

**Town of Leicester Planning Board  
Meeting Minutes  
March 24, 2020**

*[Note: This meeting was held remotely using GoToMeeting]*

**MEMBERS PRESENT:** Jason Grimshaw, Chair; Debra Friedman, Vice Chair; Sharon Nist; Andrew Kularski; Jaymi-Lyn Souza

**MEMBERS ABSENT:** None

**IN ATTENDANCE:** Michelle Buck, Town Planner, Tiffany Peters Department Assistant

**MEETING TIME:** 7:00PM

**AGENDA:**

1. 7:00PM **Lot Release Request/Acceptance of Performance Guarantee, Oak Bluff Lane Subdivision (SUB2018-01)**  
Applicant: Schold Development, LLC
2. 7:15PM **Site Plan Review: Greenville Baptist Church (SPR2020-01)- Modification of SPR2004-01**  
Construction of 1300 s.f. dry storage building (no water or sewer tie in), 28 new parking spaces, reconfiguration of sidewalks & associated site work.  
Applicant: McClure Engineering, Inc.
3. 7:30PM **Public Hearing, Special Permit Amendment/Enforcement of Violation, continued**  
Mulberry Solar #3 (SP2018-02), unauthorized tree clearing, review of proposed restoration plan (Applicant: Sycarpha Capital, LLC)
4. 8:00PM **Town Planner Report/General Discussion:**
  - A. Authorization to Allow Town Planner to sign plans regulated by the Subdivision Control Law
  - B. Miscellaneous Project Updates
  - C. Board Member Committee Updates
5. **Adjourn**

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

**Lot Release Request/Acceptance of Performance Guarantee, Oak Bluff Lane Subdivision (SUB2018-01)**

Mr. Grimshaw reads the request for lot release. Ms. Buck states that the bond was set in the amount of \$127,768.05 [at meeting of 1/22/2020] if core testing of the base coat was approved. She confirmed that this has been approved by Kevin Quinn of Quinn Engineering. Ms. Buck states the board needs to take two votes. One to accept the performance security agreement for Oak Bluffs Lane and the second is to approve the conditional partial release of covenant.

**MOTION:** Ms. Friedman motions for partial release of covenant for Oak Bluff Lane

**SECOND:** Ms. Nist

**DISCUSSION:** None

**VOTE:** All in Favor

**MOTION:** Ms. Friedman motions for approval of Performance Agreement for \$127,768.05

**SECOND:** Ms. Nist

**DISCUSSION:** None

**VOTE:** All in Favor

**Site Plan Review: Greenville Baptist Church (SPR2020-01)- Modification of SPR2004-01**

Mr. Grimshaw starts discussion for Greenville Baptist Site Plan Review and asks if anyone from the project is here to speak.

Peter Engle of McClure Engineering introduces himself and explains the project. He states that the church is running out of space inside and they are looking to build a storage building for chairs, tables, books, etc. There is a pantry in the church for food so no food will be stored in the new building. They are going to heat the new building. It will not require any fire protection; it is small enough and separated from the other buildings on the property. They are providing 10 feet on all sides for Fire Department access. Also, the plan proposes 28 new spaces for attendees of the church as well as sidewalks to Clark Building which is used for schooling.

Mr. Engle states that a stormwater analysis was done and that there is a large underground infiltration system which was completed in 2004 when the church was originally built and there is plenty of capacity in that system for the proposed work and they will be added two catch basins and a water quality treatment unit to the existing plan. Mr. Engle states that they are also proposing new lighting for the additional parking area.

