

**Town of Leicester Planning Board
Meeting Minutes**

MEMBERS PRESENT: Jason Grimshaw, Chair; David Wright, Sharon Nist

ASSOCIATE MEMBER:

MEMBERS ABSENT: Debra Friedman, Alaa AbuSalah

IN ATTENDANCE: Michelle Buck, Town Planner; Barbara Knox, Board Secretary

MEETING DATE: **November 9, 2016**

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Public Hearing continued:
 Special Permit/Site Plan Review for Self-Storage units and Contractor's Yard
 (C&J Realty Trust)
- 7:30PM Application Discussion, Decommissioning Bond Amounts:
 A. LaFlash Boutilier Solar Farm (ZPT Energy Solutions, LLC)
 B. Cherry Valley Solar Farm (ZPT Energy Solutions, LLC)
- 7:45PM Approval of Minutes
 • 9/6/2016
 • 9/20/2016
- 8:00PM Town Planner Report/General Discussion:
 A. Complete Street
 B. Pondview Subdivision
 C. Miscellaneous Project Updates

Mr. Grimshaw called the meeting to order at 7:00PM

Public Hearing

Special Permit/Site Plan Review for Self-Storage units & Contractor's Yard (C&J Realty Trust)

Mr. Marc Curtis was in attendance. Mr. Buck explained the Board can't vote on the special permit tonight because there were not enough members present. Mr. Grimshaw suggested to still hold discussion, to accommodate the people who showed up for the meeting and entertain what is on the floor, as well as making recommendations for the continued meeting. [Absent members will have to listen to the audiotape.]

Ms. Buck noted a list of issues for discussion. The applicant submitted renderings of the buildings (elevations of buildings) that show most of the buildings at 8 ½ feet high, some are at 8-feet and one is 15-feet high. On the last page shows a range of colors considered for the structures.

Mr. Frank Rigiero, 8 Town Beach Road, asked where his house was in relation to the building units. Mr. Curtis pointed out his property location on the plan.

Ms. Buck asked if the Board had any color preference. Mr. Grimshaw asked the abutters their preference. Mr. Curtis said he was considering a neutral color such as beige or gray. All agreed.

Ms. Buck reviewed the issue with the slope of the driveway. She explained in this zoning district, the slope of the driveway shall be no greater than 5%, and anything greater would need a variance. This applicant changed the plan from the previous one and fixed the steeper slope

close to Route 9 to conform to the 5% slope. There were a couple of areas slightly greater in the back, but after she spoke with the Building Inspector, agreed it was a gray area, and would defer it to the Planning Board. She felt because there will not be a high volume of traffic use, such as a retail use, there was not a huge concern with the grade in back. The entire section of the lot that allows access to the property, meets the 5% requirement and the section in back, where the grade is slightly higher, will only have very occasional use.

Mr. Jeremy Croteau, Project Engineer, explained the slope went in between the buildings and sloped down to the eastern side of the site where there will be a swale in place to capture the runoff.

Ms. Buck asked for the Board's interpretation on whether this proposal would require a variance or not, under the definition of driveway. Mr. Grimshaw felt it would not require a variance because it would be a minimal traffic area. Ms. Nist agreed, as long as it didn't affect runoff. Ms. Buck noted that Quinn Engineering reviewed the Stormwater plan with the slope, as proposed. Mr. Wright agreed a variance was not required, as long as it didn't affect runoff.

Mr. Rigiero was concerned which way the runoff would be directed and whether his property would be affected. Mr. Grimshaw explained that the Stormwater was already approved based on that slope and won't add any additional water to the abutting properties.

Mr. Rigiero had concern on an elevation change because of the amount of fill being brought onto that site. He asked if the fill gets pushed down, how much that will change the elevation. Mr. Curtis explained the fill area will still sit lower than where Mr. Rigiero property sits, because the topography goes away from his property and towards the back of the lot. Mr. Croteau noted the swale in place would capture any water going in that direction.

