

Town of Leicester Planning Board

Meeting Minutes

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

ASSOCIATE MEMBER:

MEMBERS ABSENT: Robyn Zwicker

IN ATTENDANCE: Michelle Buck, Town Planner; Barbara Knox, Board Secretary; Brian Green, Board of Selectmen Liaison; Sandra Wilson, Board of Selectmen Liaison

MEETING DATE: **November 7, 2017**

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Public Applications, ANR Plans:
- A. Auburn Street (Seaboard Solar)
 - B. Pine Street (Schold Development, LLC)
- 7:15PM Public Application:
LaFlash Boutilier Solar (SPR2016-03), Project Change (Zero Point Development)
- 7:30PM General Discussion:
Natural Healthcare/Cultivate, Temporary Moratorium Zoning Amendment
- 7:45PM Approval of Minutes
- 9/5/2017
 - 10/17/2017
- 8:00PM Town Planner Report/General Discussion:
- A. Fall 2017 Town Meeting
 - B. Miscellaneous Project Updates

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

Public Applications, ANR Plans:

A. Auburn Street (Seaboard Solar)

This plan is related to a solar farm to be located in the Town of Auburn. The developer wants the entire project to be located in Auburn. They are separating a very small piece of land within Leicester from the remaining land within Auburn.

MOTION: Ms. Friedman moved to approve the ANR located on Auburn Street for Seaboard Solar.

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

B. Pine Street (Schold Development LLC)

Parcel 1 is being transferred from Lot A-1 to Lot B to create a single undivided buildable lot.

MOTION: Ms. Friedman moved to approve the ANR located on Pine Street for Schold Development.

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

Public Application

LaFlash Boutilier Solar (SPR2016-03), Project Change (Zero Point Development)

Nick Casello and Wayne LeBlanc, attorney for Nick Casello, in attendance.

Mr. LeBlanc explained even though they were not part of this request, they were discussed in the letter from Bovenzi & Donovan, Attorneys for Zero Point Development, regarding an agreement between his client Nick Casello and ZPT Energy Solutions.

In the letter, Attorney Bovenzi raised questions concerning a particular area of the property and the request for a change on Condition #5. Mr. LeBlanc made clear that he did not represent Zero Point, but represented Nick Casello. Mr. Casello owns the property at 500 Boutillier Road, which is approximately 49 acres located along Boutillier Road. The location of the proposed gate, as noted in Condition #5, would block access to 500 Boutillier Road. Currently, there is a residential structure on the property, it is unoccupied at this point, but has been located and previously occupied by the prior owner of the property. He has discussed matters related to the roadway with the Zero Point. The issue that was in Land Court was resolved between themselves and Zero Point, which will result in a new application for a solar farm to be located on his client's property (Mr. Casello).

Mr. Grimshaw confirmed that the applicant was looking for the Planning Board to remove the requirement to Condition #5. Mr. LeBlanc said that was his understanding. The condition indicates that the gate should not interfere with other parties right to Boutillier Road. His client would be one of the "other parties".

Ms. Friedman said she remembered the reason for the gate was because, Mr. LaFlash didn't want to remove the road he had put down. The road would have to be ripped up in order to be considered a roadway and the gate was the compromise.

Ms. Buck agreed and noted the letter from Attorney Bovenzi was not received until late today. She explained meeting with both Attorney's LeBlanc and Bovenzi to discuss the project. She brought up, at that time, the reasoning for the gate. It was originally discussed to remove the pavement beyond a certain point, so people wouldn't think that it was legal frontage for additional house lots.

The Planning Board's Order of Conditions lists Finding #5, which says, "Boutillier Road will only be used to provide access to the solar farm as described in this approval. A security gate shall be installed on Boutillier Road within 100-feet of the entrance to the solar farm provided such gate does not interfere with other parties' rights on Boutillier Road. In any event, the fire department shall be provided with a key to the security gate for access over Boutillier Road for emergency purposes. A detail of the security gate shall be submitted to the Planning Board for its approval prior to construction." The gate detail was provided. Further down, Condition #20 states, "the security gate must be installed on Boutillier Road and a key provided to the fire department, as noted above, following construction of the solar array."

