

**Leicester Planning Board
Meeting Minutes**

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

ASSOCIATE MEMBERS: Kathleen Wilson

MEMBERS ABSENT: Barbara Knox, Board Secretary

IN ATTENDANCE: Michelle Buck, Town Planner

MEETING DATE: November 05, 2014

MEETING TIME: 7:00 pm

AGENDA:

7:00PM Open Space & Recreation Plan Update

7:15PM Public Forum:

Central Massachusetts Regional Planning commission (CMRPC)

Downtown Leicester Project Update, Eric Smith

8:15PM Public Application/Discussion:

Pondview Subdivision, Request for Extension & Performance Guarantee Discussion

8:30PM Approval of Minutes:

10/7/2014

8:20PM Town Planner Report/General Board Discussion:

A. FY2016 Budget

B. Solar Application, Boutilier Road

C. Miscellaneous Project Updates

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

Open Space & Recreation Plan Update

The only comments received were from Trish Settles, CMRPC, and Jan Parke, Common Ground Land Trust and their comments will be incorporated into the plan. Comments from the Board of Selectmen and the Planning Board have not been received yet.

Mr. Menard asked if snowmobile trails were included in the plan. Ms. Buck explained meeting with John True from the snowmobile club a couple of time. While he provided information about snowmobile trails, he didn't have a current up-to-date professionally-prepared map that showed all their trails, so she did not include a map in the plan. Ms. Buck mentioned that she could include preparation of a map as a recommendation. Mr. Menard asked if the Blackstone bike trail would be extended into Leicester. Ms. Buck said she'd check on this.

Town Planner Report:

Miscellaneous Project Updates

- *Auburn Street Solar Farm* is near completion. They have planted all 208 required trees and Ms. Buck will be doing a site inspection on Monday with Kevin Quinn; the Conservation Commission members will be doing their site visit sometime next week. This project should receive a final sign-off soon.
- *Briarcliff Estates* is coming up on its deadline. There was a new owner 2 years ago and their deadline is coming up again in January 2015. There hasn't been any work done on the

project within the last year. A letter will be sent to the developer asking for a project status report and to see if they would be seeking an extension.

- *1603-1605 Main Street* developers have submitted their extension request to the ZBA on their variance approval (this is the project that the Board granted an extension for at the last Planning Board meeting).
- *Boutilier Road Solar*. Another solar farm is being proposed on Boutilier Road on Nick Casello's property. They have submitted their application to the Conservation Commission for a determination, which will be heard on November 12th. Ms. Buck noted having a concern whether this project having legal road frontage and she will check on that.

Public Forum:

Central Massachusetts Regional Planning Commission (CMRPC) Downtown Leicester Project Update, Eric Smith

Ms. Buck gave a brief overview. She explained that the Town received a Technical Assistance Grant from CMRPC to do a study on the Town's Central Business District. It's basically an analysis of existing land uses and constraints. From the results of the study, CMRPC will make recommendations on how the Town should move forward.

Ms. Darlene Eager asked if the notice that was sent out, had come from the Planning Board to the people of Leicester. Ms. Buck said yes. Ms. Eager asked if there was a list of people who received them. Ms. Buck explained that it went to every property owner in the Central Business District. Ms. Eager disagreed and noted that not one property owner who owns property in the Center of Town received that notice. She asked who was responsible for sending the notices out and if there was a list of who got that notice. Ms. Buck said yes there was a list.

Ms. Eager continued. She and Benoit Lighting were not included in receiving the notice. She said both properties would be directly impacted by anything that happens and felt they were inadvertently left off the list. She found it hard to believe and asked for an explanation. Ms. Buck said the Department Assistant got a list from the Assessor's Office. The request made was for all the property owners in the Central Business District and that was who got a notice. Ms. Eager asked if she could get a copy of the list. Ms. Buck agreed to provide a copy.

Ms. Eager continued. She said the property owners in the Center of Town were never notified. Mr. Kevin Mizikar noted there was no conspiracy. Ms. Eager asked what it was then. There were 6 to 7 property owners in the Center of Town who did not get notified about this meeting.

Mr. Paul Morris noted to Ms. Eager that her property was not in the Central Business District. Ms. Eager agreed that could be the reason why she did not get one, but added there were other property owners in the Central Business District who did not get notified.

