

Town of Leicester Planning Board

Meeting Minutes

MEMBERS PRESENT: Jason Grimshaw, Chair; Sharon Nist, Andrew Kularski,

ASSOCIATE MEMBER: Robyn Zwicker

MEMBERS ABSENT: Debra Friedman, Alaa AbuSalah

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

MEETING DATE: June 5, 2018

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Public Hearing, Special Permit Application (continued)
Amendment of Special Permit (SP2016-03) for Curtis Self-Storage at 1749 Main Street, Applicant: C&J Realty Trust
- 7:20PM Discussion:
Parking at Barbers Crossing
- 7:30PM Public Hearing, Major Site Plan Review (continued):
515 Henshaw Street Solar Farm/SPR2018-01 (Applicant: Borrego Solar)
- 7:30PM** Public Hearing, Special Permit Application (continued):
Open Space Residential Development, Mayflower Circle/Holcomb Street (SP2018-01). Applicant: Central land Development Corp.
- 8:00PM Approval of Minutes:
• April 17, 2018
- 8:45PM Town Planner Report/General Discussion:
A. Miscellaneous Project Updates
B. Board Member Committee Updates

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

Before the start of the meeting, Mr. Grimshaw asked for a motion to appoint Robyn Zwicker, Associate Member, as a voting member on the Special Permit Hearings before the Board tonight.

MOTION: Ms. Nist moved to appoint, Associate member Robyn Zwicker, as a voting member for tonight's Special Permit Hearings.

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

Public Hearing, Special Permit Application (continued)

Amendment of Special Permit (SP2016-03) for Curtis Self-Storage at 1749 Main Street,

Applicant: C&J Realty Trust

Ms. Buck said since the last meeting, Quinn Engineering submitted additional comments noting 2 minor issues. One, updating the building coverage and two, indicating the 400sf of office space in the existing structure.

Mr. Grimshaw asked for a brief overview of the decision. Ms. Buck said the decision outlines the process and the changes requested. She questioned whether additional language be included related to the privacy fence and the Contractor's Yard. A condition will be added requiring As-Built Plans before issuance of a final Certificate of Occupancy, due to the project being modified numerous times.

Ms. Buck noted the chain-link fence was already installed and questioned white slats put in. Mr. Marc Curtis said he has the slats ready to put in, just haven't put them in yet.

Ms. Buck asked about intentions of the Contractor's Yard. Mr. Curtis will be leaving the approval as is and keep the right for the Contractor's Yard. The condition related to this issue will be deleted.

Hearing no further comments or concerns, Mr. Grimshaw asked for a motion.

MOTION: Mr. Kularski moved to approve the Special Permit Amendment for Curtis Self-storage at 1749 Main Street on the changes from the previously approved plan on the enclosed self-storage unit as proposed and with conditions as discussed.

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

Discussion:

Parking at Barbers Crossing

Mr. Ryan Plante & Mr. Johnathan Plante in attendance.

Ms. Buck reviewed the parking regulations for a restaurant; 1 space for every 3 customers to 111 spaces for this business. She noted the handicapped spot would need to be moved and before final occupancy, another parking review will be needed.

Mr. Ryan Plante agreed to move the handicap spot and reconfigure a couple spots to get the number needed.

Ms. Buck said this was before the Board to ask for approval on the parking space size of 9 x 18. A vast majority of the pre-existing spaces are that size, with only a handful being new spaces. The Fire Department was fine with the parking plan, because it allowed access around the building. Mr. Kularski asked if the gravel area in back was included as part of the parking plan and being paved. Mr. Plante said no, but would be striped.

Hearing no further discussion, Mr. Grimshaw asked for a motion.

MOTION: Mr. Kularski moved to waive the size of the parking spaces to 9 x 18 for Barber's Crossing Restaurant.

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

Approval of Minutes

April 17, 2018

MOTION: Ms. Nist moved to approve the minutes of April 17, 2018 with minor typo corrections

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

All in favor

Town Planner Report/General Discussion:

Complete Streets Public Forum

The Public Forum was held last Wednesday, May 30th and there was no one from the public in attendance. It turned into more of a working meeting going over transportation projects. The main project will be pedestrian improvements around the Town Common, e.g. sidewalks and marked crosswalks that should help improve the connection between Becker College and the

Town Common. Ms. Buck asked suggestions be submitted to her via email, on improving roadways, looking specifically for improvements that are designed to improve access for all uses, i.e. disabled, pedestrians, bicyclist, etc.

