

**Town of Leicester Planning Board
Meeting Minutes**

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

ASSOCIATE MEMBER:

MEMBERS ABSENT: Kathleen Wilson, David Wright

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

MEETING DATE: February 3, 2015

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Public Application cont:
 Request for Extension, Pondview Subdivision (Iqbal Ali)
- 7:30PM Public Application cont:
 Site Plan Review, Boutilier Road Solar (Borrego Solar System, Inc.)
- 7:45PM General Discussion:
 Zoning Bylaw Amendment – Central Business District
- 8:15PM Approval of Minutes:
 12/2/2014
 1/6/2015
- 8:20PM Town Planner Report/General Discussion:
 - A. Open Space Plan
 - B. Worcester Airport Taxiway Project
 - C. Miscellaneous Project Updates

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

Public Application Cont.:

Request for Extension, Pondview Subdivision (Iqbal Ali)

Mr. Salah Asfoura was present. Mr. Asfoura said they were requesting an extension to finish the amount of work needed to finish the project.

Ms. Buck asked if he received Quinn Engineering's comments on the work done there. Mr. Asfoura said yes.

Ms. Buck reviewed where the developer dug up the sidewalk to widen it and that Quinn Engineering had some concerns about the quality of work. She asked Mr. Asfoura how much additional time was being requested. Mr. Asfoura asked for an extension to September, 2015.

Mr. Grimshaw asked what the remaining work was. Ms. Buck said this project has had several years to finish and the small amount of work to finish is installing the streetlights and repairing the sidewalk.

Ms. Friedman asked why September and not June or July. Mr. Asfoura felt they needed more time to order and install the streetlights and fix the sidewalk.

Ms. Buck asked if there was any progress being made on getting the streetlights installed. Mr. Asfoura said yes, they will be ordering the streetlight soon.

Ms. Friedman asked why the streetlights can't be ordered now. Mr. Asfoura said they couldn't be installed until after the snow goes away.

Ms. Friedman did not agree extending to September, because the lights can be ordered now and as soon as the snow is gone, they can get installed. She felt an extension to July 1st would be more reasonable. Mr. Grimshaw agreed.

Ms. Friedman explained that if at some point, the request was made for the road to be accepted, an extension to September would put off road acceptance for another year. Ms. Buck agreed, noting the Board's Regulations require work to be done 6 months prior to a Town Meeting.

Mr. Grimshaw asked for any further comments or questions; hearing none, asked for a motion to extend the completion date for Pondview.

MOTION: Ms. Friedman moved to extend the deadline for completion of work for the Pondview Subdivision to July 1, 2015.

SECONDED: Ms. Nist – Discussion: Ms. Nist asked what happens if the work wasn't completed by July 1st and another extension is requested. Mr. Grimshaw said it will be dealt with at that time.

VOTE: All in Favor

Approval of Minutes

12/2/2014

MOTION: Ms. Friedman moved to approve the minutes of December 2, 2014

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

1/6/2015

MOTION: Ms. Friedman moved to approve the minutes of January 6, 2015

SECONDED: Ms. Nist – Discussion: None

VOTE: All in favor

Town Planner Report:

Open Space Plan

A comment letter was received from the State, noting 6 to 7 minor changes. Those changes were addressed and the plan sent back to the State for final review.

Worcester Airport Taxiway Project

This is for the construction of a jug-handle turnaround for the planes and will be heard before the Conservation Commission next week. An independent wetland consultant was hired to do the peer review on this project.

Miscellaneous Project Update

- **Hanover Solar Farm**

Notice of expiration was received on the removal bond a couple of weeks ago and due to expire in the middle of February. A letter was sent to the applicant, the bond issuing company and the owner telling them that the terms of their approval requires this bond. A response has not yet been received.

- Wetland Bylaw

Amendments are being proposed to the Wetland Bylaw for the Conservation Commission. The amendment will be taking the fees out of the Bylaw and will now only be in the Wetland Regulations.

- Vacation Request

Ms. Buck has requested the week of February 16th for vacation.

MOTION: Ms. Nist moved to approve the vacation request for Ms. Buck.

