

**Leicester Planning Board Meeting Minutes
September 2, 2014**

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

ASSOCIATE MEMBER:

MEMBERS ABSENT: David Wright, Kathleen Wilson

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

MEETING DATE: September 2, 2014

MEETING TIME: 7:00PM

AGENDA:

7:00PM Open Space & Recreation Plan Update

7:15PM Discussion:

CMRPC Downtown Leicester Project, Eric Smith

7:45PM Public Hearing, Special Permit/Site Plan Review:

143 Clark Street, Tire Wholesale/Banner Tire

8:15PM Public Application:

ANR Plan, South Street, Fred LaFlash

8:25PM Public Application:

Request to amend Site Plan Approval, Auburn Street Solar Farm

8:35PM Approval of Minutes

8/5/2015

8:45PM Town Planner Report/General Board Discussion:

A. Subdivision Regulations Amendments

B. Miscellaneous Project Updates

Mr. Grimshaw called the meeting to order at 7:05PM

Open Space & Recreation Plan Update

Upon further review on the remaining chapters in the draft plan, Ms. Buck found there was a substantial amount of rewriting and additional research needed. The completed draft should be ready by the next Board meeting in October. During the month of October, there will be the public presentation, then the start of a public comment period. Groups required to submitting a written comment on the plan are: Planning Board, Board of Selectmen and the Central Mass Regional Planning Commission.

There will be an early November deadline on the comment period, and then it will get sent to the State for review.

Ms. Buck asked about including some Town photos in the plan and also noted needing more information on the Town & School Parks and Recreational Facilities. Ms. Friedman asked if High School Students could be considered helping, as a Community Service Project, on taking some photos, doing some research and writing a brief description on each Town Park and Town Recreational Field, including the school's recreational facilities to include in the Open Space Plan. Mr. Grimshaw agreed that could be considered and would check into it.

Discussion:**CMRPC Downtown Leicester Project, Eric Smith**

Eric Smith, Principal Planner at CMRPC, provided an overview of project's scope.

This project was funded by Commonwealth of Massachusetts "DLTA" Program – District Local Technical Assistance. This program allows Agencies, such as CMRPC, to provide technical assistance to communities. A couple of years back, CMRPC assisted Leicester in the Route 56 Corridor Study under this program.

The project, "Leicester Town Center PDA" – Priority Development Area – is an area designated through the prioritization plan the Town Center identified, within the 2012 Central Thirteen Prioritization Project. The Town submitted DLTA Project request in February 2014 and was approved 25-hour PDA technical assistance.

The PDA assessment report will consist of establishing a baseline understanding of current conditions, doing an assessment and analysis, and providing recommendations. Finally will preparing a final Town Center PDA assessment report. The project kick-off meeting started with an overview on July 1st and the kick-off public meeting being tonight, September 2nd. The public workshop meeting for public input is planned for some time in October/November. Then the Presentation of the Findings and Draft Report will be submitted to the Board on December 2nd.

Leicester's Town Center PDA boundary is in the Central Business Zoning District. CMRPC will analyze the zoning district as part of the assessment and will review the zoning in the area around Route 9 and Route 56. They will show the availability for commercial business around that area, as well as, the environmental constraints. Part of their review process will involve previous planning efforts, such as, the 2009 Master Plan, the Route 9 Corridor Plans, i.e., December 2007 Route 9 Corridor Study and August 2010 Route 9 West Corridor Profile.

The initial finding noted the Leicester Common being on the National Register District and its boundary ending on the eastern side of the Central Business District. He will to get from the Historical Commission a list of historical homes along Main Street. Another initial finding noted most of Main Street/Route 9 had sidewalks, but there was a lack of safe north/south pedestrian crossings.

The next steps are: to schedule a public workshop allowing public input; to complete the Center PDA Assessment Report; presenting the draft plan and recommendations to the Planning Board (in December), and then reviewing the Planning Board's input and final questions and comments. The public presentation will be on Wednesday, November 5th.

Approval of Minutes

8/5/2014

MOTION: Mr. Menard moved to approve the minutes of August 5, 2014.

SECONDED: Ms. Nist – Discussion: None

VOTE: 3 – In Favor / 1 – Abstention (Ms. Friedman)

Public Application

ANR Plan, South Street, Fred LaFlash

This plan is a reconfiguration of a lot, giving 25-feet to one lot and taking 50-feet from the bigger piece, making three conforming lots.

MOTION: Ms. Nist moved to approve the ANR on South Street

SECONDED: Ms. Friedman – Discussion: None

VOTE: All in Favor

Public Hearing

143 Clark Street, Tire Wholesale/Banner Tire

Mr. Grimshaw read the Notice into the record and then opened the hearing to the applicant to present their application.