Mr. Kevin Desaulnier, 1741 Main Street, questioned the elevation and the grading in front and whether everything would be pushed back. His concerns were if it wasn't, the fence would sit lower and hide nothing from their view. He wanted to make sure it was going to be similar to grade in that area for a fence. Mr. Wright explained there will be a swale right along the property line and any runoff will go directly into that swale and work its way to the back of the property.

Ms. Buck reviewed the draft decision. She asked about the plans on trash removal. Mr. Curtis said there will be a dumpster on site, placed on the west side, strictly used by the maintenance workers to keep the site clean. The dumpster will not be for people using the storage facility, for their personal trash. The dumpster will have a lock. What people bring in, they will take out with them.

Ms. Nist asked what would happen if the people didn't remove their personal trash. Mr. Curtis said the person would receive a charge on their credit card for the removal.

Ms. Buck asked about the plans on snow removal. She read the Board's standard condition on snow removal and said at the last meeting, there was discussion on having all snow removed off site. She asked Mr. Curtis if that was the plan. Mr. Curtis said he did not plan to remove all the snow off site, only if he ran out of room and reached capacity of the site.

Ms. Buck noted the remaining issue was landscaping and the tree line along the eastern boundary. The revised plans submitted showed a chain-link fence along that boundary with no

additional landscaping planted. Landscaping is a requirement of the Bylaw and Regulations and the applicant was asking for a reduction in the width of the required buffer.

Mr. Curtis said they did a 70 foot buffer measuring up against each house. The slats in the fence will replace the tree line. When there was discussion on an area where to put the slats in the fence, he understood as the fence went past the homes.

Mr. Grimshaw said the first discussion on this had to do with the vinyl fence and not being useful in the wind. Mr. Desaulnier said the discussion didn't have to do with the entire fence not being vinyl, only the front section near Route 9. The remainder of the fence discussed was to be vinyl. The front portion near Route 9 would be the only portion that would have the wind issue. They would prefer to have vinyl along the side property line.

Mr. Grimshaw asked about the additional plantings. Ms. Buck said the Bylaw states there is a landscaping requirement of 50 feet and the applicant is asking for a reduction to 25 feet. They need to show additional landscaping, other than just shade trees every 40 to 50 feet. Mr. Curtis agreed, but there is a portion of existing vegetation on his property and there's a thick buffer of big trees on the abutter's property. The trees sit right on the property line, with a couple that sits over onto his property. He did not have a problem doing additional plantings there, but felt whatever he planted there wouldn't get enough sunlight.

Ms. Buck said when the revised plans were submitted, they addressed everything except landscaping.

Mr. Rigiero asked which side of the fence the trees would be placed. Ms. Buck said there are currently trees shown on the west side of the fence.

Mr. Rigiero suggested the Green Giant Evergreen tree, because they grow fairly quick and would go beyond the height of the fence.

Ms. Buck said the trees shown on the plan didn't really serve any screening function. She asked if anyone had any other suggestions, besides Green Giants. Mr. Desaulnier agreed having Green Giants.

Mr. Wright confirmed on chain-link fencing with slats along Route 9 and vinyl fencing going from the house to the back of the lot. Mr. Desaulnier agreed.

Mr. Wright noted from the last set of minutes, Mr. Desaulnier stated, "The vinyl fence proposed would not withstand the winds." and "Mr. Dubois suggested instead of vinyl, a chain-link with the green slats because that might have a stronger wind resistance." Ms. Buck said those comments were from the first meeting on September 6, 2016 and at the next meeting it was mentioned about a white vinyl fence.

Ms. Buck said if there won't be a vinyl fence the entire length, she felt it necessary to have a hedge type planting on the other side. They still need to conform to the Zoning Bylaw and Landscaping Regulations, which have requirements for a mix of evergreen trees and shrubs. She suggested the applicant propose something by next meeting.

Mr. Curtis proposed planting pine trees right down alongside the fence. He felt nothing else would survive there, because of the area being a thickly vegetated area.

