

**Leicester Planning Board Meeting Minutes**  
**May 15, 2013**

MEMBERS PRESENT: Jason Grimshaw, David Wright, John McNaboe, Debra Friedman, Sharon Nist

ASSOCIATE MEMBERS: Kathleen Wilson

MEMBERS ABSENT:

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

MEETING DATE: May 15, 2013

MEETING TIME: 7:00 pm

AGENDA:

- 7:00PM Discussion:  
Common Ground Land Trust, Jan Parke
- 7:15PM Discussion:  
Carey Hill Estates, request for public road acceptance
- 7:20PM Public Hearing:  
Proposed Parking Regulations
- 7:45PM Approval of Minutes:  
4/17/2013
- 8:00PM Town Planner Report
- Correspondence from Historical Commission
  - Draft Leicester Route 56 Priority Development Area Report
  - Miscellaneous Project Updates

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Ms. Friedman called the meeting to order at 700PM

**Discussion:**

Common Ground Land Trust, Jan Parke

Ms. Parke had called the office a little while ago asking to get on one of the Board's meeting agenda. At Town Meeting, Ms. Buck spoke with Ms. Parke and invited her to attend tonight's meeting. Ms. Parke was not present. [Note: Agenda mistakenly listed this item as Greater Worcester Land Trust.]

**Discussion:**

Carey Hill Estates, request for public road acceptance

Ms. Buck called Attorney Kiritsy yesterday because she had not received any notification on the catch basin cleaning and the street sweeping. Bob Reed, Town Administrator suggested to wait for them to call her, but she called Mr. Kiritsy. Mr. Kiritsy told her that the catch basin cleaning was done this past weekend and that the street sweeping would be done today, May 15<sup>th</sup>, "before it rains".

Mr. Wright asked what time it started raining. Ms. Nist noted around 3PM.

Ms. Buck said Kevin Quinn was at the site around 2PM and the streets were not swept. She sent an email to Attorney Kiritsy asking him to call the Planning office. She noted the continued road acceptance hearing was continued to Monday, May 20, 2013.

Ms. Buck continued. She spoke with Attorney Cove yesterday and it appeared that there wasn't a particular reason the items the Highway Superintendent identified can't be covered by the \$10,000 escrow money. She felt that Attorney Kiritsy may challenge some of those items identified.

*Mr. Grimshaw arrived at this point.*

One of the items identified involved a drainpipe and a private property owner. Ms. Buck felt Attorney Kiritsy will challenge the Town on that, because it's on private property and because the \$10,000 was only supposed to cover new damages between November 2012 and present. These are the items that should be covered: a sinkhole in Anna Circle, driveway approaches broken apart, berm damage and sidewalk damage on Homestead Lane from plowing.

Mr. Wright asked that when Kevin Quinn went out there, were the catch basins cleaned. Ms. Buck said Mr. Quinn left the site because he wanted to do just one inspection. When he saw there was sand everywhere and the roads clearly hadn't been swept, he left and informed her that he would go back and check both items at the same time.

Ms. Buck said that where this stands is that the road layout hearing is Monday and the road certainly isn't perfect but if the Planning Board wants to move ahead with this, a new vote can be taken similar to the one taken last week. Making a motion recommending acceptance pending completion of the street sweeping and use of the escrow funds for work items identified by Tom Wood to the extent they are allowed by the agreement.

MOTION: Mr. McNaboe moved that the Planning Board recommend acceptance of Carey Hill Estates request for public road acceptance pending completion of the street sweeping and use of the escrow funds for work items identified by the Highway Superintendent.

SECONDED: Ms. Friedman – Discussion: None

VOTE: All in Favor

Ms. Buck said that when she spoke with Attorney Kiritsy yesterday, he immediately lost his temper because Blair wanted to do complete all the work before Town Meeting. She understood the escrow money would take care of the minor items. But Mr. Kiritsy got upset that he wasn't told about the minor items before the Town assumed they would proceed with use of the escrow money.

Mr. Kiritsy was talking to her about going out to do the work and Ms. Buck explained that no one was asking them to do the work; she was asking them not to fight the Town on using the money to finish the minor work items. Ms. Buck noted it would be difficult if Blair tries to complete the work before Town Meeting because that would leave no time for Kevin Quinn to go and inspect it.

