

Town of Leicester Planning Board

Meeting Minutes

MEMBERS PRESENT: Debra Friedman, Vice Chair; Sharon Nist; Alaa AbuSalah

ASSOCIATE MEMBER: Robyn Zwicker

MEMBERS ABSENT: Jason Grimshaw, Andrew Kularski

IN ATTENDANCE: Michelle Buck, Town Planner; Barbara Knox, Board Secretary; Brian Green, Board of Selectmen Liaison

MEETING DATE: **October 17, 2017**

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Project Change Requests:
- A. Cherry Valley Solar
 - B. Curtis Self-Storage Route 9
 - C. Wal-Mart pick-up service
- 7:20PM Approval of Minutes
- 9/5/2017
 - 9/19/2017
 - 10/3/2017
- 7:30PM Town Planner Report/General Discussion:
- A. Zoning Bylaw Amendments
 - B. Miscellaneous Project Updates

Ms. Friedman called the meeting to order at 7:00PM

Project Change Requests:

A. Cherry Valley Solar/148 Henshaw Street

The decision for this project contained a condition where the applicant was to provide 150 feet of 8 foot high white vinyl fence and up to 25 native evergreen shrubs on the applicant's property to screen the project from the abutting property.

Ms. Buck explained the fence was installed and because the grading there was different there, the fence was placed right at the property line, at the high point, which made the fence a very effective screen. The abutter now no longer wants any trees planted, so there were no trees planted. The abutter confirmed this in writing. Ms. Buck asked because there were no trees planted at all, was that acceptable to the Board as a project change? All agreed.

B. Wal-Mart pick-up service

Wal-Mart wants to add a pick-up service for groceries ordered online. The only exterior change, besides signage, would be to take 10 parking spaces, make them wider and reduce the number of spaces in that area from 10 to 8. Because the overall site provides fewer than required under current Parking Regulations, a reduction requires a vote of the Board

MOTION: Ms. Nist moved to approve a reduction in the parking spaces for the Wal-Mart pick-up service, by 2 spaces.

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

C. Curtis Self Storage, Route 9

Marc Curtis in attendance. He is requesting another change to allow re-configuration of the buildings, change the width of a driveway, and add a retaining wall at the 1749 Main Street project site. He explained the original change requested was to change the 40 x 60 unit to 50 x 60 unit and eliminating the front unit to allow enough room for vehicles. They now want to take the unit in front, do a mirror image and flip it the other way. That unit would be the climate-control storage unit and office area. The idea was to have the office up in front next to the gate, as people enter. He said the footprint and topography will remain the same.

Ms. Buck asked about the reduction in the driveway width. Mr. Curtis explained the reduction was because the 50 x 60 front building took up some of the access drive. Ms. Freidman asked the width of the one lane proposed. Mr. Curtis said 18 feet.

Ms. Buck asked about whether there was a retaining wall shown on the original plan. Mr. Curtis said they didn't need a retaining wall on the original plan, but now they do, because the building was being reversed. He said the customer would be entering onto the second floor from the street level of the front unit. Around back, they would enter from the lower elevation, because the topography drops off going down the side. The building would actually tuck right back into the slope. He considered the footprint would not change because 50 x 60 building was already allowed.

Ms. Friedman felt the footprint was being changed. Mr. Curtis said it did not go outside of the footprint, the whole site plan stays the same. Ms. Friedman said the limit of site work stays the same, but the footprint of the building changes, as well as the access around the building. She recommended the plan be sent to the Fire Department for review, to make sure they were okay with this change, going from a 1 level to a 2 level building. She felt this was a substantial change and required a formal submittal. The size of the building would not be a substantial change, but changing the roadway, changing from a 1-story to a 2-story building and having an office building versus a storage building was a substantial change.

Ms. Friedman asked how switching the office location affected where the office was previously located. Mr. Curtis said originally, the office was going in the house, but as time went on, it made sense to have the office right next to the entrance gate. The gate will be a sliding gate, with a code to get in.

Ms. Nist asked why this was not thought of in the beginning. This was the third time coming back before the Board requesting a change. How many more times will this application come back requesting more changes? Mr. Curtis explained a lot of times, as work progresses, some changes make better sense. He said as long as he stays within the guidelines permitted, as far as zoning, he was not doing anything out of what was allowed.

Ms. Friedman said he was now asking for modifications to his approval. She asked if there was a plan showing the building modification, such as, the side view of the structure and the grade. The Board would like to see what it will look like with the grade and everything else. Mr. Curtis asked if the Board was looking for a rendering.

Ms. Buck explained the Board felt this request needed to be more of a formalized process, because what is being asked is quite an extensive change. Mr. Curtis said under his current approval, he can leave the building where it's shown and still have it just a high. Ms. Friedman said no, the approval was for a 1-story. Mr. Curtis said the building was approved at 22 feet high.

