

Town of Leicester Planning Board
Meeting Minutes

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

ASSOCIATE MEMBER:

MEMBERS ABSENT: Robyn Zwicker

IN ATTENDANCE: Michelle Buck, Town Planner; Barbara Knox, Board Secretary

MEETING DATE: **March 27, 2018**

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Public Hearing, Zoning Bylaw Amendments (continued)
 Marijuana Establishments
- 7:30PM Public Application:
 Preliminary Subdivision plan, Oak Bluff lane/SUB2018-01
 (Applicant: Central land Development Corp)
- 8:00PM Approval of Minutes:
 - February 20, 2018
- 8:15PM Town Planner Report/General Discussion:
 - A. Complete Streets
 - B. Miscellaneous Project Updates
 - C. Board Member Committee Updates

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

Public Hearing, Zoning Bylaw Amendments (continued):

Marijuana Establishments

Ms. Buck reviewed amending the Marijuana Bylaw and regulating adult use in the Town of Leicester, because the State plans to start issuing licenses for adult use in two months.

The Bylaw has sections on definitions, permit requirements and buffers. Town Counsel has recommended separating medical from recreational use category. Five of the definitions were re-written addressing that separation.

The changes put treatment centers back in the Use Table. As discussed at the last meeting the recreational use (non-retail) is changed from by-right to site plan review, even in an existing building.

The revised Use Table shows medical centers currently allowed by right. The Board will either leave it that way or make it consistent with other marijuana retailers that require a special permit.

In the Central Business District, establishments will be prohibited because of the small lots and in BR-1, all marijuana establishments will be by special permit (because this district is more restrictive and light industrial uses require a special permit in this district).

The map shows a 500ft buffer for both retail and medical and 200ft buffer for non-retail, but some of those setbacks changed. There's currently only a 500/200ft from a residential districts and pre-existing schools, (pre-school through grade 12). All other categories have been deleted from buffer requirements (religious, daycare, alcohol & treatment centers, parks & playgrounds, etc.).

The Planning Board will be the Special Permit approving authority. All establishments are required to meet all the State permitting requirements. The standards were re-written to include both medical treatment centers versus recreational facilities.

A requirement on conversions to recreational use was not determined at the last meeting. Therefore, the Board needs to decide whether to allow by-right or by special permit.

Limitations on retail facilities will be limited to 1 establishment and will require a ballot vote. The way Town Counsel explained it was that only way a ballot vote would not be required was if it was titled, Marijuana Retailers. Leicester created their own local category, Marijuana Retailers/Consumer Sales only and for that reason, it requires a ballot vote. Also, Town Counsel recommended a more conservative approach (with ballot vote) even if the Board re-writes this section to say Marijuana Retailers.

Ms. Buck asked how the Board wanted to regulate marijuana treatment centers. Ms. Kularski suggested keeping the Town's regulations consistent with State's regulations, but buffers remain at 500/200ft. Ms. Buck said to avoid complications; the buffers remained the same for medical and non-medical. It will be 500ft from schools and residential districts.

All agreed.

Ms. Friedman noted discussion at the last meeting was existing facilities would not require a special permit but, would be required a site plan review. The purpose for site plan was to have the ability to review parking, hours of operation, and site lighting.

Mr. Kularski explained some communities received advice from their Town Counsel that medical and recreational facilities should be in separate buildings. Trying to maintain both facilities in the same building would be problematic, because they were different businesses, attracting different clientele and no one knows what the impact will be.

Ms. Nist compared it to a donut shop converting to a meat market.

Mr. Grimshaw questioned how much the change would affect the facility's location.

Ms. Buck said the Board does not require site plan review for businesses within an existing building on anything other than marijuana establishments. For other businesses, if it does not require a special permit, it won't come before the Planning Board if reusing an existing building.

Ms. Friedman had a lot of concern with initial impact. A year from now, the initial impact will dwindle but, this will be one of the first in the area and available off-street parking, hours of operation and additional lighting needed review.

She explained any new business coming in would require a special permit and the only difference between the special permit and site plan review was notification to abutters. She asked if site plan review can be required and have the Planning Office send meeting notification to abutters. Therefore, in order to convert they would be required to do have a site plan review with abutter notification. All agreed.

