

Leicester Planning Board Meeting Minutes
May 13, 2014

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: May 13, 2014

MEETING TIME: 7:00 pm

AGENDA:

7:00PM Town Planner Report/General Board Discussion:
A. Open Space Plan
B. Pondview Subdivision
C. Subdivision Regulations Amendments
D. New Development & Inspectional Services Department
E. Quarterly Report
F. Miscellaneous Projects Updates
7:30 PM Public Application:
Site Plan Review; Central Mass Crane
8:00PM Approval of Minutes:
4/1/2014

Mr. Grimshaw called the meeting to order at 7PM

Town Planner Report/General Board Discussion

Open space plan

The final draft was received from the Conway School students last week. Ms. Buck felt this draft was much better than the first draft submitted. Although there is a copy of the draft plan already posted on the web site, there is a disclaimer noting that it's not the final approved plan and was not officially open for comment at this time. She felt the maps the students prepared for the final draft were 100% better than the draft plans originally submitted.

Ms. Buck noted that in some places in the plan, the students represented opinion as factual information. Also, the students came up with an entirely new Action Plan and didn't carry forward enough of the items from the previous Open Space Plan. Finally, Ms. Buck will be checking that the students met all state requirements in each section. These concerns will be the primary discussion at the next Open Space Committee Meeting, which has not yet been scheduled. Ms. Buck noted there has been a quorum issue with the current committee.

Ms. Friedman suggested sending a calendar email, giving 4 to 5 choices and go with the date most are available.

Ms. Buck continued. She has been having some difficulty getting information from the Parks & Recreation Commission on each one of the Town parks. She would like to include in the Open Space Plan a brief summary on each park (for example, how each facility is maintained, how it's paid for, etc.) She felt it would be useful information to have in the plan when seeking funding for recreational programs and facilities.

Ms. Friedman suggested to address her concern to the Selectmen's liaison to Parks and Recreation because if the Committee isn't addressing her question, then let the liaison deal with it.

Pondview Subdivision

Ms. Buck did a site visit on 4/14/2014 to view the obstruction in the sidewalk on the west side of Pond Court near the entrance off Tobin Road. Some photos were included in the meeting packet.

Kevin Quinn was informed of this issue and asked what it would involve to correct the problem and he advised that the owner would have to completely take out the entire retaining wall and rebuild it and depending on where the right of way line is, they might have to shift the road and the sidewalk on the other side. It would be a major undertaking to fix, which leads to the question, what can be done about it now?

Ms. Buck noted that the sidewalk is very narrow in that area and has a steep drop off and it is mandatory to have a fence if there's a drop off over 4 feet. The builder did not build the sidewalk according to the plan. Mr. Quinn did confirm that at its narrowest point, the sidewalk did meet the bare minimum architectural access for the requirement of unobstructed access of at least 3 feet.

Mr. Wright said that relative to the access portion of this, he felt, as a safety feature, there should be some sort of a protective railing when there is a drop off of 3 feet or more. Relative to the width requirement of the sidewalk, he questioned whether the developer would consider applying for a variance at that location. Given the other option, which would make it extremely difficult to remedy the situation without having to shift the road, would the Board consider giving a variance on that area.

Ms. Buck said the architectural access requirement is 3 feet unobstructed and they do have 3 feet of sidewalk and then the wall and the wall is obstructing the sidewalk. If there is 3 feet of clearance, would that variance still be needed?

Mr. Wright said if it's more than 60 feet in length the variance would be needed. They can have a 3 foot sidewalk and as long as they have over a certain distance a 60 inch space where people can pass by.

Ms. Buck said that this developer was approved for a waiver to go from the required sidewalk width of 5 feet to 4 feet and then he compounded that by obstructing the sidewalk and reducing it to 3 feet.

M. Wright asked if the sidewalk was constructed in the correct spot as shown on the plan.

Ms. Buck said no it wasn't. Mr. Wright said then a waiver request is not possible because it was constructed in the wrong location.

Ms. Buck said she will check into getting more detail on the architectural access requirements before making any final decisions.

Ms. Friedman said she would like to try and have the developer do the work he has to do and to hold a hearing to modify the plan. All Agreed.

Subdivision Regulation Amendments

This item has been tabled to next meeting.

New Development & Inspectional Services Department

The consolidation of departments has started, with Barbara starting full-time on May 5, 2013. Kelly Conroy will start full-time 5/19/2014.

Quarterly Report

A copy of the report was included in the meeting packet for the Board's review.

