

LEICESTER PLANNING BOARD

MEETING MINUTES 5/4/2021

MEMBERS PRESENT: Jason Grimshaw (Chair), Debra Friedman (Vice-Chair), Sharon Nist, James Reinke (Associate)

MEMBERS ABSENT: Jaymi-Lyn Souza

STAFF PRESENT: Michelle Buck, Town Planner; Brooke Hammond, Department Assistant

TIME: 7:00 PM

Note: This meeting was held virtually using GoToMeeting.

ORDER OF BUSINESS*

1. 7:00PM **Public Hearing, Zoning Bylaw Amendment**
 Marijuana Establishments: amendments to allow delivery and to increase the cap on marijuana retailers from 1 to 2 establishments
2. 7:15PM **Continued Public Hearing, Special Permit**
 803 Main St, Afro Evolution Steppers (SP2021-04), reuse of existing structure for dance studio and hair braiding salon (Applicant: Candice Pabarroo)
3. 7:30PM **Continued Public Hearing, Special Permit**
 WorcShop/11 Hankey Street (SP2021-03), Makerspace (Applicant: The WorcShop)
4. 7:45PM **Approval of Minutes**
 - April 6, 2021
5. 8:00PM **Town Planner Report/General Discussion:**
 - A. Discussion of Greenville Village NB District amendments (Patrick Carroll)
 - B. Planning Board Report on Zoning Bylaw Amendments
 - C. Miscellaneous Project Updates
 - D. Board Member Committee Updates
6. **Adjourn**

Mr. Grimshaw called the meeting to order at 7:02 PM.

1. Public Hearing, Zoning Bylaw Amendment.

Ms. Buck provided an overview. During the previous public hearing for marijuana-related amendments [which included amendments related to delivery services and increasing the cap on retail establishments] the proposal was amended to eliminate the increase in the cap because of what was believed to be lack of support from the Select Board. The hearing was closed. At a later Select Board meeting, they voted 4-1 in support of increasing the number of marijuana retail facilities allowed to 2. The Planning Board re-opened the hearing to discuss increasing the retail cap. Marijuana-related uses are prohibited in Residential districts, and the buffers required for residential districts affect the entire Central Business (CB) district. A small correction will be made to the use table 3.2.03, changing #23 'Marijuana Delivery Operator' in the CB district from being allowed by special permit to prohibited [change "SP" to "N"].

Ms. Friedman asks a member of the Select Board to explain why they decided to support another retail establishment. Mr. Duggan, Select Board member, says the stigma surrounding marijuana establishments needs to be changed. Ms. Friedman asks what the economic advantages will be adding a second marijuana retail location in town. Mr. Duggan says new businesses always increase tax revenue. Ms. Friedman asks if there's a Host Community Agreement in place and Mr. Duggan doesn't know the current status. Ms. Friedman notes the potential new retailer would most likely have to sign an agreement.

Public Comment

Doug Belanger says the principal of the host agreement with Cultivate was that they could afford to give Leicester a bigger deposit, as well as a percentage of their sales for a year after. He suggests that splitting the customer base just splits the revenue to the town in 2 as opposed to increasing revenue.

Christopher Fevry, who is looking to open a retail marijuana establishment in town, explains his business would be a small, socially-conscious run business. Mr. Fevry says it would be a competitive advantage to have two retail facilities. He believes that host community agreements will not be required by other towns in the near future but is willing to work with Leicester on a mutually beneficial agreement for a second retail facility.

Rob Lally of Cultivate Holdings agrees with Mr. Belanger that a second retail facility would only split the consumers between two buildings because they would both be competing for the same customer base.

Victor Piniero, attorney representing Lee Dykas, agrees that the retail cap should be increased but wants the town to allow for 3 retail facilities.

Mr. Reinke says the benefit to having more than one retail location is that one of the establishments will either create a better product or will offer the same product for cheaper. Regardless, it offers consumers in town more options. Mr. Fevry notes that the cannabis market is destination based and will inevitably bring more consumers into Leicester. Mr. Belanger says the initial host community agreement with Cultivate promised they would be the sole retail establishment in town. Ms. Friedman confirms Mr. Belanger's statement, but says it should be left to the voters on Town Meeting floor to decide on the proposed retail increase.

Motion: Ms. Friedman moves to increase the number of permitted marijuana retail establishments to two in the town of Leicester.

Second: Ms. Nist

Discussion: Mr. Reinke asks if Ms. Friedman considered allowing three. Ms. Friedman says that her motion was to allow two retail facilities, but at Town Meeting voters have the ability change that to three if they desire.

Select Board member Mr. Antanavica agrees that agreement with the public was to allow one, but it should be left to the voters at Town Meeting to make the final decision.

Mr. Belanger expressed concern that the process to original allow marijuana retail involved an extensive public hearing process, and he feels that the current process was more limited.

Roll Call Vote: (3-0-0)

[Note: Part of the zoning amendment was missed in the original motion to approve.]

Motion: Ms. Friedman moves to change the marijuana delivery from being allowed by special permit to being prohibited in the Central Business district.

Second: Ms. Nist

Discussion: None

Roll-Call Vote: (3-0-0)

2. Continued Public Hearing, 803 Main St/Afro Evolution Steppers (SP2021-04)

The applicant submitted revised floor plan with measurements prior to the meeting. The site does not require a parking waiver based on occupancy load. There will be one entrance and one exit designated by appropriate signage. Ms. Pabaroo will have exterior lights and streetlights illuminating the parking lot. The Board agrees these changes adequately address their previous concerns.

