

**Town of Leicester Planning Board  
Meeting Minutes**

MEMBERS PRESENT: Jason Grimshaw, David Wright, Debra Friedman, Sharon Nist, Adam Menard

ASSOCIATE MEMBER: Alaa AbuSalah

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

MEETING DATE: **February 2, 2016**

MEETING TIME: 7:00PM

**AGENDA:**

- 7:00PM      Application Discussion:  
                 Site Plan Review, Fire/EMS Headquarters, 1 & 3 Paxton Street, Town of Leicester
- 7:30PM      Public Hearing:  
                 Special Permit, American Canine Assistance Program (Kennel), 1030 Stafford Street, Stafford Industries, Inc.
- 8:00PM      Approval of Minutes:  
                 1/5/2016
- 8:15PM      Town Planner Report/General Discussion:  
                 A. Economic Development Self-Assessment Project  
                 B. Peer Review Services  
                 C. Miscellaneous Project Updates

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

**Application Discussion:**

Site Plan Review, Fire/EMS Headquarters, 1 & 3 Paxton Street, Town of Leicester

Mr. Chris Logan of Donham & Sweeney Architects made the presentation.

Quinn Engineering had three items that needed to be addressed. The first issue was with Comment #8. This issue has been resolved, but Kevin Quinn noted that language needed to be added to the drawings pertaining to the way the geogrid fabric, as part of the retaining wall structure, would be placed around the foundation to the guardrail. Mr. Logan said they've been working with the retaining wall company and Quinn Engineering had asked to see more detail noted on the plans.

Comments 15 & 18 are related to one another and have to do with the top of the berm at infiltration basin #1. The issue Kevin Quinn was concerned about was the top elevation around the basin and at the edge on either side of the mound. Quinn requested the crested elevation be provided and they have added that to the plan. The crest elevation is 932.7 inches, which means it will be higher than the peak flow of a 100 year storm and the only place where water would be allowed to exist, during a peak storm is the spillway. Also, Quinn Engineering noted the new grades met to his satisfaction, so both of these issues have been resolved.

Ms. Friedman asked if there was going to be a fence around the detention basin, because one of the abutters had asked about wanting one. Mr. Logan said they felt that was something to be discussed as part of the Planning Board review process. They are not opposed to providing

protection there, but wasn't sure on what kind or type of protection & how much protection to place around it. The fill that is forming these infiltration basins is a new fill brought on site that has a higher degree of absorption than the existing fill there. So there is a very good chance during a normal rainfall during the year that there would not be very much standing water for a long period of time. They would like to see how that plays out and if it does become an issue, the Town has already said they would deal with it.

Ms. Nist said she has concern with wanting to wait to see what happens and then after the fact, a fence will go up. Mr. Logan said the Town mentioned that they would be watching it and had asked for temporary measures to put around the structure so it becomes filtered water and would keep animals and children out.

Ms. Friedman asked if there would be any additional planting around the structure. Mr. Logan said no, they have not proposed any additional planting on the sloped area. Ms. Friedman suggested something like a thorny bush, because a lot of times that is used instead of fencing. Something like that would keep animals out and children out. Mr. Logan said they had not looked at landscaping. Ms. Friedman said she wasn't thinking landscaping, as much as preventive planting. She felt that would be a good alternative instead of a fence, because a child or an animal wouldn't try going through a thorny patch.

Mr. Logan reviewed the issues regarding the existing site structures and the comments made by the Historical Commission. They re-examined the painted metal railing at the end of the property that would be removed to make the entrance off of Main Street. Their scope now includes taking that section, repairing it, painting it and installing it alongside the existing granite wall along that side. It would make a good buffer for the neighbors and also retain some of the quality of the old streetscape.