Ms. Buck explained, that if Mr. Cassello will be using up the rest of the available length of the right of way for another solar farm, the gate is less of an issue. She suggested if the Board was inclined to allow not to put the gate in now, the issue can be revisited when the new application came in. The Board can then require the gate, if the road concerns were not address to the Town's satisfaction.

Mr. LeBlanc understood when the application gets filed concerning 500 Boutilier Road, the applicant and owner of the property on the opposite side of the street, would be proposing some sort of control in that area to the Board. He felt it would be controlled mutually between the parties that would have access to both sides of the right of way, between the area his client owns on the northerly side, and the area where the solar farm is on the southerly side.

He agreed with Ms. Buck that as part of the subsequent application, they may be proposing jointly to establish some security and protection in that area. Even though the application is not currently before the Board, they have reached an agreement regarding it and felt it would resolve the Board's concerns.

Ms. Buck said her concern was if the other application never came in. Mr. LeBlanc said he can represent to the Board that the process and the written documentation between both parties is substantially prepared, with the exception of the completed the engineered plan.

Ms. Friedman asked if there was a timeframe in which the application would be submitted. Mr. LeBlanc said his clients would like to see it submitted as soon as possible, but it would depend on when the engineers working for the solar company complete the plan. It was stated in Attorney Bovenzi's letter that the suggested the plan would be submitted sometime this winter.

Ms. Friedman asked potentially within 90 days an application could be submitted. Mr. LeBlanc agreed. Ms. Friedman suggested putting a hold on amending Condition #5 for 90 days and revisits it then, just to see where the project is at that point. Mr. LeBlanc felt that was reasonable. Ms. Buck agreed and suggested when the developer requests a sign-off on the first Boutilier Road solar farm, the Board require a bond for the gate.

Mr. Grimshaw asked for any further discussion, comments or questions, hearing none, asked for a motion.

MOTION: Ms. Friedman moved that amending Finding #5; Condition #20, be put on hold for 90 days, pending submittal of a solar field plan for 500 Boutilier Road.

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

General Discussion

National Healthcare/Cultivate, Temporary Moratorium Zoning Amendment

Sam Barber and Rob Lally of Cultivate, in attendance

Ms. Buck said the article number noted in her draft Planning Board Report was wrong and it will be Article 9 on the Special Town Meeting Warrant. She gave an update on where things stood with this amendment proposal. The Advisory Board voted last week to recommend that this article be passed over. The Board of Selectmen also will be recommending this article for pass over. She submitted questions to Town Counsel related to the general issues surrounding a temporary moratorium for recreational marijuana, as well as what happens if the article was passed over and what happens if it's approved.

It's Counsel's opinion that because things are so uncertain and there haven't been any cases yet, they couldn't definitively say whether or not the exemption language already in State Law would

apply to a temporary moratorium on recreational marijuana. Cultivate might be exempt, but it was not clear whether they would be exempt from the moratorium. [Note: the proposed zoning amendment doesn't affect *medical* marijuana establishments.] Another question to Counsel was whether the article could be amended on Town Hall Floor, to insert language that would contain an explicit exemption for companies that were licensed prior to a certain date. Counsel advised against that because the hearing was already closed and this went beyond the scope of what was discussed at the meeting.

Ms. Friedman asked when the company mentioned they wanted to extend to recreational sales. Mr. Sam Barber said in all the public hearings and meetings with the Selectmen, they felt it was made clear that if this were to go into the adult use market and to be competitive, they would need to go to that market. Ms. Sandra Wilson said it was also mentioned during the public meetings held on the Town Hall floor. Ms. Friedman said it wasn't part of the site plan proposal.