Ms. Sandy Wilson agreed requiring a site plan review with abutter notification was a good compromise.

Ms. Buck asked whether the Board agreed having regulations more consistent with State Regulations to avoid a ballot vote. Town Counsel recommends having consistency with State Regulations. Ms. Friedman asked whether a ballot vote could be held in June at Town Elections.

Ms. Buck said yes.

Ms. Friedman asked who would be opened increasing the limit of facilities to 2. Whatever happens here, will go onto a ballot, therefore, would a higher number be better to get it to a ballot question if needed. Mr. Grimshaw said increasing the limit to 2 would make it more conducive to this being passed by people who support it, but the question was, will that number show up on Town Hall Floor.

Jim Hills of Kingston & Harvey Cultivators, agreed an application process on retail marijuana establishments allowed more opportunity for public comment.

Ms. Buck polled the Board on increasing the limit to 2 establishments. All agreed having a limitation to 2 establishments in Leicester. Once approved at Town meeting, it will be a ballot vote in June

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

MOTION: Ms. Friedman moved to continue the Zoning Bylaw Amendment Public Hearing to April 3 at 7:45PM, or soon thereafter can be heard.

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

Public Application

Preliminary Subdivision Plan, Oak Bluff Lane/SUB2018-01 (Applicant: Central Land Development Corp

Brian MacEwen of Graz Engineering, representing the applicant, and Matt Schold, in attendance.

Mr. MacEwen made the presentation. There's an existing piece of undeveloped land along Baldwin Street with an existing gravel private roadway, known as Oak Bluff Lane. There's a large wetland area along Baldwin Street North and travels along the gravel roadway. The property is located in both the Towns of Spencer and Leicester and the Town line runs north/south on the westerly portion of the Leicester Town line.

The gravel road, known as Oak Bluff Lane, will be improved to standard and is currently a private way west of the Salminen Drive and Baldwin Street intersection. The road width varies from 11ft in some areas up to 14ft and has a very narrow access to several lots located towards Spencer.

The combination of the land in Spencer and Leicester has a lot of wetland along the Baldwin Street and along Oak Bluff Lane roadway.

An ANR plan for this area was approved by the Planning Board last month. The ANR lots were done in combination on improving the road, to develop frontage lots that will eventually become a public way versus a private way.

Oak Bluff Lane will be brought to standard for frontage lots on the north side of the road and eventually in the future, be turned over for public acceptance. The road proposed will be a 950ft cul-de-sac, 22ft wide. They felt 22ft was adequate for vehicles to access the road and lessen the impervious pavement versus the standard minimum requirement of 28ft. They are in the process of discussing with the Fire Department shrinking the paved area and still meet the requirements for the ariel equipment on the cul-de-sac. By minimizing the pervious area and runoff, it will help minimize the size of the Stormwater management facilities.

A sharp curve proposed at the access will accommodate and force more of a right hand turn pulling out onto Baldwin Street, and minimize impact to the wetlands located north of the existing gravel drive.

The road grades vary from 2% to 9% inside the development area, with a cul-de-sac at the end. It won't be the typical cul-de-sac, because of the way things are configured and homes located in Spencer, currently use the access through there. It won't be a closed cul-de-sac. Details still need to be worked out for transitioning from the backend of the cul-de-sac onto the gravel way that currently exists. There will be a turnaround provided for the emergency vehicles and a continuation of a private way on the Spencer side of the property.

Quinn Engineering commented on possible future development in the area, because the applicant owned more land in Spencer. Therefore, he included a copy of what maybe proposed on the property in the future in Spencer. He explained the applicant owning more land up to the Town line in Spencer. An old private street goes down through the land that goes south along the Town line, where they will try to create building lots on either side of the road.