Mr. Joshua Lee Smith of the law firm Bowditch and Dewey, representing the applicant, made the presentation. In Attendance: Ted Haase, Somerset Tire and George Hinman, Minuteman Corrugated.

Mr. Smith said this application was applying for the use of the building at 143 Clark Street as a wholesale distribution and the warehousing of tires. The property is a corner lot located at the corner of Route 56 and Clark Street. The property has one egress located off of Clark Street. The property consists of 4 acres and contains an existing building that is approximately 45,000 square feet. The property is located in the Residential/Industrial/Business Zone (RIB) and the surrounding zoning districts are a mix of residential and commercial districts, being Residential 1 District, the Highway Business Industrial 1 District and Highway Business Industrial 2 District. Located to the rear of the property is a multi-family condominium development. The commercial uses in the area are wholesale food distribution facility, school bus depot, and an auto repair shop.

Mr. Smith continued. From 1972 to 2006 the property was used and operated for the manufacturing and wholesale distribution of corrugated box products. The current use being proposed is very similar to the previous use of this site. During the 1972-2006 time period, there were various types of trucks and delivery vehicles entering and exiting the site, which is similar to what was being proposed for the new use. The peak numbers of employees during that period were as many as 28 employees. Subsequent to 2006, the property was used for warehousing use, as well as wholesale food distribution, storage of boats, and storage of fire equipment for the local fire department.

The proposed use for the site is wholesale distribution and warehousing tires, along with accessory uses, such as offices. No retail use will occur at the property, it will be completely a wholesale distribution center. There will be fewer employees, compared to the Minuteman operation. There will be approximately 10 full time employees and 2 part time employees. The hours of operation will be similar to the previous uses of the site, which will be Monday through Friday, 7:30AM to 5:30PM and Saturday, 7:30AM to 12:00PM.

The deliveries will be a similar set up as the previous use. There will be various types of box trucks, pick-up trucks and passenger vans that will travel to and from the site. The only access will be from Clark Street, so all truck deliveries will enter from Clark Street, drive straight to the rear of the property and remain in the rear at the loading dock, where the products will be removed and new ones loaded onto the trucks.

There will be no changes made to the exterior components of the site. There will be no changes made to the layout of the parking or the driveway. The footprint of the building and lot will remain exactly the same.

As indicated previous, retail will not occur at this site, so there will not be an increase to the traffic, as compared to the previous uses. There will be no negative impact or detrimental uses impacted to the property itself or abutting properties.

The existing parking is located in close proximity to the building and that will essentially be the employee parking. The employee parking is separated from the access, to allow a safe means for employees to go to and from the building.

The water and sewer system and the Stormwater drainage will not require change because there will not be any changes made to the exterior components of the site. The site is currently connected to public water and sewer and there will be no change in respect to those systems, as well as, no change in respect to the onsite Stormwater drainage facilities.

There will be no hazardous materials kept on the site, there will be no hazardous materials generated at the site and the tenant will operate the site in accordance to all the environmental laws.

Mr. Smith continued. The Fire Chief commented on the need to modify the sprinkler system in order to accommodate the proposed use. They have been in contact with the Fire Chief and their contractor will work with the Fire Chief to his satisfaction.

This property is consistent to the Master Plan in purpose of the zone, the historical use of the property and the neighbors. This project will increase the tax base and is in line with all the other commercial properties along Route 56.

The noise generated will be very similar to the previous operation when Minuteman Corrugated operated the site. Route 56 has a high volume of traffic and they felt there won't be an added volume of traffic, when compared to the previous uses of the site as a wholesale distribution and manufacturing facility.

The site itself is down gradient as compared to the abutting residential multi-family dwellings, so a lot of the loading activities that will occur to the rear of the property, will be buffered, both visually and in terms of noise.

There will be plenty of parking available on this site. The Bylaw requires one space for every 2500-square feet. The building is approximately 45,000 square feet, which requires a minimum of 18 parking spaces and the site has 35 spaces at this time.

There will be no added lamination or exterior lighting proposed to the site that would cause any kind of glare to adjacent properties.

Mr. Grimshaw asked for any comments from the Board.

Mr. Menard asked how many trucks will be used on a daily basis. Mr. Ted Haase said there will be approximately 4 incoming trucks, and outgoing, there will be approximately 6 to 12 trucks. Depending on the level of business, there'll be the smaller box trucks with deliveries going out, as well as, some vans and pickup trucks, depending on what the needs are of their customers.

Ms. Friedman asked for clarification on that the incoming will be tractor-trailers and the outgoing will be boxed vans or passenger vans, depending on the need. Mr. Haase said yes.

Ms. Friedman asked what time in the morning will the tractor-trailer trucks start delivering to the site. Mr. Haase said approximately 9AM. Ms. Friedman asked if that included Saturdays. Mr. Haase said not typically on Saturdays, typically just during the week.