Mr. Logan noted that they have also looked at ways to retain some of the old field stone retaining wall (the lower one off of 1 Paxton Street). Given the height of this new retaining wall, the front section of this field stone wall that abuts the old stairs, could remain intact without being undermined when doing the work, but once they get to the 10 foot drop, they will have to undermine it and replace on the grade. They will remove the field stone, stock pile it during the demolition and reuse them in the front along the Paxton Street façade. It would be more ornamental than retaining because the stone wasn't really made for retaining. They felt it would maintain some of the old feel on the stonework in front of the building.

Mr. Logan continued. There has been a change in the footprint of the building, but not all the engineering was complete at this time. The old design was wider and longer and they needed to reduce the size in order to meet budget costs. With the reduction in size, the impervious surface has decreased. They will maintain the same number of parking spaces on the lower lot, as well as the upper lot. They will maintain the same entrances and egresses on the back side as well as Paxton Street. There will be a change to the grading in the back. The fill brought in will maintain a 1 to 3 slope. They will grade from the building, staying close to the existing grade all the way down, so there will be less amount of fill used there. It will leave more of a natural grade that will be 2 to 3 feet above natural, which means there a significant amount of fill brought on site. The view from the neighbors to the property will maintain the same landscape buffer to what is there now. Everything done will have a positive impact on the site through an environmental and stormwater management. By increasing grade there, they will be allowing the runoff a little bit more before it gets to the detention basin.

Mr. Logan reviewed the new building elevations from Paxton Street and west. They promised the Historical District Commission there wasn't any red brick in front of the building and that it will be a gray and white tone filled with horizontal siding and some paneling on the lower level before it hits grade. The biggest change is where there was to be a gabled section for the training room. It was a separate element that stuck out from the building, but now it's flush with the building. They are maintaining the 2 over 2 mounted windows throughout in the training room area. On the north and south side, the gray off-white colored panels remain the same on the front part of the building, which houses all of the administration offices. All the elevations will be similar with the wrap around gable and the vertical panel siding below. The apparatus room is in its own piece of the building now and will have a terra cotta masonry block with a light gray masonry block and the top that ties back into the building.

Mr. Logan noted that the lighting remains the same on the building. The sconce light on the exterior will move closer into the site, so the photometric plan will not change at all and there will be zero light shine at the property lines.

Ms. Friedman asked if there was lighting in the parking area in the back. Mr. Logan said yes and will be all LED fixtures. The three fixtures proposed: one is on a 15 foot tall pole, one on the building, and one in the ground for the building sign and flag. LED fixtures can be focused tightly and there will be two in back that will shine from the edge of the parking area towards the building. There will be circuit fixtures on the building over the overhead garage doors; there will be circuit fixtures on the Paxton Street façade; there will be two pole lights that will illuminate the walkway and driveway, with some pole lights along the new drive off of Main Street.

Ms. Buck reviewed the Draft Decision and recent changes made.

Page 2; revises the additional submittal dates and plan revision dates.

Page 3; description of the projects is changed to reflect the changes in the design of the building with slight reduction in square feet. There is also a note at the bottom of page 3 stating the change in the design of the building is only shown on the landscape plan and the building elevation plans. The parking remains the same, showing 42 parking spaces. Additional language was added regarding Stormwater Management decreasing the volume in the rate of surface water runoff to the neighborhood.

Page 4; the applicant is to include with the final submittal, a .pdf version of the plans within 14 days of decision.

Page 5; under Project Specific Conditions related to fencing on infiltration basins is opened for Board discussion.

Mr. Grimshaw asked for comments from the Board.

Ms. Friedman and Ms. Nist asked for some type of landscaping around the detention basin, because some of the abutters had mentioned their concern during a couple of the meetings.

Mr. Wright asked if they had considered the allocation of parking for the employees. Mr. Logan said no. Mr. Wright asked if handicapped spaces were provided in front. Mr. Logan said yes.

Mr. Menard asked for additional planting or a fence be provided around the basin. Mr. Grimshaw agreed with concerns for additional plantings around the basin.

