

Town of Leicester Planning Board

Meeting Minutes

MEMBERS PRESENT: Jason Grimshaw, Chair; Sharon Nist, Alaa AbuSalah, Debra Friedman,

ASSOCIATE MEMBER: Robyn Zwicker

MEMBERS ABSENT: Andrew Kularski

IN ATTENDANCE: Michelle Buck, Town Planner; Barbara Knox, Board Secretary; Harry Brooks, Board of Selectmen Liaison

MEETING DATE: **February 21, 2017**

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Public Hearing
Rescission of Definitive Subdivision Approval, Boutilier Estates (ZPT Energy Solutions, LLC)
- 7:15PM ANR Applications:
A. Henshaw Street (James Cooper)
B. Green Street (Kurt Gursky)
- 7:30PM Discussion:
Fire Department Capacity: Residential Building Heights (Chief Wilson and Assistant Chief Dupuis)
- 7:45PM Discussion:
Potential Zoning Amendment: Residential Building Heights (Christian Boysen, Optimus Senior Living)
- 8:00PM Application:
Site Plan Review (Renewal of Expired Permit), McNeil Highway Solar (SunConnect MA12)
- 8:15PM Approval of Minutes
• 1/17/2017
- 8:30PM Town Planner Report/General Discussion:
A. Potential Solar Bylaw Amendment
B. Miscellaneous

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

Public Hearing

Rescission of Definitive Subdivision Approval, Boutilier Estates (ZPT Energy Solutions, LLC)

Mr. Grimshaw read the Notice into the record and then opened up to discussion. Ms. Buck explained this was a condition of approval put on the LaFlash Boutilier solar farm project that they submit a request of rescission before receiving a building permit on the solar farm. Two documents were included in the mailing packet for review. One was the draft Decision and the second was a request for Release of Covenant on the project related to the subdivision. Hearing no further discussion, Mr. Grimshaw asked for a motion to rescind and a motion to release the covenant.

MOTION: Ms. Friedman moved to rescind the Subdivision of Boutilier Estates

SECONDED: Ms. Nist – Discussion: None - VOTE: All in Favor

MOTION: Ms. Friedman moved to release the Surety for Boutilier Estates Subdivision

SECONDED: Ms. Nist – Discussion: None – VOTE: All in Favor

ANR Applications

A. Henshaw Street (James Cooper)

Creating a single lot showing 200-foot frontage on Henshaw Street.

MOTION: Ms. Friedman moved to approve the Henshaw Street ANR for James A. Cooper.

SECONDED: Ms. Nist – Discussion: None – VOTE: All in Favor

B. Green Street (Kurt Gursky)

Taking remaining land and dividing it in two. Both lots showing frontage on Green Street.

MOTION: Ms. Friedman moved to approve the Green Street ANR for Kurt Gursky

SECONDED: Ms. Nist – Discussion: None – VOTE: All in Favor

Approval of Minutes

1/17/2017

MOTION: Ms. Friedman moved to approve the minutes of January 17, 2017

SECONDED: Ms. Nist – Discussion: None – VOTE: All in Favor

Discussion:

Fire Department Capacity: Residential building heights (Chief Wilson and Assistant Chief Dupuis)

Chief Robert Wilson and Fire Inspector Mike Wilson in Attendance.

Ms. Buck gave an overview. Some time ago, a developer argued on the height limit not applying to apartment buildings. After further review on the history of the Town Meeting votes, in 1995, the Town changed the height requirement to 55 feet in several districts and at the same time, amended the Bylaw to limit buildings used for human habitation to 35 feet. In 1996, the Bylaw was amended on the number of stories to reflect the height increase for commercial buildings. With senior developments, there is some flexibility on other dimensional requirements, but the Bylaw is explicit that it these developments have to conform to the same height restrictions as other residential developments.

Ms. Buck asked if the Fire Department had the same safety concerns today as they did back in 1995. Chief Wilson felt the concerns 20 years ago aren't the same today. Today, structures having 3 or more units are now require to have sprinkler systems in the building and a commercial structure more than 7,500 square feet also require sprinkler systems throughout the building. He explained the ISO Insurance organizations that provide fire protection to each Town go by the height requirements of a community's ladder service truck.

Ms. Buck said the Board was looking for the fire department's general input on what the highest height the Town would want to allow for structures. Mr. Wilson would recommend a height the apparatus could maintain. However, it was basically the Board's decision to make.

Ms. Friedman said the reason the Board asked for the Fire Department's opinion was to help make that decision whether or not to raise the height limit. Mr. Wilson described the current height the ladder truck could reach. Ms. Buck asked how high the truck could currently maintain. Mr. Wilson said it can go to 75-feet.

Mr. Brooks asked if the new ladder truck is voted in at the May Annual Town Meeting, did it go higher. Mr. Wilson said it would go to 95 feet.

Mr. Grimshaw asked what his initial thoughts were. Mr. Wilson said he was not opposed to a height increase within reason, especially now that new structures are required to install sprinkler systems. He felt the appropriate areas for height increase would be along Routes 9 and 56.

The Board indicated that they could look into the matter further and might consider an amendment in the fall. The developer currently requesting a zoning change was not in attendance, so the Board moved on to other agenda items.

Town Planner Report

Miscellaneous Project Updates

- **Complete Streets project update**
The Board of Selectmen adopted a Complete Street Policy and now the Town can move forward to work with CMRPC on a Complete Streets Prioritization Plan. Once that is completed, the Town can start to implement the plan.
- **Green Community**
The Town Administrator wants to work towards designating Leicester as a Green Community. There will be a couple of information sessions held and the first one will be held on March 14th. The biggest issue the previous times this was considered was adoption of the Stretch Code.
- **Verizon Cell Tower**
No news received on the Judge's ruling.
- **New Applications**
 - 1) The Town Library Expansion/Renovation project is on agenda for 3/7/2017 for Site Plan Review.
 - 2) 1205 Main Street, Cheoy Lee's is scheduled for 3/21/2017 for a Special Permit to subdivide the unit and make a new commercial business.