SECONDED: Mr. Menard – Discussion: None

VOTE: All in Favor

Public Application Continued:

Site Plan Review, Boutilier Road Solar (Borrego Solar Systems, Inc.)

Attorney Phil Stoddard and T.J. Murphy, Tighe & Bond were in attendance. Mr. Stoddard reviewed, from the last meeting, the discussion on whether the 50 foot access to the solar site was on the portion considered to be a Town maintained road.

At 21 Boutilier Road, Mr. Casello was given a building permit in 1990, without a variance, that had more than 200 feet on Boutilier Road. The 200 feet encompass the pole discussed at the last meeting and the relocation of that pole on a public way. The 200 feet is considered to be on a Town road that's been maintained by the Town of Leicester throughout Mr. Casello's ownership. The Town actually goes past that for the distance of a turnaround aspect, but they are not trying to attach any additional status on the frontage of 21 Boutilier Road, which has 469 feet of frontage and 200 of that frontage is considered a Town road. Pursuant to that in 1990, the pole discussed, is inside the 200 feet. With that being the case, they have more than 50 feet of frontage on the other side of the road for access for a solar farm.

Ms. Buck noted a point of clarification; she didn't know whether she would acknowledge the road being public. Although it was recognized as providing frontage at the time the house was built, the status as public or private is unclear.

Ms. Buck explained Mr. Stoddard was making a case for the Board to consider counting the 200 feet from the edge of Mr. Casello's property line, because the Building Inspector at that time, took into consideration the 200 feet of frontage. If the Board was willing to consider the 200 feet from Mr. Casello's property line and the current Building Inspector didn't oppose, it would need to be made explicit that the Board was only recognizing that 200 feet and not the remaining frontage on that lot. She clarified that the Planning Board and the Zoning Enforcement Officer would only be acknowledging the adequacy of access for frontage for a solar farm, not for a house, and the Board would independently evaluate frontage if it were a house.

The Board agreed that was a reasonable approach.

Mr. Stoddard also agreed it was a reasonable approach and will be contacting the Building Inspector to further discuss.

MOTION: Ms. Friedman moved that the Board acknowledge 200 feet of frontage along 21 Boutilier Road, and only 200 feet, for access only to the solar farm and not for a residential use, subject to approval by Town Counsel.

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

The responses to the comments received from Town Departments were reviewed. T.J. Murphy presented the responses.

- 1) The Police Department wanted to make sure there was emergency access to the site and that the gate will be set back far enough so vehicles have enough room to stop after the gate but before the road.

Mr. Murphy noted the gate will be approximately 100 feet from the road.

- 2) Quinn Engineering questioned Stormwater Control and the Gravel Access Road. Applicant is requesting a waiver to the stormwater permit on the basis that no Stormwater BMPs are necessary.

Mr. Murphy said the changes in stormwater runoff curve number values from existing to proposed conditions are the result of the conversion of woodland to grass cover. He included a table showing the calculated weighted curve number values for the existing and proposed conditions, including the gravel access road and concrete equipment pad. The installation of the gravel roadway and concrete pad are offset by the conversion of woods to grass. The access road will not generate more stormwater runoff when compared to existing conditions based on the curve number analysis. In order to control stormwater runoff velocities, the proposed graded slope south and west of the proposed access road, will be armored with riprap to reduce maximum velocities and prevent erosion.

- 3) Quinn Engineering noted the plan did not provide proposed grading (contours).

Mr. Murphy said the proposed contours will be added to the revised site drawings.

- 4) Quinn Engineering noted that at the entrance to the site access road, a stone tracking pad will be necessary to minimize tracking of sediment onto Boutillier Road during construction.

Mr. Murphy said a tracking pad will be added to the revised site drawings.

- 5) Quinn Engineering noted that at the entrance of the access road, a curb-cut detail should be prepared.

Mr. Murphy said a curb-cut detail will be added to the revised site drawings.

- 6) Quinn Engineering noted that site plan should identify the signage and required information on it.

Mr. Murphy said the proposed signage is included in the electrical portion of the plans and will be included in the set submitted for a building permit.

- 7) Quinn Engineering noted that during construction, soil surfaces of 4 acres or more could be exposed, with slopes in excess of 11%.