Ms. Buck couldn't recall what was noted in the decision, but it was one floor and it was for tall, large items and the request change is for 2 floors. Mr. Curtis said basically, it's wide open space and on the front side, when you walk in, it's open space with storage underneath. Ms. Friedman said it was a high building, but only one-story; it was not a two-story building.

Mr. Curtis said he was considering doing away with the equipment yard and use it just as a storage facility. Ms. Buck noted some concern with the change in the grade and getting close to the wetlands. Mr. Curtis said the changes in elevations were noted on the plan.

Ms. Friedman reviewed the June 7, 2017 meeting minutes that Mr. Curtis attended regarding his previous change request. He stated at that meeting "the roof height will remain the same, as 40 x 60 at 22 feet". She said the roof height wouldn't have remained the same, if the original height was 15 feet.

Mr. Curtis said he didn't have the building manufacture or anything in place yet, because he wanted to find out if he would be allowed to make this change before ordering the building. He doesn't have any working plans, just a concept. His engineer reworked the plan to make the grade work, so everything met code and then took the mirror image and put it up front.

All agreed a formal amendment be filed for additional review from the Town Engineer and Fire Department as well as a stormwater review and more detailed plan showing the building being built into the grade and the retaining wall.

Mr. Curtis agreed.

Mr. Curtis further explained the fence was ready to go up, but a few more trees needed to come down first.

Ms. Tasha Desaulnier, 1741 Main Street, said those trees should not be removed because they were on her property line. Mr. Curtis disagreed and noted he had a surveyor mark out the property line. He was looking into possibly moving the fence over to save the trees.

Ms. Desaulnier said there was an old stonewall on her property and there were two trees removed from her property over the stonewall. Mr. Curtis explained he had the surveyor specifically come out and mark the property all the way down. Ms. Desaulnier said the markings are on Mr. Curtis's side, but the trees are on her side.

Mr. Curtis said those markings were offsets.

Mr. Kevin Desaulnier, 1741 Main Street, submitted material showing what was stated in the approval. That the grade from his property to Mr. Curtis's property, was going to be almost identical in grade. Currently there was a 20 foot seeded slope from the tree line and it didn't

look like there was an area for the fence because that's where the swale began. Ms. Friedman asked if the slope was there before construction. Mr. Desaulnier said according to the 11/9/2016 minutes, it stated, he would be building up the property with a 2 to 3 foot differential in the grade and inside would be slightly lower. Mr. Curtis said it is a steep cut and reading the topography lines on what was approved by the Board, it's actually a 3 to 1 slope.

Ms. Buck asked if the fence will be placed as shown on the approved plan. Mr. Curtis said yes the fence will go where it's shown. He had a surveyor out to make sure on the location of the property lines before taking any trees down. He would prefer to keep the trees, but they have to be removed because of the fence location. There will be some tree plantings, but the fence will be tight to the property line.

Mr. Desaulnier said the trees he took down had barbwire through them. The barbwire runs along the stonewall. Ms. Buck asked if the barbwire was the property line. Mr. Desaulnier said yes and remnants of the stonewall. Mr. Curtis explained there are two iron pins and the surveyor flagged from those pins, where the property line was and as it turns out, the center of the stonewall is the property line.

Ms. Friedman asked why the fence couldn't be placed 3 feet in from the property line. Mr. Curtis said the grade changes down on the plateau where the storage units are, it's a 3 to 1 slope. Ms. Buck asked if trees would still be planted there [on the slope – as shown on the plans]. Mr. Curtis said yes, but the grade changes right at the crown of the slope. He didn't want to remove the trees if he didn't have to because it's more to deal with and one more expense.

Ms. Friedman asked again, why the fence couldn't be place 3 feet in from the property line, so no additional trees had to be taken down.

Ms. Desaulnier said there was nothing between the properties right now and all the dust and contaminants from the construction work destroyed their pool this summer. Mr. Curtis said nothing was mentioned to him about that, this was the first he heard about it. However, he did want to speak with the neighbors about saving the remainder of trees, because they were nice trees. Ms. Desaulnier agreed with the suggestion with moving the fence 3 feet and then the trees could remain.

Mr. Curtis reviewed the slope location and the proposed elevations. He said if they moved the fence in 2 feet, they lose 2 feet on top. He asked how the fence would serve any purpose at that point, because its purpose was for seclusion. Mr. Desaulnier agreed, but also, once the trees are gone, there won't be anything there to hold in the land.

Ms. Friedman agreed moving the fence in by 2 feet, would make it lower, but the abutter's preference was to have the fence lower and leave the trees. Mr. Desaulnier agreed. Mr. Curtis said his intentions right now are to stick to the original approved plan.

Ms. Friedman asked what was stated in the 11/9/2016 minutes. Mr. Desaulnier said in the minutes it said, "the grade would be similar to that of what outside of the property line where the

fence was going to be.” Mr. Curtis noted the current plan was the same plan brought before the Board in November and approved.