Mr. Rob Lally, General Manager of Cultivate, said they've had a number of public hearing with the Select Board and Town Hall Meetings earlier on. One of the things they've tried to do is to be opened and consistent with their message. They were trying for the medical use when they weren't sure if it was going to pass or not and the recreational question always came up. What they have seen in other markets across the country was when the over 21 market comes into the state and does pass, it would be almost impossible for them to compete in that market if they couldn't pursue recreational sales as well. They've put a tremendous amount of finances upgrading the property and creating jobs, it would have been too risky for them to say a year ago, it might go to an adult use and they would want to compete in that market.

Mr. Lally said the State hadn't finished setting up the regulations and was still reviewing language proposed that could grandfather existing facilities. They felt their facility would be grandfathered, but wasn't sure if a moratorium would prohibit them.

Ms. Friedman asked if they knew when it would be legal to sell for recreational use. Mr. Barber felt a straight answer couldn't be given until regulations were finalized. As things move along, they will receive updates, but felt a moratorium would hurt them, as well as their investors. They just hired 15 people, with a plan to hire more. In order to compete in this market they need to look at the future build-out of the facility.

Ms. Friedman questioned if the moratorium was in effect until June, potentially recreational would not be for sale before June. Then something could be put on the warrant for the Spring Town Meeting and that way there would be no effect on the business. Mr. Barber explained in preparation of regulations potentially coming out at the end of this month, they need to start designing the build out now and have the permitting all in place.

Ms. Friedman asked if a moratorium was in place with an end date, would that affect Cultivate. Mr. Lally said any moratorium without a clear line of instructions doesn't allow them to start any of their planning until they know whether or not they will be able to move forward. Mr. Barber said they have investors now willing to come in and help build a better facility, but these investors also have other options and other Towns they work with. If they get any indication that this Town was not onboard with this, they will go with the Town that is. They were also hoping

to open in two weeks. Ms. Friedman asked if that was in two weeks from the time that the regulations are in place. Mr. Barber said they'd open in two weeks for medical only.

Ms. Friedman said that because this article was a request from the Town Administrator, Kevin Mizikar, she assumed he did it on behalf of the Board of Selectmen. Mr. Harry Brooks said that was not what he was told by Mr. Mizikar. He understood Mr. Mizikar was against this. Ms. Friedman understood Mr. Mizikar that asked for this article to be on the warrant.

Ms. Buck said she had talked with Mr. Mizikar about having a temporary moratorium on the warrant. The reasoning behind this moratorium had unrelated to Cultivate. There is a relatively low risk of a retail recreational marijuana facilities opening in Leicester before the May Town Meeting.

Ms. Friedman asked if the article was passed over, can another one be put on the Spring Town Meeting for a moratorium that is written in such a way that it would exempt this particular business. Her concern was, although this particular group was ready to go, so won't someone else be ready to go as soon as it's legal and there won't be anything in place to protect the people in Town.

Mr. Barber said the regulations were written in a way that gave Towns an option of tying the number of marijuana facilities to the number of package stores in Town. For example, there are 5 package stores and it would be 20% of the total number of package stores in Town.

Ms. Wilson said the law states the Town cannot be more restrictive then what is already allowed for medical. The only thing the Town can do is expand where they can go, they can't be more restrictive. Where this facility is located, is the only place it could go. The moratorium won't allow for a change to adult recreational use or expand the area.

Mr. Grimshaw noted the Planning Board would not be looking to be more restrictive. Ms. Wilson felt a moratorium gave the message that the Town wants to make it more restrictive.

Ms. Buck said the moratorium would also give time to provide clarity, because under the new law, there are different categories related to the marijuana establishments. Right now in Leicester's Zoning Bylaw, there is only one use and one definition. Under the new state law, there are several categories including retail, cultivation, and on-site consumption; the Town may want to regulate each one separately and differently. Town Counsel did recommend having an article ready for Spring Town Meeting.

Ms. Friedman questioned if the moratorium would then be moot if there was an article ready for May. Ms. Buck agreed.

