

Leicester Planning Board Meeting Minutes
September 3, 2013

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: September 3, 2013

MEETING TIME: 7:00 pm

AGENDA:

7:00PM Application:
 Request for Release of Escrow Account Funds, Carey Hill Estates

7:05 PM General Board Discussions, Rezoning Request:
 A. 100 Clark Street (HB-2 to SA)
 B. 1439 Main Street (HB-1 to R1)

7:30PM Public Hearing Cont:
 Site Plan & Special Permit Application, 1603 & 1605 Main Street
 (gas station, fast food, convenience store, car wash, bank, general retail)

8:30PM Approval of Minutes
 8/13/2013

8:35PM Town Planner Report/General Board Discussion
 Miscellaneous Project Updates

Mr. Grimshaw called the meeting to order at 700PM

Application

Request for Release of Escrow Account funds, Carey Hill Estates

The final procedure related to road acceptance has not yet been resolved. The legal descriptions need to be added on the plan to finalize road acceptance. Ms. Buck recommended continuing to the next Board meeting.

MOTION: Ms. Nist moved to continue the request for release of Escrow Account Funds for Carey Hill Estates to the next Board Meeting.

SECONDED: Mr. Menard – Discussion: Mr. Grimshaw asked when the next Board Meeting was scheduled. Ms. Buck said the next regularly scheduled meeting falls on October 1st and that day is the Special Town Election for the 2 ½ override. Meetings/Public Hearings can't be held when there's an election. After some discussion, all agreed to schedule the next Board meeting for Wednesday, October 2nd

VOTE: All in Favor

General Board Discussion, Rezoning Requests:

A. 100 Clark Street (HB-2 to SA)

Based on discussion at the last meeting, the Board indicated sponsoring this article, contingent upon receiving a letter of intent from the property owner specific to this rezoning request. Ms. Buck said that the property owner did submit his letter of intent, which was included in the mailing. Also included in the mailing was a draft article for the Board's review and if there were no changes made tonight, she will submit the article request to the Board of Selectmen. All agreed.

B. 1439 Main Street and vicinity (HB-1 to R1)

Ms. Buck said the property owner had not submitted a revised proposal as discussed at the last meeting. Mr. Grimshaw said that his position remains the same and felt that it didn't benefit the Town and was not in the best interest of the Board to sponsor this article. Ms. Friedman agreed and said this request would need to come from the property owner.

MOTION: Mr. Wright moved that the Planning Board not sponsor the rezoning request for 1439 Main Street from HB1 to R1 or CB.

SECONDED: Ms. Friedman – Discussion: None

VOTE: All in Favor

Approval of Minutes

8/13/2013

MOTION: Ms. Friedman moved to approve the minutes of 8/13/2013

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Town Planner Report

Miscellaneous Project Updates

A. Parker Street

A court hearing was held and basically the judge asked the Town and the petitioner to work out an agreement.

B. Pondview

The developer has requested a waiver on streetlights. Ms. Buck said she was waiting for more information to be submitted from the developer before scheduling a hearing.

Public Hearing continued

Site plan & special permit application, 1603 & 1605 Main Street (gas station, fast food, convenience store, car wash, bank, general retail)

Mr. Mark Allen of Allen Engineering made the presentation. He introduced David and Lisa Dunham who were also present and representing the ownership.

Mr. Allen continued. Since the last hearing, there were some changes made to the Site Plan in response to Quinn Engineering, the Fire Chief and from comments made at the last public hearing. The changes the Fire Chief wanted to see were the parking spaces to the west of the gas station building, to be reserved as a fire lane only spot. The Chief felt it would allow for adequate access around the building. In lieu of those spaces, they created 4 new spaces that will be designated for employee only spots.

Internally, they adjusted the handicapped spaces to be all 10 feet wide, as opposed to 8 feet wide. They also extended the walkway from the parking lot to the retail building. There will be a landscaped island put in just to make sure people can get to that sidewalk safely.

Mr. Allen said that Quinn Engineering wanted to make sure that there was the proper signage in front of the handicapped spaces as well. So they put together a detail showing the signage.

The only change with the utilities was instead of the stormwater going from catch basin to catch basin, they inserted 3 drain manholes. The catch basins were taken off line a bit, but there will be the same exact size piping.