Miscellaneous Projects Updates

- Updated Zoning Maps were ordered to reflect the changes that were approved last fall. The new maps are expected soon.
- A new laptop has been ordered for the department since the current laptop is over 10 years old and the XP software is no longer compatible. Ms. Buck noted that this laptop will be used by the multiple departments (for minutes, etc.), but for simplicity of budget issues it will likely be paid for out of the FY14 Planning Board budget. Member Friedman said that a second laptop should be considered in FY15 so that Ms. Buck would have a laptop dedicated for her own use.

Public Application

Site Plan Review; Central Mass Crane

Mr. Jeff Howland of JH Engineering Group, representing the applicant, made the presentation. Mr. Howland said Central Mass Crane will be moving their operation from where they are now on Route 56 to the northwest corner of Stafford Street and Route 56; Stafford Street being on the south side and Route 56 being on the west side of the corner lot.

This parcel was a cornfield and no crops have been put in as of yet. The old Hebert's Mansion is located right next to the property in the back, with a garage and a caretaker's home. The parcel is majority zoned Highway Business-2 (HB-2) and there is a small section in front that is zoned Residential-2 and that abuts the carriage house and the mansion property is actually in the HB-2 zone.

They are proposing a 120 x 120 or 14,400 square foot building which will mirror their existing building located on Route 56, with the only difference is having the office on the opposite side of the building. This building will be set up the same. The garage doors will be located in the rear, with a couple of garage doors being located in front to allow the trucks to drive through. The main purpose for the building is for the maintenance for their cranes.

The gray color on the plan shows what they will be paving and the rest of the area will be gravel for the outdoor storage of the cranes and/or materials that come in for projects being worked on.

They are proposing two entrances: one off of Stafford Street, which will primarily be used for the employees; the second will be an entrance off of Route 56 that will be primarily used as the access for the cranes. The access off of Route 56 is approximately 70 feet from the intersection, and there is a small piece right next to this that is owned by Route 56 Trust.

There are some wetlands associated with the roadside ditch. They did meet before Conservation primarily to get approval to do a crossing and their meeting with the Conservation Commission is on the May 21, 2014 agenda for a Notice of Intent.

The reason they want the truck access off of Route 56 is because the grade off of Stafford Street is difficult. There is a stone retaining wall that separates Stafford Street from the field, roughly 2 to 3 feet and then the field rises towards the rear. In order to get this building situated to allow trucks, Stafford Street has a very difficult grade to make a corner and then the 5% grade. Right now, the building sits roughly about 1 ½ feet higher than Stafford Street, so it's a 1 to 2% grade in, which is fairly level and easy. Site distance isn't an issue and he did realize that the Route 56 access is close to the intersection, but it will mainly be just for the trucks. The everyday visitors will use the access off of Stafford Street.

Mr. Howland continued. For water, there is a 12 inch water main in Route 56 that they will tap into and a new 8 inch water main, which will terminate at the end of the pavement. There will be a hydrant installed and this is for the future in the back, if they decide to expand in the rear. There are no plans to do that at this point, but they are extending the water main beyond that.

Sanitary sewer will be off of Stafford Street and they will be extending the sewer to the end of the pavement. There will be floor drains inside the building and there will be traps for the sanitary. Drainage in this site actually goes in 4 different directions. The two in the rear, he's not worried about because they are not changing anything, some go to the northeast and some go to the northwest and the primary goes towards the wetland, to a headwall and then drains into the intersection and heads south on Route 56. Then there are two drains that go over the wall and enter the storm drains on Stafford Street.

They are proposing catch basins in the paved area, a holding tank on one side, and water quality swales on the other to clean the water before it hits the wetlands. The holding tank is underground. They wanted to leave that area potentially available in the future if they ever wanted to expand or do another building over there.

They are requesting 3 waivers. The first one and according to what Kevin Quinn suggested for them to do, they did do test bits there and the ground water was anywhere from 18 to 24 inches, it's a type of glacial till. They need to request a waiver from the Stormwater Bylaw, Section 5.0(e) and Section 6, do not meet the strict intent of the bylaw, which is to provide infiltration. Infiltration isn't available as they need to have a minimum of a 2 foot separation between high ground water table and the bottom of infiltration system and DEP does not allow the infiltration input. It can only be 18 inches deep.

The other two waivers are from Section 5.5.02.1A.2., which is the allowance of parking in the front yard setback, and Section 5.5.02.2, reduction in required landscaped buffers. They are showing parking along Stafford Street and that parking is strictly for the employees. They are trying to keep the visitors' and employee vehicles away from the rear of the building and side of the building where the cranes will be stored.