Mr. Brian Green noted the Cultivate group would be available for any questions during the entire process, to help make it a smooth transition.

Mr. Lally invited the Board to come by the facility at any time for a tour of operations. He felt by the Board having an understanding of what they do and how they do it, would help towards creating regulations.

Ms. Nist said right now, the facility was for medical, will the medial be in addition to recreational? Mr. Lally said yes.

Ms. Friedman asked if it would be in the same sales facility and the same type of ID card to get in. Mr. Lally said yes and there would be a limit on how much could be purchased.

Mr. Kularski asked if the sales would be in two separate areas within the facility. Mr. Lally said that would be stated in the regulations they were waiting to hear on.

Ms. Wilson said because the Board of Selectmen voted to pass over, that is the motion that will be made on the Town Hall Floor by a member of the Board of Selectmen. Ms. Wilson explained she volunteered to read the motion on the Planning Board's behalf, if they wanted to move forward with the article. If not, she suggested the Board also vote to pass over until the spring Town Meeting, than it becomes a non-issue on Town Hall Floor. Ms. Buck agreed the Board needs to decide tonight how they want to pursue this on Town Hall Floor.

After some further discussion, Mr. Grimshaw asked for a motion.

MOTION: Mr. Kularski moved to recommend the Planning Board pass over Article 9 at Fall Town Meeting and begin drafting an article for recreational marijuana for spring Town Meeting.

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

Approval of Minutes

9/5/17

MOTION: Ms. Nist moved to approve the minutes of September 5, 2017

SECONDED: Andrew Kularski - Discussion: None – VOTE: 3 In Favor / 2 Abstained (Ms. Friedman and Ms. AbuSalah)

10/17/17

MOTION: Ms. Nist move to approve the minutes of October 17, 2017

SECONDED: Ms. AbuSalah – Discussion: None – VOTE: 4 In Favor / 1 Abstained (Mr. Kularski)

Town Planner

A. Fall 2017 Town Meeting

Ms. Buck reviewed the Draft Planning Board Report on the Zoning Amendments for Town Meeting. Article 9 – Temporary Moratorium: the text will remain the same in the report, but she will change the Planning Board's recommendation to state Pass Over. Ms. Friedman suggested the Board's recommendation state that the Planning Board has recommended Pass over of Article 9, but will be presenting an article regarding regulations for the spring Town Meeting. She felt it would appease the people who want to have those regulations, but also making clear that the moratorium won't go into effect now, but come spring there will be something. All

agreed. Article 10- Poultry and Livestock: Ms. Buck will rewrite the explanatory text currently in the warrant and the Planning Board Report to make it clearer that the intent is to eliminate the current requirement for a special permit. Article 11 – Parking Regulations: The language will slightly be amended in that article to make it clearer that the Board is reducing the requirements and increasing flexibility.

Mr. Grimshaw opened discussion to the public.

Article 9, Temporary Moratorium opened to discussion. No further discussion held.

Article 10, Livestock and poultry opened to discussion.

Ms. Diana Provencher thanked the Board for trying to make this bylaw easier for people to have chickens. She read a portion of the Board of Health Regulations regarding the keeping of livestock and poultry. These regulations were first adopted in 1970 and later revised in 1987. She explained the regulations still being in affect today. The Planning Board was trying to make it easier for people who just want a few chickens for the eggs. She reviewed which zone agricultural use was allowed by right and where it was allowed by Special Permit. She then read Mass General Law Ch. 40A, Section 3, Exemptions from Zoning Regulations for parcels of 5 acres or more.

Mr. Grimshaw felt the Board's written recommendation would help some of the confusion.

Ms. Heidi Cooper asked how many people actually have permits for chickens. Ms. Buck said she could look up how many special permits have been issued over the years, but was pretty certain there were many who kept chickens without a permit.

