

TOWN OF LEICESTER

PLANNING BOARD
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Planning Board Members
Jason Grimshaw, Chair
James Reinke, Vice-Chair
Joshua Campbell, Member
Sharon Nist, Member
Anthony Escobar, Member
Rigoberto Alfonso, Associate Mem.

Planning Board Meeting Minutes

Date: January 17, 2023

Time: 7:00PM

Location:

Commissioners Present: Jason Grimshaw, James Reinke, Joshua Campbell, Sharon Nist, Anthony Escobar, Rigoberto Alfonso

Others Present: Alaa Abusalah, Town Planner

Order of Business:

1. Approval Not Required (ANR) Plan

11 Memorial Drive, Applicant: Town of Leicester

2. Public Hearing, Special Permit Amendment (continued)

11 Hankey Street, request to amend special permit SP2021-03 for makerspace.

Applicant: The WorcShop

3. Site Plan Review (continued)

16 Pleasant Street (SPR2022-06), change of use from a former lighting store to a church.

Applicant: Refuge Christian Center

4. Public Hearing, Definitive Subdivision(continued)

Paxton Street (DSUB2022-01, SP2091-02), Smugglers Cove 10 single-family lots.

Applicant: Central Land Development Corp.

5. Public Hearing, Special Permit & Major Site Plan Review (continued)

651 Main Street (SP2022-06), Skyview Estates private residential development with 34 duplexes.

Applicant: 651 Main Street, LLC

6. Discussion, Site Plan Review & Storm Water Permit (continued)

760 Pleasant Street (SPR2022-07), re-pavement of existing parking area and installation of stormwater management system.

Applicant: 760 Pleasant Street Limited Partnership

7. Approval of Minutes

- 7/5/2022
- 11/1/2022

8. Town Planner Report/ General Discussion:

Central Massachusetts Regional Planning Commission Delegate Appointment

Miscellaneous Project Updates

Board Member Committee Updates

Adjourn

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TOWN CLERK'S OFFICE
LEICESTER, MASS.

1. Public Hearing, Special Permit Amendment (continued), SP2021-03, 11 Hankey Street, The WorcShop

Randal Meraki, Executive Director of The WorcShop

The WorcShop has been open for about 90 days and in that time, they have gained 45 new members from Leicester and the surrounding areas. They have taught 24 classes and have 6 small businesses within the WorcShop. They expressed their thanks to the Planning Board and the Town of Leicester for the support and they are looking forward to the upcoming fiscal year.

They are interested in amending their Special Permit to what is listed on pgs. 10 and 11 of their packet. They have removed a 5,000-gallon fuel tank that was found at the property, and they are working with Boston Green to get a DEP number for hazardous waste generation to satisfy requirements of an auto shop.

Mr. Meriki lists off the changes they would like to see changed or added to the Special Permit.

Mr. Meriki requested to be on the next Planning Board Meeting agenda so they can address any questions, concerns, or suggestions.

Motion: Ms. Nist

Motion to continue to February 21, 2023, at 7PM

Second: Mr. Campbell

Discussion: None

Vote: 5-0-0

2. Site Plan Review (continued), SPR2022-06, Refuge Christian Center

Pete DiGioia: they are back in front of the board to address Kevin Quinns comments. Mr. Digioia is a little concerned because he states that Mr. Quinn seems to be focusing on an old plan.

Ms. Abusalah reviewed the project timeline for the board confirming that the most recent comments from Mr. Quinn are in hand. They are in works with the neighbors for additional parking after the parking issues are handled the architect will design the sanctuary based on the occupancy allowed with the parking, which will be about 60 people.