Ms. Friedman asked about visitors to the property, specifically what types of vehicles they would be driving and whether the owner would want visitor vehicles to park around back. Mr. Howland explained that any visitor who came around back would be a tractor-trailer coming in with supplies. Visitors would be a salesman who comes in to meet with the owner. The intent would be for tractor-trailers to drive to the rear. Also all storage of cranes and the maintenance of cranes will all be in the rear.

Ms. Friedman asked how many employees there will be. Mr. Howland said there are 22 parking spaces, which were set up according to the Board's parking requirements, but didn't think that 22 would be needed. Mr. Jackie Daige said he currently has 14 employees and 10 of those are crane operators. Mr. Howland said they felt they really didn't need 22 spaces, but that's what's required by the Board's regulations. However, they did want to make sure there would be plenty of parking for visitors and employees.

Mr. Howland continued. They are requesting a waiver to allow parking within the front yard setback and they are requesting for the address to be Route 56. They won't be parking in the front setback of Route 56; however, the legal frontage is Stafford Street.

Ms. Friedman asked why they were requesting it to be Route 56. Mr. Howland said so all the tractor-trailer deliveries will be directed to enter off of Route 56, instead of Stafford Street.

Ms. Buck said there are certain sections of the development standards that the Board can waive and some that they cannot. When they can waive something, the Zoning Bylaw explicitly says the Planning Board can waive, and parking in the front setback is not one of them. However, this is on a corner lot and when it's a corner lot, the owner can decide which the front is and which the side is.

Mr. Howland said therefore, we are calling Route 56 as our front. Ms. Buck said therefore the 50 foot setback is not applicable. But, there is another section that says you can't have parking in the buffer area, which is 50, but they are requesting a reduction in the buffer from 50 to 20 feet. The proposed parking would conform to the 20 foot buffer if that waiver is granted by the Board.

Mr. Howland said they are actually requesting waiver from two buffer requirements, authorized under Section 5.5.02.2(D). The requests are to reduce landscape buffer from 50 to 20-feet between residential and non-residential *uses* [Section 5.5.02.2(B)]. They abut both residential and non-residential uses. Then there will be the request to reduce the 100 foot buffer to 50 feet between the HB1 and the abutting residential *district* (R1) [Section 5.5.02.2 (C)].

Ms. Buck confirmed that the request was from 100 to 50 feet on the side and 50 to 20 in the front. One of the other things that were required to put on the plan was to show the zoning line south of Stafford Street where the commercial and residential zones split and to show that the district buffer is not applicable on the Stafford Street side. The lot is in multiple zones and is a corner lot and the zoning lines don't follow the property lines, etc.

Mr. Wright asked if the plan was updated according to Mr. Quinn's comments.

Mr. Howland said no, because he wanted to see whether the waivers being requested were going to be approved. He did receive Mr. Quinn's comments and there's nothing in his letter that was alarming.

Mr. Wright asked with having the truck access off of Route 56 and being so close to the intersection, was a traffic impact study done. Mr. Howland said no, there was not a traffic impact study. Mr. Wright said he knows where the property is and he knows where the current building sits further up north on Route 56. This new building is very close to the intersection and he was just curious to know what the traffic impact study would be on the cranes going in and out, as well as the tractor-trailers and especially ones coming from the south. Mr. Howland said the intersection is roughly 70 feet up from the access drive.

Mr. Wright asked if a traffic impact study was being considered. Mr. Howland said that would be up to the Board. Basically, coming out of the access drive, there would be approximately 10 cranes during the morning and including deliveries, 25 trips over the course of an 8 hour day. The majority of the trips would be 10 first thing in the morning and 10 at the end of the day, with the remainder being deliveries scattered throughout the 8-hour workday.

Mr. Daige explained that where he is located now, they are crossing the northbound lane and always slowing someone down, because they are slow moving vehicles. At least in this new location, they would have to slow down for the light and the access is on the right side.

Mr. Wright said so most of the traffic is going south, correct? It is never going north. Mr. Daige said 80% of the time, it's going south. Mr. Wright noted that it would be a right hand turn coming out of the driveway. Mr. Daige agreed.

Mr. Wright said 5AM to 8AM would be the morning time and then around 3:30PM? Mr. Daige said it's basically between 6AM to 7AM and no one really leaves the yard after 7:15AM to 7:30AM. Then they get back at different times during the afternoon. They don't all get back at the same time.