Ms. Friedman asked for an approximate time the last tractor-trailer truck would deliver. Mr. Haase said deliveries will be between 9AM to 3PM and the last truck should be around 3PM at the end of the workday.

Ms. Nist asked about snow removal. Mr. Haase said the company has someone contracted for snow removal.

Mr. Grimshaw asked the approximately number of employees. Mr. Haase said there would be approximately 10.

Ms. Friedman asked if the 10 employees included the delivery truck drivers. Mr. Haase said yes the 10 included the delivery drivers.

Ms. Friedman asked if the delivery trucks were kept on site. Mr. Hasse said yes, the employees come in their private vehicles to work.

Ms. Friedman asked how many company owned vehicles there would be. Mr Haase said approximately 10 vehicles at the most.

Ms. Friedman asked if the parking lot will be striped. Mr. Haase said yes.

Ms. Buck said she did visit the site and saw the parking lot was not yet striped. She noted a lot of existing vegetation and a heavily wooded area along the back of the property. Along the Clark Street side; there was a lot of existing vegetation as well. There's existing landscaping against the building and along the side of the building and she felt the existing landscaping was adequate.

Ms. Nist asked about handicapped parking. Ms. Buck said there wasn't a space specifically marked, but the Building Inspector did mention there should be a specifically designated handicapped space.

Ms. Friedman asked if the building was handicapped accessible. Ms. Buck said yes, the building is level with the ground; the parking space just needs to be marked.

Ms. Friedman said there should be at least one handicapped space. Ms. Buck noted that would depend on how many were striped. They might need two, or whatever is required by Architectural Access Board (AAB) requirements based on the number of spaces. Mr. Haase said it would be whatever is required.

Hearing no further discussion from the Board, Mr. Grimshaw asked for any comments from the public.

Mr. Bill Miley, Laurelwood Condominiums, said there were 72 condominiums units across the street and his concern was if there was ever a tire fire. He explained about his experience in 1943 regarding a tire fire that lasted 7 months and the poor air quality it caused to that area.

Mr. Grimshaw noted that the applicant and Fire Chief have been in communications regarding updating the building's sprinkler system. Mr. Haase said they will follow all current State Regulations regarding fire suppression, as well as not allowing any smoking on the premises. They will also follow all local regulations with Board of Health.

Mr. Miley asked if there would be any outside storage of the tires. Mr. Haase said no.

Ms. Jen Stanick, 6 Wasilla Drive, asked about the property's security. Mr. Haase said they will have a security system for the building and property.

Mr. Kevin Baker, 141 Clark Street, said his children's bedroom were only 35 feet away from this property line. His concern was with the security of the lot at night and asked about having a gate installed at the driveway entrance.

Mr. Grimshaw noted with the building being occupied would help with security. Mr. Baker agreed but still has a concern with nighttime security. Ms. Stanick agreed with Mr. Baker and

said there has been a lot of activity on that lot after hours and she would like to see a gate installed also. Ms. Renee McCue-Hall, Grandview Estates, agreed with her neighbors regarding installing a security gate at the entrance on Clark Street.

Ms. Friedman asked if there was any security lighting. Mr. Hinman said there are lights on the front of the building and on the both sides of the building and one in the back.

Mr. Elton Galloway, Grandview Estates said he lives approximately 200 feet to the right side of where the loading dock is located and has a concern with noise and smell when the delivery trucks come in to load and unload. He asked if there could be some kind of barrier installed to help block the noise and activity that will come from the delivery trucks. He asked if the trucks would stay idling when unloading and loading. Ms. Friedman said legally the trucks can't stay idling.

Mr. Grimshaw noted that there shouldn't be a noise issue at night because deliveries stop at 3PM. He explained there are certain things businesses would be allowed to do and the property was zoned for industrial uses.

Mr. Galloway said there are also residential properties and there are condos right next door and he lives in the one right next to this lot.

Ms. Friedman explained that if approved, the Order of Conditions will have the operating hours stated in it. If the operating hours are 7:30AM to 5:30PM that will be the only times deliveries can be made, they wouldn't be able to have tractor-trailer trucks coming in at 11PM.

Mr. Grimshaw asked Mr. Haase if they would consider looking into installing a security gate at the driveway entrance. Mr. Haase felt that can be considered.

Ms. Friedman explained that if there's a gate on the only entrance, the owners will need to make sure the fire trucks can get access to the property. Mr. Haase said they can put up a Lock Box for emergency access.

Ms. McCue-Hall asked approximately how many tires would be stored. Mr. Haase said around 40,000 tires.

Ms. Buck described the Draft Decision's General & Projects Specific Conditions.