Motion: Ms.Nist

Motion to continue to February 21, 2023, at 7:15PM

Second: Mr. Reinke

Discussion: None

Vote: 5-0-0

3. Public Hearing, Definitive Subdivision(continued), DSUB2022-01, SP2019-02, Smugglers Cove

Applicant requested a continuance

Motion: Ms.Nist

Motion to continue to February 21, 2023, at 7:30PM

Second: Mr. Escobar

Discussion: None

Vote: 5-0-1

4. Public Hearing, Special Permit & Major Site Plan Review, SP2022-06, Skyview Estates

Ms. Nist-Recused from this hearing

Todd Broder representing the applicant. Since the last meeting they were at they have done some site plan revisions. The Major revision made was the reduction in the number of units, they have been reduced from 92 units to 68. The layout of the development is the same as far as utilities and roads since they have been vetted and seem to work well. They have also taken away the impervious area, so they are below the 15% threshold so, no ZBA special permits are required.

They received a letter from Kevin Quinn in December and have responded and addressed his items from his letter and sent a response to Mr. Quinn.

Several homes were removed by the overlay area and the emergency road has had some pavement reduced from the area and a cul-de-sac was take out as well. The emergency road will be gated at both ends to reduce traffic. All this was done as means to keep utilities, roads, and drainage the same for ease of review all the components are the same. All stormwater plans will be oversized for the development because of leaving these plans in place, but with the number of homes and dry wells, all the calculations work still.

Mr. Reinke asked if they gave any thought, if this was a true subdivision, would this be in compliance, as far as frontage/sq footage per building?

Michael: *No because this is a site plan it is not a subdivision. They have moved the homes back to 20', at the request of the board but, they did not get into if this was a fee simple lot. This is not a fee simple lot it is under an HOA and under a site plan rule.*

Mr. Reinke states that his concern is not the legality of a subdivision vs. HOA, it is more of how this is going to look in comparison to similarly zoned, neighboring communities.

Mr. Broder: *To a large degree is what they tried to accomplish was a major reduction in the number of units, the overall density of the site. They chose to remove those houses in the aquafer district for obvious reasons, it's a sensitive area and it made sense to limit the impervious area. They thought this was a better option than enlarging the area and having to clear more trees and such. This looks like a benefit that the footprint is a little tighter and the disturbance is a little less.*

Mr. Reinke mentioned that he went to a property that is similar to this project, with close proximity, and what he did notice is that they had a visitor parking area. He thinks that this project has the required parking, but it might be a good idea to have a visitor parking area. Residents will be in the resident spots but if someone has a party or something people will be parking on the street.

Mr. Broder: *Each unit has a two-car garage and two spaces in front of the garage before you get to street parking. The right of way is 26' which is a decent size roadway that could accommodate street parking and where it is a private development where they can control the speeds through there so, they feel comfortable with the parking.*

Ms. Abusalah distributes comments from Quinn Engineering from 12/30/22 and Michaels comments from 1/10/23, to the board for review.

The first seven items from Kevin are comments about the waivers they were supposed to get, not the first time he has commented on that, the rest were addressed in Michael's letter from January.

Michael: *#3 from Mr. Quinn's letter was regarding the underdrains. They are 4" pipes daylighting to natural ground, and they have agreed to add more stones*

5 had to do with some dates on the cover sheets and such which have all been corrected

#6 had to do with providing calculations to show that they are within the 15% impervious area, which was included in the drainage report but must have been overlooked by Quinn's Office. They resubmitted those numbers with the letter in January.

#2 The emergency access road does not show a swail and Mr. Quinn was concerned about stormwater drainage on to a private property. There is a catch basin at the bottom of the swail that catches the water from the swail, there is a gap where the ground is level, so no drainage is needed and the swail picks up down further.

Mr. Reinke: Asked if they had received any more on the heated road system.

Mr. Broder: They provided details from the manufacturer, Warm-Up Inc. Mr. Broder reads through the manufacturers info that included, history of the company and quote and information on how the controls are worked and installation materials. There is a wealth of information on their website.

Mr. Reinke: Is interested in knowing if they had done this size of a project before and if the heated road system worked.

Mr. Broder: That is unknown

Mr. Campbell: Do we have the square footage of the heating system?

