

**Leicester Planning Board Meeting Minutes  
November 05, 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: November 05, 2013

MEETING TIME: 7:00 pm

AGENDA:

- 7:00PM Discussion:  
FY14 Community Development Program
- 7:15 PM Public Application:  
ANR Plan, River Street (Patricia Dykas)
- 7:30PM Public Hearing:  
Modification of Subdivision (Pondview); request to eliminate streetlights
- 7:45PM Executive Session:  
(MGL.Ch.30§21.3 – to discuss strategy with respect to litigation)
- 8:30PM Application:  
Request for Release of Escrow Account Funds, Carey Hill Estates
- 8:45PM Town Planner Report/General Board Discussion:  
A. Budget  
B. Open Space Plan  
C. Miscellaneous Project Updates

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

**Discussion:**

FY14 Community Development Program

Mr. Andrew Loew of the Pioneer Valley Planning Commission made the presentation. Mr. Loew gave a brief overview of the CDBG program's background. This program is the small city Community Development Block Grant program in which Leicester applied for a Housing Authority Rehab Program for certain target areas in Town and for the Town's ADA transition plan.

Last year the Town partnered with Charlton for the FY13 grant round, seeking assistance for three programs/projects: to design an elevator in the Town Hall, to put in an emergency generator at the housing authority, and to do additional housing rehab in target areas. On the upside, Leicester got the second highest score in the state, but on the downside, there were only 3 awards made and Leicester lost on a tiebreaker. After that decision came down, the Town put in a request for the reserved funding from the State, which also got denied.

Mr. Loew was now looking towards the potential of a FY14 application and has already met with the Advisory Development Committee several times over the last two months and had another meeting scheduled with them for tomorrow. The Advisory Committee wants to submit essentially the same application that was applied for last year.

The State changed some of the rules a little and the Community Development Strategy, which previously had to be redone each year, is now good for three years. We would only have to go

through the Community Development Strategy process again if the Town was significantly changing the application.

Mr. Loew noted that the CDBG application is due on February 15, 2014. Copies of the project summary were given to the Board showing last year's application. Mr. Loew noted that he was currently in the process of getting an update of the status of projects related to Charlton. He expects that we may have adjust the grant budget somewhat, and cut back on one or two of the housing rehab units that the Town is seeking. The material passed out have a description of the projects and a map on the back page showing all the target areas being proposed.

Mr. Loew asked if the Board had any questions or comments about the program that he could bring back to the Advisory Committee who steers the program.

Mr. Grimshaw asked for any comments, questions or concerns; hearing none, opened discussion to the floor.

Ms. Patty Dykas asked for information about the boundaries of the target areas. Mr. Loew explained that the target areas were previously just Leicester Center and Cherry Valley and last year the Rochdale area was added. He wanted to note that the emergency projects that were outside the target areas were eligible for funding.

Mr. Grimshaw asked if because the Town was so close on being awarded last year, was there a good chance receiving an award this year. Mr. Loew felt there was a good chance.

**Public Application:**

ANR Plan, River Street (Patricia Dykas)

This plan is dividing one large lot into two lots, B1 and B2. B1 has no frontage and marked not a building lot and lot B2 has a continued hearing with the Zoning Board of Appeals (ZBA) for a Limited Frontage Lot special permit application. Lot B2 will not be buildable unless a special permit is approved through the ZBA.

Ms. Friedman questioned why there was a dotted line shown on the plan. Ms. Dykas wasn't sure why it was dotted and thought it should be solid.

Ms. Buck asked Ms. Dykas if she planned on coming back to the Planning Board, after getting Special Permit approval from the ZBA, with a new ANR. Ms. Dykas said yes.

Ms. Friedman said the plan should come back before the Board showing lot B2 as a buildable lot and removing the dotted line and making it a solid line to eliminate confusion.

MOTION: Ms. Friedman moved to approve the ANR for Patricia Dykas for property on River Street, with the notation that the property line between the Merhib property and the Dykas property be made a solid line; to identify direction, distance and square footage on all lots; and that the back property line on other land of the Dykas property should be a dotted line, and that once the Limited Frontage Lot is approved, a clean plan will be presented to Planning Board for approval.

SECONDED: Mr. Wright – Discussion: Mr. Wright said and \*to identify direction, distance and square footage on all lots.

VOTE: All in Favor

## **Public Hearing**

### Modification of Subdivision (Pondview); request to eliminate streetlights

Mr. Grimshaw read the Notice into the record and then opened the hearing to applicant to address the Board.

Mr. Iqbal Ali made the presentation. Mr. Ali said the only thing left to this project was the streetlights. Everything else had been completed and he wants to get the road accepted.