Ms. Buck shares the Greenville Baptist site plan on screen so that the Board and the public can view it. Mr. Grimshaw asks if Ms. Buck has anything to add to what Mr. Engle has presented. Ms. Buck states that the site plan was reviewed by Kevin Quinn of Quinn Engineering and there were very minor comments one of which applied to accessible parking spaces which the applicant appears to have addressed. She states that in the applicants response he indicated that the Building Inspector signed off on that, Ms. Buck states doesn't know if the Building Inspector looked at that issue in much detail and ultimately it is the applicants responsibility to show that he has met the requirements. The only other issue was a printing error on the plans. Ms. Buck states that she does not have any other concerns about this project. Ms. Buck states their review is more limited as this building is for religious use. Ms. Buck states they can review parking and that the applicant has met requirements for aisle width and parking spot size and that they do not have a requirement for the number of spaces for religious use.

Ms. Nist asks if the new structure will be a prefabricated structure or if it will be constructed from ground up. Mr. Engle states that it will be prefabricated structure on top of a poured foundation. Ms. Nist asked if Historical Commission comments had been addressed; Ms. Buck states that they have. The Historical Commission comments stated that there is a Native American burial ground on the property. Ms. Buck stated that the proposed construction is not on the portion of the property that the Historical Commission states the burial ground is on. Ms. Buck states that she included a draft decision in the board approval that was included in the meeting packet. She noted that Mr. Engle needs to provide 2 full size plans and one 8 ½" x11" plan of the final site plan within 14 days to Planning Board office.

**MOTION:** Mr. Kularski

**SECOND:** Ms. Nist

**DISCUSSION:** None

**VOTE:** All in Favor

### **Public Hearing, Special Permit Amendment/Enforcement of Violation, continued**

Mr. Grimshaw opens the continued hearing. Prateek Tare at CS Energy introduces his team. Devin Howe, Beals & Associates, Inc., then speaks and shares screen to show a plan on which he points out where the violation occurred. Mr. Howe states that the Town wanted an outside company to survey the land and they hired Jarvis Land Survey to go out and inventory the trees. He states that symbols on the plan indicate stumps that were found at the site. Mr. Howe states that they came up with a restoration plan that was reviewed by EarthDesign Landscape Architecture, LLC (EarthDesign). He states they have proposed along the eastern ridge various species of trees within that area that was cut. Mr. Howe states that the property on the eastern portion of the site is bordered by the City of Worcester and that CS Energy has tried to reach out to the city but have not received a call back. Mr. Howe states that the south portion borders the Daige family and that they are adding evergreen screening trees along their entire property line. They have staggered evergreen shrubs along that entire eastern property line that extends all the way to the southern portion of the property. Mr. Howe states another comment that he had received from Ms. Buck is that there was some low growth and shrubbery that was removed as well. He states that black dots on plan represent shrubs. They will be planting a thick area of shrubs as well as 6 inches of loam and pollinator seed mix that replicates the area where the low growth and shrubbery was inadvertently removed. This will be done along entire area in which low growth was removed. He continues to point out other area on the western side where they are also proposing to restore that area with the 6-inch loam and pollinator seed mix. Mr. Howe states that on the western side of the property there was a small area of land that was cleared of trees. He states that they are proposing to plant trees to restore that area as well as put down 6 inches of loam and seed. He states on the eastern portion of the site there are 104 evergreens and 103 deciduous trees for along that property line. He states that there are 376 shrubs that they are proposing along that area. Along the western side of the site they are proposing 208 shrubs as well as 14 trees.

Ms. Friedman asks if this restoration plan has been run by the Daige family as they have attended every meeting regarding this, and she wants to make sure they have been aware of the plan. Mr. Howe states that he does not want to speak for the family but that the recommendation by the Daige family was to install white pines. Mr. Howe states that concern that he and EarthDesign had is that white pines lose their lower branches and would not provide ample screening. Therefore, they are now proposing to install evergreen trees along the Daige property line in order to provide better all year screening. Ms. Friedman would like to know what kind of evergreens are being planted. Mr. Howe states they are proposing upright white pine, white spruce, blue spruce and eastern red cedar which were all suggested by the Town peer reviewer, EarthDesign. Ms. Buck added that the species of white pine that the landscape architect recommended is one that does not lose its lower branches. Ashlesh Kurahatti (CS Energy) states that he shared plan with Mr. Daige and he did not have any objections to it.