General Conditions:

- 1) Final design and construction shall be in conformance to the plans submitted.
- 2) Unauthorized deviation from the approved plan may result in the issuance of a Cease and Desist Order.
- 3) Construction on the site must be started within one year from the date of approval and once begun, shall be actively and continuously pursued to completion within two years from date of approval.

- 4) Litter and debris on site shall be removed.
- 5) The use shall not result in any undue disturbance to adjoining property owners.
- 6) All travel lanes and parking areas shall remain accessible and clear of snow year round.
- 7) All signs shall comply with the Zoning bylaw unless a special permit is granted by ZBA.

Specific Conditions:

- 8) The applicant shall provide a key lock box for emergency services.
- 9) The sprinkler system shall be modified to the satisfaction of the Fire Department
- 10) Pavement markings and signage shall be provided as requested by the Police Department, as shown on a diagram prepared by Police chief.
- 11) To provide and stripe handicapped accessible space in accordance with AAB requirements, as well as providing 18 striped 10 x 20 spaces.
- 12) To install a security gate with chain lock across the entrance on Clark Street.
- 13) No outside storage of tires.
- 14) Outgoing deliveries limited to operating hours of 7:30AM – 5:30PM Monday through Friday and Saturday 7:30AM – 12PM. Receiving shall be between 9AM – 3PM Monday through Friday.
- 15) Trucks shall not remain in operation while parked when loading and unloading at site.

Comments from the Board:

Ms. Friedman asked if the parking spaces could be increased to 22, because there will be 10 employee vans, plus 2 part time employees. Ms. Buck noted that on the plan submitted, it showed 35 spaces (9 feet wide) and felt there would be enough room to add 4 more spaces (at the 10' x 20' requirement). Mr. Haase agreed.

Ms. Buck asked about the hours of operation. Mr. Grimshaw noted the delivery hours to be 9AM-3PM and operating hours to be 7:30AM-5:30PM Monday thru Friday with Saturday hours 7:30AM – 12PM. All agreed.

Waivers:

Ms. Buck noted when an applicant is reusing an existing building; many of the normal submittal requirements are not applicable. Therefore, the applicant requested waivers from detailed new site plans, a locus plan, a drainage report and from a traffic study.

All agreed to the waiver requests.

Mr. Grimshaw asked for any further comments, questions or concerns; hearing none, asked for a motion to close the hearing.

MOTION: Ms. Friedman moved to close the public hearing on 143 Clark Street, Site Plan Review.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

MOTION: Ms. Friedman moved to approve the Special Permit/Site Plan Review for 143 Clark Street, Tire Wholesale/Banner Tire with the modifications to the Decision as discussed at the

public hearing that a security gate be installed at the entrance on Clark Street and delivery trucks not remain in operation while parked, or loading and unloading products at the site.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Public Application

Request to amend Site Plan Approval, Auburn Street Solar Farm

Ms. Buck explained that the Highway Superintendent contacted her with concerns on drainage and asked for some drainage improvements. She spoke with Kevin Quinn who felt Highway's concern weren't directly tied to this project, but he did speak with the applicant trying to negotiate on fixing the problem. The applicant proposed reducing the number of trees from 208 to 60, in exchange for providing modifications requested by the Highway Department. However, there's a house in very close proximity to where this change is being proposed.

Ms. Friedman asked what the reasoning was behind this request, was it because the trees would block the sun from the solar panels or that they didn't want the expense. Ms. Buck said the applicant felt that with the money they could save with the reduction of trees, they could do the roadwork Highway wanted.

Board members felt that this was too great a reduction in trees, but they were open to compromise if the applicants want to discuss further with the Board. Ms. Friedman suggested putting this item on the next agenda and asking the applicant to come in and discuss his request with the Board. Mr. Grimshaw agreed.

Town Planner Report/General Board Discussion

A. Subdivision Regulations Amendments

This item will be tabled until the completion of the Open Space Plan.

B. Miscellaneous Project Updates

Fall Town Meeting

There will be a Fall Town Meeting in November and the Planning Board has nothing pending for the warrant.

Next meeting

Next Board meeting will be on October 7th and the November meeting will be on Wednesday November 5th because of the State Election on November 4th.

MOTION: Ms. Friedman 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 meeting packet:

- Agenda
- Special Permit / Site Plan Review Application for 143 Clark Street, Banner Tire
- Special Permit/Site Plan Review Draft Decision for 143 Clark Street, Banner Tire
- Memo to the Board from Town Planner
- Planning Board Minutes of 8/5/2014
- Comments received from Board of Health, Historical Commission, Cherry Valley and Rochdale Water District, Police Department, Conservation Commission, Fire Department, Highway Department, and Rochdale/Oxford Sewer Department regarding 143 Clark Street.

Documents submitted at meeting:

- CMRPC Downtown Leicester Project Scope

Approved at the October 7, 2014 Planning Board Meeting