Mr. Grimshaw said the issue with the Board was whether or not everyone was content with eliminating all the streetlights or some of them or none of them. He asked the Board for any comments or questions.

Mr. Wright said he visited the site and based on what he saw, he would be okay with eliminating one streetlight. That would be the one at the intersection of Tobin Road and Pond Court. He felt the existing streetlight on Tobin Road was close enough to that intersection for cars to be able to pull in and out without a problem seeing, but the rest of Pond Court is extremely dark. His recommendation would be keeping two of the three streetlights, the one in the middle and one at the end of the cul-de-sac. Right now the only lighting on that road is the house lights.

Mr. Menard agreed with Mr. Wright's recommendation. He felt that the road was extremely dark and that at least two of the streetlights should stay and agreed it should be the one at the end of the cul-de-sac and the one in the middle.

Ms. Wilson said she drove down the hill on Tobin Road and could clearly see where the street sign was for Pond Court. She agreed that there needs to be a streetlight at the end of the cul-de-sac and was fine with keeping the middle light and intersection light being eliminated.

Ms. Nist felt a streetlight was definitely needed at the end of the cul-de-sac. She was unable to do a night site visit, but felt it was debatable on the middle streetlight.

Ms. Friedman said she could go either way, but definitely felt the one at the end of the cul-de-sac should not be eliminated. The one light half way down, it does get dark there and the one at the intersection, she wasn't sure on eliminating that one. A lot of times people use streetlights as markers on where to turn. She did not have a problem with eliminating one of the two, but didn't feel that both the middle light and intersection light could be eliminated.

Mr. Grimshaw said the consensus so far was that the majority is okay with eliminating the light at the intersection of Tobin Road and Pond Court. The other consensus was keeping the streetlight at end of the cul-de-sac. So the question now was with the one in the middle. He was able to visit the site, but it was during the day and he wasn't too concerned about the middle streetlight, but he did concur with the rest of the Board on keeping the streetlight at the end of the cul-de-sac.

Mr. Grimshaw said that if the Town was less concerned about utility costs, he would probably agree with keeping two of the three, but knowing the Town is looking for a way of eliminating the costs, he would be fine with having just the one at the end of the cul-de-sac.

Ms. Friedman asked the distance between the lights. Mr. Ali said about 20 feet. Mr. Grimshaw said that would be between the light at the cul-de-sac and the one in the middle and the whole road is about 500 feet. Mr. Ali said every house has a light towards the road.

Mr. Wright said even though every house has a house light, it doesn't justify eliminating the streetlights, because we can't rely on a building light to light the street. Regarding Ms.

Friedman's point on the middle light and the intersection light, whether eliminating one or the other, if the one in the middle was eliminated and the one at the intersection was kept, he felt it would be too close to the one already located on Tobin Road.

Mr. Wright asked if the streetlight stays at the intersection, was there a way to eliminate the light on Tobin Road.

Ms. Friedman said the reason she suggested the light at the intersection was when you look at where it would be casting, it's casting right about to the middle. If you look at the Tobin Road light, it's not casting that far up but she agreed that one of the two should be eliminated

Mr. Wright noted that coming from Auburn Street, the Pond Court street sign could be seen.

Ms. Wendy Walsh, 60 Towtaid Street, asked if this change would have an effect on her property.

Ms. Buck explained that the standard for waiving subdivision standards, where it's defined that such waivers are in the public interest and not inconsistent with the subdivision control law, a public hearing is held, abutter's are notified to hear if there may be concerns. *Ms. Buck pointed out, on a copy of the streetlight plan submitted, where the lights were originally proposed.*

Mr. Wright asked Ms. Walsh to show on this plan, being an abutter, where her property was located relative to where some of these streetlights are located. Ms. Walsh said that was what she was trying to figure out. *Upon further review, it was found Ms. Walsh's property would not be affected.*

Mr. Ali said on the issue the Town has is that they don't want to pay for any new streetlights; most other Towns are eliminating all streetlights. Mr. Grimshaw said this Town isn't. The consensus of the Board is that they would like to see the two streetlights at the cul-de-sac and the middle to remain and to eliminate the one at the intersection of Tobin Road.

Mr. Mike Grady said he was here representing his daughter who is an abutter. He asked why eliminate streetlights, was it to save money for the Town? Mr. Grimshaw explained the Town's recent moved in the direction of no longer funding the electrical bill for streetlights. If there is proper and adequate illumination, the Board generally has gone with reducing the amount of streetlights in new developments. This means, if the Town is no longer willing to pay for streetlights, it will then become the responsibility of the homeowners through a homeowners association.