Mr. Eric Smith, CMRPC, made the presentation. He asked for the people present to identify themselves and their property's location. The following people were present: Mr. Mohsen Sadegh, 1152 Main Street; Affordable Doors and Windows; Debra Rigiero, Board of Health; Darlene Eager business owner on Pleasant Street; Paul Morris owns property at 1184 Main Street; Donald Lennerton, Jr., Historical Commission; Joseph Lennerton, III, Historical Commission; Jim Reinke, Zoning Board of Appeals and ADA Coordinator; Larry Patricks, Economic Development; Kevin Mizikar, Town Administrator.

Mr. Smith continued. This program is called “DLTA” Program – District Local Technical Assistance. This program allows Agencies, such as CMRPC, to provide technical assistance to communities. They will be working on the Town Center with this program, which was one of the “PDA” Priority Development Areas identified. Leicester’s Town Center was identified by the Town within the 2012 Central Thirteen Prioritization Project.

In February 2014, the Town submitted DLTA project request for an analysis of Leicester’s Town Center Regional PDA. CMRPC approved 25-hour PDA technical assistance for the assessment and that project would be undertaken in 2nd half of 2014. What they got back in February was to have an analysis of the Town Center and they are now focusing on a timeline on land use, zoning permitting, State street issues and public issues.

The Town’s Center PDA boundary is the CB Zoning District and they will be reviewing the zoning in the area of Route 9/Route 56. The Town has somewhat of a commercial cluster on Pleasant Street and Route 56. Then there’s a cluster around where the Castle Restaurant is located and after that it’s very residential in nature, other than the auto repair place that’s out by the PDA boundary.

The purpose is to encourage development and redevelopment of the Center and preserving the existing characteristics, such as the environment, the misuses that are there and the significance of the existing structures as well. What they wanted to have for most projects, was to allow the Town’s Planning Board discretion on preserving the area’s pedestrian-oriented characteristics, mixed uses and the existing structures of historical significance. For most projects, the Town would want the Planning Board’s review in order to keep the nature of Leicester Center.

Mr. Smith noted that just past the zoning district boundary, where Pleasant Street meets Route 9, there are two properties that were outside of the CB District and currently in Residential 2 District; 8-10 Pleasant Street is a mixed-use building and 16 Pleasant Street is a lighting store.

Ms. Eager noted 16 Pleasant was being operated under a gift shop. Mr. Smith noted those properties have some land use issues going on. The properties are zoned residential but the uses were more commercial in nature. On the other side of the street, there’s the Business District along Pleasant Street and where there is the new Cumberland Farms and the vacant site.

Mr. Smith continued. There’s been no change made to the dimensional requirements in the business districts. In the Business Zone, there’s the 25’ from the lot line issue and also the buffer requirements when abutting residential. He did an analysis on the business parcels in the Center and found there were 59 parcels in that district, with 27 (46%) having less than 15,000 square feet, making them nonconforming lots. In order for owners to improve their properties, they would have to go before the Zoning Board of Appeals, which is another hurdle for the business owner. He felt there should be some consideration made in the future on making some adjustments to the lot sizes and make those lots conform.

Most of the Town’s Center area is in the Water Resource Protection District, which limits use. Another provision in the bylaws is the CB District development/redevelopment shall comply with the Business District Site Development Standards. The residential use assessment was as follows: no single family residential; multi-family by special permit; senior village by special permit, but a 10-acre requirement could limit opportunities; mixed use developments, 1-3 units vertical - by right-; 4+ vertical and any horizontal - special permit.

The commercial use assessment has listed By-Right: Farmer's Market and Medical marijuana Treatment Center. Allowed by Special permit are: Place of Assembly Retail, Antique/Gift Shop, Office, Bank, Hotel/Motel, Restaurant, Gasoline/Service Station and Car Wash. Mr. Smith questioned if all of these uses were appropriate and noted the Resource Protection Bylaw would limit some of those uses. The industrial use assessment has listed: Storage warehouse and gravel, sand or stone removal for commercial venture by special permit. Mr. Smith questioned if these uses were appropriate in the CB District. The transportation use assessment listed a possible Trucking depot by special permit.

Mr. Smith continued. Customer parking is very important when dealing with a small lot and a business needs parking in order to make the business work. Parking has been built into the business district site development standards and gives the Planning Board flexibility, on a case-by-case basis, in determining the appropriate number of spaces. There are also requirements for landscaping and screening within the site development standards.