Mr. Murphy said a Stormwater Pollution Prevention Plan will be prepared for the site and a Notice of Intent will be filed with the Environmental Protection Agency.

- 8) Quinn Engineering noted the base plan of land was identified as not having been subject to an on-the-ground survey, but was instead compiled from available sources.

Mr. Murphy said a full topographic and property survey will be done prior to construction.

Mr. Murphy asked about the Board wanting more fencing detail. Ms. Friedman said yes, she visited the location given to her by Steve Long and didn't see what he had described. The

location was 262 Lowell Road, Hardwick, MA. This location was to show the slats in the fence and she saw nothing. There was supposed to be an 8 foot fence with barbwire across the top and some type of slats that would allow for a buffer.

Mr. Murphy said he will send the Board a full fencing detail. He noted the fencing will follow National Grid's standards for fencing, which is a 1-inch galvanized steel mesh fence and there is no barbwire. He will send an address to a National Grid site to visit, so the Board can get an idea of what the fencing will look like.

Mr. Murphy noted they could put slats in the fence, but would prefer to do a planting instead, because the problem with slats is that they don't last that long and need to be constantly repaired or replaced. A planting would provide a natural screen and it may be more expensive, but overtime, would be less expensive because they wouldn't need to be constantly replacing slats. What they've done at other sites was put in an *arborvitae* hedge that would grow to 10 feet tall in the matter of two years and provide a natural fencing. Ms. Friedman felt an arbor vide hedge would be perfect.

Mr. Murphy continued. The drawing hasn't changed much other than they will need to move the access road a little bit.

Ms. Buck noted the access road has to be within the 200 feet from the northern edge of Mr. Casello's property line to have frontage, as discussed earlier. Mr. Murphy confirmed the access road will be put within that 200 feet.

MOTION: Ms. Friedman moved to continue the Site Plan Review for Boutilier Road Solar to March 3rd and to also extend the deadline to file the decision to March 10, 2015

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

General Board Discussion

Zoning Bylaw Amendment Central Business District

Ms. Buck gave a brief update. Darlene Eager and Benoit Lighting requested the rezoning of their parcels to be included into the CB Zoning District. At the last Board meeting, it was also mentioned including the rear portion of the Crossroad parcel that was accidentally left out of the rezoning in 2006. The deadline to submit rezoning requests to the Selectmen's Office is March 12, 2015. Therefore, a Public Hearing should be scheduled by March 3rd, and the amendments would have to be filed with the Town Clerk by February 17th.

Included in the meeting packet were copies of a map that outlined the CB District in its entirety and copies of the Zoning Bylaws relevant to the CB District. To assist with the review, copies from a page of the CMRPC Study on the Zoning Recommendations and copies of the Zoning Bylaw's Use Table with CMRPC recommendations noted were distributed.

In CMRPC's study, it noted the need for an assessment on the minimum lot size in the CB District because 46% of the parcels were less than the required 15,000-square feet. Ms. Buck recommended that lot size not be addressed with the current amendments, but postponed until she could do a more comprehensive look at this issue.

Copies of the Use Table highlighted the CB District and showed the changes recommended by CMRPC with a cross out. Ms. Buck noted that there were a number of use changes to consider in CB, such as, removing car wash, storage warehouse, trucking depot. A large portion of the

CB District falls within the watershed overlay district and these uses are not allowed within an overlay district.

Ms. Friedman questioned under Section 3.2.06 #3. Country club, golf course, board livery, riding stable or ski tow should be changed from SP (special permit) to N (no) in the CB District. All agreed it should be changed.

Ms. Buck continued and discussed design guidelines. These are not part of the Bylaw and are separate regulations that may be adopted by the Planning Board.

Ms. Friedman asked if the Design Guidelines would be included as part of the warrant article or would it be separate. Ms. Buck pointed out that the existing Zoning Bylaw states: "The Planning Board shall have the authority to adopt from time to time suitable regulations to specify design standards within the Business District. Such standards may include regulation of building form and features, architectural details and historic buildings." [This section also applies to the CB District.] Therefore, the Board already has on the books the regulatory authority to adopt design guidelines; it just has never been done.

