

**Leicester Planning Board
Meeting Minutes**

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: October 6, 2015

MEETING TIME: 7:00 pm

AGENDA:

- 7:00PM Discussion:
Rezoning Request, 357 – 385 Main Street (Jeffrey Canane)
- 7:20PM Discussion:
Pondview Estates Project Status
- 7:30PM Public Hearing, continued:
Special Permit/Definitive Subdivision Approval Modification, Oakridge Estates
- 7:45PM Approval of Minutes:
 - 9/1/2015
- 8:05PM Town Planner Report/General Discussion:
 - A. Ackley Drive
 - B. Briarcliff Estates
 - C. Subdivision Regulation Amendments
 - D. Economic Development Self-Assessment Tool (EDSAT)
 - E. Miscellaneous Project Updates

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

Discussion:

Rezoning Request, 357-385 Main Street (Jeffrey Canane)

Jeff Canane was present to represent this request.

Ms. Buck gave a brief overview. A request was submitted by Mr. Canane for the Board to consider the rezoning of his properties on Main Street from Residential 2 (R2) to Business (B). Ms. Buck submitted a copy of a zoning map showing Mr. Canane's parcels outlined in yellow. At the Board's last meeting, the request was reviewed and it was decided to hold an informational meeting, inviting the abutting property owners.

Ms. Buck submitted copies of 2 separate maps showing the proposed rezoning area. One map showed the existing Zoning District layout and the 2nd map showed the current land use classifications. She noted that most of these parcels were affected in some way by the Rivers Protection Act, because the rear portion of most of these properties are close or directly abutting Kettle Brook, and the Rivers Protection Act limits what can be done with the properties in that area.

Ms. Friedman made note of the businesses existing in the area that is not zoned for business.

Mr. Jeff Canane said when he purchased his property in 1990, the area from Auburn Street to Church Street was zoned Business and it was changed in 2003 to Residential 2, without any notice to property owners.

Mr. Grimshaw opened discussion to the public.

Mr. Jack Daige, 335 Main Street, said when he had purchased their property in 2003, it was zoned Business. It was after they finished constructing their business, it got rezoned to Residential 2. As a property owner, he was never contacted or notified of the zone change to residential. His property is currently being used for business, as well as a property further down being used for business.

Mr. Canane submitted a letter from property owner at 333 Main Street, 23D-B5; having no objection to the zoning change.

Mr. Grimshaw said the Board was considering including additional parcels along Main Street from Auburn Street to Church Street to avoid the concern of spot zoning. Ms. Friedman said the property owners were notified between Auburn Street & Church Street just in case there were any concern and/or interests.

A concerned resident asked why the zoning was changed from Business to Residential. Ms. Buck explained it was part of a comprehensive study done on the Cherry Valley area and it went from the Center of Town to the Worcester City line. The idea was to move away from narrow strip zoning the entire length of Route 9 from Spencer to Worcester and to encourage clusters of residential zoning and wider commercial districts. All the properties along Route 9 in Cherry Valley were either made into a wider business district or changed to residential. In this particular area, the primary reason for the change to residential was because there were fewer businesses in that area and because of the proximity of Kettle Brook; there really isn't a lot of commercial development that can go in there, regardless of the zoning.

Mr. Menard asked if a home occupation business was allowed. Ms. Friedman said a small business could go in there, but nothing of any scale. She noted not having a problem with amending the zoning from Church Street to Auburn Street. Upon further discussion, the following motion was made:

MOTION: Mr. Wright moved to start the process to rezone Parcels B1-B12 along Main Street, Cherry Valley; between Auburn Street to Church Street; from Residential 2 to Business.

SECONDED: Ms. Nist – Discussion: Ms. Friedman asked about including parcels E4 & 5; Ms. Buck noted those parcels were currently zoned Business.

Mr. Canane asked about including parcel A7 located on the other side of Auburn Street from his property for additional parking. Ms. Friedman explained that the Planning Board would have concern allowing parking across the street from a business for safety reasons; also the map shows that lot having the Kettle Brook going right through it.