Municipal Vulnerability Preparedness Grant

The Town was awarded a two year grant to help develop a plan that adapts to climate change and the general vulnerability to flooding, etc.

Resignation

A Letter of Resignation received from Barbara Knox, Department Assistant, who will be retiring at the end of July after many years serving the Town.

Committee Update

❖ Chicken Bylaw Committee

Mr. Kularski reviewed the Committee met last week and discussed on the number of chickens per lot size, definitions, special permit requirements, fees, etc. He felt they will have a draft bylaw put together for Fall Town Meeting.

❖ Capital Improvement Committee

Ms. Nist reviewed funding for Highway Department to upgrade equipment and the building. The Committee members will be touring the building during their July meeting.

❖ Economic Development Committee

Ms. AbuSalah was unable to make their last meeting and could not give an update at this time, but did note the EDC webpage was up and running.

Public Hearing Major Site Plan Review Continued

515 Henshaw Street Solar Farm

The applicant requested a continuance to June 19th. After some discussion and due to conflicting schedules, all agreed on June 26th.

MOTION: Ms. Nist moved to continue Site plan Review for 515 Henshaw Street Solar Farm to Tuesday, June 26 at 7:30PM

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

Public Hearing Special Permit Continued

Open Space Residential Development/Mayflower Circle-Holcomb Street

Mr. Grimshaw gave instructions on hearing procedures and then opened discussion to the applicant.

Brian MacEwen of Graz Engineering and Matt Schold, Central Land Development Corp were in attendance.

Pauline Anderson, 8 Holcomb Street, asked for the Board to speak louder so everyone in the back of the room can hear discussion.

Mr. Brian MacEwen reviewed recent changes to the plan. He mentioned an email from the Division of Fisheries and Wildlife Natural Heritage program. There is a priority habitat located

within a portion of the property to the west that is between Pine Grove Cemetery and this development. Though he was aware of the habitat, the original plan before the Board does not show the habitat. They revised the plan showing the habitat outlined. This item was missed through Conservation the last time this development was under review. The outline from the primary habitat is the wetland area for the entire project, which under the Open Space Development Plan is to be preserved as open space. Other than this, the layout is the same.

He asked for the Board's comments and questions regarding the waiver requests submitted. They will be withdrawing the waiver request for the 11th lot in Mayflower Circle because that was more of a zoning issue. When they get past the Special Permit phase and find they can develop that lot, it will to the ZBA for a variance.

The most critical waiver was on roadway width to 24ft. Second is the sidewalk waiver to allow one sidewalk, because the neighborhoods they are extending from do not have sidewalks.

Third is to waive the 100ft buffer requirement for Open Space Development. The reduction in the 100ft buffer is essentially compliant to what currently exists in the neighborhood. Lot 1, on the right-hand side of the roadway, will maintain the 20ft side, rear and front yard setbacks and natural vegetation will help provide a buffer that works for everyone. Otherwise, they will include additional landscaping between lot 1 and abutting lot to right.

To the left of lot 1, the roadway starts close to the 100ft and the width of the lot to the roadway is 100ft. The road will be developed up to the 25ft No Disturb and lot 11 will be used for drainage and infrastructure. The other area requesting reduction in the 100ft buffer is around Holcomb Street, for the rear setback to be 10ft.

Mr. Matt Schold confirmed they would provide a landscape buffer, clean up the area, and will not walk away leaving the area a mess.

Mr. Grimshaw asked to confirm the 3 waiver requests being road width, sidewalk reduction and 100ft reduction. Ms. Buck agreed.

Discussion opened to public

Mr. Lennard Ivel asked to explain waivers for smaller lots. Ms. Buck said it is an option within the Bylaw where a developer can have smaller lot sizes for an Open Space Residential Development versus a Standard Residential Development, in exchange for providing permanently protected open space.

Mr. Joe Ferrantino, for his parents at 37 Mayflower Circle, said lot 1 sits right next to his parent's lot and he was asking for a reasonable buffer zone to maintain their privacy. Mr. Schold asked Mr. Ferrantino which concept he liked. Mr. Ferrantino said the cul-de-sac, having two separate roads and Open Space Development.

Mr. Grimshaw asked the type of screening being considered for lot 1. Mr. MacEwen said that was not determined yet and would be brought out in the definitive plan.