Ms. Buck said the current Board of Health Regulations aren't enforced and wasn't even sure if the Board of Health realizes these regulations exist. She explained many Towns having Board of Health Regulations related to the keeping of animals. The Towns taht have regulations want to regulate matters that are not appropriate to have in a Zoning Bylaw. Zoning Bylaws typically regulate location of a particular use and dimensional requirements and do not get involved with issues related to the health of animals and people. She further explained the proposed amendment doesn't change where livestock and poultry could go. The amendment was carving out an exemption for people who want 6 or fewer chickens.

Ms. Cooper asked if the Agricultural Commission was notified about the amendment. Ms. Buck understood that the Agriculture Commission's liaison, Diana Provencher had notified the Commission. Ms. Provencher said it was discussed at a meeting, but at that time, the amendment was still being worked on. They only meet once a quarter and hadn't met since the bylaw amendment was finalized.

Ms. Cooper felt the Agricultural Commission wasn't given the chance to review the proposal or the opportunity to offer some suggestions. Ms. Friedman explained the Agricultural Commission had a liaison that attends meetings and brings information back to the pertinent Board. She understood Diana Provencher was the liaison to the Agriculture Commission.

Ms. Provencher explained the last time the Commission met; there wasn't any material to pass out and all information having to do with Agriculture Commission, she makes copies and passes it out.

Ms. Cooper noted the last Agriculture Commission's meeting was in September. Ms. Buck said the draft amendment was completed by then and was discussed at more than one Planning Board meeting prior to the public hearing held in October. Ms. Friedman noted the amendment was first discussed at the August 31st Planning Board Meeting.

Ms. Cooper said there were a number of people who have chickens and/or livestock without a permit and asked the fine and process if someone was reported. Ms. Buck explained it was a zoning compliance issue and enforcement is only in response to complaints.

Ms. Sue Sears said she was confused what Suburban Agriculture meant and thought she had the right to farm in that zone. She didn't understand the Building Inspector's explanation and referred her question to the Board.

Mr. Kularski read Section 3.2.01 Agriculture;

- 1). Farm, part-time farm or nursery is allowed without a permit in SA, HB-1 & HB-2 and in R1, R2, B, CB, I, BI-A not allowed.
- 2). Raising of livestock is allowed by special permit in every zone, but HB-1 & HB-2, where it's allowed without a special permit.

Ms. Buck explained until the last couple of years, there hadn't been many requests for new farms opening in Town. It is starting to come up more and there were two issues to deal with. There are the state exemptions, if someone owns at least two acres and sells \$1000 worth of products a year, they were exempt from zoning. Leicester has a broader exemption in the local bylaw that is stated under #1 in Section 3.2.01, but still has been interpreted and enforced to apply only to an actual farm business. If it's not a farm business, it falls in the other category #2 or #3 and would require a special permit.

Ms. Sears asked if a business license was all that was needed to be considered a farm. Ms. Buck said there has only been one person who spoke to the Town about that and they were advised to document being a farm business, i.e. reported income or having a business license. However, if it was just a side hobby, it would fall under category 2 or 3. The Planning can also consider improving the way the Bylaw is written to make it clearer, but the intent is that if you are an actual farm, would fall under category 1. If you are someone who keeps a few turkeys for Thanksgiving, not to be sold or operating a business and didn't have a business license, then it would fall under either category 2 or 3.

Ms. Sears explained several people in Town, who have chickens, thought they were legal because their property was in Suburban Agriculture. Ms. Buck said the current language has been in the Zoning Bylaw for 50+ years.

Ms. Pat Dykas, Animal Control Officer explained why wild birds needed to be regulated through Zoning and Board of Health, due to health concerns and disease some birds can carry and pass on to people.

Ms. Sandy Wilson said the Town did adopt a Right-to-Farm Bylaw that everyone thought gave them the right to farm and it doesn't. That Bylaw means it protects farms already existing.