Mr. Smith asked if the Planning Board had adopted Design Standards. He felt it would be very helpful when working with old buildings and would help protect the structures design. There's a tool the Board adopted, "Adaptive Reuse Overlay District" (AROD, that could be utilized for the Watson Mill or the old municipal building at 1078 Main Street. There's also the Water Resource Overlay District that prohibits use for gas stations, auto or boat repair & body shop in the CB district. There's a stream that comes out of Sargent's Pond which flows into the Town Meadow Brook that travels through the resource protection area. Then there's the 100-200-foot buffer protection from a wetland.

Mr. Smith has been trying to target mixed-use development with a variety of small-scale retail business, while supporting the preservation of the structures that exist and keeping with the design standards. There are specific design standards along the Route 9 Corridor, and CMRPC, in 2010, did a Route 9 West Corridor Profile on that road. Leicester's Common National Register District boundary ends on the eastern side of the CB District.

Mr. Donald Lennerton, Jr. said the Historical Commission is at the point where that proposed District is already protected under Chapter 106, so development would be limited.

Mr. Smith said the Town should consider applying for FY2015 Mass. Historical Commission Survey and Planning Grant, pre-application due 11/17/2014. He felt the grant could possibly be used for the Watson Mill.

Mr. Smith continued. The Planning Board hired a private firm to do a Route 9 Corridor study in December of 2007 and CMRPC did a Route 9 West Corridor Profile that ran from Worcester line to the Spencer town line. One consideration to keep in mind was the entire Route 9 being under the jurisdiction of MassDOT and they do not allow on-street parking. He noted the daily traffic volumes range from 17,000-20,000 depending on the time of day. Some of the findings made were most of Main Street/Route 9 having sidewalks on at least one side, but there's the lack of sidewalks on Route 9 west. There was also a lack of safe pedestrian crossings in several areas along Route 9. Mr. Smith felt a more detailed study was needed regarding the streetscape.

Mr. Smith noted that Leicester could have success with redevelopment and reuse of the vacant buildings and noted a helpful resource for Towns is Mass Development. At this point, Mr. Smith asked for the public input and any questions they may have.

Mr. Donald Lennerton said the Dunkin Donuts structure in the center blended in with the neighborhood, which was his main concern and that entire area is now under Chapter 106. The Rawson Brook Cemetery, which is right next to the Castle Restaurant's parking lot, is one of the few places in Leicester where people come from all over the United States to come and see. Other than the college, he didn't know of anywhere else in Town where people would come from all over to see.

Mr. Joe Lennerton, III said the Historical Commission and the Planning Board have discussed how to protect the historical structures. He felt there should be some kind of plan to reuse as well as protect those structures.

Mr. Smith agreed those were all good points.

Mr. Jim Reinke felt one of the problems in the Center of Town was trying to get MassDOT to come to the table and discuss their jurisdiction or to try and take it out of their authority. It should be a two-way road with reduced speed and crosswalks, either raised or having a different surface or a different color, so cars can slow down. Right now, there was no reason for people to stop in the Center of Town unless you own property.

Ms. Eager said all this talk about walking and pedestrian traffic, where, Along Route 9 and 56? You either walk on one side or the other, but have no crossing ability.

Mr. Lennerton felt sidewalks should be all along Route 9 on both sides all the way up to East Brookfield.

Ms. Eager noted people take their lives into their own hands trying to cross Route 9 or Pleasant St.

Mr. Reinke said with two lanes of traffic there should be at least one side having on-street parking, with a center turn lane; double the center turn lane in either direction, which would help people turn onto Route 9. He felt what also should be taken into consideration, was what will be going on with Worcester Airport, because that would have a definite impact on the Center of Town.

Mr. Smith said CMRPC has been involved with the Airport's construction plans. MassDOT has been kept informed with the Airport's future plans.

Mr. Reinke said what is needed is municipal parking if possible.

Mr. Donald Lennerton said that's been discussed when the Town was getting ready to sell the old Police Station use to be, because a lot of the shops in the Center don't have parking.

Mr. Reinke said if we want to make Leicester a destination, we need to have a reason for people to come here and a place to park and walk. Mr. Reinke felt this was a good opportunity to help the Center of Leicester. Mr. Smith agreed.

There was an open discussion on some possible uses and ideas with the buildings and properties within the CB District.