Another change Quinn Engineering recommended was instead of a water quality inlet, which is a concrete structure similar to a septic tank, was to put in a sediment forebay, which is another way to achieve the stormwater quality. So that is what they will do as opposed to a 20,000 gallon chamber underground. The forebay requires a lot less maintenance and they will still get the credit of stormwater management.

Ms. Buck asked if the change just mentioned was shown on the revised plans. Mr. Allen said no.

Mr. Allen continued. Regarding grading and drainage, Quinn Engineering noted that the outlet to the gas station infiltration basin was within 20 feet of the lot line and they modified that and pulled it all back greater than 20 feet from the lot line. All the grade of work will be greater than 20 feet from the lot line. The grade detail sheet also shows the new sediment forebay. This will basically put a berm in between the one large pond and the sediment forebay will collect the majority of the solids and the infiltration basin will just see the water.

Another comment from Quinn Engineering was that the construction entrance be shown and during construction have all the riprap there to limit the amount of sediment that comes back out onto Route 9.

Quinn Engineering also wanted them to spec out the size of the stone at all of the out poles. So he put together a detail for the riprap, which will be between 50 to 125 pound stone and averaging around 75 pounds apiece.

Ms. Nist asked if the grading concerns had been resolved, specifically with comment #12. Mr. Allen said yes, they had revised the grade to the driveway to be no more than 5%.

Ms. Nist asked if comment #22 was resolved regarding the grease trap. Mr. Allen said yes, they did modify that. That's the sewer line from the gas station to the street.

Ms. Nist asked why it says from the grease trap. Mr. Allen said within that line there is a grease trap and from the grease trap to the street is low, so what they did was raise it from the grease trap to the street to make the 2%.

Mr. Wright noted comment #22 says Quinn deferred this to the Leicester Water/Sewer Department to determine acceptable service slopes. Mr. Allen said the way the water/sewer regulations read is that 2% is preferred and everything else needs to be approved by the Superintendent. He reached out to Roger Hammond from LWSD and hadn't received comments back, but felt 2% would be acceptable.

Ms. Nist asked if they had checked with the Fire Chief regarding a cistern. Mr. Allen said the Fire Chief was satisfied with the fire hydrant locations and he didn't require a cistern.

Ms. Nist asked if there would be a pedestrian crosswalk at the lights on Route 9. Mr. Allen said they have not shown that through the MassDOT application. If the DOT requests that to be shown, they would obviously show that. Any work proposed within the layout of Route 9 would be governed by MassDOT.

Mr. Allen felt that spot was certainly set up geometry wise to allow that, but there were no sidewalks on either side of the road. He will wait to see what the State says.

Ms. Friedman asked about building lights. Mr. Allen said they revised that and it was shown on the revised plans submitted. There is a slight spillover from the building mounted lights and it's only about .1 lumens and then it's about 12 feet off the lot line, which faces into the woods for about 500 feet. So, it's not going to have a big impact on the neighbors.

Ms. Friedman asked if there would be any reflection towards the neighbors at all. Mr. Allen said no, the closest building is 300 feet away and the lights die out about 12 feet from the lot line.

Ms. Friedman asked if there were lights in the parking area. Mr. Allen said there are parking lot lights and building-mounted lights. All of which are encompassed on the property except for the two building-mounted lights in the delivery area.

Ms. Buck noted Mr. Allen starting to say something about conditions. Mr. Allen said the applicant would be more than happy to have a condition of approval that, upon inspection of construction, if lighting was an issue, they could adapt the lights.

Mr. Wright asked about the possibility of relocation or shielding of lights. Mr. Allen said if there's an issue on the building-mounted lights, they can put shields on them. But his suggestion would be to do a condition of approval post construction and with the two pole-mounted lights, have those match the roofline layout. Where the pole mounted lights at the exit and entrance go, will be something more for Mass Highway. Again, the light dissipates within 12-feet off the property line. Both of those lights do have shields on them based on the lumen plan and there's a sharp cutoff on both sides of the property and the lights are shown towards the center of this property.

Ms. Friedman asked what the possibility was for access through this property to abutting properties in the back and to the side. Mr. Allen said they have had discussions with both abutting property owners, on the possibilities of what has been indicated being a perfect location for that intersection. They are willing to provide more than adequate information in anticipation for future development, there is plenty of room on the site.

