

Leicester Planning Board Meeting Minutes
March 03, 2015

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

ASSOCIATE MEMBERS: Kathleen Wilson

MEMBERS ABSENT:

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

MEETING DATE: March 03, 2015

MEETING TIME: 7:00 pm

AGENDA:

- 7:00PM Public Application Continued:
Site Plan Review, Boutilier Road Solar (Borrego Solar Systems, Inc.)
- 7:15PM Approval of Minutes:
2/3/2015
- 7:30PM Public Hearing, Zoning Amendments:
- A. Amendments to change allowed uses, dimensions, and special permit requirements in the Central Business (CB) district and to change parking requirements in both the Business (B) and CB districts.
 - B. Amendment of the Zoning Map to rezone several properties on Pleasant Street and Main Street currently zoned Residential 2 (R2) to Central Business (CB)
- 8:00PM Town Planner Report/General Discussion:
- A. Open Space Plan
 - B. Stafford Street Solar Project
 - C. Miscellaneous Project Update

Mr. Grimshaw called the meeting to order at 7PM

Public Application Continued:

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

The Applicant has requested a continuance. At the last meeting the applicant agreed to submit revised plans that were to show the landscaping and they were supposed to fully address Kevin Quinn's concerns. These issues have not yet been resolved.

Town Counsel's opinion had been just received and it stated that it was reasonable for the Planning Board and Building Inspector to approve the site plan, but with a clearly defined message on the approval that the Planning Board is not certifying a public way status for Boutilier Road.

MOTION: Ms. Friedman moved to continue the Public Application for Site Plan Review for Boutilier Road Solar to April 7, 2015 at 7:00PM and to extend the deadline to make a Decision to April 14, 2015.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Approval of Minutes:

2/3/2015

MOTION: Ms. Friedman moved to approve the minutes of 2/3/2015

SECONDED: Ms. Nist – Discussion: Mr. Wright noted in the minutes that his name was placed in Members present and he was not in attendance at that meeting.

MOTION: Ms. Friedman moved to amend her motion to include removing Mr. Wright's name from Members present and moving it to Members absent.

SECONDED: Ms. Nist – Discussion: None

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

Town Planner Report/General Discussion:

Open Space Plan

The Final Approval was received from Energy and Environmental Affairs (EOEEA). Ms. Buck asked about the number of printed copies and the related costs. She noted the plan will be made available online. Ms. Friedman suggested making only a half dozen or so because the plan will be made available online and people can get it there. All agreed.

Stafford Street Solar Project

This is new project proposal that was for which Planning and Conservation each received an application. The fees were not included, then incorrect fees were submitted. The most recent discussion with the applicant had to do with them considering amending the proposal.

Miscellaneous Project Updates

- Pondview
The developers currently owe money for a Quinn Engineering review bill. They are not responding to letters requesting supplement funds. Another request will be sent indicating a rescission hearing will be scheduled if the additional funds are not received.
- Parker Street
Another mediation hearing is scheduled for March 17, 2015
- Committee Liaison Reports
Ms. Nist gave an update regarding the energy audit that was recently done on all Town owned buildings, including the schools. She had a copy of the completed report and noted the results will be presented at the Annual Town Meeting.
- Worcester Airport Jug handle project
This project is currently before the Conservation Commission for a Notice of Intent. The hearing was continued to the Commission's March 11th meeting because more information was needed and the weather has been interfering with having any Peer Review work done.

There is one concern: MassPort is proposing some modifications to Mulberry Street. They are talking about lowering a section of the road for about 100 feet and it has to do with the new equipment upgrade. In their initial application, modifying Mulberry Street was only mentioned in passing.

The Town Administrator attended the Public Hearing held by MassPort on this proposal and he made it clear to MassPort that Leicester needs to be kept in the loop, because the project will alter a public road.

Public Hearing Zoning Amendments:

Mr. Grimshaw read the Notice into the record and then opened the hearing.

Ms. Buck made a PowerPoint presentation, first with a summary on the location of each property being proposed and their proximity in relation to the Central Business (CB) District boundaries. She explained Leicester had received a Technical Assistance Grant from CMRPC to do a Downtown Study on Leicester Center and these amendments were done in part with the recommendations from that study. Also, the Planning Board received a request to change the zoning of several parcels on Pleasant Street.

The amendments are in two parts: 1) amendments to the Zoning Bylaw and 2) amendments to the Zoning Map. There will also be three main amendments made to the Zoning Bylaw; 1) Allowed Uses; 2) Dimensional Requirements and 3) Site Development Standards.