Ms. Pauline Anderson, 8 Holcomb Street, said she brought the priority habitat area to the attention of the Division of Fisheries & Wildlife and asked why the engineer did not know this prior to presenting this preliminary plan application. Now that this is known, how will it change the development of this project because when you have this type of property, there is a limit to the amount of work that can be done at the site.

Mr. MacEwen said they outlined the priority habitat based on GIS and it was in their drawings originally. It's not shown on this plan (that layer was accidentally not included in plan set), but since been included and is now clearly shown on the plan. If this project moves forward, they would have to go through review before the Conservation Commission and because there is a Priority Habitat Area, the National Heritage Endangered Species Act, requires the Division of Fisheries and Wildlife be part of the review. This will be scrutinized through the local level with Conservation, as well as, through the State's Natural Heritage Process. However, all the areas they are proposing to develop are outside of the priority habitat.

Mr. Armand Cote, 28 Mayflower Circle, had questions concerning lots 9, 10 & 11. These lots go through the buffer zone and into the protective zone. He asked what protects the property on the other side of the buffer zone and are they prevented from putting a structure there.

Mr. MacEwen said the Town's local regulations don't specify how the No Disturb area is controlled. Usually when lots are developed near No Disturb wetland lines that go through a lot and subject to Conservation review and control, the Commissioners will have them post signs every 20ft, to protect the area and put the property owners on notice. Conservation can also add in the Order of Conditions how they want that stipulated and require that requirement remain through all transfers on title of ownership.

Mr. Cote asked the penalty if someone goes into the restricted area without permission. Mr. MacEwen said they would face penalties from the local Commission, as well as DEP.

Mr. Ivel felt it made no sense to say someone can have a piece of property that included wetlands and be considered as part of a development.

Ms. Anderson said the Town has Zoning Bylaws in place and all these Regulations about road size and width, sidewalks, etc. She asked if the Town continues to give waivers to every developer, why have Bylaws. Mr. Grimshaw said at the last meeting, there was discussion about the nature of the Open Space Residential Development and the concept of waivers being built into that process.

Mr. Brian Green asked Ms. Anderson if she was looking for sidewalks to go up Holcomb Street. Ms. Anderson said there was no room to put sidewalks in a development built in the 1950s. When building new, you use new laws not old laws. She was thinking of the future, because you can't change the past, you only learn from it, which is reason for zoning laws.

Mr. Grimshaw asked Mr. MacEwen to explain the habitat area. Mr. MacEwen said the darker shaded area shown on the plan, follows what was already mapped. The lines to the priority habitat were taken from Mass-GIS and shows approximately 12.4 acres. Of that, 8.3 acres fall

within their development property lines and likely will be within the 25ft No Disturb. Mr. Grimshaw asked Mr. MacEwen to clarify that anything listed as open space will not be developed and will have a conservation restriction on the land. Mr. MacEwen agreed.

Mr. Robert Anderson, 8 Holcomb Street, asked how deep the lots at the top of Holcomb Street were. Mr. MacEwen wasn't sure, but noted all lots on Holcomb Street met requirements under the Bylaw to site homes. Mr. Anderson said there is a waiver requested from the 100ft buffer along adjacent land. He owns the adjacent land all the way down Holcomb and development on those lots will go right up to his property line. Mr. MacEwen said they were looking for a waiver from the buffer along the perimeter property line.

Mr. Anderson questioned by setting this type of precedent, he won't have to follow any rules in place if he develops his land. Mr. MacEwen said they were not looking to eliminate the buffer. They were asking the Board to grant a waiver that fits the situation with topography and nature of the neighborhood. The lots proposed on the extension of Holcomb will meet the current minimum zoning for Open Space Development under the Town's Zoning Regulations. It will give them enough area, allowing side yard setbacks at 10ft, to site the houses and with public water and sewer, allows the lot size to be reduced.

Mr. Schold said the reason they proposed the Open Space Residential Development plan and requesting these waivers, was to limit the amount of land disturbance, tree removal, etc. They were trying to make the footprint as small as possible and still be able to build.

Ms. Anderson asked how much more expensive would a standard subdivision cost without the two dead-end roads. Mr. Schold said it would be more expensive, but not that much more.

Ms. Anderson asked Mr. Schold, was he just developing the lots or was he also building the homes. Mr. Schold wasn't sure. The lots are for sale, because Central Land Development has them for sale.