Ms. Friedman noted there was a lot of unused land in the back and on the sides and this lot has the only traffic light there. Mr. Allen agreed and said what would happen is that intersection, depending upon what happens with the abutting property and the property to the rear, they could accommodate just by widening the entrance.

Mr. David Dunham, Leicester Main, LLC, said they have had discussions with the abutters on both sides of the property and that is the reason the project is designed the way it is, to leave the space to accommodate for possible future development. However, since neither party is at a point where they can define specifically what would be going in, they really can't do much more about that right now.

Ms. Friedman said the Board recognizes that, it's just that in order to plan for the future, it's much better to put it all out on the table now and make sure that it is a possibility.

Mr. Allen said what they would do in anticipation of a future site plan, was if the abutter's needed information regarding traffic plans, property access or curb cut and how it will affect the signal, they could be a co-applicant to that submittal, because they would need to grant them easements as part of that submittal.

Ms. Buck asked regarding the property to the east, is it still anticipated that the access would be in the back. Mr. Allen said the access would come through the intersection and then the driveway would go to the rear of their internal movements and both come out at the intersection. The property

to the east may have a secondary right hand turn exit; similar to theirs, but their primary access would be the intersection, because of where that property starts.

Ms. Buck noted that they really didn't know because no one knows what type of business development may be proposed there. Mr. Allen agreed and said until that comes upon them; there are extension lanes in several locations.

Ms. Buck said she did some research regarding the easement issue and in other communities, there was a development on an abutting parcel or one was known. Sometimes communities have required, not an easement because that has to be negotiated between the property owners, but Towns have required a paved driveway to the limits of the property. She wasn't sure how practical that was for this project, when we don't know what or where the development is going.

Ms. Buck continued and noted to the Board there was bit of a gray area regarding Comment #12 regarding the slope of the driveways. Leicester's bylaws state 5% along the centerline, but along the edges, where it curves is greater than 5%. The eastern lane at the intersection slopes greater than 5%. The driveway at the exit only curb slopes less than 5% within 20 feet of Main Street and a slope of 10% for 40-feet leading up to Main Street. The way the Bylaws are written, it splits it and she felt the applicant addressed this by making the centerline 5%, but wanted to make sure the Board understood that they didn't make the whole thing 5%. She felt the slope issue didn't require a variance because they made the steps to make it meet the centerline.

Ms. Buck noted speaking with a MassDOT Rep today and was told they hadn't reviewed the slopes yet, only the conceptual plan that showed the location of the driveway. The Plan they had wasn't a plan that showed the topography.

Ms. Buck also noted speaking with Roger Hammond of the Leicester Water/Sewer District and his concern was about pressure adequacy. She asked Mr. Allen if he had received any information regarding that. Mr. Allen said no, but he did leave a couple of voice messages.

Ms. Buck said Mr. Hammond was reluctant to submit comments and was not comfortable giving a sign-off on a project until he had a detailed application. He did give a general comment that water/sewer was adequate to serve the site, but did not go beyond that.

With comment #11, the 24 foot separation between curb cuts and abutting residential properties, this is a requirement in the bylaw that is specific and is only applicable when abutting properties are residential and she didn't see any way around this. The applicant was notified that a variance was needed from the ZBA for the differences.

Mr. Allen said the distances between the property lines and where the cars travel, is about 32 feet and this dome at the radii teardrops towards the property line. He felt the intent of the Bylaw is not having any traveled way within 24 feet. It seems silly to try and pin point a point on the arch of a curve. Ms. Buck said she could be convinced on that one (the eastern driveway), but that doesn't prevent the other one needing a variance. Mr. Allen agreed and said they were lining up the intersection to be perpendicular. Ms. Buck said at that point, you are in the 24 feet regardless. Mr. Allen agreed.

Mr. Grimshaw asked what the distance was. Mr. Dunham said the radii on both parts are 30 feet, which was what Mass Highway required. Mr. Allen said once they tiered that radius, it will be about 12 to 15 feet at the closest and then it tiers back to about 20-feet.