Discussion opened for public comment, hearing none, Mr. Grimshaw asked how the Board wanted to address landscaping.

Ms. Friedman suggested a thorny bush landscaping around the basin, at a suitable spacing, to deter access to the basin. All Agreed.

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

MOTION: Ms. Friedman moved to approve the Site Plan Review for the Fire/EMS Headquarters at 1 & 3 Paxton Street.

SECONDED: Ms. Nist – Discussion: None

VOTE: 4 –In Favor / 1 – Abstained (Mr. Wright)

### **Public Hearing**

Special Permit, American Canine Assistance Program (Kennel), 1030 Stafford Street, Stafford Industries

Mr. Grimshaw read the notice into the record and opened discussion to the applicant.

Ms. Patricia Dykas made the presentation. She is requesting to operate an animal training facility located at the old mill on Stafford Street a.k.a. Carlton Woolen Mills. They are looking to go in a small section that was once used as an exercise studio called Curves. There is a handicapped ramp and access at the front entrance. The American Canine Assistance Program trains service dogs for people with disabilities, also veterans with PTSD and other disabilities; also adults and children with disability and autism. They feel this location is perfect to accommodate their clients and allow them to come in and work with their dogs on a regular basis. They also train dogs that will get matched with people, and where the people would get trained with their dogs. There's a small outside front area that's already cosmetically done and an open warehouse space that would be used as an indoor training arena. They would like to expand it more, because they do this as volunteers for the service dogs. They want to supplement and open up to the public, on a small scale, for private training or for day boarding a.k.a doggie daycare. They would like to incorporate a lot of different services to keep things running and generate revenue in order to keep the service dog aspects of this going.

Ms. Friedman asked if this would involve just day boarding or will there be overnight boarding. Ms. Dykas said it would be just day boarding. They are trying to perceive right now on how they will run it and set up hours. The dogs would come in for the day and stay for the day. They don't really want a daycare by definition, but to have people bring their dogs that actually want something done with their dogs and have a purpose, such as a training or socialization. They want to do something more structured, where the dogs would work throughout the day and have schedules.

Ms. Friedman asked about the outside facility. Ms. Dykas said the outside area is an ideal situation where they can utilize the big parking lot. Ms. Friedman asked if there was a part of the parking lot that would be fenced off. Ms. Dykas said there's an area in front of the building along Stafford Street that's a grassy area. They want to utilize that front space, because it's a nice open area where they can exercise the dogs. Ms. Friedman asked if that area would be fenced. Ms. Dykas said yes it would be fenced.

Mr. Brian Jennings, President of ACAP explained it would be a free standing chain-link fence. The dogs would not be left alone; an experience person will be with the dogs at all times. It's a temporary fence that can be taken down.

Mr. Menard asked how many dogs there would be at any given time. Ms. Dykas said possibly 5 to 6 service dogs working at one time and maybe 10 to 15 day dogs.

Ms. Friedman said on the application it states “controlled environment”. She asked what that meant as far as noise. Ms. Dykas said service dogs are only allowed to bark on command. They are taught to bark, but on command, but because they are dogs, they do need to bark. While the dogs are outside, there may be an occasional bark when they are playing, but the dogs won’t be put out just to bark. They will be controlled and kept entertained and busy.

Ms. Friedman asked to confirm that part of the idea of doggie daycare is the dogs would go through some training while they are there. Ms. Dykas said yes. Mr. Jennings explained that some dogs might not get trained because some dogs might have a separation anxiety and could be destructive, but there are ways to control and work with those dogs.

Mr. Wright said that wouldn’t be related to the service dogs. Mr. Jennings said no, the only thing related is that they would be utilizing people’s dogs to train them. He said the doggie daycare would help them bring in additional revenue to create capital to help keep the service dog operation going.

Mr. Wright said since the doggie daycare and service dog operation is being a combined business during the course of the day, he asked when the service dogs are being trained inside, where will the daycare dogs be and if there would be a designated kennel.

