

Leicester Planning Board Meeting Minutes

August 04, 2015

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

ASSOCIATE MEMBERS: Alaa Abusalah

MEMBERS ABSENT:

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

MEETING DATE: August 04, 2015

MEETING TIME: 7:00 pm

AGENDA:

- 7:00PM Public Application:
ANR, Moose Hill Road (Robert Giggey)
- 7:05PM Discussion:
Mulberry Solar, Decommissioning Bond
- 7:10PM Public Application:
Pondview Subdivision, Request for Extension of Deadline to Complete Work/Surety Review
- 7:30PM Public Hearing:
Special Permit/Definitive Subdivision Approval Modification, Oakridge Estates
Note: This hearing has been rescheduled to 9/1/2015
- 7:35PM Discussion:
Request for Release of Landscaping Surety, Auburn Solar
- 7:45PM Approval of Minutes:
 - 7/7/2015
 - 7/21/2015
- 7:50PM Town Planner Report/General Discussion:
 - A. Boutilier Estates Subdivision
 - B. 1603-1605 Main Street (pending expiration)
 - C. Private Roads Acceptance Process
 - D. Zoning Reform Legislation
 - E. Tiny Houses
 - F. Goals & Objectives
 - G. Miscellaneous Project Update

Mr. Grimshaw called the meeting to order at 7PM

Public Application:

ANR Plan -Moose Hill Road, Robert Giggey

The property owner wants to carve out a parcel for a single family home.

MOTION: Ms. Friedman moved to approve the ANR plan for Moose Hill Road, Robert Giggey.

SECOND: Ms. Nist – Discussion: None

VOTE: All in Favor

Discussion:

Mulberry Solar, Decommissioning Bond

Quinn Engineering reviewed and approved the applicant's suggested amount of \$240,000.

Ms. Buck recommends the Board approve the bond amount.

MOTION: Mr. Menard moved to approve the Mulberry Solar Decommissioning Bond amount totaling \$240,000.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Minutes

7/21/2015

MOTION: Mr. Wright moved to approve the July 21, 2015 minutes.

SECONDED: Ms. Nist – Discussion: None

VOTE: 4 – In Favor / 1 Abstained (Ms. Friedman)

7/7/2015

MOTION: Ms. Nist moved to approve the July 7, 2015 minutes

SECONDED: Mr. Menard – Discussion: None

VOTE: 4 – In Favor / 1 Abstained (Mr. Wright)

Town Planner Report

A. Boutilier Estates

There hasn't been any work done with this project in the last 2-3 construction seasons. Ms. Buck asked the Board if they felt a rescission hearing or other action would be in order. Ms. Friedman asked when the permit expires. Ms. Buck said 2019 (due to Permit Extension Act). Ms. Friedman suggested inviting the developer to the next Board meeting to discuss whether or not there's a plan to move forward and if not, would the developer object to a rescission hearing. All agreed.

B. 1603-1605 Main Street

The expiration date on the Planning Board's extended approval will be October 5, 2015 and December 3, 2015 with the Zoning Board. Ms. Buck suggested sending the property owner another reminder on the expiration dates. Ms. Friedman suggested noting it will be their last reminder. All agreed.

C. Private Roads acceptance process

Residents on two private streets are potentially seeking road acceptance: Cedar Lane, which is an old road laid out prior to the Subdivision Control Law, and Old Stafford Turnpike, which is a discontinued portion of an old county road. There has been some dispute over the status of the Old Stafford Turnpike roadway. Ms. Buck explained the only policy the Town currently has in place was done many years ago. The policy states that the process starts by a petition to the Selectmen, the Highway Department does the work and the residents will pay 75% of the cost. The Highway Department has concerns with using an old policy for roads that were badly deteriorated. They would prefer having the residents get a private contractor to do the work and not having the Highway Department building private citizens' roads. This issue may come before the Planning Board soon.

D. Zoning Reform Legislation

Ms. Buck reviewed the summary on the Provisions of the Zoning Reform Bill: S. 122, as filed by Senator Daniel Wolf and Representative Stephen Kulik.

E. Tiny Houses

The Board asked a while ago about so-called “tiny houses” and if they were regulated. Ms. Buck explained that existing building codes and the current Zoning Bylaws in place already limits these types of houses. For example, if someone was to build a tiny house, they would have to document it meets the occupancy code, that there’s portable water, and there’s a septic hook up. The Bylaw also does not allow 2 one-family structures on one lot and in order to build a tiny house, they would have to show there were 200 feet of frontage and 80,000 square feet of land.