Ms. Buck felt the applicant gives a very good argument for getting a variance, but she didn't see any way around not having to apply for one. There are contradictory sections in the bylaws, but regardless, they need to have it there at the light; otherwise there will be problems at the lights and both of these abutting properties are intended for commercial use, even though they are residential now.

Ms. Buck continued with the comment #3 that was deferred to the Board. It was regarding parking and she felt that was addressed.

Ms. Buck noted that comment #10 states the bylaw only says that the applicant is encouraged to have a second "exit only". Given the number of uses on this site, from her perspective, having a second exit would be a good idea.

Ms. Friedman asked if they were having an exit only, as well as a right turn only. Mr. Allen said yes.

Mr. Wright asked about "exit only" signage being put in place. Mr. Allen said that will be provided.

Mr. Grimshaw noted Comment #11 being the most significant at this point and it sounded like everything else had been resolved.

Ms. Buck said Comment #30 states a checklist should be submitted with the Drainage Analysis. Apparently, it was submitted as a hard copy but not in .pdf and that was just submitted today. Mr. Allen said he had it on Friday, but didn't get it to the Planning Office until today.

Mr. Grimshaw asked if Chief Wilson had sent any comments to the Planning Office. Ms. Buck said no she didn't receive any written comments.

Ms. Buck asked the applicant about item #35 regarding the oil/grit separator. Mr. Allen said that was what they were replacing and putting in a forebay instead. Ms. Buck asked if they had gone over that with Quinn Engineering. Mr. Allen said yes, that was late today and he was in agreement with the sediment forebay.

Ms. Buck asked the Board if there were any comments regarding item #39 where it states, that the Board may want to request a walkway from Main Street to the proposed buildings be provided.

Ms. Friedman asked if that comment meant within the complex. Mr. Wright said no, he understood it being across Route 9. Ms. Buck said she thought it meant from the Main Street to the buildings.

Mr. Wright read item #39; "Pedestrian traffic is expected to the site from Route 9 or from Soojians Drive", which is the Wal-Mart driveway on Route 9, and "the Board may want to request a walkway from Main Street to the proposed buildings." He understood that to mean a crosswalk across Route 9, but questioned that to be under the control of MassDOT and not this Board? Ms. Friedman said she felt it meant that, once people got onto this site, if there is no crosswalk to the buildings, there will be people coming and going, once they've crossed Route 9. Mr. Wright questioned whether it would be more of an access path in between the buildings.

Ms. Friedman said there is a bus that goes to Wal-Mart, so people taking the bus to Wal-Mart, potentially are going to walk across the street. Unless there was some way the bus will also be stopping across the street. She can only assume that the DOT is going to require a crosswalk there, but then once they get onto this site, what are they going to do?

Mr. Allen agreed and said it would be up to them to work with the DOT to see where it would make sense to have pedestrian access. He noted that it could be made a condition of approval, to

coordinate that with MassDOT because what the DOT wants to see is all of the decisions before they review theirs.

Mr. Grimshaw asked if the queuing was discussed regarding the car wash. Ms. Buck noted comment # 41 stated queuing length to be adequate. She asked about comment #42 where Quinn Engineering recommended discharge to the municipal sewer system.

Mr. Allen said based on comment #42, he noted this on the plan, that because the car wash procedurally needs a special permit to operate, they didn't provide a full-blown waterworks hydrology design for it. If the car wash gets approval for the use, as they noted on the plan, further permits from sewer, water and electric will all be obtained after the fact and they will be sending the recycled water to the municipal sewer system.

Ms. Friedman asked if there was a vacuum station at the car wash. Mr. Allen said they do not show that now. Ms. Friedman asked to confirm that there would not be one. Mr. Allen said it was not anticipated.

Ms. Friedman asked that once the cars get through the car wash, will the cars be able to turn out of the way and was traffic traveling through anticipated. Mr. Allen said there will be two-way traffic at the exit of the car wash.

Ms. Friedman asked if the car wash would be opened 24-hours. Mr. Allen said he was not sure, but doubted it. He felt the car wash would be opened the same hours as the gas station.

Ms. Buck asked if the Board was satisfied with the structures and car wash in the back part, in lieu of submitting detailed elevation plans. He did submit photos showing similar buildings in the same setup. Upon reviewing that, she felt it was sufficient from her perspective. All agreed.