The allowed Use changes being made are from what CMRPC recommended and what the Board recommended at the last meeting. They're uses that are either auto intensive or uses that take up a large amount of land that wouldn't be typically allowed in a Town Center type-zoning district. For example; gasoline or service stations, are already not allowed in that district because of the Water Resource Overlay District. So, it didn't make sense to say that's allowed in the district when it's already prohibited by another section of the Bylaw.

Ms. Buck noted there will be another amendment needed, where it refers to Large-Scale Ground Mounted Solar Farms [Section 5.14] and striking out as being an "allowed use" in the Central Business District.

Ms. Buck then described dimensional requirements in the CB district. CMRPC had also recommended for the Board to consider a change to the minimum lot size, but Ms. Buck felt it should wait and be taken up at a later date, to allow more careful review and consideration.

However, the Board did want to have a reduction in the front setback requirement from 25 feet to 10 feet, to encourage new construction to locate closer to the street to allow parking in the back or on side more easily.

Next reviewed were Site Development Standards. These standards already exist in several of the commercial districts that regulate parking, landscaping and special permit criteria. There will be language added making it clear that, Section 5.8, Central Business District Site Development Standards also applied to the CB District. There will also be another sentence added related to the parking requirements: "#10. To the maximum extent feasible, parking and loading areas shall be located to the side or rear of the primary structure."

The final language change being added has to do with the special permit criteria in the CB district, summarized as follows:

- 1) The proposed project shall be consistent with the purpose & intent of the Central Business District.
- 2) The proposed project shall substantially conform to any design guidelines adopted for the CB district.
- 3) Parking areas for new structures shall be located to the side or rear of new structures except where there is no practical alternative.
- 4) The project shall, to the maximum extent feasible, minimize demolition of historically significant buildings.

Next reviewed were the proposed zoning map changes. The first view showed the CB district as it currently exists and the second one showed the proposed changes on Pleasant Street and Main Street. The properties affected will be 8-16 Pleasant Street, 1060 Main Street back parcel to the Crossroads Marketplace and two land-lock parcels directly adjacent to the CB boundaries.

Ms. Buck explained that after her presentation comments from the audience as well as any comments received from other Boards and Committees, will be incorporated into a draft amendment and presented at the next meeting for the Planning Board's recommendation. Final approval will be a Town Meeting on May 5, 2015 where it will require a 2/3rd approval.

The hearing was opened to the public:

Ms. Andrea Rigiero, co-owner of 1150-1152 Main Street, asked who on the Planning Board owned a business in Central Business District. Mr. Grimshaw polled the Board and no one owned a business in the Central Business District. Ms. Rigiero asked who on the Board owned property in the Central Business District. Mr. Grimshaw polled the Board and no one owned property in the CB district.

Ms. Darlene Eager, 8-10 Pleasant Street, said within the Design Standards, under Special Permit Review Criteria; "(b) The proposed project shall substantially conform to any design guidelines adopted for the CB District." She asked why the Board was trying to regulate something that they didn't know what the criteria were going to be yet. Mr. Wright said that would only apply to new construction and wouldn't apply to something that is pre-existing. If a lot is rezoned to be within the Central Business District, the design standards would apply for new construction and that would have to conform to the design guidelines set forth for the district.

Ms. Eager felt the wording needed to be more specific and specify not to include existing structures. Ms. Buck asked if she was referring to the renovation of a structure. Ms. Eager said as you read further, it does say something about new construction, but she felt the first sentence should be stated clearer.

Ms. Buck explained that the existing Site Development Standards: "shall apply to all new construction of non-residential uses, expansions of more than 25% of the existing non-residential uses and increases of more than 10-parking spaces." She asked Ms. Eager if she wanted paragraph (b) under Special Permit criteria to be more narrowly focused. Ms. Eager felt the wording "conform to any design guidelines" leaves it wide open to whatever.

Mr. Grimshaw said the Board would be adopting design guidelines after Town Meeting. Ms. Buck explained that there would be a public hearing held when adopting the guidelines.

Ms. Eager was asked what she recommended the wording should be. Ms. Eager felt it should be something to the effect of "new construction shall conform to any design guidelines adopted for the CB district, and that it will not include existing historical buildings."

Mr. Wright understood the concern, but felt that was already addressed in paragraph (d) related to historic structures. The added sentences in the Special permit guidelines were all tied into one another.

Ms. Eager still felt there should be other wording that means those guidelines don't apply to existing structures. Ms. Friedman explained the way the guidelines read now apply was if an existing structure was to add on more than 25%.

