

Leicester Planning Board February 21, 2023

Town Of Leicester

3 Washburn Sq

Leicester MA 01524-1358

Re: Definitive Subdivision Plan Smuggler’s Cove

To the Board:

We have updated the design plans per Quinn Engineering’s comment letter dated October 30, 2022. The following comments address Quinn Engineering’s concerns and the updated drainage report and plan set are attached.

 *Request to 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, at/near the entrance and along Sargent Pond.*

*Special Permit Decision Amendment Number SP2021-02 granted a waiver of this section, subject to Conditions #12 and #13.*

*Condition #12 requires the Definitive Plan show landscaping and/or other screening at the entrance to the project. No landscaping or screening is found on plan near the entrance.* **Response: Proposed Landscaping has been added at the entrance. See Landscape Plan.**

*Condition #13 requires the Definitive Plan show no-cut easements, conservation restriction or other similar land use restriction where the buffer has been reduced along the shoreline of Sargent Pond. No notation to that effect is found on plan.* **Response: Proposed Beach Areas are shown on Sheet C-2.2 as well as access to them. The only areas that will be cut will be the beach areas.**

•  *Request to waive §5.13.07, B (6) of the Zoning Bylaws, to permit Drainage Basin 1 to be located within Open Space. Request indicates that Basin 1 area is 24,748 square feet, or 1.6% of Open Space Parcel C.*

*Special Permit Decision Amendment Number SP2021-02 granted a waiver of this section, subject to basin area of 17,000 square feet, or 1.4% of open space parcel C***. Response: At the time of the Preliminary Plan the final drainage design was not done and the wetland line had not been flagged. An estimated area was shown on the Preliminary Plans and that area was requested as a waiver. At the time of the submittal for the Definitive a completed drainage design was performed, and the wetland line had been flagged by Godard Consulting.**

• *Request to waive §V, 5, Cross Section, and §VI, G, 1 of the Subdivision Rules and Regulations to allow one sidewalk to be constructed and allow for a retaining wall to be constructed at the wetland crossing.*

*Special Permit Decision Amendment Number SP2021-02 granted a waiver of §V, 5, and §VI, G, 1 of the Subdivision Rules and Regulations to allow one sidewalk to be constructed. The decision made no reference to allowing a retaining wall at the wetland crossing*. **Response: The proposed retaining walls at the wetland crossing allows the project to minimize the disturbance at the crossing. The retaining walls have been relocated to outside of the right of way.**

• *Request to waive §5.13.06, C, of the Zoning Bylaws, to permit a dead-end roadway length of 1,676 feet. Special Permit Decision Amendment Number SP2021-02 granted a waiver of this section, under condition that the roadway length is “not to exceed 1,627 feet”.* **Response: The roadway has been revised to meet the required length of 1627 feet.**

*It is noted that Special Permit Decision Amendment Number SP2021-02 granted a waiver of §V, 2 of the Subdivision Rules and Regulations to allow a traveled way of 26 feet width. The proposed road is 26 feet in width.* **Response: No response needed.**

*Quinn’s comments on the plans are found below:*

*1. The project narrative indicates that roadways are to be accepted by the Town, however, plan sheets C-5.1, C-6.1, C-5.3 and C-5.2 identifies the proposed road as “Private”. The status of the roadway as to whether it is proposed for acceptance should be clarified and documents submitted revised to be consistent*. **Response: The plans have been updated indicating that the roadway to be public.**

*2. The project narrative indicates that the Open Space will be owned and maintained by an owner’s association. Leicester Planning Board may wish to place a condition on a decision which requires the Applicant submit documentation as to the ownership and maintenance*. **Response: My client is looking into his options for ownership of the Open Space.**

*3. In the Open Space Residential Development bylaw, §5.13.05 defines minimum requirements for OSRD projects to be considered. The Engineer should document to Leicester Planning Board that the final Definitive Subdivision plan still complies with* §5.13.05. **Response: The Data has been added to the Cover Sheet.**

*4. Retaining walls are called out on plan at Sta 12 + 00 – 13+00 +/-. It is recommended that:*

*a.) All retaining walls be located outside right-of-way, and*

*b.) All retaining walls be owned and maintained by the owner’s association.*

**Response: All retaining wall have been relocated outside of right of way. Retaining walls can be put into a homeowner association if the Planning Board requires them to be.**

*5. Where retaining walls are proposed in proximity to the road and sidewalk, fence must be provided, in addition to guardrail, for resident safety*. **Response: A proposed 6’high chain link fence has been added to the plan at wetland crossing. A guard rail is also proposed at the same location.**

*6. Details 6/7.2 and 5/7.2 provide construction details for retaining walls. The plans should include a provision that any retaining walls subject to Massachusetts State Building Code must be designed by a registered Structural engineer, in compliance with Code requirements*. **Response: Notes have been added to the plan stating that any retaining wall over 4 feet in high must be designed by a structural engineer.**

*7. Plans do not identify the radius of curvature for roadways. Engineer should label all horizontal curves with the radius*. **Response: The proposed radius curvature has been added to the Profile Sheets along the centerline of the roadway**.