Ms. Friedman states that resident Jan Park had mentioned some type of berry bush instead of perineal flowers and asks if that suggestion had been considered at all. Ms. Buck states that the plan now contains a variety of native shrubs in addition to a seed mix including shrubs with berries.

Eric Sauvageau of 200 Chapel Street asks why on the western side of the project shrubs are being proposed and not trees. He states he lives on Chapel Street and he can see right through to the woods. Mr. Howe states the area in which they are proposing shrubs are the areas where they were permitted to cut trees but were not supposed to remove low growth vegetation. That is why

only shrubs are going back in that area. Mr. Sauvageau asks what type of shrubs will be installed in this area and Mr. Howe states that it is similar to what is going in on the eastern side.

Ms. Buck states that the original Special Permit decision [approved September 11, 2018] remains in effect except where the Board may modify it at this meeting. She states that a condition of approval in that decision [condition #20] allows the Board to go out and view the site once it is done and request additional landscaping if needed.

Ms. Friedman asks what size the trees are that are being installed. Mr. Howe states that trees will be 1.5 to 2-inch diameter and 6 to 7 feet tall at time of planting.

Ms. Buck asks about having a deadline for tree planting schedule and asks the applicant if they have any comment on their planting schedule. Mr. Howe states that given the state of the world they are requesting flexibility. He states their intention is to do the planting as soon as weather permits, May 8, 2020 was the date they had in mind. Ms. Buck states a deadline of mid to late June could be granted and that it is up to the Board to decide. She states that the Board has the power to extend the deadline if necessary, in order to provide them with flexibility. Ms. Nist suggested a deadline of June 30, 2020.

Ms. Buck explains to the participating public that the Board issued a Cease and Desist Order in January and that tonight's vote would allow the Cease and Desist to be lifted immediately for anything related to tree planting and then they could do other work once the decision is recorded at the Registry of Deeds. Ms. Buck states that there are also several conditions that are proposed and summarizes the Order of Conditions for the public. Conditions of Special Permit include: regular inspections during the remaining construction, the applicant must provide receipts for the tree species planted, a deadline of June 30<sup>th</sup> to plant the trees, no solar panels may installed until all the planting shown on the restoration plan have been completed and inspected by the Planning Board. Ms. Buck states that the applicant had also submitted a site restoration bond of \$200k which will remain in effect until vote of release by the Planning Board. Ms. Buck states that the decision also lists penalties that the Board may enforce if the applicant fails to comply with the Board's decision.

Mr. Tare asking what next steps will be considering Town Offices are closed. Ms. Buck states she will work on the decision and then send it to the Board for electronic signatures. It then needs to be filed with Town Clerk. Once it is filed with Town Clerk there is a 20-day appeal period before it can be filed with the Registry.

**MOTION:** Ms. Friedman moves to approve the Speical Permit Decision Amendment as written by Ms. Buck

**SECOND:** Ms. Nist

**DISCUSSION:** Mr. Tare comments on solar panel installation. They will not install solar panels until trees are planted but they are asking if it is ok to put the supporting structures in. Board is ok with this. Ms. Nist asks that it put in the Order of Conditions that if trees don't survive that they must be replaced. Ms. Buck states she will add it to order of conditions. Mr. Tare is requesting that they have a time frame put in place for tree replacement (2 growing seasons).

**VOTE:** All in Favor

### **Town Planner Report:**

#### *Route 9 Storage*

Marc Curtis seeking an occupancy permit last week for Route 9 Storage. Ms. Buck and Mr. Quinn visited the property and while there were minor changes, the project is in substantial

conformance with the approved plan. Ms. Buck did request a \$2,000 surety amount, which Mr. Curtis has already submitted, because she could not evaluate landscaping at this time of year. Ms. Buck asks the Board to approve a \$2,000 Performance Agreement for Route 9 Storage.