Mr. Jennings said there would be a separate area indoors that will be setup for the daycare dogs where they can play and socialize.

Ms. Friedman asked how the animal waste would be disposed. Ms. Dykas said animal waste is considered solid waste and can be picked up and disposed of in the dumpster.

Mr. Grimshaw reviewed the comments received.

- 1) The Board of Health was regarding a noise assessment, a review by Animal Control Office and location of outdoor play yard.

Mr. Grimshaw felt location of the play yard was addressed and asked about noise assessment and review by the Animal Control Officer. Ms. Buck said the Animal Control position is currently vacant. Ms. Dykas said under chapter 9, section 18 of the state code, a noise assessment can only be done when the noise occurs.

- 2) The Building Inspector stated building was in an SA Zone and a Special Permit was required and he would need a complete set of plans in order to issue a building permit.

Ms. Buck said the Building Inspector comments are related to getting a building permit, but there was some discussion regarding the consideration of retail.

Ms. Dykas wanted to put everything they were considering into the application and then find out what would work. In the front area, there is a small section where they would like to carry and have assessable to their clients, items they use for training. Some of the items they use are not easy to find, so they would like to make some available to their clients. She also included grooming as part of the special permit because she wanted to see if it would work. There is a small area where they could provide this service. They would have someone come in and do the grooming, maybe 2 or 3 times a week if that was something allowed under the special permit.

Ms. Friedman asked hours of operation. Ms. Dykas asked approval for 7 days per week, although it may not be utilized to the public the 7 days. Once training starts with a dog, it has to be done on a consistence basis, meaning every day, for a number of days.

Ms. Friedman said the application states 6:00AM to 9:00PM, 7-days a week. Ms. Dykas said it's vague because she wanted to be completely up front and felt those times would allow people enough time to pick up their dogs after work, knowing someone would be there.

Mr. Grimshaw asked if the business were to expand to include sales, would parking need to be addressed and how that would fit in with the special permit. Ms. Buck said she did look to see if it conforms to the regulations and didn't feel there would be an issue with there not being enough parking. Ms. Dykas said her engineer will be measuring out the area, because they need to address concerns with the Code Inspector and Fire Department, regarding egresses, smoke detectors, and the sprinkler system to be mapped out.

Ms. Friedman asked if American Canine would be looking to expand into more space that seems to be available within the warehouse. Ms. Dykas said maybe, if the business grows to where they find more space was needed.

Ms. Buck said one of the Water District comments was concerning the backflow protection issue with the building. The water district has been trying to get the property owner to address these issues for quite some time. They were asking for the applicant to submit more information about the water fixtures, so those concerns can be address. Ms. Dykas said she did send a copy of the Water District letter to the building owner and he didn't seem to have a problem with it.

Ms. Buck noted that the building owner has been unwilling to address this issue for years and that the water district did not want more activity going in there unless there was an enforceable way to address that concern.

Ms. Buck said she had concerns with the zoning of that property. The property is split between two zones: Suburban Agriculture (SA) and Business (B). In terms of retail activity, the Zoning Enforcement Officer felt because general retail is not allowed in the SA district, if it was something very minor, having a display rack with just a handful of items, would probably be okay. Anything more, such as a pet supply store, would not be allowed. Also, the Business zoning lines goes somewhere in front of the building and a kennel isn't allowed in the business district, which would be much of the grassy area. The applicant will need to submit a plan showing where the zoning lines are on the property.

Ms. Buck had sketched out the buffer from the road and then the 200 foot buffer from the river to avoid Conservation review and it looked like there could be a fenced in area, but before a fence could go up, it would have to be outside the Business District. Upon reviewing the plan, Ms. Buck noted she could not determine whether the buffer setback requirements from the residential zone were met.

Ms. Dykas said it was 75 feet from residential and she felt there weren't any dwellings within 75 feet.