### **Approval of Minutes:**

4/17/2013

Ms. Friedman noted in the minutes it shows John McNaboe as Associate Member and Kathleen Wilson absent and felt the names should be switched.

Mr. Wright said Mr. McNaboe was present because he was quoted in the minutes asking a question regarding Parker Street.

MOTION: Mr. Wright moved to approve the minutes of April 17, 2013 amended as follows that Mr. McNaboe being present and Kathleen Wilson, Associate Member was absent.

SECONDED: Mr. McNaboe

VOTE: All in Favor

Mr. Wright and Ms. Friedman questioned Mr. McNaboe being present.

After a brief discussion, Board members agreed that the tape will need to be listened to in order to determine who was present and who was absent.

MOTION: Mr. Wright rescinded his motion until after further review of April 17<sup>th</sup> minutes to correctly determine member attendance.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

### **Public Hearing:**

#### Proposed Parking Regulations

Mr. Grimshaw read the Notice into the record and then gave the Hearing instructions and procedures.

Ms. Buck presented and reviewed a draft copy on the Parking Regulations. She was able to review some parking bylaws from surrounding communities and noted in her memo to the Board that in most cases, these are included within a Town's Zoning Bylaws. Leicester actually decided, in 2006, not to go that route when originally talking about parking requirements. Instead, Leicester added a sentence in the bylaw that authorizes the Planning Board to adopt regulations. This Board has done that with several things, i.e. Site plan review submittal requirements and regulations. The reasoning behind that was because the Board felt someone should not have to go to the ZBA for a variance, which has somewhat impossible legal requirements, in order to change the number of parking spaces.

Ms. Buck said that upon researching parking regulations from other Towns, one of the frustrating things was in many ways, the numbers are was an arbitrary. No matter what number you go with, the numbers were all over the place. Retail parking spaces were the ones most asked about and 1 per 200 square feet was the most common requirement. There have been a few communities in recent years that have required fewer spaces, because there is a growing concern on requiring too many parking spaces. There are other communities that have a maximum number of spaces.

Mr. McNaboe asked how many parking spots Wal-Mart had. If retail requires 1 per 200 square feet and Wal-Mart has approximately 230,000 square feet up there, that lot doesn't seem to ever be entirely full, even at Christmas time. Ms. Buck wasn't sure how much square footage Wal-Mart used, but they openly said, at the time of application review, they provide more parking spaces than most Towns require and they are the reason some Towns now have a maximum number.

Ms. Buck noted that one reason updating this regulation has been put off, was because there is sort of a movement recognizing that sometimes these regulations require too many parking spots, and Leicester's approach has kind of worked. There have been no standards whatsoever in Leicester and it has been determined on a case-by-case basis. The only time it has become a problem, is when occasionally people come in wanting to put something in and common sense tells you that there was no room for them to do what they want to do, and the Town hasn't had the ability to say no. That's the primary motivation for having regulations.

Mr. Wright said for multifamily dwellings, the required parking is 1.5 spaces per dwelling unit for 1 bedroom and 2 spaces per dwelling unit for 2 or more bedrooms. He suggested, if possible, making it; 1 space per dwelling unit and a ½ space for elderly.

Ms. Nist asked what someone gets out a ½ space. Mr Wright said that's based on the elderly and driving, there won't be many who have cars.

Mr. McNaboe said some units could have two cars, others may have none.

Ms. Friedman said with a 2-bedroom, it really depends on the individual. Mr. Wright agreed.

Ms. Friedman said in a rural area, where there isn't a good of public transportation, there should be at least 1 space per dwelling unit.

Ms. Buck said there were a few places within the regulations where there had to be a reference back to the bylaw. The Senior Village Bylaw requires 2 off-street parking spaces per principal dwelling unit. Although there are fewer spaces required if it's assisted living or congregate care.

Mr. McNaboe said one can be in the garage and the other one can be in the driveway, which are the 2 vehicles.

Ms. Buck said so if it's independent, basically, it's two. Assisted living its one space per dwelling and long-term care is a ½ space per bedroom, per dwelling.

Ms. Nist noted there could be some seniors who will each have their own vehicle.

Mr. Wright said he was just looking at this based on his experience and what the areas around Boston do.