Mr. Grimshaw said with a standard subdivision, 20 lots can be developed with no buffer and that would extend the end of Holcomb Street, without a cul-de-sac, having a road straight through to Mayflower Circle. Mr. MacEwen agreed. Looking at the conceptual plan, the roadway extension to Holcomb is exactly the same as the roadway extension with the OSRD plan [in terms of proximity to abutters]. Regarding the comment made relative to the cost, the cost for a standard development would be much higher than an OSRD development.

With a standard subdivision plan, the lots can be cleared right up to the property line and there is no bylaw that can stop it. Relative to the buffers, under the OSRD plan, they were not looking to eliminate the buffer. They were receptive working with the abutters and looking to stay within the neighborhood character.

Mr. Grimshaw said if and when this project gets to the definitive stage of development, the vegetation buffer will be part of the review process and everyone will have an opportunity to offer their suggestion. Ms. Buck noted that if a waiver is granted, the special permit Decision should include some specifics on landscaping required.

Mr. Ross Willand, 31 Mayflower Circle understood these people being just the developers and not necessarily the builders, but was there an idea what the projected value of the lots and/or houses being built. Mr. Schold said the cost to build a house in the Town of Leicester, meeting all state, local and energy efficiency requirements, will be in mid-\$300,000. Mr. Willand asked the timeline they were looking to start. Mr. Schold said as soon as possible.

Mr. Anderson would like to see a through street instead of two dead-end roads. A through street would allow traffic flow through easier and create a second means of egress. Two dead ends would create more of a traffic hazard.

Ms. Patricia Ferrantino, 37 Mayflower Circle, was in favor of the OSRD plan. She understood development will happen no matter what and felt the open space plan fit better with the character of the neighborhood. She asked how the residents can be assured what is being said now with the buffers, will stand true once development starts.

Ms. Buck explained the hearing will be continued and not be closed tonight. The Board needs to take action on the waiver requests first, and give the developer some direction on how to proceed, and to carefully draft an Order of Conditions, which specifies the bylaw, regulations and conditions they are required to meet.

Mr. Kularski asked for a review where the 100ft buffer reduction would be. Mr. MacEwen said lot one on Mayflower has a very minimal reduction down to 20ft and the three lots on Holcomb, would depend on what can be worked out, relative to a landscape buffer that would satisfy residents and the Board.

Ms. Buck explained the buffer strip would be owned by the owner of the lot and would not be part of the protected open space. However, the Bylaw envisions this kind of scenario if the buffer is reduced, and allows the Planning Board to authorize a no cut easements on private property. It could be a formal easement on the property to enforce a no cut restriction.

Mr. Ivel asked under the standard subdivision plan, would development of the lots be treated differently now that the priority habitat area was identified. Mr. MacEwen said the process would be the same. Mr. Ivel asked if the habitat area could not be included, as part of the lot, all that would be talked about was a small portion of the lot considered a buildable legitimate lot size. Mr. MacEwen said typically the wetlands are used to meet the minimum lot area.

Mr. Anderson asked if the wetlands would be re-staked. Mr. MacEwen said once they get to that point, the Conservation Commission will require it.

Ms. Kathy Tritone, 28 Cricklewood Drive, was concerned about the pond located in the back woods with a brook and the water table creating water issues in the neighborhood. Mr. MacEwen said the OSRD development minimizes the footprint of impervious area by allowing smaller lots, houses will have a smaller footprint and there will be less road pavement and a reduction in the amount of runoff. Any type of development, standard or OSRD development,

requires to mitigate the runoff from the developed area to what the number was before development.

Ms. Anderson had concern about how all the water will be diverted coming down from Pleasant Street.

Hearing no further comments or questions, Mr. Grimshaw opened discussion to the Board for review on waiver requests.

Road width reduced to 24ft

Mr. MacEwen felt a reduction to 24ft was a reasonable request and approved by the Town Engineer. Mr. Grimshaw asked the existing width to Mayflower. Ms. Buck wasn't sure, but might be 22ft.

MOTION: Mr. Kularski moved to approve the waiver to allow a travelled way width of 24ft

SECONDED: Ms. Nist –

Discussion:

Ms. Anderson strongly reiterated for the Planning Board to start enforcing the Bylaw and stop ignoring what the people voted into law. Ms. Sandy Wilson asked if the Board ever allowed a road built at 40ft. Ms. Buck said the standard is 28ft; it's a 40ft *right of way*. The Board has been moving in the direction requiring narrower widths, because it reduces impervious surfaces and cost to maintain, and has less of an environmental impact.