Motion: Ms. Friedman moves to approve the Special Permit for 803 Main Street.

Second: Ms. Nist

Discussion: None

Roll-Call Vote: (4-0-0)

3. Continued Public Hearing, 11 Hankey St/WorcShop (SP2021-03)

Mr. DeSota provided lighting detail and cut sheets to the Board for the fully controllable LED slim area lights. An exterior storage policy was given to all WorcShop members and all unnecessary exterior storage has been cleaned up since the last Planning Board meeting. An operation & management company was hired by the WorcShop to provide guidance in regard to building and property management. Mr. DeSota also provided the Board with the exterior storage plan, which consists of 12 storage units placed on the northeast section of the property. No hazardous materials are to be stored in the outdoor storage containers. Mr. Meraki will submit a plan in the future if the WorcShop plans to have any outdoor project space.

Ms. Friedman noticed a burn pit with chairs surrounding it behind the storage containers during a site visit. Mr. Meraki says members have plasma cut over that burn pit previously but are now prohibited from using the pit and promises that the chairs will be removed.

The fire lane complies except for one 4' stretch of the road that is only 17' 9" wide due to concrete structures on either side. Mr. Reinke asks if there are a sufficient amount of parking spaces, including ADA spaces. Mr. Meraki says the 43 spots can accommodate up to 200 members throughout the day. ADA spots will be designated in the next stage of permitting but are mentioned in the safety plan. When membership exceeds 200 Mr. Meraki intends to submit an additional parking plan.

Ms. Nist asks if the Fire Department has signed off on the project. Ms. Buck received a verbal sign off, but no written comments.

Mr. Meraki proposes 6 AM to midnight 'access hours' which would mean that after midnight members could continue working, but no one new would be let in the building until 6 am. He is willing to employ overnight staff to manage member activity after midnight. The WorcShop team says it benefits members greatly to be open 24/7 with limited access hours. The Board still has concerns about member residency after hours. The Board agrees that hours of operation will

be limited 6 am to midnight for 6 months. If the applicant does not violate these terms, the restriction will be lifted after the 6-month review period. The WorcShop will meet with the Planning Board after 6 months to evaluate this condition. Mr. Grimshaw suggests adding language saying any violation to the conditions after the 6-month period would result in rescinded 24-hour access.

Motion: Ms. Friedman moves to approve the special permit with the conditions as stated.

Second: Ms. Nist

Discussion: Ms. Nist requests written comments from the Fire Chief. The applicant must also provide paper copies of the revised plans within 30 days from this hearing.

Roll-Call Vote: (4-0-0)

4. Approval of Minutes

Motion: Ms. Nist moves to approve the April 6, 2021 meeting minutes.

Second: Ms. Friedman

Discussion: Change “embers” to ‘members” on page 2.

Roll-Call Vote: (3-0-0)

5. Town Planner Report/General Discussion

a. Discussion of Greenville Village NB District Amendments

Mr. Carroll discussed this issue with the Zoning Enforcement Officer who ruled that a machine shop is classified as an industrial use and is not allowed in the NB district. The district was created with the intention to allow small businesses within a mainly residential district. Mr. Carroll wants to amend the zoning bylaw to allow a machine shop in the NB district. Mr. Carroll says the building at 760 Stafford St was previously used for industrial purposes. He says a machine shop would not cause any disturbance to the neighborhood nor would it be a safety hazard.

Ms. Buck notes that the open public hearing(s) on zoning bylaw amendments have all closed and will be presented at Town Meeting as written. The Planning Board cannot amend the bylaw outside of the hearing. The schedule of uses can only be changed by amending the zoning bylaws; Ms. Buck tells Mr. Carroll he can make a floor amendment at Town Meeting to alter the amendment or propose a new amendment at a future Town Meeting. The Board has no objection to Mr. Carroll making a floor amendment at Town Meeting.

b. Planning Board Report on Zoning Bylaw Amendments

A draft planning board report on zoning bylaw amendments was provided in the meeting packet. The Board did not request any changes to the draft.

c. Miscellaneous Project Updates

Ms. Buck received a proposal for a year-round food truck location at 1535 Main Street. The Board requests that the applicant apply for Site Plan Review.

d. Board Member Committee Updates

Open Space and Recreation Plan Committee: 96 surveys have been submitted. The open forum will be sometime in July.

Economic Development Committee: A consultant team presented about the effects of Covid on retail. The next meeting is May 6, 2021.

6. Adjourn

Motion: Ms. Nist

Second: Ms. Friedman

Discussion: None

Roll-Call Vote: (3-0-0)

The meeting was adjourned at 9:43 PM.

Respectfully Submitted,

Brooke Hammond, Department Assistant

Documents included in meeting packet:

- Town Planner Memo dated 4/29/2021
- Zoning Bylaw Amendments: Marijuana Establishments
- Special Permit draft decision – 803 Main St/Afro Evolution Steppers
- WorcShop access lane plan
- Email – Ethan DeSota dated 4/28/2021
- Special Permit draft decision – 11 Hankey St/WorcShop
- Planning Board meeting minutes dated 4/6/2021
- Planning Board Report: Zoning Bylaw Amendments Articles 25 – 29