Mr. Grimshaw suggested going through the Table of Parking Space Requirements and discuss each, category by category.

### III. Table of Parking Space Requirements

#### Single-family and two-family: 2 spaces per dwelling unit.

Ms. Nist was concerned with some single-family units, there could be three kids and each one has a car, where are they going park?

Mr. Grimshaw said he could be convinced to go with three spaces, but felt that was an exception.

Ms. Buck said 2 spaces is usually the minimum and 90% of the residents in Leicester have enough space to accommodate several people parking in their driveway.

#### Multifamily dwellings: 1.5 spaces per dwelling unit for 1 bedroom; 2 spaces per dwelling unit for units with 2 or more bedrooms, plus 1 space per every 3 units.

Ms. Friedman felt 1.5 spaces was a good number to have because with a 1-bedroom unit, there could be two people who live there.

Mr. Wright asked if this is for off-street parking. Ms. Friedman said yes.

Ms. Buck noted that she will add the reference on Senior Villages.

Mr. Wright asked if there was an impervious surface requirement in the regulations.

Ms. Buck said no, not in the regulations. There is sort of a reference to that listed under Waivers & Exemptions #4, "The area necessary for the reduced spaces is available on the lot and reserved for potential future use." If the applicant felt the Town's requirements were too strict and they showed there was adequate room for it, it won't require for the area to be paved.

#### Family Child Care Home 2 parking spaces (in addition to parking required for residential)

#### Child Care Facility 1 space per 4 students at maximum enrollment, plus a dedicated drop-

#### Retail Business 1 per 200-s.f. gross floor area (minimum of 3 per establishment)

#### Service (includes personal services, laundromats, dry cleaners, banks, etc.) 1 per 225-s f. gross floor area

#### Business and professional offices 1 space per 350-s.f. gross floor area

Mr. McNaboe said based on the type of business, there could be some customers who could be parked for an hour or more. Would 1 space per 350-s.f. be enough?

Ms. Friedman asked what the size of an average office was. Mr. McNaboe said probably around 100 square feet.

Ms. Friedman said when you think of the average office, most people don't have just an office. There are sectioned areas and then there is a bathroom, etc.

Mr. Wright agreed and said there could also be a 2-story office building housing multiple professions. He asked if the 350-s.f. of gross floor area was being determined on per office use or for the entire structure.

Mr. McNaboe said it was for the entire structure, including bathrooms, storage, etc.

Ms. Friedman said the idea behind this is so the applicant wouldn't have to apply for a variance.

Restaurants 1 space per employee on the largest shift and 1 space per 3 seats based on the maximum seating capacity of the facility

Theaters 1 space for each 4 seats of total seating capacity

Automobile Sales and Services 1 per 200-s.f. gross floor area used for offices, plus 1 per repair bay (Does not include area for storage and repair of motor vehicles for sale)

Mr. McNaboe noted that someone may find that the required parking doesn't work for a certain business use; at that point, the Board can always come back and correct it.

Ms. Friedman agreed and added that with theaters; for the most part, usually tend to be in shopping plazas where there is a lot of parking available.

Hotels, motels 1 space per guest room, plus 1 per employee working on the largest shift, plus the number of spaces as required elsewhere herein for restaurants, assembly halls, function rooms, shops and similar functions if occurring on the premises

Hospital, Nursing Home 1 space for each 3 beds, plus 1 space for each employee serving on the shift having the greatest number of employees

Clubs, lodges and other places of assembly 1 space per 3 seats or occupants of total seating/occupancy capacity

Mr. Wright felt it should be 1 space per 4 seats. Ms. Nist said it was considered to be no different from a restaurant.

Mr. Wright disagreed and said they have different building codes. Mr. Grimshaw suggested going with 4 for consistency.

Rental enclosed self-storage a minimum of 3 spaces per facility, plus 1 per 100 storage units

Laboratory or Research Facility 1 per 1000-s.f. GFA

Manufacturing/Industrial 1 per 1000-s.f. GFA

Mr. McNaboe asked if that included loading docks or the trucks.

Ms. Buck said no, just personal cars.