Mr. Ivel said it doesn't seem there is a basis for considering these waivers. There is a Bylaw that says, a 28ft wide roadway. Then someone comes in asking for a waiver, what is that waiver based on? Mr. Grimshaw said environmental impact. Mr. Kularski said the width was consistent to what currently exists in the neighborhood. Mr. Ivel said it's confusing because there's a Bylaw established saying one thing and then there are waivers based on a condition that is not defined.

Mr. MacEwen read from the American Association of State Highway & Transportation Officials publication on the guidelines to the geometric designs on local roadway widths. A vehicle design speed of 40mph or less, recommends widths 22-24ft.

Ms. Buck explained there is a specific provision in the Bylaw that allows the Planning Board to approve reduction to roadway width and sidewalks, if the Board finds there would be better site development, improvement to natural resources and consistent to the purpose of reducing environmental impact.

Mr. Walter Hayes, 32 Mayflower Circle asked if Mayflower was being widened. Mr. Grimshaw said no it will not be widened.

Ms. Anderson said based on all this information, Chief Hurley already admitted there is a dangerous situation at the top of Holcomb Street. This development will add additional traffic to this dangerous situation.

Hearing no further discussion, Mr. Grimshaw asked for a vote.

VOTE: All in Favor

Sidewalk reduction

Mr. Grimshaw said the developer was requesting no sidewalks. Ms. Nist was not in favor and felt the need for one sidewalk for child safety. Mr. Kularski felt there were no other sidewalks in neither neighborhood and then there will be this dead end cul-de-sac with one sidewalk, didn't make sense. Mr. Zwicker agreed. Mr. Grimshaw agreed with Ms. Nist on one sidewalk.

Mr. Harry Brooks asked if the one sidewalk would go all the way through or just the cul-de-sac. Mr. Grimshaw said just the cul-de-sac. Ms. Sandy Wilson said school buses only go into a neighborhood if there is a primary school age child; otherwise, the child walks to catch the bus. Mr. Kularski said the way he looks at it is it's a sidewalk to nowhere.

Hearing no further discussion, Mr. Grimshaw asked for a motion.

MOTION: Ms. Nist moved to waive to allow one sidewalk

SECONDED: No one

MOTION: Mr. Kularski moved to allow for the deletion of sidewalks

SECONDED: Mr. Zwicker – Discussion: None

VOTE: 2-in favor (Mr. Kularski & Mr. Zwicker) / 2-opposed (Ms. Nist & Mr. Grimshaw)

Waiver tabled to next meeting due to split vote.

To allow Buffer less than 100ft

Ms. Buck reviewed the request was for 20ft buffer at Mayflower lots, maintaining existing vegetation and supplemented with additional landscaping if necessary and 5ft buffer at Holcomb lots with additional landscaping and/or fencing to whatever works out to be a reasonable solution for everyone.

Hearing no further discussion, Mr. Grimshaw asked for a motion.

MOTION: Mr. Kularski moved to allow a buffer strip of less than 100ft to 20ft on the Mayflower Circle lot and 5ft buffer on the Holcomb Street lots.

SECONDED: Mr. Zwicker – Discussion:

Mr. Bob Anderson, Ms. Pauline Anderson and Mr. Len Ivel were not in favor reducing the buffer.

VOTE: All in Favor

Mr. Grimshaw asked for a motion to continue the hearing.

MOTION: Ms. Nist moved to continue the Public Hearing on the Mayflower Circle/Holcomb Street OSRD to June 19, 2018 at 7PM.

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

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

MOTION: Mr. Kularski moved to adjourn meeting

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

Meeting adjourned at 9:20pm

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in mailing packet:

- Agenda
- Memo to the Planning Board from Michelle Buck, Town Planner regarding June 5, 2018 Planning Board Meeting
- Comments from Quinn Engineering regarding 1749 Main Street Special Permit Amendment
- Draft Special Permit, Site plan & Stormwater permit Approval Amendment for 1749 Main Street Self-Storage Facility
- Memo from Ryan Plante to Michelle Buck regarding Barbers Crossing Parking lot new configuration
- Draft Special Permit Decision for Mayflower Circle/Holcomb Street OSRD Preliminary Subdivision
- Planning Board Minutes of April 17, 2018

Documents submitted at meeting:

- None