Ms. Sears said she misunderstood that Bylaw and thought because she was in a Right-to-Farm Community; she could have chickens. Ms. Friedman explained the Right-to-Farm Bylaw protects existing farms from someone complaining about the smells; it doesn't protect someone if they are not a farm. Ms. Buck added pigs were not allowed under the Town's current Bylaw unless they qualify for the state farming exemption. She explained the amendment was intended to address complaints about having to get a special permit to keep a handful of chickens.

Ms. Sears said everyone keeps talking chickens, but turkeys and ducks were lumped into this as well. She explained after speaking with the Building Inspector this morning, he told her the word Suburban Agriculture (SA) doesn't have anything to do with agriculture. She had been under the impression that the word agricultural, in the zoning district called Suburban Agriculture meant something. She has turkeys, ducks and chickens and has a problem with the proposed amendment. She was confused by her property classification of SA and would like a direct answer whether or not she needed a special permit for what she was doing, or was she okay to continue what she was doing.

Ms. Buck explained she didn't have enough information on what Ms. Sears was doing to be able to answer that question. It sounds like what she is doing probably isn't a business and/or farm.

Ms. Sears said she sells the eggs and has a set of breeding turkeys. She felt this would not over populate her stock and consists of a yearlong process getting them ready to sell. Mr. Grimshaw said the question was whether this was a business or hobby. Ms. Sears said it was a way of life. Ms. Buck felt it could fall under the category of raising livestock for domestic use, in which case requires a special permit. She asked if she had a business name or a business certificate. Ms. Sears said no, most of what she does was by word of mouth.

Ms. Buck explained all she may have to do is provide documentation on what she was doing. However, that was beside the point of the proposed Zoning Bylaw amendment and the answer will not change whether this article passes or fails. The amendment is not changing anything related to what she (Ms. Sears) was doing on her property. The amendment is creating an exemption for people who just want to keep a few birds.

Ms. Friedman said Suburban Agriculture has been in place as a name for that zone since 1970s or earlier. Ms. Sears explained the state definition of an agricultural zone. Ms. Friedman said SA is not an agricultural zone; it's a description of what is in the area. Looking at what is allowed in the SA zone is mainly houses, i.e. suburbia, and farms, which is why it's called Suburban Agriculture.

Ms. Sears asked if there was a definition of the SA district in the zoning book. Ms. Buck said no, it was defined by the uses allowed. Ms. Friedman said for the most part, the zone name is immaterial and doesn't have anything to do with the use. It does not mean if you live in an area

called Suburban Agriculture that you are allowed to have livestock by-right; it's because 60 years ago that was where all the farms were located.

Ms. Cooper asked if the Bylaw could be amended so people who have a bigger lots, could be allowed to keep larger number of birds. Ms. Friedman questioned if someone did have a larger lot, why couldn't they apply for a special permit to have more chickens. Ms. Cooper said then people would have to pay the \$175 fee, plus.

Ms. Buck said the fee was increased recently because it had been at \$55 for 30 years and the increase reflects the cost of holding a hearing, taking the minutes, etc. Ms. Cooper said the reason people don't apply for the special permit for chickens was to avoid having to pay the \$175 in cost for a hearing. If someone has 2 acres, they should be allowed to have chickens in agriculture. If someone wants to have a larger amount, the Town has every right to require a permit, but if someone has a large amount of land, should be exempt from having to get a permit for chickens.

Ms. Buck said the fee increase had nothing to do with the current proposal, the fee was increased for all ZBA special permits to cover the cost of staff time to review applications.

Ms. Friedman was hesitant allowing more than 6 chickens, because some lots are smaller than others and 12 chickens would be excessive in some areas. She felt allowing up to 6 chickens, in every zone, was adequate for people who want the eggs and occasionally chicken to feed their family. She questioned whether there was some way to do this without a special permit that didn't open a can of worms. Although peoples' concerns were understandable, the Board was trying to increase the number of people that could have chickens legally, without requiring a special permit.

