

## **Leicester Planning Board Meeting Minutes**

**June 4, 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: June 4, 2013

MEETING TIME: 7:00 pm

AGENDA:

- 7:00PM Public Application  
Covenant Release; Briarcliff Estates
- 7:15PM Approval of Minutes  
10/30/2012 Executive Session  
4/17/2013  
5/7/2013
- 7:30PM Public Hearing Cont:  
Proposed Parking Regulations
- 7:45PM Town Planner Report
  - New SP application 1603-1605 Main St – set hearing date
  - E-permitting grant update
  - FY 2014 Projects
  - Vacation Request
  - Miscellaneous Project Updates

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Mr. Grimshaw called the meeting to order at 700PM

### **Public application**

#### Covenant Release; Briarcliff Estates

Ms. Buck gave a brief overview saying this was a project from 2004-2005 that was secured by a Covenant. At that time, the Board approved a partial release from the Covenant, but when the prior owner wasn't able to keep up with the performance guarantee requirements, the project became under-secured. The Board put a new covenant on the project re-restricting the sale or building of any of the unconstructed units. The project was sold and in February 2013 and the Board voted to approve a new Performance Agreement and approve a new Letter of Credit with the new owner, who is officially known as Briarcliff Estates, SV LLC. With the new Performance Agreement was approved, the project is now fully secured for the full amount, so it makes sense to release the Covenant. The Board will need to take a vote to release units 1-34 from the 2009 Covenant.

MOTION: Mr. McNaboe moved to release units 1-34 of Briarcliff Estates from the 2009 Covenant.

SECONDED: Ms. Friedman – Discussion: None

VOTE: All in Favor

## **Approval of Minutes**

### 10/30/2012 Executive Session

MOTION: Mr. McNaboe moved to approve the minutes of October 30, 2012

SECONDED: Mr. Wright - Discussion: None - VOTE: All in Favor

### 4/17/2013

MOTION: Mr. McNaboe moved to approve the minutes of April 17, 2013

SECONDED: Ms. Friedman – Discussion: None - VOTE: All in Favor

### 5/7/2013

MOTION: Mr. McNaboe moved to approve the minutes of May 7, 2013

SECONDED: Ms. Friedman – Discussion: None - VOTE: All in Favor

## **Town Planner Report**

### New SPR application for 1603-1605 Main Street – set hearing date

Ms. Buck noted that this property is across from Wal-Mart where the traffic light is located.

Ms. Friedman asked what was being proposed. Ms. Buck said the applicant applied for multiple uses: a fast food establishment, gas station, bank, and car wash. The will need at least 3 special permits. The next regular meeting falls on July 2<sup>nd</sup> and the Board was asked who would be available. After a brief discussion, a quorum will be available, so the hearing will be scheduled for 7/2/2013.

### E permitting grant update

Ms. Buck attended the CMRPC interview for the two finalists to be the venders for the electronic permitting project. This is a 9 Town e-permitting project and it was awarded to a company called GeoTMS. All 9 towns are to have all their permits in an electronic online format by the end of this calendar year. The company selected seemed to have very user-friendly software and the staff was very knowledgeable and accessible for questions. The way the fee structure would work is a percentage of the application fees would go back to the GeoTMS for upkeep of the system. The departments this affects include Planning, Building, Board of Health, Conservation, and Zoning.

Mr. McNaboe asked if the forms would be standardized among the 9 towns. Ms. Buck said no, each town would have their current individual forms. Where there are State Forms, for example, such as Conservation permits, those are already in a standardized form. This company will take each department's current form and convert it into a simple entry method, but when printed out, it will be on the form that looks exactly the same as the form currently used.

Ms. Buck noted that Leicester would be unable to take full advantage of this system, because it does not yet have in place a GIS system.

### FY 2014 projects

Ms. Buck asked if the Board had any preliminary suggestions on items they wanted to see accomplished in FY2014.

Mr. McNaboe asked if there were any gaping holes, as far as, what the Board was supposed to have accomplished, to what is listed in the Mater Plan.