Mr. Smith continued. One resource that is available the Town can take advantage of is the Technical Assistance Program. That program can conduct a market assessment for a parking facility for example.

Ms. Buck noted Leicester applying three times for a Market Assessment for the CB District and said the Town could consider re-applying.

Ms. Buck opened discussion up for any questions or comments the audience may want to ask as far as what additional uses should be allowed or any changes they would want to see in that regard.

Ms. Darlene Eager asked if this study was going to promote reuse of historical buildings and show what additional hoops the buyers or owners would have to go through, as opposed to a building that is not considered historical.

Mr. Wright said a good example on restoration of historical buildings to the way they used to look, would be the Appleton Mill located in Lowell, Ma. A mill like that is good to bring in as housing complex, but the zoning usually has to be modified to allow that multi-unit housing and still meet all the necessary building codes in the State of Massachusetts.

Mr. Smith explained restoring an historical building would go on 30% of assessed value of the building. Ms. Eager said she wasn't asking about the assessed value. She asked in terms of meeting the current zoning [speaker appeared to be referring to building codes], would she have to do more than 50%. Her building is already in good shape and she wanted to change the use and turn it into business without renovating.

Mr. Wright explained in order to turn a building into a business, accessible parking would need to be provided. Accessible parking and an accessible entrance are required by law, as well as providing an accessible bathroom for employees. If the upgrade to the building is less than 30%, a full accessible upgrade to the property is not necessary; it's the 30% of the assessed value.

Mr. Smith said there were many communities who have dealt with far worse conditions when restoring historic buildings and those buildings were reused for housing, mixed-use, commercial space, industrial space, retail or a restaurant, but because of the zoning requirements, it can become restrictive. He noted a business in the past that made an attempt to locate in the Center of Town, but had many issues because of the zoning.

Mr. Smith asked what made it restrictive. Ms. Friedman said there was no parking, which was the biggest issue.

There was some discussion back and forth regarding reuse of historic mills, and tying Becker College into the Town Center.

Ms. Eager said there was some discussion regarding the properties that were not zoned Central Business and asked Mr. Smith for his opinion or a recommendation on what he feels he would like to see happen in Leicester.

Mr. Smith said if her property is being used commercially, which is right outside the boundary (he referred to the map), he would recommend changing it to commercial. It would be just bumped out to include the two properties. He always likes to try to make the zoning fit the land use.

Mr. Reinke asked if that building would be going back to a residential use. Ms. Eager said her building is currently residential.

Mr. Reinke asked if that was its current use. Ms. Eager said it is currently residential, but she did have a special permit to have her real estate business there. The lighting business is next door to

her property and is operating as a lighting business in a residential district, by being classified as a gift shop. They do not have gifts, they have lighting. Again, it's not a conforming business to what is going on there. It is contiguous with the other properties and both buildings have been used as a business and one is currently still being used as business. It makes sense that they should all be commercial.

Mr. Smith said across the street in that area is where the business zone kind of starts.

Ms. Eager asked what is being done with the vacant lot that Cumberland Farms owns. She felt no matter what is done, the residents are stuck looking at a blighted lot.

Ms. Buck said there have been some discussions within the last year on cleaning up that lot and putting in some landscaping, but that status is unknown.

Ms. Smith noted that Mass Development has resources but they won't give the resources to people who cause the issue. For someone who wants to buy the property and open up a business there is what the resource would go towards.

Mr. Reinke said the idea of trying to become a pedestrian friendly atmosphere is dependent on the business brought in and having a car wash or gas station might not be a good idea in the Central Business District.

Mr. Smith said the next step is to complete the PDA Assessment, submit a draft report and recommendations to the Planning Board by the end of November and it will be posted on the Website.

There will be a comment period and with comments in hand, Mr. Smith will prepare a final report for the end of December.

Public Application/Discussion:

Pondview Subdivision, Request for Extension & Performance Guarantee Discussion

Mr. Salah Asfoura was present.

Ms. Buck asked where the project stood, what their intentions were, what work had been done in the last year and if the streetlights and street trees were installed. Mr. Asfoura said the trees were planted two to three months back and the streetlights have been ordered. They did planting around the pond and then he asked what the issue was with the walkway.