Mr. Broder: Does not have the exact calculations but the heating system starts at Main St. and goes up to the second set of houses. Approx. 450' x 26' roughly 11,700 sq ft.

Mr. Campbell: Does this require additional power to accommodate the additional size?

Michael: It is a 3-phase system and will have a dedicated backup generator.

Mr. Campbell: So, the scale and size, as long as the technology works, is there any issue there.

Michael: that is unknown, part of that will be addressed in the shop drawing. Their engineer would size the circuitry and all that to come in. Mr. Quinn has asked for other shop drawing and they would be more than happy to include the drawing for this, so the town has material specific to that system.

Mr. Reinke: What if it doesn't work?

Michael: The technology is there, plug it in and it goes. It's componentized so if something fails, they can be replaced as needed. The HOA will cover any maintenance. They have backup power and provisions in place for repairs. They can just replace certain parts of the system without having to tear up the whole road.

Mr. Escobar: Will the company itself be doing the install?

Michael: Believes they would have a company rep to oversee the install but more than likely they will have contractors do the work.

Mr. Escobar: If they didn't determine that, that size would work they wouldn't do the install?

Michael: Correct and they wouldn't do the shop drawing either.

Mr. Escobar: It looks like there is a 10-year warranty through them.

Jack(resident): Is ultimately concerned about the proximity of 3 homes on the south side of the development near his property. He does not believe they have the required footage.

Mr. Broder: The plans were drawn by a professional engineer after surveys were done and they have the 50' set back that was required.

John Dolan (resident/abutter): Voices concerns to the board regarding the numbers of cars and children that will be moving to the area.

Kurt Parliament (resident): What happens if the HOA goes broke? Will the Treasurer be bonded? What will the HOA fees be?

Mr. Broder: *The HOA will establish a budget for monthly expenses, but it will always be an evolving fund depending on needs as they always do. The HOA also collects a couple of months from buyers to have a reserve/ cushion. Unit owners usually are very good about keeping things up. Treasures are not usually bonded.*

Mr. Grimshaw: Brought up the point that if the HOA does run out of money it then becomes the responsibility of the Town for maintaining the area.

Ms. Abusalah: Has spoken to Town Council about this kind of situation in the past. What the Town can do is put in a condition that the HOA By-law will be submitted to the town before they are adopted but, if it fails, we really don't know. Research needs to be done.

Mr. Broder: *The HOA members are the homeowners, and they want to keep their property up. If someone doesn't pay their dues the other members would eventually have to pick up the slack but, they can put a lien on the home of the member that isn't paying. He has never seen an HOA fail; he has seen developers start a project and not finish but not an HOA fail. In the end these are homeowners that want to keep their property up. There are repercussions that can be imposed by the association, and it is private property, the Town won't have to take care of it.*

MS. Moore (resident): Is in favor of the project. She served as an HOA president at a prior home for several years and has looked through everything available for this project. This is no different than other condo communities she has lived, it is a nice, upscale housing area in a community that needs it. She stated that the state has regulations that supersede the HOA By-laws if there ever are any issues, the land is owned by the community, who have pride in their homes and, the HOA will be run by a board of trustees similar to what we have here.

Brian: Asked if the board had a copy of the Mass Environmental Wildlife studies for the high tension clearing? Does that have to be done on the southside for the bald eagle that nest there?

Ms. Abusalah: *Does not believe that we do have that.*

Mr. Grimshaw: *Does not believe that, legally, that has to be done. Possibly check with Town Council.*

Michael: *As part of the NOI that was filed with the Conservation Commission, one of the things they had to do was check the impact on the Wildlife habitat, there were no hits based on the mapping the DEP has. They also don't have any direct impacts on the high tension. A wetland's scientist also flagged wetlands as well.*

Patrick (resident): Asked how many HOA's are currently in the town and if they meet all the frontage requirements and everything? Otherwise, knowing how hard it is to get things approved, he is in favor of the project.