Discussion

Potential Zoning Amendment: Residential Building Heights (Christian Boysen, Optimus Senior Living)

Discussion tabled. Christian Boysen of Optimus Senior Living, did not attend.

Application

Site Plan Review (Renewal of Expired Permit), McNeil Highway Solar (SunConnect MA12)

Ms. Buck explained this was an identical application to what was originally approved and there were no changes made from the original application. A draft Decision was included with the meeting packet for the Board's review. Hearing no further discussion, Mr. Grimshaw asked for a motion.

MOTION: Ms. Friedman moved to review the expired Site Plan Review Permit for McNeil Highway Solar, SunConnect MA12.

SECONDED: Ms. Nist – Discussion: None – VOTE: All in Favor

Potential Solar Bylaw Amendment

Ms. Buck distributed a map prepared by CMRPC showing the locations of all the solar farms in Town. There were currently 9 solar sites and 6 were located along the Stafford Street corridor. The first few solar sites built, were put at sites previously disturbed. Recent submittals, one on Henshaw Street and one on Mulberry Street, involved extensive land clearing. The Bylaw currently doesn't have any buffering requirements from residential uses and can only be negotiated during the Site Plan Review process on a case to case basis. Ms. Buck noted that was one of the primary concerns that should be addressed.

Ms. Friedman asked how other Towns dealt with the land clearing and the concern with that causing erosion. Ms. Buck did some research and found some Towns did limit the total amount of land clearing for a solar farm and required large setbacks. She said the State has a model bylaw and an advisory document that listed things that can be done and cannot be done. It states Towns were not supposed to have requirements for solar farms that were significantly more onerous than requirements for another commercial uses. She said there were specific cautions in the State model against landscaping and buffering requirements. What helps Leicester was there were already fairly significant landscaping and buffering requirements for commercial uses in several of the major commercial districts.

Ms. Buck asked the Board what they felt was more important, a wider buffer or narrower buffer that had more of a solid screening, and if there was an interest to limiting the tree clearing. Mr. Grimshaw felt most issues with buffers would need to be done on a case-by-case decision. Ms. Friedman said because of the erosion factor after a field was cleared and looking at some of the very large solar fields, communities were experiencing huge problems with erosion because they allowed acres and acres to be cut. As a result, there was nothing there to hold the soil back. Mr. Zwicker felt with advancement in technology on solar panels, they are now being made smaller and the solar fields won't need as much space years from now. The whole solar craze will be mostly on residential homes, more than in fields.

Ms. Buck said currently the way the Bylaw was written, solar farms can clear right up to the lot line, because setbacks only apply to structures. The only thing the Board can do was negotiate with the developer. All agreed tree cutting needs to be limited.

Ms. Buck asked the Board's opinion in regards to a special permit versus by-right. Currently, it is prohibited in Central Business, allowed by Special Permit in Residential 1, Residential 2 and Residential Industrial Business, and allowed by-right everywhere else. She suggested allowing by special permit in the Suburban Agriculture District. Ms. Friedman agreed allowing by special permit because then the Board would have more control over tree clearing and setbacks, etc.

Ms. Buck said right now in the Bylaw there was a section related to Major Site Plan Review and it only applies to structures greater than 30,000 square feet. The difference between site plan review and major site plan review was major site plan requires abutter notification and an advertised hearing. Ms. Friedman suggested having major site plan review for a solar farm of a certain size over a specified number of acres.

Ms. Buck explained the current Town Bylaw being based on an older State model bylaw and the newer State model defines the difference between the different size projects. Instead of it being based on kilowatts, it's based on the size of land disturbance.

The way the Bylaw was currently written, someone with a house only needs a building permit for on the roof or ground-mounted in the backyard. She asked if the Board was interested in regulating residential home installations by having a threshold on size allowed. The State has a footprint of more than 2000-square feet and a site plan review was recommended. All agreed it made sense to regulate by size.

Ms. Buck noted the public hearing will be scheduled for April 4, 2017.

Hearing no further discussion, Mr. Grimshaw asked for a motion to adjourn.

MOTION: Ms. Nist moved to adjourn meeting.

SECONDED: Ms. AbuSalah – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:15PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in meeting packet:

- Agenda
- Memo to the Planning Board from Michelle Buck regarding 2/21/2017 meeting
- Draft copy of Certificate of Decision, Rescission of a Definitive Subdivision Plan for Boutilier Estates Subdivision
- Copy of Release of Municipal Interest in Subdivision Performance Security for Boutilier Estates
- Copy of Section 4; Dimensional Requirements of the Leicester Zoning Bylaws
- Copy of Memorandum, with attachments, from Michelle Buck to Tom Brennan dated 6/7/2006 regarding Height Restrictions
- Copy of Site Plan Review application for McNeil Highway Solar Farm
- Copy of Project narrative for McNeil Highway Solar Farm from Bertin Engineering
- Comments received from Quinn Engineering; Highway Department; Building Inspector; Leicester Water/Sewer District regarding McNeil Highway Solar Farm.
- Draft copy of Site Plan Approval & Stormwater Permit, Order of Conditions regarding McNeil Solar Farm
- Planning Board minutes of 1/17/2017
- Memo from Planning Board member Andrew Kularski regarding 2/21/2017 Planning Board Meeting

Documents submitted at meeting:

- None