Ms. Friedman asked if they all left at the same time in the morning. Mr. Daige said between 6AM to 7:15AM they all get started. Ms. Friedman said the traffic at the intersection can be brutal in the morning.

Ms. Buck said the Board doesn't frequently require a full traffic impact report. She asked if it would be sufficient for them to submit documentation related to the information presented tonight, in writing, including how many trips in the morning and afternoon. Mr. Grimshaw felt it was pretty clear what was happening and felt that that would be sufficient.

Ms. Friedman asked if there was going to be any lighting in the unpaved area at all. Mr. Howland said there is no proposed lighting other than some lighting on the building itself. There will be lighting on the perimeter and they decided not to put lighting around the building. They are putting landscaping along the west side of the property. The building itself sits roughly 20 feet lower than the old Hebert Mansion. There's a fairly steep slope that exists and this will

actually cut into the hill a little bit and will actually sit lower than the house. He wasn't sure if the mansion itself will see this, but the garage may be in view.

Ms. Friedman asked because the property's been used as agriculture, was there any type of Chapter 61 related issues. Mr. Howland said not that he was aware. This lot was just sold out of the original piece just recently and the sale would not have happened if it was in Chapter 61, without the Selectmen having the right to first refusal and that did not come out. Ms. Friedman asked for that information to be checked.

Mr. Daige said the owners did not have that corner of the property sublet to Cooper's.

Mr. Howland said he knows that there were attorneys involved with the sale, so he was sure it that would have been addressed at that time. Comments have been received from all the departments and there were no concerns noted, other than the one comment from Highway regarding the entrance.

Ms. Friedman asked if there will be lights at the entrance. Mr. Howland said not proposing any at this point. Ms. Friedman said the reason she asked was because at 5AM – 6PM it can be pretty dark. Mr. Wright noted that's only in the wintertime and it's actually gets light now around 5:30AM. Mr. Daige said they may take another look at that, because he really can't remember how lit that intersection is.

Mr. Howland said they are proposing a 4 x 6 sign, which will be located on Route 56. Ms. Friedman said there will be no signage on Stafford Street. Mr. Howland said that's correct. Ms. Friedman asked if there would be lights on Stafford Street. Mr. Howland said no and the wall remains.

Mr. Daige said if you look at the existing building they have now on Route 56, the exterior wall panel is white and lights on the side of the building, there will be quite a bit of reflective light that is close to the street. Mr. Daige said the driveway will be pretty well lit for security from the building out to the street.

Ms. Buck asked if something was submitted showing what the building would look like. Mr. Howland said no, but it will look exactly like their current building that exists on Route 56. Mr. Daige said the current building is 90 x 135 and is basically the same square footage. Ms. Buck asked if the construction was exactly the same. Mr. Howland said yes.

Ms. Buck asked the Board if they wanted to see a plan that showed what the building looked like. Ms. Friedman said yes and would also like to see something that shows the footprint of the proposed lights on the building, because there are residential homes around there.

Mr. Howland said photometric lights aren't for building mounted lights and are only on the pole mounted lights. Mr. Grimshaw said it would probably be the primary lighting for the sign. Mr. Wright said the lights will be bright at the building. Ms. Friedman said she wanted to see where they will be placed because there are abutting residential properties.

Ms. Buck asked about the landscaping plan. Mr. Howland said it was included with the submittal, but didn't have a copy for viewing.

Ms. Buck asked Mr. Howland for a generalized description of the landscaping plan. Mr. Howland reviewed the landscaping plan. They are showing a little bit more buffering adjacent to the direct abutting residential lot, even though there is an existing tree line being shown to the rear, which is basically scrub. They will supplement that with some shrubs and trees.

Ms. Friedman asked if it was noted on the plan on what kind of vegetation there was. Mr. Howland said the plan shows pine trees and something else. He explained that along the front, there's the retaining wall and there's the grass line square that runs down along it, that's where they would put the landscaping. Mr. Howland reviewed where the replicated wetlands were located. He further explained that along the front, there will be red maples and white pines planted. They will also be putting a little more in the area abutting the mansion, because they will be the ones most impacted.

Ms. Nist asked if the snow removal will stay on the property. Mr. Howland said yes.

Mr. Wright said the area will be smoothed and graded down. Mr. Howland said yes.

