can an MBTA community apply for grant funding while compliance criteria are under development?

Yes. All MBTA communities will be deemed to be in compliance with section 3A until more specific guidance is developed and made available to affected MBTA communities.

Leicester Planning Board Minutes

June 15, 2021

MEMBERS PRESENT: Jason Grimshaw (Chair), Jim Reinke, Sharon Nist, Jaymi-Lyn Souza, Joshua Campbell

MEMBERS ABSENT: Deb Friedman (Alternate)

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

ORDER OF BUSINESS*

- 7:00PM **ANR Plan**
407 Pine Street (Assessors Map 40-B3.1), Applicant: Mark & Denise Hobby
- 7:05PM **Public Hearing, Special Permit Application, Continued**
SP2021-06: Blueberry Lane Self-Storage (Assessors Map 26A, Parcel B2), Applicant: Justin Zuffante
- 7:30PM **Discussion, Request for Extension of Deadline to Complete Work,**
SP2003-01, Briarcliff Estates, Applicant: Matthew Bassick/Briarcliff Estates SV LLC
- 7:45PM **Discussion, Request for Zoning Map Amendment**
18 & 18A Sargent Street, Applicant: Nancy Ford
- 8:00PM **Board Re-Organization**
- 8:15PM **Board Committee Appointments:**
 - A. Central Mass Regional Planning Commission (CMRPC)
 - B. Economic Development Committee
 - C. Capital Improvement Committee
 - D. Memorial School Committee
- 8:30PM **Town Planner Report/General Discussion:**
 - A. Environmental Notification Form, 1603-1605 Main Street
 - B. Registry Form Signatures
 - C. Miscellaneous Project Updates
 - D. Board Member Committee Updates
 - E. Upcoming Meeting Dates

Adjourn

Mr. Grimshaw opens the meeting at 7:03 pm.

ANR Plan

407 Pine St (Assessors Map 40-B3.1), Applicant: Mark & Denise Hobby.

The applicants are requesting to transfer a piece of land from the abutter to meet setback requirements to build garage. The plan was revised to indicate owners of each parcel of land to address Ms. Buck's comments. Ms. Buck recommend that the Board endorse this plan.

Motion: Ms. Nist moves to endorse the ANR plan at 407 Pine St.

Second: Mr. Reinke

Discussion: None

Vote: All in favor.

Public Hearing, Special Permit Application

SP2021-06: Blueberry Lane Self-Storage (Assessors Map 26A, Parcel B2), Applicant: Justin Zuffante

The applicant requested a continuance. The hearing can be continued to July 6, 2021 at 7 pm.

Motion: Ms. Nist moves to continue the public hearing to July 6, 2021 at 7 pm.

Second: Mr. Reinke

Discussion: None.

Vote: All in favor.

Discussion, Request for Extension of Deadline to Complete Work

SP2003-01, Briarcliff Estates, Applicant: Matthew Bassick/Briarcliff Estates SV LLC

The original special permit application was approved in 2003 and extended multiple times over the years. Thirteen units have been constructed and the roadway is paved. Ms. Buck recommends a short-term extension be granted. A full extension can be granted after the applicant submits a revised construction estimate to determine the amount of surety required.

Motion: Ms. Nist moves to extend the deadline to July 30, 2021 for work at Briarcliff Estates.

Second: Ms. Souza

Discussion: None

Vote: All in favor.

Discussion, Request for Zoning Map Amendment

18 & 18A Sargent Street, Applicant: Nancy Ford.

Ms. Ford's property has a residential home as well as a combined warehouse and office building. The surrounding area consists of mainly businesses due to the property's location off Rt. 9. The current retail use was grandfathered to be allowed on the property, so any future use would need to remain retail. The applicant is interested in changing the zoning from Residential 2 (R2) to Business (B) so the warehouse can be sold for commercial/industrial business uses allowed in the Business district. The Board supports the proposed zoning map amendment.

Ms. Ford said that she's been trying to sell the property, but didn't understand zoning issues. There was general discussion between Board members on the request and the property, and Ms. Ford was encouraged to speak with owners of abutting properties that might want to be included. If this moves forward will have to be approved at Town Meeting.

Motion: Ms. Nist moves to support the re-zoning proposal.

Second: Mr. Reinke

Discussion: Ms. Ford will reach out to neighbors to gauge interest in their properties being included in this zoning map change.

Vote: All in favor.

Board Reorganization

Motion: Ms. Nist moves to appoint Mr. Grimshaw as the Chair and Mr. Reinke as Vice-Chair.

Second: Mr. Campbell

Discussion: None

Vote: All in favor.

Board Committee Appointments

Memorial School Committee: Mr. Grimshaw

Capital Improvement Committee: Ms. Nist

Central Mass Regional Planning Committee: Ms. Souza

Economic Development Committee: Mr. Campbell

Motion: Ms. Souza moves to approve appointments as discussed.

Second: Mr. Reinke

Vote: All in favor.

Town Planner Report

Environmental Notification Form, 1603-1605 Main Street

This is related to a pending application for a gas station, convenience store, fast-food restaurant, and self-storage facility on the site at 1603 Main St. The ENF process is required because of the anticipated traffic volume, and the Town is provided the opportunity to comment. The project is going through extra levels of review at the state level before the applicants will apply for local permits. A variance from ZBA will be required for the traffic light, along with site plan review and special permit hearings through the Planning Board.

Miscellaneous Project Updates

Smuggler's Cove: special permit amendment application will be heard July 20 to shorten the road and allow for fewer lots.

Parker Street: Definitive Subdivision Plan application received; hearing will be July 20, 2021.

Subdivision Regulations: Town Counsel has recommended updates to Subdivision Regulations to address adequacy of access of roads leading to new developments. The public hearing will be July 6, 2021.

Upcoming Meeting Dates

July 6, 2021

July 20, 2021

Adjourn

Motion to Adjourn: Ms. Nist

Second: Mr. Reinke

Discussion: None

Vote: All in favor.

The meeting was adjourned at 8:06 pm.

Respectfully Submitted,

Brooke Hultgren, Department Assistant

Documents included in meeting packet:

- Town Planner Memo
- Quinn Engineering comments on Blueberry Lane Self-Storage Special Permit dated 6/1/2021
- Request for Extension: Briarcliff Estates from Matthew Bassick dated 5/11/2021
- Briarcliff Estates Senior Village – Victoria Drive 2021 Status Update Report dated 5/11/2021
- Briarcliff Plans
- Summary of Briarcliff Estates Decisions/Actions
- 18 and 18A Sargent St map
- Zoning Map – Leicester MA