Mr. Desaulnier submitted pictures of the grade before construction. He agreed there had always been a slope there but felt the steep slope there now, was created by the current construction work.

Ms. Buck said the minutes described the slope where the fence was being located as being similar to the abutting property. The minutes then described the swale. The elevations are consistent with the plans and minutes.

In the 11/9/2016 minutes, *“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.”* Ms. Buck felt where the fence was going the grade was similar. Continued in those minutes, Mr. Wright went on to say, *“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 explained what they were talking about, was the fence being right on the property line, not lower. Ms. Friedman said however, it immediately starts going lower at the property line.

Ms. Buck’s concern was by moving the fence it won’t be as effective as a screen and the Board could receive complaints from another abutter.

Mr. Curtis explained that entire strip being all vegetated and now it’s been turned into a slope and swale for stormwater management for the project. He suggested running the fence up to each tree, stop and start the fence again on the other side. Ms. Friedman questioned security with breaks in the fence.

Ms. Friedman asked if the fence could be moved in up to a certain point, and do an 8 foot fence and go down to a 6 foot fence for the rest. Mr. Curtis questioned at whose expense. Ms. Friedman said if the remaining trees stayed, the money saved on that could be used for the extra fencing. Mr. Curtis said he would be doing everything consistent with the approved plans. He noted that all grading work was completed in back, and work in the front will start soon. The plan is to remove the garage and make a nice entrance way.

Ms. Nist asked if the construction equipment would still be stored at the site. Mr. Curtis said it was approved that way, but he wasn’t sure if it still made sense. The storage units were a big investment and he didn’t want to muddy it up with the heavy equipment out front.

Ms. Friedman suggested trying to work something out so everyone was satisfied. Ms. Desaulnier said it was their understanding the trees were to remain and then realized too late they were being removed.

Ms. Friedman asked about the cost difference between a 6 foot fence and 8 foot fence for about 5 sections of fencing. Mr. Curtis wasn’t sure and asked if the Board was asking for him to move

his fence. Ms. Friedman said in order to compromise, rather than putting a 6 foot fence 2 feet over along that area, putting a 8 foot fence for a portion of the property line. Then most of those trees can be saved and money can be saved on removal of the trees.

Mr. Curtis suggested the abutters put a fence up for themselves. Ms. Friedman noted there would then be double fences. Mr. Curtis understood what the Board was asking, but he is sticking to what was approved on the plan and doing everything right to the law.

Ms. Friedman understood where he was coming from and she was trying to negotiate a compromise between two parties that have to work with each other. She explained the Board can't force Mr. Curtis at this point, because he is installing the fence according to what was approved.

Approval of Minutes

9/5/2017

Tabled

9/19/2017

MOTION: Ms. Nist moved to approve the minutes of September 19, 2017

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

10/3/2017

MOTION: Ms. Nist moved to approve the minutes of October 3, 2017

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

Town Planner Report/General Discussion

1. Zoning Bylaw Amendments

Parking

Ms. Buck explained there was a misunderstanding at last meeting to the reference on parking along Route 9. She said the amendment wasn't to allow parking on the street, but referred to off-site parking having to be on same side of Route 9 so pedestrians wouldn't have to cross the roadway. Therefore the wording "Route 9" was left in the amendment.

Spring Town Meeting

The Planning Office has received requests for the Board to reconsider a zoning amendment to reduce setback requirements from residential districts for marijuana cultivation. The requests were specifically related to Route 56. [A proposed zoning amendment to reduce these setbacks was defeated at the May 3, 2016 Town Meeting (Article 23).] After some discussion, all agreed to go forward with an article for Spring Town Meeting.

2. Miscellaneous Project Updates

143 Clark Street, R.A. Graham Co

This project is complete and has applied for an occupancy permit.

Parker Street

The attorneys representing the Bank that now owns the Parker Street lots has contacted the office wanting to meet with Ms. Buck regarding another proposal.

Oak Bluff Lane

Matt Schold contacted the office wanting to meet with Ms. Buck regarding land he purchased on Oak Bluff Lane. He is considering to submit an ANR plan for multiple house lots. Ms. Buck noted she will do a site visit first before meeting with the property owner.

Hearing no further discussion, Ms. Friedman asked for a motion to adjourn.

MOTION: Ms. Nist moved to adjourn meeting

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

Meeting adjourned at 8:30PM

Respectfully submitted,

Barbara Knox

Barbara Knox

Material included in meeting packet:

- Agenda
- Letter to Planning Board from Michelle Buck, Town Planner regarding the October 17, 2017 Planning Board Meeting
- Copy of letter from Anthony Lembo, an abutter to the Cherry Valley Solar project at 148 Henshaw Street, regarding a buffer agreement with ZPT Energy Solutions.
- Planning Board Minutes of September 5th, September 19th and October 3rd, 2017

Material submitted at meeting:

- Parking plan for Wal-Mart pick-up service