Ms. Buck noted that the Business District Site Development Standards also apply to the Central Business District. It currently states in the Purpose and Intent of the CB District that it shall comply with the Business District Site Development Standards. In order to eliminate confusion it should be made more explicit in the title, i.e., Business /Central Business District Site Development Standards.

She suggested reviewing potential design guidelines after Town Meeting because it didn't need to be done concurrently with the proposed zoning amendments. All agreed.

Ms. Buck continued and discussed expansion of the CB Zoning District. The two areas to be included are Darlene Eager's property at 8-10 Pleasant and Benoit Lighting at 16 Pleasant Street. It was suggested at the last Board meeting, to include the Crossroad Marketplace parcels because for some reason the rear parcel was mistakenly left out of the last redistricting. She explained that the Crossroad building itself was entirely on the rear parcel (R2) and the parking lot was on the front parcel (CB). Those two parcels were never combined on tax maps and the back parcel got missed when the Central Business District was created and the boundary was expanded in 2006.

The Board was asked for further review on the District boundaries to see if there were any other lots that should be considered as part of the expansion. All agreed the parcels that were landlocked, such as the back parcel to Crossroad's Marketplace and the back parcel to the School Administration Building should be included.

Ms. Buck continued. Section 5.8; Business District Site Development Standards: the change proposed was adding #10 under Parking Requirements: "To the maximum extent feasible, parking and loading areas shall be located to the side or rear of the primary structure." All agreed.

Section 5.8.04; Special Permit Review Criteria: the change proposed is adding a subsection #7 that would include four additional Special Permit criteria (a. – d.) that would only apply to the CB District.

For example: "a. The proposed project shall be consistent with the Purpose and Intent of the Central Business District." By adding that language it would help emphasize the Purpose and

Intent of the Central Business District as part of the Special Permit approval process. Another standard is: “b. The proposed project shall substantially conform to any design regulations adopted for the CB district. In the absence of design regulations, the Board shall evaluate the degree to which the applicant has designed new construction to be compatible in style and scale to existing abutting properties.

Ms. Friedman suggested replacing the word “regulations” with “guidelines” because she felt it would be more user-friendly. All agreed.

There was brief discussion of items c. (parking to side or rear) and d. (minimize demolition of historic buildings where feasible).

Ms. Friedman asked what the rear and front setbacks were in the Central Business District. Ms. Buck said 25 feet.

Ms. Friedman said because the intent of the district was to encourage preserving the area’s characteristics, if a developer was to build something that would architecturally fit into the District, it would make sense to have less of a front setback to allow for parking to the side or rear. She suggested the setback be reduced from 25 feet to 15 feet. After some discussion, it was agreed to propose reduction of the front setback to 10 feet.

Ms. Buck suggested sending notice to all Central Business District property owners and potential properties that are to be included in this change. All agreed

Hearing no further discussion; Mr. Grimshaw asked for a motion to adjourn.

MOTION: Ms. Nist moved to adjourn meeting

SECONDED: Ms. Friedman – Discussion: None

VOTE: All in Favor

Meeting adjourned at 9:00PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in meeting packet:

- Agenda
- Memo to the Board from Ms. Buck dated 1/29/2015
- Copies of Section 3.34, Central Business District
- Copies of Section 5.8, Business District Site Development Standards
- Copies of Section 4, Dimensional Requirements
- Copies of maps depicting Darlene Eager’s property and Crossroad’s Marketplace property
- Copies of Town Planner’s Report, 2nd Quarter FY2015
- Copies of Leicester Conservation Commission’s Notice of Intent regarding Taxiway Project at the Worcester Regional Airport
- Copies of Planning Board Minutes of December 2, 2014 & January 6, 2015

Documents submitted at meeting:

- Copies of Recommendations and Next Steps from the CMRPC's study
- Copies of Use Table with CMRPC recommendations noted
- Copies of map outlining Central Business District
- Copies of added language proposed for Special Permit Review Criteria in the CB District
- Copies of Engineering responses on Boutilier Road Solar Project
- Draft copies of Site Plan for Boutilier Road Solar Project
- Copy of an aerial view of the Boutilier Road Solar Project

Approved at the 3/3/2015 Planning Board Meeting