Ms. Buck said the focus has been on zoning changes; most non-zoning related tasks in the Master Plan are not done. In terms of what the Board has talked about in the past, there were several subdivision regulation changes that needed to be worked on.

Mr. McNaboe felt this would be a good time to work on the subdivision regulations while it's quiet, subdivision wise. Ms. Buck agreed, and noted it would be items such as streetlights and road construction standards. Ms. Friedman also agreed saying this can be done without having to get Town Meeting approval.

Ms. Buck said she will re-distribute the Master Plan list and put this item back on the next meeting agenda for review.

#### Vacation request

Ms. Buck is requesting the week of June 24<sup>th</sup> – June 28<sup>th</sup> for vacation.

MOTION: Ms. Nist moved to approve Ms. Buck's vacation request.

SECONDED: Mr. McNaboe – Discussion: None

VOTE: All in Favor

#### Miscellaneous Project Updates

##### *Proposed Planning Legislation*

On Planning Legislation [House 1859], there is a bill pending in the house that will significantly change State Zoning Law and Subdivision Control Law. There's been an effort underway to overhaul the Mass Zoning Laws because it is unique in the nation and is very strange.

Ms. Friedman asked if the entire law was being overhauled. Ms. Buck said it's not clear if this legislation will move forward. There were previous versions that never got off the ground, but this current version seems to have gained traction.

Ms. Buck noted that there isn't a short summary available, but this version of zoning reform specifically intends to tighten Massachusetts grandfathering (that is some of the most generous in the country) and will eliminate ANRs. So, pretty much everything will come under the Subdivision Rules and Regulations. Each Town will be allowed to create a minor subdivision category that is more simplified, but it is still a whole new ballgame and plans won't receive an automatic signature when creating lots on an existing road.

Ms. Buck noted that she will be attending a conference this Thursday on this subject. This legislation would allow communities to impose development impact fees, which are currently considered an illegal tax in Massachusetts. It will create statewide standards for Site Plan Review and it will have a lot of administrative changes. This piece of legislation is called "An Act Promoting the Planning and Development of Sustainable Communities". Right now, the word, "sustainable" tends to be very controversial and is tied into the "Agenda 21" conspiracy theory.

Mr. McNaboe asked if this legislation is part of the implementation with the stretch code. Ms. Buck said no.

Ms. Buck noted that the legislation does with site plan review is to create a statewide standard. Right now, every town is different as far as site plan review.

*Commercial Development, Route 9*

Ms. Buck noted she will be meeting next week with developers who are proposing some kind of commercial development on the property just rezoned to Business (B) on Route 9 in the vicinity of St. Joseph's Church.

*Parker Street*

There are no updates regarding Parker Street and Ms. Buck will be contacting Attorney for an update.

*Carey Hill*

The roadways were accepted at the Annual Town Meeting. Attorney Cove issued a letter to the Clea Blair telling him they had 21 days to fix the list of deficiencies identified by Tom Wood. Mr. Blair's Attorney wrote back stating that if Tom Wood wouldn't give them a more specific list, they want their money back. Ms. Buck will contact both Tom Wood and Attorney Cove to discuss further,

**Public Hearing, Continued**

Proposed Parking Regulations

Ms. Buck noted that due to problems she is experiencing with her computer in Leicester, her research on the Parking Regulations has been delayed. Therefore, the continued public hearing scheduled for tonight will need to be continued again and hopefully she will have the revision ready for the next Board Meeting.

MOTION: Mr. McNaboe moved to continue the Public Hearing on the Proposed Parking Regulations to July 2' 2013 at 7:15PM.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

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

MOTION: Mr. McNaboe moved to adjourn meeting

SECONDED: Ms. Friedman – Discussion: None

VOTE: All in Favor

Meeting adjourned at 7:30PM

Respectfully submitted,

*Barbara Knox*

Barbara Knox

Documents included in mailing packet

- Agenda
- 10/30/2012, 4/17/2013 & 5/7/2013 Planning Board Minutes
- Memo to the Board from Ms. Buck dated June 4, 2013
- Copy of Covenant release request from Briarcliff Estates SV LLC dated 5/28/2013

Documents submitted at meeting: None

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