Board: *Does not know the exact number of HOA's but there are others and as far as they know they are all in compliance.*

Resident: Eagles nests are not usually on the maps for the protection of the endangered species.

Motion: Mr. Campbell; to approve section BA1F, minimum center line of 200' required to allow center line radius of 120' and 135'

Second: Mr. Reinke

Discussion: None

Vote: (5-0-1)

Motion: Mr. Campbell; to approve section BA3A, maximum street grade of 10% to allow a street with greater than 10% grade.

Second: Mr. Campbell

Discussion: Mr. Reinke does not have confidence that the HOA will be able to maintain the system if it fails in icy conditions

Mr. Grimshaw recalls that Mr. Quinn did not have a concern with this.

Vote: (4-1-1)

Motion: Mr. Campbell; to approve section 6B1A, to change reinforced concrete storm drainage piping required to high density propylene drainage lines

Second: Mr. Reinke

Discussion: None

Vote: (5-0-1)

Motion: Mr. Campbell; to approve section 6C4 Velocity should be between 2 and 10 feet per second

Second: Mr. Reinke

Discussion: None

Vote: (5-0-1)

Motion: Mr. Campbell; to approve section 6E3 street lighting to be approved as a private driveway lamps, light dusk till dawn

Second: Mr. Reinke

Discussion: None

Vote: (5-0-1)

Motion: Mr. Campbell; to approve section 6G1, sidewalks required on both sides of the street to just one side due to steep terrain.

Second: Mr. Reinke

Discussion: None

Vote: (5-0-1)

Motion: Mr. Campbell; to waive the requirement to permit street trees on one side of the roadway as opposed to both

Second: Mr. Reinke

Discussion: Mr. Reinke; What is the reason for trees only on one side?

Michael: *we can withdraw that waiver because our plan has trees on both sides of the plans since the revisions.*

Vote: N/A

Motion: Mr. Campbell; motion to withdraw

Second: Mr. Campbell

Discussion: Mr. Reinke; Still has issues with the spacing of the units or, lack thereof. The spacing is not apparent on the plans as well as having issues with the fact that there is more than one dwelling per lot and he feels that the road grating of more than 10% is unsafe.

Vote: (4-1-1)

Ms. Nist Returns to hearing

- 5. Discussion, Site Plan Review & Storm Water Permit (continued), SPR2022-07, 760 Pleasant St.**
Patrick Carroll, there have been no changes since he was at the last meeting, and he is still waiting for comments from the Fire Department. He plans to return on February 21, 2023, for the next Planning Board Meeting.

Motion: Ms. Nist, motion to continue to 2/21 at 7:45PM

Second: Mr. Reinke

Discussion: None

Vote: 6-0-0

6. Approval of Meeting Minutes

- 7/5/2022
- 11/1/2022

Motion: Ms. Nist, motion to approve the meeting minutes, as written from 7/5/2022

Second: Mr. Reinke

Discussion: None

Vote: (5-0-1) Mr. Escobar abstained due to his absence at that meeting

Motion: Ms. Nist, motion to approve the meeting minutes, as written from 11/1/2022

Second: Mr. Reinke

Discussion: None

Vote: (5-0-1) Mr. Grimshaw recused due to his absence at that meeting

7. Town Planner Report/General Discussion:

- a) Central Massachusetts Regional Planning Commission Delegate

Motion: (?) motion to nominate Anthony Escobar as the CMRPC Delegate

Second: ?

Discussion: ?

Vote: ?

- b) 11 Memorial Drive-ANR

Motion: Ms. Nist, motion to continue to 2/7/2023 at 7PM

Second: Mr. Campbell

Discussion: None

Vote: 6-0-0

Motion: Ms. Nist, motion to Adjourn

Second: Mr. Reinke

Discussion: None

Vote: (6-0-0)

Meeting Minutes Respectfully Submitted by:

Donna K. Main, DIS Assistant

Date Approved: April 18, 2023