VOTE: All in Favor

Ms. Buck noted that a public hearing would be scheduled for January since the public hearing for a zoning amendment has to be within six months Town Meeting date (this item is planned for the May 2016 Annual Town Meeting).

Discussion:

Pondview Estates Project Status

Mr. Salah Asfoura was present and gave an update on the project. The streetlight has been installed, but is not currently turned on and they are working with National Grid to get the light turned on.

Ms. Buck did a site visit and gave a brief review. She said the applicant indicated that the fence around the detention basin was installed, but she was not able to view it from the street and will have the Town Engineer go check it out. She further explained that when the changes were made to the sidewalk and retaining wall, a fence was needed on top of the retaining wall because the drop-off was more than 30-inches and a safety issue. She sent a reminder to the applicant about that. She felt there has been some progress made in the last month and asked how the Board wanted to proceed.

The deadline to complete work was August 7th and the project is currently in default. The Board's options are to leave it in this status to finish up the work or grant another extension. Mr. Grimshaw asked what the benefit would be if another extension was granted, other than giving a definite ending date. Ms. Friedman suggested leaving the default vote because they are already at that point. Ms. Buck agreed and noted to the applicant that the Board will want updates regularly and that the Town Engineer will want something submitted from the structural engineer regarding the safety of the retaining wall.

Ms. Friedman asked Mr. Asfoura if he understood what needed to be done in order to get this put on the Town Meeting warrant in the spring; Mr. Asfoura said yes.

Approval of Minutes:

9/1/2015

MOTION: Ms. Friedman moved to approve the minutes of September 1, 2015 with minor corrections.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Public Hearing, continued:

Special Permit/Definitive Subdivision Approval Modification, Oakridge Estates

Mr. Kevin Maher was present.

Ms. Buck gave a brief review. Revised plans were received showing the relocated sidewalk to be on the outside edge of Phase 3, as well as addressing the Town Engineer's other concerns. Those plans will be delivered to Kevin Quinn's office ASAP for comment. She noted that the applicant has demonstrated they can obtain a Letter of Credit from Hometown Bank. Mr. Maher agreed.

Ms. Buck said there was a draft Performance Agreement that can't be finalized until the Board votes on the extension, because it references the last approval date. Then the Bank doesn't want to issue the Letter of Credit until the document is finalized. However, she felt confident they will be able to work it out with the Bank. She received an email late today from the applicant's attorney, regarding the Open Space Restriction, she didn't get to review and will review before the next meeting.

Mr. Maher asked if the ANR Plan was received. Ms. Buck said yes. She felt the Board would be able to act on the ANR at this meeting, because this isn't something that requires a formal special permit amendment by the Board. It's only a plan that corrects the surveying error and that can be approved prior to the final vote. She noted this hearing will need to be continued to give time for Kevin Quinn to review the revised plan and comment if needed.

Mr. Grimshaw opened discussion to the public.

Mr. Richard Culross, 71 Virginia Drive, said the Open Space is the area where it's not buildable and part of that area is where the Sewer Department pump house sits. Right behind that there is a steep wall that drops right off. He felt there might be an issue when they have a gathering there because

someone could get too close and fall over. He asked who would be responsible for either putting up a fence there or some kind of barrier, so that won't happen. He explained when coming down Virginia Drive, looking right at the Sewer Department Building, the wall and the drop off is located on the left hand side.

Mr. Wright asked who put the wall in. Mr. Culross said the previous developer who went bankrupt. Mr. Wright asked if the residents planned on gathering there. Mr. Culross said yes, that is the only piece of common area that they have to gather.

Mr. Maher said Mr. Culross did speak with him about the drop off. He offered to meet with the residents and come up with a proposal that can be presented at the next meeting.

Mr. Gerald Tello, 16 Virginia Drive, agreed the drop off was dangerous and extremely sheer; about 12 feet, with nothing but rocks. He felt the most economical thing to do was extend the detention pond fence 15 feet and that would take care of the problem.