Public Hearing

Special Permit/Definitive Subdivision Approval Modification, Oakridge Estates

Mr. Grimshaw opened the public hearing at 7:30PM.

Ms. Buck explained that the developer failed to notify abutters for a second time, therefore the hearing has to be reschedule to next the meeting on September 1st.

MOTION: Ms. Friedman moved to postpone the Public Hearing on Oakridge Estates to September 1, 2015 at 7:30PM

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

There were some residents present, who had heard about tonight’s hearing and asked to look at the plan changes. Ms. Buck showed residents the proposed changes on the plans. Mr. Grimshaw agreed with a reminder that no discussion can take place until the next meeting.

Town Planner Report/General Discussion Cont.:

F. Goals & Objective

Ms. Buck submitted her two draft goals to the Town Administrator. Her first proposal was working on the Subdivision Regulations overhaul and the second will be working on several administrative improvements to the Office of Development & Inspectional Services (ODIS). The Town Administrator will be assigning a third goal. This may be related to assistance with the WPI Water & Wastewater Town wide Study.

G. Miscellaneous project updates

Capital Improvement Committee Update

Ms. Nist attended the Committee Meeting held on July 29th and gave a report on the proposal for the New Fire Station. The Fire Station Committee has decided on an architect and has received authorization to purchase the land from Becker College for the 6.5 million dollar project. This includes the building of the fire station and property acquisition costs. The architectural plans do not include ADA improvements to the house. The plans show a reconfiguration to Paxton Street. There won’t be any traffic lights added along Paxton Street; it will all go through the traffic lights on Route 9. A Special Town Meeting to vote on the 6.5 million dollars will be held on September 16, 2015 and another Special Town Meeting has been scheduled on October 20, 2015 to approve \$800,000 for the Library expansion project.

WPI Water Study

Ms. Buck explained the Town receiving a grant that was coordinated through DEP, to have a group of students from WPI do a yearlong study on water/wastewater issues in Leicester. The study will be broken up into two projects by semester. The first semester will consist of collecting data and second semester will concentrate working on the recommendations from the first semester data.

Discussion:Request for Release of Landscaping Surety, Auburn Solar

Ms. Buck did a site inspection and found the site to be stable and recommended release of surety.

MOTION: Ms. Friedman moved to release the landscaping surety for Auburn Street Solar Project.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Public Application:Pondview Subdivision, Request for Extension of Deadline to Complete Work/Surety Review

The applicant was not present.

Ms. Buck gave a brief review. The applicant contacted her recently asking what type streetlight to install; she referred him to National Grid for their installation requirements. She further explained the applicant's original request was for a 2 month extension and the Board approved a 1 -month extension and now they were not present for this inquiry. The Board's options were declaring the developer in default or to approve another extension.

After a brief discussion, the following motion was made:

MOTION: Ms. Friedman moved pursuant to MGL c. 41 81 that the Planning Board determine that the construction and installation of ways in Pondview Subdivision was not completed by 8/7/2015 as required by the Performance Agreement for this project, as amended, and that the Planning Board declare the Applicant in default of its obligations under said Agreement and make a demand upon the Applicant to cure such default within thirty (30) days.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Hearing no further comments or concerns, Mr. Grimshaw asked for a motion to adjourn.

MOTION: Ms. Friedman moved to adjourn meeting.

SECONDED: Mr. Menard – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:00PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Minutes approved by the Planning Board on: 9/1/2015

Documents included in meeting packet:

- Agenda
- Memo to the Board from Michelle Buck regarding August 4th Planning Board Meeting
- Letter from Quinn Engineering regarding the Decommissioning Surety amount for Mulberry Street Solar project.

- Email memo from Kevin Quinn regarding an updated surety estimate for Pondview Subdivision dated 7/27/2015.
- A surety budget estimate for Pondview Subdivision from Quinn Engineering.
- Planning Board Minutes of July 7, 2015.
- Planning Board Minutes of July 21, 2015.
- A memorandum from Jay Wickersham, Noble & Wickersham LLP and Robert Richie, Massachusetts Municipal Lawyers Association for the Massachusetts Smart Growth Alliance and Zoning Reform Working Group regarding a Summary of Zoning Reform Bill: S. 122, as filed by Senator Daniel Wolf and Representative Stephen Kulik.

Documents submitted at meeting:

- None