Mr. Rigiero said the vegetation thins down where his house is located and was not as thick. He is able to see right through to that property. He would like to see additional vegetation of some kind put in.

Mr. Curtis asked how many feet there was from the property line to the fence. Ms. Buck said it's just off the property line, around 2-feet. Mr. Curtis noted if the property line were a stonewall, it would go right down the side. Mr. Rigiero asked if the 2-foot was where the swale would go and then it would be the fence. Mr. Croteau said the fence would be first and the swale would be on the other side.

Ms. Buck read the description within the bylaw that states what should be planted in a buffer zone (Section 5.8.03 B. Landscaping and Screening). Mr. Curtis said he didn't have a problem planting Green Giant Evergreen, as suggested by Mr. Rigiero.

Ms. Buck asked to hold discussion on the more detailed conditions until next meeting, such as, hours of operation and how many construction vehicles would be allowed. Mr. Grimshaw agreed, because these were items that would not hold up a decision. He asked if there was an idea on what the hours of operation would be.

Mr. Curtis said the business hours would be 8AM to 4PM, there will be a keyed entrance after that, and there will be security cameras. He wanted to stay competitive with the storage facilities located to the east and west of his site that are opened 24-hours. He felt the facility wouldn't be used 24-hours, but if there was some kind of crisis where someone needed to get something, they could. Ms. Buck said other storage units located in this zoning district, HB-1, are opened 24-hours. There are storage units located in the more restrictive zone, RIB that have restricted hours.

Mr. Desaulnier asked about the lighting plan. Ms. Buck said the plan was reviewed by Quinn Engineering and approved.

Mr. Rigiero asked if the lights were going to put on a motion sensor or kept on all the time. Mr. Curtis said he was considering motion sensor lights to save energy, but would need to keep some on for security purposes.

Mr. Grimshaw said to be clear, this hearing will be continued and the following will need further discussion: the hours of operation, the fence, landscaping and the slope. Hearing no further comments or concerns, Mr. Grimshaw asked for a motion to continue.

MOTION: Ms. Nist moved to continue the public hearing on the Special Permit/Site Plan Review for the self-storage units and Contractor's Yard at 1749 Main Street to Tuesday, December 6, 2016 at 7PM.

SECONDED: Mr. Wright – Discussion: None – VOTE: All in Favor

Application Discussion, Decommissioning Bond Amounts

A. LaFlash Boutilier Solar Farm (ZPT Energy Solutions, LLC)

Ms. Buck reviewed the record and the estimates received from Quinn Engineering, at the bare minimum for solar farms, per megawatt AC is \$52,045. LaFlash Boutilier Solar would figure out to \$150,254 and the applicant proposed \$134,000, but didn't have a problem going with the \$150,254. Ms. Buck recommended the Board set the Bond amount for Boutilier Solar at \$154,254

MOTION: Ms. Nist moved to set the Decommissioning Bond Amount for LaFlash Boutilier Solar Farm at \$150,254

SECONDED: Mr. Wright – Discussion: None – VOTE: All in Favor

B. Cherry Valley Solar Farm (ZPT Energy Solutions, LLC)

Ms. Buck said is a little bit more complicated and was figured at 1MW AC. The Board voted and approved, back in June, a bond amount of \$121,448 that was the applicant's proposed amount at that time. The applicant is now proposing \$34,000. She asked how the Board wanted to proceed, to leave what was already voted on or revising the amount to what is now being proposed.

MOTION: Ms. Nist moved to keep the voted and approved Decommissioning Bond amount of \$121,448 for the Cherry Valley Solar Farm.

SECONDED: Mr. Wright – Discussion: None – VOTE: All in Favor

Approval of Minutes

9/6/2016

Ms. Nist noted a minor typo correction on page 3

MOTION: Ms. Nist moved to approve the minutes of September 6, 2016 with correction noted.