Ms. Kristi Bates, 69 Virginia Drive, asked if there was a planting schedule for the trees. Ms. Buck said the trees are one of the things that are addressed in the final decision of the Board and the draft conditions for the Board to consider will be that all the trees in phase 1 and 2 be planted by September 30, 2016 and Phase 3 trees by September 30, 2017. These conditions will be discussed in more detail at the continued meeting and after the final comments from Quinn Engineering have been received.

Ms. Bates asked if the sidewalk being eliminated was just in phase 2. Ms. Buck said it's in phase 2 & 3.

Mr. Jonathan Randall, 9 Virginia Drive, asked if the concern regarding drainage been addressed regarding the community building lot. Ms. Buck said in that area, they are going from a community building and a parking lot to a residential structure, so it's a reduction in impervious area. So there will be less impact and stormwater runoff than the project originally proposed.

Ms. Friedman asked if there was an estimated completion date to the project. She visited the site and was surprised at how much progress had been made in that area. When looking at a plant date of 2017 to plant the trees in Phase 3, is it that far off? Mr. Maher said he can take a guess at maybe 3 years for completion.

Ms. Buck asked if Phase 3 fully accessible for a vehicle was able to drive through. Ms. Maher said they are just finishing up the road and project the week of October 19th for a basecoat.

Ms. Buck noted the Board will need to formally vote tonight to set the surety amount. There was a slight discrepancy in the surety amount. The draft letter of credit that the Bank submitted was lower by \$500, based on the original estimate submitted in August. The corrected amount was approved by Quinn Engineering and included in a draft motion prepared by Ms. Buck.

Mr. Milton Moran, 15 Virginia Drive, asked if there were any additional hydrants being proposed for phase 2. Mr. Maher said yes, there is another cistern proposed.

Mr. Stephen Paquette, 72 Virginia Drive, asked if the trees and sidewalk been voted on yet. Ms. Friedman said that will be part of the final vote when the Board votes to approve the amended Order of Conditions.

Ms. Bates asked why the trees couldn't be planted now and why all the sidewalks won't be put in. Mr. Maher explained the trees would not survive the winter if planted now and that he would start to

plant them in the spring. The sidewalks are usually put in after construction because of possible damage to them during construction.

Mr. Grimshaw asked for any further comments or concerns; hearing none, asked for a motion to set the surety.

MOTION: Ms. Friedman moved to set the required security amount for Oakridge Estates in its entirety at \$348,050, as detailed in the surety estimate submitted by Prospect Hill Estates, LLC, dated 9/24/2015, noting that this amount does not include the cost of the base coat of pavement in Phase 3 and therefore, no lot releases may be issued in Phase 3 until the basecoat is completed and approved by the Town Engineer.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

ANR Plan—Oakridge Estates, Virginia Drive

MOTION: Ms. Nist to approve the ANR for Oakridge Estates, Virginia Drive

SECONDED: Mr. Menard – Discussion: None

VOTE: All in Favor

MOTION: Mr. Wright moved to continue the public hearing on Oakridge Estates to Wednesday, October 21, 2015 at 7:15PM

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Town Planner Report/General Discussion:

A. Ackley Drive

This road is located off of Charlton Street and there's a parcel that extends from Pleasant Street back to Ackley Drive. The owner of the land was in the office inquiring how to divide the lot legally for another home. There is a house currently on the property with access on Pleasant Street and the owner split the property so a family member could build a single family home on Ackley Drive. There is one house on Ackley Drive that goes beyond this lot and sits directly across the street. Generally when there's a house beyond a lot, it's usually okay, but this property is borderline. The landowner was asked to provide more information because it was hard to determine where the driveway was located.

Ms. Buck submitted copies of an Assessor's map and an aerial map of the property showing the general condition of the road. She felt the road was in fairly good shape for a dirt road, but beyond the last house, you can barely tell there's a road there. She recommended that the landowner get the property surveyed and before submitting an ANR plan, have the surveyor physically mark on the plan where that road ends.

Ms. Friedman had concern with the fire truck access and suggested having the Fire Chief take a look at the road to determine if there should be a turn-around at the end. Ms. Buck noted there was a turnaround already there, but it has deteriorated. Ms. Friedman said her concern was public safety and she wanted to make sure there was enough of space for a turn around.