Ms. Eager was asked if a structure if she felt that guidelines shouldn't apply even to expansions than 25%. Ms. Eager felt if she were to make a substantial change to her building, she would have to

follow those guidelines. She didn't mean there shouldn't be any guidelines; she just felt the current wording left the interpretation very open-ended.

Ms. Rigiero said she didn't understand the wording "to be compatible in style and scale to existing abutting properties." She asked what that meant. Mr. Wright explained if a new building was to be built it should be something that has the old country style look to it, so it would fit into the surrounding character of the neighborhood and won't stick out.

Ms. Rigiero felt that was forcing the private property owner to conform. Mr. Grimshaw said to conform to the zoning and the guidelines would pertain to new structures.

Ms. Friedman explained that wording was already in the intent of that zone. It's to have it fit into the surrounding character of the neighborhood.

Ms. Eager felt the guidelines were too restrictive. She asked who would determine which building stays and which one goes and would it be cost effective to require someone to build another historical type building in today's economy. She was very concerned on how restrictive these guidelines were going to be.

Mr. Grimshaw explained that the Board was not intending to have Leicester Center being treated like a local historical district. The argument was if someone were to buy property within a certain zone, it would be his or her responsibility to look into what that zone requires.

Ms. Buck further explained that the Board was not looking to have the type of requirements that would regulate color, window design, etc. The structure would be required to be similar in size, design and length, not a concrete box design.

Ms. Eager asked when the Board would hold the public hearing on the Design Guidelines.

Ms. Buck suggested if the Board wanted to move quickly, the second sentence of paragraph (b) could be removed, so there won't be the concern of not knowing what the guidelines are before they are adopted. [The sentence reads: "In the absence of design guidelines, 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."]

Mr. Wright would not want that sentence removed. Even though there are no guidelines in place as of yet, the Board should be able to evaluate the degree of new construction and how it sits in scale to the Central Business properties. Mr. Grimshaw explained the design guidelines will be adopted through a public hearing process, so the second sentence of paragraph (b) is a temporary requirement until the establishment of the Design Guidelines. He agreed that the current text should remain.

Ms. Eager asked if property owners will be notified of the public hearing. Ms. Friedman explained that legally, the property owners were not required to be notified, but felt it could be considered.

Ms. Eager and Ms. Rigiero asked the Board to consider sending notice to the CB property owners when the public hearing is scheduled. All agreed.

Ms. Rigiero asked if paragraph (d) was already in effect or did the Board just compose it.

Ms. Friedman explained that, that states the purpose and intent of the CB District, which is already part of the Bylaw. Ms. Buck said the additional language was meant to emphasize that if it's a use requiring a special permit, the Planning Board would give extra weight to historical considerations.

Mr. Grimshaw read Section 3.34.A., Purpose and Intent of the Central Business District. He explained that the purpose and intent language has been in place and was not new language just being composed.

Mr. Robert Laincz, Warren Ave. property owner was curious as to why his property was being rezoned. Mr. Laincz was asked if he would prefer the property remain residential. Mr. Laincz said nothing can be built on it, because it's landlocked.

Ms. Friedman explained the Board's reasoning. It's because those properties were landlocked and could potentially be added in with some of those front lots, if they ever to be sold and expanded, then access could be gained that way.

Mr. Grimshaw agreed and after further discussion, recommended the three lots abutting the Main Street properties and the Warren Ave property remain as part of the zoning change. He felt rezoning those properties to CB would be a benefit to the business district. For example, if someone were interested in buying it to expand for parking in back. All Agreed.

Ms. Buck noted she will revise paragraph (b) to reiterate the language explaining the applicability of the design regulations.

MOTION: Ms. Friedman moved to continue the Public Hearing to April 7th at 7:30PM

SECONDED: Ms. Nist – Discussion: None

VOTE: All in favor

MOTION: Mr. Wright moved to adjourn meeting

SECOND: Ms. Nist – Discussion: None

VOTE: All in Favor

Meeting adjourn at 8:35PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Approved by the Planning Board on 5/12/2015

Documents included in meeting packet:

- Agenda
- Letter to the Board from Attorney Philip Stoddard regarding Boutilier Road Solar Project
- Site Plan for Boutilier road Solar Project, dated 2/10/2015
- Copy of letter sent to Nickolas Casello from National Grid regarding Electric Service Proposal, dated 12/29/2014
- Copy of Service Request to National Grid from Nickolas Casello
- Planning Board Minutes of 2/3/2015
- Draft copy of Zoning Amendments, Central Business District
- Draft copy of Zoning Map change

Documents submitted at meeting:

- Opinion from Attorney Cove regarding Solar Farm Access off Boutilier Road dated, 2/27/2015