Mr. Wright said when you mention cut; you will be cutting out and putting in a retaining wall. Mr. Howland said no, actually what happens is by the time he gets back to grade number of 5% down, which is a little steeper than what's there now, and by the time he moves up, it gets to 1%-2%. They will be also adding 2 catch basins, with concrete holding tanks, which will be tied into the drainage system.

Ms. Nist asked about trash receptacles. Mr. Howland said there will be screened trash receptacles as shown on the drawing. Ms. Nist asked about stop signs being placed at the exit ways. Mr. Howland said they hadn't planned on it, but they can.

Ms. Buck noted that when asking for a reduction in the buffer, they're supposed to have dense vegetation and/or fence. Ms. Friedman said she would prefer dense vegetation as opposed to a fence. Ms. Nist agreed.

Ms. Buck said they have overlapping requirements, along the roadway street trees are required every 50 feet, in addition to the buffer requirements. The Board can ask for additional landscaping when reducing the buffer. She asked how far apart the Rhododendrons were. Ms. Friedman said they are usually placed 10 feet at most. Mr. Howland said they'd increase plantings.

Mr. Grimshaw summarized for the purpose of clarification what the applicant needs to prepare by next meeting. To show a light plan, request the waivers from 50 to 20 feet on Stafford Street, 100 to 50 feet between the zones, and from Stormwater regulations.

Ms. Friedman asked for a narrative on the traffic impact. Mr. Howland agreed. Ms. Buck suggested the applicant submit a revised project narrative or an addendum to it. Mr. Howland agreed to do a separate sheet.

Mr. Grimshaw asked for any further discussion; hearing none, asked for a motion to continue.

MOTION: Mr. Wright moved to continue the Public Application for Site Plan Review on Central Mass Crane to Tuesday, June 3, 2014 at 7:30PM.

SECONDED: Ms. Nist – Discussion: Ms. Buck asked if the Board was comfortable with the waiver requests. All agreed not having an issue with the waiver requests.

VOTE: All in Favor

General Board Discussion continued:

E-permitting

This process has been slow to be implemented because there have been some computer software upgrade issues. Ms. Buck met with the Town Administrator last week and understood that implementation was being postponed for a while because of the software concerns.

Economic Development Committee Update

Mr. Grimshaw gave an update on business projects in Town.

- The Alpine building has been redone into a new business that leases commercial air conditioners.
- The Worcester Airport's improvement project was discussed regarding monitoring the runway project.
- The property at St. Joseph's church is still being marketed for development.

Ms. Buck said that she and the Town Administrator met with representatives from Cumberland Farms. They are interested in using the old Exxon lot in the Center of Town, which they own, splitting it into two pieces and perhaps giving the front portion to the Town of Leicester and leaving the rest for customer parking and adding a separate entrance off Pleasant Street. She asked for Cumberland's to provide more information about site cleanup.

Apparently, the underground tanks have been removed and there's been some kind of mediation done, but Cumberland's was advised to provide clear documentation that the site is completely clean.

Ms. Nist asked for information regarding the Ice Cream Parlor at the bottom of Old Main Street. Ms. Buck explained that she believes the owner has all of his approvals except from the Board of Health and he was still working on that.

Mr. Grimshaw noted that a new business opened across from Entwisle's, being a driving school.

Ms. Nist asked for an update regarding the old Hennessey's bar property. Was the 3 family still being proposed? Ms. Knox explained that the current owner stopped by the office to inform that he was not moving forward with the 3 family, due to the requirement of having to install a sprinkler system.

Approval of Minutes:

4/1/2014

Ms. Friedman and Mr. Wright both noted an amendment to the minutes. Both were not in attendance at the April 1st meeting, but the minutes noted them present.

MOTION: Ms. Nist moved to approve the April 1st minutes as amended.

SECONDED: Mr. Grimshaw – Discussion: None

VOTE: All in Favor

MOTION: Mr. Wright moved to adjourn

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Meeting adjourn at 8:30PM.

Respectfully submitted:

Barbara Knox

Barbara Knox

Approved by the Planning Board on: July 1, 2014

Documents included in meeting packet:

- Agenda
- Memo to the Board from Ms. Buck regarding Pondview's sidewalk/retaining wall, dated 4/14/2014
- Pictures of Pond Court, facing south toward Tobin Road
- Memo from Kevin Quinn to Ms. Buck dated 4/15/2014 regarding his review on the sidewalk at Pondview.
- Memo to the Board from Ms. Buck regarding 5/13/2014 meeting
- Planning Board Minutes of 4/1/2014

Documents submitted at meeting:

- None