B. Briarcliff Estates

Ms. Buck had sent a request for a project update from the Developer. The developer sent a status report stating they were focusing more on the interior work on the existing four buildings.

C. Subdivision Regulation Amendments

Ms. Buck noted that she's been reviewing her research on this from a couple years ago, and a draft should be completed within the next couple of months.

D. Economic Development Self-Assessment Tool

Northeastern University is doing an evaluation related to the Town strengths related to Economic Development. The survey has ten categories with a total of 250 questions and 75% of the questions are completed. A meeting has been scheduled for November 17, 2014 at 6:00PM to go over the 250 questions and solicit comments. The Planning Board Members, members of the Economic Development Committee, representatives of the Leicester Business Association and Town Officials will be invited to attend. The meeting will take place at the Leicester High School. Ms. Friedman noted that it should be posted as a Planning Board meeting in case a quorum is present.

E. Miscellaneous Project Updates

- *5 Huntoon Memorial Highway*
The concern related to possible wetland violations has been referred to the Conservation Commission.
- *Zoning Map*
The Zoning Map update has been ordered from CMRPC (to reflect change made May 2015 and approved by Attorney General's office August 2015).
- *Application fees on private requests for zoning changes.*
There is currently a \$200 fee for a zoning change request, which was intended to apply to private requests. Ms. Buck asked if the Board felt this fee should apply for the Main Street rezoning request if the Planning Board was sponsoring it. The Board agreed it should not apply.
- *Boutilier Solar*
Ms. Buck did a site visit and found the project was 99% complete. She didn't recall the developer notifying the Planning Office that construction had started.
- *Central Mass Crane*
The owner will be seeking an occupancy permit within the next week.
- *9 McNeil Solar project*
This application is before the Planning Board on October 21st
- *Permits/projects recently expired*
 - a. Barris Farm Estates, which is now a solar farm but the permit was still active, has expired.
 - b. Banner Tire, to be located in the Minuteman Corrugated building, permit has expired.
 - c. 1603-1605 Main Street, across from the Walmart, expired last Friday.
 - d. 92 Huntoon Memorial Highway, permitted in 2010, but was extended due to the permit extension act, has now expired.

Ms. Friedman noted the number of businesses the Planning Board has approved and not gone through to completion. She felt that says the Planning Board was willing to work and do things for businesses, but it's wasn't the Board's fault if the developers never moved forward to build them. As a follow up, she noted trying to find the Economic Development Committee minutes on the

Town's web site, but was not able to find any. She wanted to see what was being discussed at the meetings and if there were things the Planning Board should be looking at to potentially rezone or to think about how things are currently zoned and could be better used.

- *1060 Main Street*
A new Asian Restaurant called Eastern Pearl will be submitting an application for a Special Permit soon.
- *Department Head Meeting*
Town Administrator has asked for each Department Head to submit their vision, mission statement and goals for FY2016. Ms. Buck noted that she put this on the next Planning Board agenda for discussion.
- *104 Huntoon Memorial Highway*
Mr. Wright asked about the current tree removal work being done on this property. His concern was the cutting entering into the wetland area. Ms. Buck said this matter is currently under review by the Conservation Commission and will be discussed at the next Conservation meeting.

With no further discussion; the following motion was made:

MOTION: Mr. Wright moved to adjourn meeting

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:45PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Minutes approved on: November 3, 2015

Documents included in meeting packet:

- Agenda
- Memo to the Board from Michelle Buck regarding 10/6/2015 meeting
- Copy of the public informational meeting notice sent to abutters regarding the Zoning amendment request for 357-385 Main Street, Cherry Valley
- Copy of Oakridge Estates Performance Security Agreement
- Copy of Oakridge Estates Special Permit Decision
- Copy of letter from Matthew Bassick, Briarcliff Estates regarding a status report on the project.
- Planning Board Minutes of September 1, 2015

Documents submitted at meeting:

- Copy of Assessor's map & ariel map for Ackley Drive
- Copy of Assessor's map color coded, prepared by CMRPC, showing the area of proposed rezoning, Cherry Valley