*8. Condition 5, of Special Permit Decision Amendment Number SP2021-02 requires the Applicant submit verification from the Highway Department regarding removal of the emergency gravel access road.* **Response: The emails from the Leicester Fire Chief and Leicester DPW have been submitted to the Leicester Planning Board at the Preliminary Stage of this project.**

*9. Condition 7, of Special Permit Decision Amendment Number SP2021-02 requires the Definitive Subdivision Plan include a revised calculation of the formula found in §5.13.05.b(3) based on delineated wetland perimeter. Calculations not found in plans*. **Response: Calculations have been added to the Cover Sheet. These were calculated per the latest wetland line shown on the plans.**

*10. Plan Sheet C-6.1 shows what appears to be a transition strip on the west side of Paxton Street, in compliance with Condition 8 of Special Permit Decision Amendment Number SP2021-02. The Engineer should label the transition strip on the plan for clarity and detail the dimensions and materials of construction of the strip*. **Response: Dimensions and materials have been added to Sheet C-5.1.**

*11. Finding 10 of Special Permit Decision Amendment Number SP2021-02 indicates that a beach and swim area will be provided for residents on Sargent Pond. Plans must identify a beach and swim area in conformance with this finding.* **Response: Proposed beach areas and access to these beach areas have been added to the plan as needed.**

*12. Condition 10 of Special Permit Decision Amendment Number SP2021-02 refers to a model home which the Applicant proposes to construct at 153 Paxton Street. Leicester Planning Board may wish to clarify whether the property at 153 Paxton Street is part of the Smuggler’s Cove subdivision.* **Response: Client will have to responded to this to the Planning Board.**

*13. Detail 8/7.2 on Sheet C-7.2 provides information on timber guardrail:*

*a.) Detail must require timber guardrail be traffic-rated.*

*b.) Timber guardrail, while attractive, is not as long-lasting as conventional steel guardrail. Leicester Planning Board may wish to consider requiring steel guardrail.* **Response: all guardrails for the proposed project will be steel guardrails. Detail has been added to the plans.**

*Hydrology and Drainage:*

*14. Rainfall figures applied in the Hydrology report do not appear to be based on current*

*NOAA rainfall statistics. The following 24 hour storm data is recommended:*

*a.) 2 year: 3.13 inches b.) 10 year: 4.85 inches c.) 50 year: 6.72 inches d.) 100 year: 7.59 inches*

*REF: NOAA Point Precipitation Frequency Estimates for Leicester, Massachusetts* **Response: Rainfall figures have been updated.**

*15. The detail for Outlet Control Structure 1, on Sheet C-7.3, shows the top of the berm of Basin 1 set at Elev 938.75. Plan Sheet C-6.1 should identify that elevation and location of the peak of the berm*. **Response: Outfall Structure have been updated.**

*16. The detail for Outlet Control Structure 2, on Sheet C-7.3, shows the top of the berm of Basin 1 is at Elev 928.40. Plan Sheet C-6.1 should identify that elevation and location of the peak of the berm*. **Response: Outfall Structure have been updated.**

*17. Detail 8/7.3, “Basin Access Drive” on Sheet C-7.3 defines the material and dimensional requirements for the access drive at Basins 1 and 2. Sheets C-6.1 and C-6.2 should clearly identify and label the location of the access drives on plan.* **Response: Access to the Basins has been added to the plan.**

*18. Plans do not define access restrictions to the stormwater basins. Leicester Planning Board may wish to consider whether fence or other restriction is required*. **Response: A 6’ high chain link fence has been added to the plans.**

*19. Logs of test pits are not found in the information submitted. Logs should be provided.* **Response: Soil logs have been added to the plans.**

*20. The roadway excavation requires cuts, from Sta 0+00 – 7+50, and from Sta 16+00 through the cul-de-sac. In this area, subdrains should be provided on the cut side, to control groundwater. The entire perimeter of the cul-de-sac must have subdrains.* **Response: Proposed subdrains have been added to the plan.**

Please contact this office should you have questions.

Sincerely,

Peter Lavoie