Warehouse 1 per 2500-s.f. GFA

All other permitted uses adequate parking spaces to accommodate under normal conditions the cars of occupants, employees, members, customers, clients and visitors to the premises, to be determined by the permitting authority based on a similar use in this table, or based on data submitted by the applicant. The permitting authority may give consideration to the hours of usage of the proposed use/structure, the opinions of municipal officials and consultants as to the adequacy or inadequacy of parking spaces for the proposed use/structure, as well as other relevant information provided by the applicant

Ms. Buck noted that the “All Other Permitted Uses” list reverts back to what the Board normally does now.

Ms. Buck continued. Some communities only list 5 uses total, for example, Office, Retail, Manufacturing and then will have the Other Permitted Uses. Then there are other communities who have multiple pages of listed uses. She asked if the Board wanted any other uses added to the current list. There was some discussion regarding schools, dance studios, gyms and indoor recreation areas, Ms. Buck suggested doing some more research regarding what other communities may require for schools, gyms and indoor recreation areas. All agreed.

Ms. Friedman noted that with a dance school, it could be tough to do, because sometimes they don’t need a lot parking and then other times when they need a lot of parking. Mr. Wright agreed and noted that it would be the same with a gym.

#### IV, Parking Facility Design

##### *A. Parking Space Size*

Mr. Grimshaw asked if it was safe to assume the space size was standard.

Ms. Buck said most communities require 9’ x 18’ parking spaces. The Board can look at changing that long-term, but she left it at 10’ x 20’, because in several of the Town’s commercial districts, that size is noted in the Zoning Bylaw and nothing can be done about that without a Zoning Amendment.

Ms. Friedman felt 10 x 20 is a better way to go because of the SUVs and larger trucks people now drive. She would rather require the more generous number, because you can always go down a little.

##### *B. Width of Drive Aisles*

Ms. Buck said the Town Engineer usually always recommends the drive aisles be 24 feet, which was why she used the 24 foot width in the regulations

Mr. McNaboe felt that overall; this proposal does address the parking space issue.

Mr. Grimshaw agreed.

Mr. Wright noted that the perpendicular parking at 24 feet between spaces, which would be like a double spot and he questioned if something should be put in there for a single where the requirements would be less, such as 16. Ms. Buck said she would want to discuss that with the Town Engineer to see if that would be an appropriate width.

##### *C. Driveway Width*

##### *D. Handicapped parking Spaces*

##### *E. Layout*

##### *F. Pedestrian Access*

##### *G. Lighting*

##### *H. Loading Space*

##### *I. Landscaping*

Ms. Buck noted that some of the Town’s Zoning Districts already have these requirements. This section (Parking Facility Design) covers the Districts that don’t. For example, BR-1 has nothing, there are no standards on anything.

## V. Waivers & Exemptions

Ms. Buck said under Waivers the way it states now is “The requirements of Section III (which is just the Table of Parking Space Requirements) maybe reduced”, then there are stated reasons why. She asked if the Board wanted the ability to waive the other items, i.e., access aisles, etc.

Ms. Nist asked if the Board really wanted to make that a separate issue.

Mr. Grimshaw felt making the ability to waive part of the regulations would give the Board more flexibility on a case-by-case basis.

Ms. Buck asked if the Board had any further questions or comments; hearing none, asked for a date to continue.

MOTION: Mr McNaboe moved to continue the Public Hearing on the Proposed Parking Regulations to Tuesday, June 4, 2013 at 7:30PM.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

## **Town Planner Report**

### Correspondence from Historical Commission

Received was copy of a letter sent from Donald Lennerton Chair of the Historical Commission to Congressman McGovern, stating concern with Becker College and Leicester Board of Selectmen deciding to utilize and redirect grant money awarded for the purpose of the restoration of the Rev. Samuel May House and use it to redesign the Town Common. Due to a change within the administration of Becker College, there is no longer the wish to restore the May House and the College and Selectmen decided to utilize the grant money to redesign the Common.

### Draft Leicester Route 56 Priority Development Area Report

There were two things changed within this draft. One is in the original version, under Recommendations and Next Steps; page 11 and the other one is on page 12 of the new version. On page 11 of the original version, second paragraph, second sentence; it states; “While the zoning district allows various industrial uses, they are, for the most part, by Special Permit” and this is not the case. It’s a wide-open district and so it was revised to read; (page 12 of new version, second paragraph), “both the HB-2 and RIB-1 districts allows a variety of commercial uses, most by right, which conforms to concerns of the Town’s desire to encourage development in the study areas.” The second issue was to have the developable areas added to the map and physically show where the developable land is. Shown in color, the pink is the developable land and the brown is re-developable land and most of that land is unrestricted.