Mr. Wright asked if the car wash and direction of traffic was ever considered being put towards the rear of the property to alleviate the traffic flow. That way, it would shift the car wash traffic to circulate around the retail store and bank building.

Mr. Allen said the way they looked at working with the back property, was to keep the car wash closer to the pumps where the driver will be prompted for the question of whether they wanted the car wash or gas station. The likelihood for wanting the car wash closer to the pumps was to benefit to the use of the other buildings and they felt by not moving it further away, would avoid potential conflicts with the drive thru, the retail building and the gas station.

Mr. Grimshaw asked if all landscape buffers were met.

Mr. Wright pointed out the additional comments from Quinn Engineering. Such as #57, which states, "Disruption associated with the proposed infiltration basin is within 20 feet of the property boundary. The Board may want to consider that the applicant provide plantings." Mr. Allen showed where that comment was referring to and noted that he did have it within the 20 feet and pulled it further back greater than 20 feet in some areas. Ms. Buck confirmed the area that was pulled back greater than 20 feet and Mr. Allen agreed.

Mr. Grimshaw felt that item #11 was not fully addressed. Mr. Allen said the language is a little conflicting regarding #11. It states, curb cuts abutting residential properties shall be at least 24 feet from abutting properties. He asked if there was a way the Building Inspector, as the Zoning Enforcement Officer, could weigh in on this.

Ms. Buck said she already spoke with the Building Inspector because she wanted to get an independent opinion. In HB1 & HB2, there are some things required regarding abutting residential districts and some things required regarding abutting residential uses and this section is regarding abutting residential properties. So she wanted to get the Building Inspector's impartial input on this and for the requiring of a variance.

Ms. Friedman said another thing the applicant should note is with the DOT, as to whether or not there will be a cross walk going over to the Wal-Mart property. Then having it put on to the site plan, the designated walkways based upon where the crosswalk is going to be.

Ms. Buck felt this project was very close to complying, but was a bit uncomfortable trying to work out specific conditions at this meeting tonight. She also didn't feel it should necessarily have to wait another month. She noted to the Board regarding holding a special meeting for situations such as this. She felt it was reasonable to move the process along and not hold someone up.

Mr. Grimshaw asked for any further comments, concerns or questions from the Board and then asked for any comments from the audience.

Mr. Dunham asked if the variance would be on both driveways. Ms. Friedman suggested they get a determination from the Building Inspector before filing for the variance just to cover everything.

Mr. Grimshaw asked how the Board wanted to proceed.

Ms. Friedman said the applicant is going to need to get a variance from ZBA and the timeframe to get that variance won't happen before the Planning Board's next meeting on October 2nd. She suggested taking a conditional vote, but first have Ms. Buck pull together an Order of Conditions and then the Board vote on the Order of Conditions at the October 2nd meeting. That way all the permits could be done around the same time.

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

MOTION: Ms. Friedman moved to continue the public hearing for 1603 & 1605 Main Street to Wednesday, October 2, 2013 at 7:30PM

SECONDED: Mr. Wright – Discussion: None

VOTE: All in Favor

MOTION: Mr. Wright moved to adjourn meeting

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:30PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Approved by the Planning Board on October 2, 2013.

Documents included in mailing packet

- Agenda
- Letter of request from the property owners of 100 Clark Street regarding their rezoning request dated August 14, 2013
- A copy of the Town Meeting Article Request Form
- Copy of Draft special Permit, Site Plan & Stormwater Permit Approval Order of Conditions for 1603 & 1605 Main Street
- Copies of revised Site Plan for 1603 & 1605 Main Street
- Memorandum to the Board Members from the Michelle Buck dated August 28, 2013
- Copies of Project Narrative from Allen Engineering for 1603 & 1605 Main Street dated May 23rd and a revised response letter dated August 9th
- Comment letter from Quinn Engineering regarding 1603 & 1605 Main Street dated August 23, 2013.
- Minutes of August 13, 2013

Documents submitted at meeting

- Copies of revised response letter from Allen Engineering dated August 29th regarding 16703 & 1605 Main Street
- Copies of comment letter from Quinn Engineering dated September 3rd regarding 1603 & 1605 Main Street