Mr. Kularski questioned where Oak Bluff Lane was now, goes back down to Baldwin Street and ties into another street in Spencer. Mr. MacEwen said Baldwin Street turned into Clark Street entering Spencer

Ms. Friedman asked how many houses currently get their access off Oak Bluff Lane. Mr. MacEwen said the 4 homes that are there, but possibly other homes located off Lake Ave and Lynde Brook Road in Spencer. He didn't have specific numbers because a traffic study hadn't been done, but would rough guess a little more than 6 additional homes use Oak Bluff.

Ms. Friedman asked the sight line when pulling out onto Baldwin Street. Mr. MacEwen said they need to complete the topography engineering first and will have those numbers included with the Definitive Plan.

Mr. Grimshaw asked for comment concerning the road width waiver for 22ft. Ms. Buck felt there was room for reduction, though maybe not as low as 22ft. Mr. Grimshaw agreed with 24ft, as long it was wide enough for emergency vehicles. Ms. Friedman agreed, as long it was wide enough for both Leicester and Spencer emergency vehicles.

Ms. Buck said Quinn Engineering did not have concerns with the centerline radius waiver because of the small traffic volume. There was some concern with possible additional house lots on the opposite side of Oak Bluff. She again reviewed the ANR plan and felt it showed there being only one parcel. She asked the Engineer to confirm that. Mr. MacEwen agreed there would be only one parcel.

Mr. MacEwen explained a reduction to road width would be beneficial towards the cost and upkeep of the road but, once they start looking at the hard numbers at the definitive stage on traffic design and discussions start between Engineers, may show it would be better to have 24ft then 22ft. He's been in touch with Mike Wilson of the Fire Department and they were looking at whether or not there can be a reduction at the cul-de-sac. The standards for a cul-de-sac at one point, is a 60ft radius on the right-of-way and 100ft on the pavement. They would like to go to, if possible, down to 100-ft on the right-of-way and 80ft on the turning radius.

Ms. Buck explained Quinn Engineering not providing a lot of comment on the requested waivers because they were less of an engineering concern. However, as noted earlier she'd asked if he about the curve of the road.

Mr. MacEwen said they will be providing more information when they file the definitive plan.

Ms. Friedman asked the number of waivers requested.

Ms. Buck said 5 waivers: road width, sidewalks, underground utilities, centerline radius; and dead-end length.

Mr. MacEwen explained the waiver for centerline radius. When they cut the lots, they were already looking at the line where they wanted the subdivision road, which is the blue line shown on the plan wrapping around. The plan shows how it fits the existing gravel road, allow Spencer residents to keep their access and keep any further encroachment to the wetlands.

Ms. Friedman felt the Board would be amenable looking at a reduction in the width, and possibly amendable looking at no sidewalks.

Ms. Nist noted if the cul-de-sac was to be connected to the Spencer side so residents can remain using Oak Bluff as an access, no school buses will go down that road, therefore, kids will be walking to catch the bus. She recommended there be at least one sidewalk.

Mr. Matt Schold said the school bus stops at Salminen Drive for one child and where the bus currently turns around is very dangerous. He asked the Board to consider, instead of sidewalks, having an off street parking area down there, to allow Salminen Drive children to catch the bus, and then the bus can turn around at the cul-de-sac.

Ms. Friedman didn't agree, because the children from Salminen Drive would have to walk from Salminen Drive along Baldwin Street. Mr. Schold suggested adding a sidewalk down there for the kids. Ms. Friedman questioned who would maintain that sidewalk in the winter. Mr. Schold said the Highway Department actually suggested having a common area for the kids.

Mr. MacEwen said this was something he discussed with the Ms. Buck. This area has an excess of land that was within the public way that could be developed as a staging area for the kids. However, they didn't want to add pavement or surface treatments out there that vehicles will want to start moving over, because then it will start getting away from the right hand turn at the intersection. He wasn't sure of the maneuverability of a bus going down Oak Bluff and turning around. Ms. Friedman said a bus won't go down Oak Bluff.

Mr. MacEwen said if they are looking at a sidewalk on one side, the option would be putting it on the side where the homes will be built. Ms. Friedman said she can see this both ways, but most of those kids today don't walk to the end of the road, their parents drive them. The parents don't drop them off, they sit in their car and wait for the bus. This is one of the reasons having a narrow road can be more dangerous, so was it better off with a wider road and no sidewalks.