This study is from the Central 13 Project and one of the things was that it allocated money to each community to do a study on one of the priority development areas.

Mr. McNaboe asked if that information can be now used as a package for the Economic Development Committee to go and promote those areas. Ms. Buck agreed and felt that was the intent, because it does contain information that the EDC can use.

Mr. McNaboe noted other communities having these packets of information to hand out to potential businesses and Leicester should be packaging something like that. Mr. Grimshaw agreed.

Mr. Wright pointed out that in this brochure it noted that the EDC’s webpage within the Town’s website currently promotes the geographical, economic and political advantages of doing business in the Town of Leicester.

Mr. McNaboe asked if the EDC could take this information and use it as their starting point.

Mr. Grimshaw said he would bring this forward at the next EDC meeting, although there has been discussion at their meetings on trying to put together a brochure of the Town, showing what areas area available for development.

Ms. Buck noted that the CMRPC's analysis report was just a draft and it was brought to the Board tonight to see if there were any comments or concerns they wanted to include and submit to the CMRPC representative doing the analysis.

Mr. McNaboe asked if there was any funding leftover that can be used towards putting this report into a user-friendly format that the EDC could actually use. Ms. Buck didn't think there was funding available for that. There are some posters left over from the Master Plan Forum that could be used by the EDC. She noted she is willing to help create a brochure using the report. She is willing to attend EDC meetings, but has been unable to because they fall on Tuesday nights and she works every Tuesday night.

#### Miscellaneous project updates

Kevin Quinn has submitted another letter regarding Abbot Flooring. He submitted a letter last week asking about 803 Main Street, Abbot Flooring and the Board had no objection for him to doing work there. Mr. Quinn has now found out that the work may involve more than originally anticipated. He originally thought that the work would involve just doing a little bit of work to get Abbot Flooring a Certificate of Compliance with the Conservation Commission. It turns out that there was additional paving work done and that there may be a violation of a ZBA Special Permit and it may have to go back before the ZBA to amend the Special Permit for impervious surface. Mr. Quinn's recent letter is basically asking the same question as the previous, whether the Board had any concerns about a conflict and if so, he wouldn't take the job.

Mr. McNaboe said he didn't have a problem, as long as Mr. Quinn kept the Board informed like this. He felt Mr. Quinn was being very forthcoming and he personally, didn't have an issue and did not see a conflict at this point.

Mr. Grimshaw agreed and said it was the right thing to do in keeping the Board informed.

Ms. Buck noted that Mr. Quinn just wanted to help someone close-out a project.

Mr. McNaboe said that the Board would also like to see someone occupy the building instead of having another empty building.

#### Comments from the Board

Mr. Wright asked if there was any information received about the Schold's decision from Land Court. Ms. Buck said she has not received any information, other than hearing about a petition being filed with the court, where the Scholds are trying to get the matter reviewed by a foreclosure judge, rather than in Land Court. Attorney Cove would like it to remain in Land Court.

Mr. Grimshaw asked for any further comment, questions or concerns; hearing none, asked for a motion to adjourn.

MOTION: Mr. Wright moved to adjourn meeting

SECONDED: Mr. McNaboe – Discussion: None

VOTE: All in Favor



Meeting adjourn at 8:20PM

Respectfully submitted,

*Barbara Knox*

Barbara Knox

**Documents included in mailing packet**

- Agenda
- Memo to the Board from Michelle Buck regarding May 15<sup>th</sup> meeting dated May 8, 2013
- Copies of a letter from Historical Commission sent to Congressman McGovern dated May 2, 2013
- Copies of a letter from Historical Commission sent to the Board of Selectmen dated May 2, 2013
- Draft copy of Proposed Parking Regulations dated 4/25/2013
- Planning Board Minutes of April 17, 2013
- Draft copy of CMRPC's analysis report on the Town of Leicester's priority development areas.

**Documents submitted at meeting**

- None

**Approved by the Leicester Planning Board July 9, 2013**