Ms. Buck said the Planning Board approved a waiver from the standard 5-feet to 4-feet [width of sidewalk] and there's a section by the retaining wall where it drops down to 3-feet wide. The options were either to try for a variance from the Architectural Access Board or to repair the wall.

Mr. Asfoura felt going through the Architectural Access Board would take too much time and they were going to attempt to repair the wall. Ms. Buck asked if there would be a 4-foot clearance the entire length. Mr. Asfoura said yes.

Mr. Wright asked about the concern on relocating the wall. He understood that the wall couldn't be moved. Ms. Buck agreed and questioned how the applicant planned on fixing the wall. Mr. Asfoura felt they could accommodate a 4-foot clearance.

Ms. Buck asked for the proposed timeframe. Mr. Asfoura said fixing the wall was the reason for the extension request and felt it would be completed in the spring [2015].

Ms. Friedman suggested to Mr. Asfoura that in the meantime to apply for a variance from the Architectural Board it may be quicker. Ms. Buck agreed and asked Mr. Asfoura for his opinion. Mr. Asfoura felt that in the time it would take to be heard and approved through the Architectural Access Board, the wall would be fixed.

Mr. Wright disagreed and felt a decision from the Access Board could be received within a couple of months, as opposed to waiting until April or May to do the work. He understood that the wall couldn't be relocated because of an issue that Kevin Quinn made mention of. Ms. Buck said there was an issue and the remedy offered was at her recollection, a complete reconstruction and relocation of the wall or shifting the entire road to the east. It can be done, but it would be very expensive.

Ms. Buck asked if the Board members were agreeable to reducing the required sidewalk width if the Architectural Access Board approved the waiver. No objections were raised.

Ms. Friedman asked to write up and send the options to the applicant, so they can bring it to their engineer to review. Ms. Buck said that was already done in August. Ms. Friedman suggested to resend it, noting the two options and to let the Planning Office know immediately which option they plan to pursue.

Ms. Buck said where this stands is that the deadline to complete work in both the subdivision approval and performance guarantee was October 27, 2014 and the request to extend was received before that deadline. She was not comfortable recommending the Board approve an extension at this time, unless it's a short-term extension.

Ms. Friedman agreed that a short-term extension would be appropriate, because there wouldn't be any work started until spring at this point. If the Board approved a 2-month extension, it would allow the applicant to apply for the variance from the Architectural Access Board. If at that point, nothing has been done, then the Board can decide whether or not to continue.

MOTION: Ms. Friedman moved to extend the deadline to complete work two months to the January 6, 2015 Planning Board Meeting, at which time, the developer will either have applied for a variance and if he hasn't, the Board will reassess the surety at that point.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Approval of Minutes

10/7/2014

MOTION: Mr. Wright moved to approve the minutes of October 7, 2014

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Town Planner Report

A. FY 2016 Budget

Ms. Buck reviewed the FY2016 Budget Proposal and consolidating Department budgets. Planning, Zoning, Conservation, Board of Health and Moose Hill budgets will be consolidated into one budget known as Development & Inspectional Services.

B. Solar Application, Boutilier Road

An inquiry was made regarding application fees. The fees go up significantly for new commercial structures over 3,000 square feet. After review of the fee structure, it was agreed the commercial solar projects such as the pending Boutilier Road would fall under new commercial structures over 3,000 square feet category.

C. Miscellaneous Project Updates

Parker Street

Land Court proceedings on Parker Street have been suspended pending the outcome of bankruptcy court determination and/or foreclosure on the property. The next status hearing with the Land Court Judge will be on December 12, 2014.

MOTION: Ms. Nist moved to adjourn meeting.

SECONDED: Mr. Wright – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:45PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in mailing packet

- Agenda
- Memo to the Board dated 10/30/2014 from Michelle Buck
- Final Completion checklist to Draft Open Space Plan
- Memo dated 10/16/2014 from CMRPC regarding comments on the 2014 Open Space Plan
- Memo from Carol Harley dated 10/26/2014 regarding comments on the Open Space Plan
- Memo from Jan Parke dated 10/20/2014 regarding comments on Open Space Plan
- Memo from Trish Settles dated 10/16/2014 regarding 2014 OSRP Letter of Support
- Copy of Public Meeting Notice for Public Forum Downtown Project
- Planning Board Minutes of October 7, 2014

Documents submitted at meeting

- CMRPC public workshop pamphlet

Approved at the 1/6/2015 Planning Board Meeting