Ms. Buck questioned whether the school department's policy on driving down new roads dictates road size and sidewalk policy. Ms. Friedman said it does, but as far as safety, it's a huge concern.

Ms. Buck asked the Board consensus that if there was no school bus, there would be one sidewalk. All agreed.

Ms. Friedman asked when they submit their definitive, if they could include how many people lived in that area.

Ms. Buck asked the Board consensus on the centerline radius and length of a dead-end road. There were no objections to these waivers.

Ms. Nist asked the Highway Department's recommendation on road width. [Highway Department comments were accidentally left out of the Board's meeting packets.] Ms. Buck said Highway's recommendation was 24ft on width of pavement. A waiver has not been requested but will be pending to have plastic drainage pipe instead of concrete. The Highway Department also recommended the applicant to look into methods to make it clear on keeping easements to stormwater facilities free of obstruction.

Mr. MacEwen questioned the requirement for streetlights, because the applicant doesn't want to pay for the streetlights and the Town doesn't want to either. He explained in other developments, they put in a light at the beginning of every driveway that tied into the home, as opposed to streetlights and that way the cost goes to the homeowner.

Ms. Friedman asked if a streetlight would be provided at the intersection of Oak Bluff and Baldwin Street.

Mr. MacEwen said there is a pole located at the end of Oak Bluff that might need to be relocated because of the roadway realignment. However, the issue comes back to the Town not wanting to pay for the electricity, so what options do they have if a streetlight is put in. Ms. Friedman felt a streetlight was necessary at the intersection at Baldwin Street.

Ms. Buck suggested removing the streetlight condition until the definitive stage. All agreed.

Mr. MacEwen asked on Lot 11, if the Board agreed deferring the size of the cul-de-sac right of way to the Fire Department. All agreed.

Hearing no further comments or questions, Mr. Grimshaw asked for a motion.

MOTION: Ms. Friedman moved to approve the Oak Bluff Lane Preliminary Subdivision Plan as proposed with changes of eliminating conditions 3, 4, 5 and 10 in the draft Decision.

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

Approval of Minutes

2/20/2018

MOTION: Ms. Nist moved to approve the minutes of February 20, 2018

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

Town Planner Report

A. Complete Street

The Town has signed the contract and the project will get under way soon.

B. Miscellaneous projects

All Candidates for the Backyard Poultry Committee will be available for a short interview next meeting, April 3rd. Ms. Friedman recommended putting together 4 to 5 questions to ask each candidate and emailing them to Ms. Buck.

C. Board Member Committee Updates

- Mr. Kularski informed the Board he will not be seeking reelection due to some upcoming changes in his job hours.

- Economic Development Committee
Ms. AbuSalah reviewed the EDC attending a Leicester Business Association Meeting and receiving a positive review. An application was received to fill one of the vacant seats on the Committee.
- Capital Improvement Committee
Ms. Nist reviewed the Leicester Middle School, Fire Department, Police Department & Highway Department's Capital Improvement requests that will be voted on at Town Meeting.

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

MOTION: Ms. Nist moved to adjourn meeting

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

Meeting adjourned at 8:45PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in meeting packet:

- Agenda
- Memo to the Planning Board from Michelle Buck, Town Planner regarding March 27, 2018 Planning Board Meeting
- Draft Zoning Bylaw Amendments Marijuana Establishments 3/15/2018
- Draft Zoning Maps showing 200/500ft buffers for Marijuana Establishments
- Draft Certificate of Approval of a Preliminary Subdivision Plan – Oak Bluff Lane
- Copy of Application for Approval of Preliminary Plan – Oak Bluff Lane Subdivision
- Copy of letter from Graz Engineering regarding Waiver Requests for Oak Bluff Lane Preliminary Subdivision
- Copy of comment letter from Quinn Engineering regarding Oak Bluff Lane, Preliminary Subdivision plan Submission
- Comments received from Fire Department, Police Department, and Board of Health regarding Oak Bluff Lane Subdivision
- Copy of Planning Board Minutes for February 20, 2018

Documents submitted at meeting:

- None