**MOTION:** Ms. Friedman motions for approval for \$2,000 performance agreement for Route 9 Storage

**SECOND:** Ms. Nist

**DISCUSSION:** None

**VOTE:** All in Favor

#### *Zoning Bylaw Amendment Citizen Petition*

Ms. Buck states the Town received a citizen petition for a Zoning Bylaw amendment to allow outdoor growing of marijuana in the Suburban Agriculture (SA) zoning district. The proposal is now posted on the Planning Board's webpage. Normal procedure is that the Board has 65 days to hold a public hearing. The intention was to get this on the May 5, 2020 Annual Town Meeting but at this time it does not appear that Town Meeting will happen on that date. It needs to be decided when to schedule a public hearing for this. Ms. Buck states she is concerned about public participation for a proposal like this while using an online meeting format. Ms. Souza asks if there is any other way to offer public participation such as mail for people who not have access to online meetings. Ms. Buck states that people could submit written comments. She thinks there will be a lot of interest in this hearing. Ms. Buck states potential date would be May 5<sup>th</sup>, since Town Meeting will no longer be held on that day.

#### *Approval of Minutes*

Ms. Buck notes that the Board has a backlog of meeting minutes to review. When the Board meets next there will be multiple sets of minutes for review and approval.

#### *ANR Plan Signature Authorization*

Ms. Buck states that the state Subdivision Control Law allows the Planning Board to vote to authorize a single person to sign ANR plans that must be recorded at the Registry. The Board would still meet, review and approve the plan. This would make the signing process easier. Ms. Buck asks Board to authorize her, as Town Planner, to sign ANR plans regulated by the Subdivision Control Law.

**MOTION:** Ms. Nist motions for approval for Ms. Buck to sign plans in accordance with the Subdivision Control Law

**SECOND:** Ms. Friedman

**DISCUSSION:** None

**VOTE:** All in Favor

#### *DocuSign*

Ms. Buck states that they ran a successful test of the use of DocuSign. Items that Board votes on tonight will be sent to them tomorrow for signature.

#### **Board Updates:**

##### *Capital Improvement*

Ms. Nist states that Capital Improvement is supposed to be meeting with the selectman on the 30<sup>th</sup> regarding the school. Harry Brooks of the Select Board states they are not meeting on that date and now that they will be having the meeting at a later date, they have more time to get together. Mr. Brooks also advises that voting from the Board should be polled.

There were no other Board updates due to meeting cancellations.

**MOTION:** Ms. Nist motioned to adjourn

**SECOND:** Ms. Friedman

**DISCUSSION:** None

**VOTE:** All in favor

Meeting adjourned at 8:00pm

Respectfully Submitted,  
Tiffany Peters, Department Assistant

**Documents included in meeting packet:**

- Agenda
- Town Planners Memo to the Planning Board dated March 24, 2020
- Email from Kevin Quinn regarding pavement testing dated March 19, 2020
- Oak Bluffs Lot Release Draft Decision
- Oak Bluffs Performance Agreement Draft Decision
- Letter from McClure Engineering to the Town Planner and Planning Board dated February 19, 2020
- Application for Greenville Baptist Site Plan Review including site plan and comments
- Site Plan Approval & Stormwater Permit Order of Conditions Draft
- Public Hearing Notice for Mulberry Solar Farm for unauthorized tree clearing violation
- Letter of Restoration Recommendations from Alice Webb of EarthDesign dated March 9, 2020
- Email from Alice Webb of EarthDesign to Town Planner dated March 4, 2020
- Letter of Restoration Recommendations from Alice Webb of EarthDesign dated March 3, 2020
- Memo from Quinn Engineering dated March 2, 2020
- Memo from Quinn Engineering dated January 28, 2020
- Site Plan of proposed restoration plan
- Draft Decision for Special Permit Amendment

**Documents submitted at meeting:** None