Ms. Friedman said that would depend where everything was being set up. If something was being setup in front, there is a house right on the corner at the end of the parking lot and one across the street.

Ms. Buck noted the regulations are 50 feet from the lot line and 75 feet from any existing dwelling. More information is needed regarding where the outdoor facility was going because it has to be 200 feet away from the river, be outside the business district and 75 feet away from a home.

Discussion opened to public.

Mr. Dennis Bergin, 997 Stafford Street, had concern with the noise level and dogs barking. He felt you can't have 20 to 30 dogs without having a noise level. Ms. Dykas said they weren't looking to have 30 dogs. The doggie daycare wasn't their main purpose; it is for the service dogs.

Mr. Bergin said if this building was on Route 56, it would be ideal. This is a residential area and felt this wasn't the area for this type of business. Ms. Dykas said they won't be boarding dogs and with service dogs, we don't want them to bark, other than when they are told to bark. They won't want someone's dog in there that all they do is bark.

Ms. Friedman asked if there are dogs that bark, will the owners be asked not to bring them back. Ms. Dykas said yes they could. Mr. Jennings said they could, but hopes they never would have to, because a dog can be taught to bark on command.

MOTION: Ms. Friedman moved to continue this hearing to February 16, 2016 at 7:00PM

SECONDED: Ms. Nist – Discussion: Mr. Grimshaw said at the continued hearing the Board will be looking for the water department concerns to be addressed, to address the zoning lines and districts as to where the fencing would go and to establish reasonable hours and days of operation between service and daycare dogs.

VOTE: All in Favor

## **Approval of Minutes**

1/5/2016

Ms. Friedman noted the following corrections: page 3 to add with Mr. Gregg Richardson's name, "an Attorney representing abutters". Page 14, paragraph 7, correct he too she - "they came, they spoke and she".

MOTION: Mr. Wright moved to approve the minutes of January 5, 2016 with the corrections as noted.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

## **Town Planner Report/General Discussion:**

### **A. Economic Development Self-Assessment Project**

Invitations were sent to Town Boards and Committees for February 18, 2016 to be held at Becker College starting at 7:30PM. Ms. Friedman said she would not be able to attend.

### **B. Peer Review Services**

The Board has used Kevin Quinn for many years and there isn't an actual contract because the law was changed that this no longer has to be sent out to bid. Although, Mr. Quinn has been restricted taking clients who live in Leicester and he would like to take on a couple of project in Leicester. Therefore, the Board would need to find an alternate engineer to take on project Mr.

Quinn couldn't. The Board suggested sending out a general RFP for a primary and back up engineer on major projects.

C. Miscellaneous Project Updates

None

MOTION: Mr. Wright moved to adjourn meeting

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:50PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox

**Documents included in mailing packet:**

- Agenda
- Memo from Michelle Buck to the Planning Board regarding January 19<sup>th</sup> Planning Board meeting
- Comments from Quinn Engineering regarding the Leicester Fire Headquarters
- Draft Site Plan Approval & Stormwater Permit Order of Conditions on Leicester Fire/EMS Headquarters
- Public hearing notice for Patricia Dykas for a special permit to operate a commercial kennel at 1030 Stafford Street
- Copy of Site Plan for 1030 Stafford Street
- Special Permit application for a commercial kennel at 1030 Stafford Street
- Comments received from Board of Health, Building Inspector, Conservation Commission, CVRW water District, Highway Department, Historical Commission, Quinn Engineering, Police Department, Comments from Michelle Buck to the Patricia Dykas dated 12/23/2015, and a memo from Brian Jennings ACAP President, all regarding American Canine Assistance Program Special Permit request.
- Planning Board Minutes of January 5, 2016

**Documents submitted at meeting:**

- Response to Quinn Engineering Comments from Chris Logan regarding Fire/EMS Headquarters
- Quinn Engineering comments dated 2/2/2016 regarding Fire/EMS Headquarters
- Map data from Google Earth showing 1030 Stafford Street