Ms. Buck explained there had been many communities who have amended their Bylaws in the last 5 to 10 years, to account for the renewed interest in people keeping chickens. The vast majority of the sample bylaws she saw from other communities limited the number to 6 and usually, when it's more than that, it fell under the farming exemption. Ms. Knox, Board Secretary, confirmed the Zoning Board of Appeals has never received a request for more than 6 chickens.

Ms. Cooper said the reason the number 6 keeps coming up was most farm supply stores require you to get 6 when you purchase the chicks. Ms. Sears explained because many people understood her to be a farm, have given her chicks they were no longer able to care for.

Mr. Grimshaw questioned whether the amendment increased the potential of people purchasing birds they were unable to care for. Ms. Sears wasn't sure, but felt the bylaw needed more research. Mr. Grimshaw agreed the concern between the numbers of chickens allowed was a valid point.

Ms. Pat Dykas, Animal Control Officer, agreed with the Planning Board's proposal limiting the number of birds allowed on a lot. She felt most people had them for pleasure of the eggs and

maybe consumption. She noted that for people who have a small interest in having a farm, there are state laws that come into effect and it sounds like Ms. Sears was going about it the right way. However, she asked not to penalize the little backyard families who just want to have a few chickens for their own enjoyment. Voting down this amendment would restrict a child from doing the science project on hatching chickens.

Ms. Cooper asked the process in an article passes and the process if voted down. She also asked if the amendment could be modified on Town Hall Floor. Ms. Buck explained the process when an article passes and failed. She said it was possible to amend an article on the Town Hall Floor, but was generally discouraged, because there wouldn't be that opportunity to review the change.

Ms. Dykas said there needs to be a start to see how it goes. Bylaws are amended all the time and as things proceed and different ideas come into play, it could be amended again in the spring.

Ms. Friedman agreed and further explained if the amendment passed at Town Meeting, would mean people can legally have 6 chickens. She said if over the winter, the Board found and agreed someone with 4 acres of land having 25 chickens would be fine they could propose another amendment later. She felt the number of chickens wouldn't affect the zone, as much as the acreage. Mr. Kularski felt the way the amendment was written was a starting point and the number 6 was a perfect number to start with.

Ms. Cooper asked by moving forward with this amendment, would she be able to work with the Board and perhaps revisit with any adjustments needed next spring. All agreed.

Mr. Grimshaw asked for any further comment, questions or concerns, hearing none, asked for a motion.

MOTION: Ms. Friedman moved that the Planning Board support Article 10 at the Special Town Meeting.

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

Ms. Wilson asked if the Parking Bylaw Amendment was for a business on an adjacent lot, could do satellite parking on the same side of the street. Ms. Friedman explained the business does not have to own the lot, they can negotiate an agreement with the neighboring business owners to use their lot at night when their closed. For example, a restaurant that only has 10 spaces and needs 40 and wanted to do valet parking could negotiate an agreement with another business for use of their parking lot. Ms. Buck said there are 3 different categories and the main idea is to allow parking on the immediate adjacent parcel in all zoning districts and in the Business district, it can be on an adjacent parcel or any parcel within 300 feet. Then in the Central Business District parking it would be allowed anywhere in the district and only allowed across the street with a special permit.

B. Miscellaneous Project Updates

1603-1605 Main Street

A letter was received from an attorney representing abutters of 1603-1605 Main Street Property. The letter states that when and if 1603-1605 Main Street submits a new application for a variance

for the driveway, they are asking the Town to reject that application unless the owner grants an easement to allow shared use of the driveway.

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

MOTION: Ms. Friedman moved to adjourn meeting

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

Meeting adjourned at 9:20PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in meeting mailing packet:

- Agenda
- Memo to Planning Board from Michelle Buck, Town Planner regarding November 7, 2017 Planning Board Meeting
- Planning Board Minutes of September 5, 2017 and October 17, 2017
- Copy of Draft Planning Board Report: Zoning Amendments for Special Town Meeting November 14, 2017

Documents submitted at meeting:

- Letter from Bovenzi & Donovan, Attorneys at Law, regarding LaFlash Boutilier Solar Project Change