SECONDED: Mr. Wright – Discussion: None – VOTE: All in Favor

9/20/2016

MOTION: Mr. Wright – moved to approve the minutes of September 20, 2016

SECONDED: Ms. Nist – Discussion: None – VOTE: All in Favor

Town Planner Report

A. Complete Streets

Ms. Buck explained Complete Streets meant when a road was designed, it should accommodate all forms of transportation, not just cars. For example, transportation projects should include items such as sidewalks, bicycle paths, handicapped accessibility, and interconnections between two different roads of travel (for example, from a roadway to a bike trail). There is funding available and will require the Town to do the following: 1) Adopt a Complete Streets Policy; 2) Apply for consulting money for either CMRPC or a private consulting firm to draft a Complete Streets Prioritization Plan for the Town; and 3) Apply for up to \$400,000 to implement road improvements based on the plan. Leicester is currently on step1, drafting a Complete Streets Policy. The Town Administrator, Highway Superintendent, Police Chief and a representative from CMRPC met today and are working on having a draft policy before the Selectmen within a few weeks.

B. Pondview Subdivision

Ms. Buck was able to inspect the site and it did appear they finished all the actual work on the road. There was a fence placed on the retaining wall, some improvements were made to the sidewalk, and a fence was placed around the detention basin. Last December, the applicant requested road acceptance and release of surety. The Board denied the request for release of surety and deferred action on road acceptance request because the application was incomplete.

The applicant did not submit the As Built Plans or Road Acceptance Plans. Another issue is that the wetland replication for the Conservation Commission has not been completed. The project was approved under a DEP Superseding Order, but then the Leicester Conservation Commission

approved the wetland replication through an RDA Application just last spring. Technically, the applicant is still in compliance with the RDA, because they have 3-years to complete the work.

Ms. Buck noted a couple of options: sit on it for a while to see if the replication gets done; take action on the default and get the road accepted and As Built Plans done. She wasn't sure if the Town should accept a road within a project where the wetland replication has not been done. The Board suggested trying to contact the applicant again and see how they respond.

Miscellaneous Project Updates

Bylaw Review Committee

Mr. Grimshaw said the last notice he received was from the Town Administrator regarding a meeting of the Committee being on October 5th at 7PM, but has not received one since. He noted still having an interest serving on the Committee.

Oakridge Estates

The developer will be seeking a surety reduction soon based on the work done in the last 2 years.

Briarcliff

The Developer is required to submit a report to the Board by December 1st because their permit expires in January. Ms. Buck met with the Developer and they did a site with Kevin Quinn and at that time, the Developer was made aware of the deadline.

Hearing no further questions or concerns, Mr. Grimshaw asked for a motion to adjourn.

MOTION: Ms. Nist moved to adjourn

SECONDED: Mr. Wright – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:15PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in mailing packet:

- Agenda
- Memo to the Planning Board from Michelle Buck regarding November 9th Planning Board Meeting
- Application letter from Jason Dubois, DC Engineering regarding C&J Realty Trust proposed self-storage site/contractor's yard at 1749 Main Street
- Response letter to Quinn Engineering's review dated 10/4/2016 from Jason Dubois, DC Engineering, regarding 1749 Main Street self-storage site/contractor's yard
- Abutter's comment regarding 1749 Main Street self-storage site/contractor's yard
- Memorandum to Jason Dubois, DC Engineering from Michelle Buck regarding Curtis Self-storage/contractor's yard
- Draft Special Permit, Site Plan & Stormwater Permit Approval Order of Conditions regarding C&J Realty Trust proposed self-storage/contractor's yard, 1749 Main Street
- Planning Board minutes of September 6, 2016 & September 20, 2016

Documents submitted at meeting:

- Comment letter from Quinn Engineering regarding 1749 Main Street self-storage site/contractor's yard dated 11/9/2016
- Decommissioning Plan for Cherry Valley Solar Project, 148 Henshaw Street from ZPT Energy Solutions, LLC
- Building Renderings, Storage Units, 1749 Main Street