Ms. Friedman noted that the Board could not just eliminate one of the streetlights in this development without having a public hearing and the public hearing can't be held without notification to abutters, because it is a modification of an existing subdivision plan. Even though it's a simple elimination of a streetlight, everyone had to be notified as part of the public hearing process. That is when the abutters have the opportunity to voice their opinion on any concerns they may have.

Ms. Buck asked that seeing the Board is keeping two of the three streetlights, was there a preference on a specific type of light. The Board noted no preference.

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

MOTION: Ms. Friedman moved to eliminate the streetlight at the corner of Tobin Road and Pond Court.

SECONDED: Mr. Wright – Discussion: Ms. Buck noted one condition in the decision that states “all conditions contained in the previous decisions dated October 27, 2005, January 15, 2008 & November 1, 2011 remain in effect except where modified herein or by previous vote of the Board”.

VOTE: All in Favor

**Executive Session:**

MOTION: Mr. Wright moved to go into Executive Session under Mass General Law Chapter 30A, Section 21(a)3, to discuss strategy with respect to collective bargaining or litigation

SECONDED: Ms. Nist – Discussion: None

POLL VOTE: Mr. Wright – Aye; Ms. Nist – Aye; Mr. Menard – Aye; Ms. Friedman – Aye; Mr. Grimshaw – Aye.

MOTION: Mr. Wright moved to move out of Executive Session

SECONDED: Ms. Nist – Discussion: None

POLL VOTE: Mr. Wright – Aye; Ms. Nist – Aye; Mr. Menard – Aye; Ms. Friedman – Aye; Mr. Grimshaw – Aye.

**Application:**

Request for Release of Escrow Account Funds, Carey Hill Estates

All information has finally been submitted that was requested by Town Counsel, which was the deeds, legal documents, and a revised road acceptance plan. Also, work has been completed. Board members had no questions or comments. Ms. Buck submitted a suggested motion.

MOTION: Ms. Friedman moved to acknowledge that the terms of the Agreement for Judgment filed with Worcester Superior Court November 7, 2012 have been completed, and to release remaining funds in the Carey Hill Estates Escrow account (\$9,229.99 as of 7/31/2013, plus interest as applicable) that was established in accordance with said Agreement.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

**Town Planner Report**

A. Budget

As a result from the Special Town Meeting, there were cuts made to some department budgets, but not to the Planning Budget.

B. Open Space Plan

Ms. Buck contacted the Conway School after Town Meeting and they will get her a draft agreement within a few days. She is still scheduled to meet with Conservation Commission on December 13<sup>th</sup> to see if they will contribute.

C. Miscellaneous Project Updates

1. E-Permitting

The e-permitting’s first introduction meeting is scheduled for Tuesday, December 19, 2013. GeoTMS representatives will provide a general overview and then speak on specific modules for each department involved. This isn’t a training, just the first introduction for staff so they will feel more comfortable when they go to the training next month. The Leicester Departments

involved are: Planning, Zoning, Conservation, Building, and Board of Health. The Town received a grant that will cover all the startup costs.

### 2. *Davis Self-Storage*

This special permit hearing has been scheduled for the December 3<sup>rd</sup> meeting. Ms. Buck noted that Mr. Davis is very unhappy with the submittal process. Ms. Friedman asked if Mr. Davis was just adding new units. Ms. Buck said yes. Ms. Friedman noted that Mr. Davis had the opportunity when he originally submitted the site plan to put all of these units on the site plan and to build as he wanted. Mr. Davis purposely only put on the existing units for whatever reason. Ms. Buck noted trying to accommodate Mr. Davis by waiving the review fee and allowing the previous site plan to be used.

### 3. *Hillcrest*

Selectmen Provencher stopped by the office asking for information that had to do with the deed restrictions on Hillcrest. There seems to be some new interest in exploring alternatives on that site, but there are a lot of deed restrictions.

### 4. *Website*

Mr. Grimshaw noted that at Town Meeting, there was some concern regarding some departments keeping their web page updated. He had asked Ms. Buck about this at Town Meeting and she noted that the Planning Department's web page is up-to-date. Mr. Grimshaw thanked Ms. Buck for keeping the Planning web page up-to-date.

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

MOTION: Mr. Wright moved to adjourn meeting

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:50PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox

***Approved by the Planning Board on December 3, 2013***

#### **Documents included in mailing packet:**

- Agenda
- Memo to the Board from Ms. Buck dated 10/30/13
- CDBG Forum Agenda and Program outline
- Copy of Pondview Estates proposed streetlight plan

#### **Documents submitted at meeting:**

- Carey Hill Estates suggested motion 11-05-2013