

**Town of Leicester Planning Board  
Meeting Minutes  
December 4, 2018**

MEMBERS PRESENT: Jason Grimshaw, Chair; Debra Friedman, Vice-Chair; Sharon Nist, Andrew Kularski and Robyn Zwicker

MEMBERS ABSENT: Alaa Abusalah

IN ATTENDANCE: Michelle Buck, Town Planner, and Wanda Merced, Department Assistant.

MEETING TIME: 7:00 PM

AGENDA:

1. 7:00PM **Public Hearing, Major Site Plan Review, SPR2018-06**  
Boutilier Solar Farm #3/500 Boutilier Road (Applicant: ZPT Energy Solutions, LLC)
2. 7:15PM **Public Hearing, Major Site Plan Review, continued**  
515 Henshaw Street Solar Farm/SPR2018-01 (Applicant: Borrego Solar)
3. 7:30PM **Discussion, Site Plan Review, SPR2018-08**  
424 Main Street/Nor'Easter Remedies, Marijuana Cultivation (Applicant: Nor'Easter Remedies)
4. 8:00PM **ANR Plans**
  - A. 557 Main Street (Applicant: Reinardele Chaviero)
5. 8:15PM **Approval of Minutes:**
  - 11/13/2018
6. 8:30PM **Town Planner Report/General Discussion:**
  - A. January meeting date(s)
  - B. Briarcliff Estates Update (SP2003-01)
  - C. Miscellaneous Project Updates
  - D. Board Member Committee Updates

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Jason Grimshaw called the meeting to order at 7:00PM

**Public Hearing, Major Site Plan Review, SPR2018-06**

**Boutilier Solar Farm #3/500 Boutilier Road (Applicant: ZPT Energy Solutions, LLC)**

Chris Anderson was present for ZPT Energy Solutions II and reviewed the project with the Board. He stated that they have been back and forth with Quinn Engineering and resolved the issues. Mr. Anderson stated that they have relocated the work along the watershed protection zone to outside the zone and additional detail has been added in regards to the outlet structure for the detention basin for stormwater management.

Debra Friedman asked Mr. Anderson about the issue with the people who own property next to this property and claim that they have a right-of-way. Scott Patacchiola from ZPT Energy Solutions II addressed the Board. He stated that they are currently speaking with the land owner and they are in the process of buying the property from them.

Michelle Buck stated that she suspected that they have addressed all of Kevin Quinn's concerns but he still needs to review their responses. She went on to say that she has not prepared a detailed decision yet and wants to be careful. Ms. Buck said that there are some discrepancies with the final size of the project in different places. She noted that the Narrative said 4.5

Megawatts, the cover of the Decommissioning Plan said 5.0 Megawatts AC and in the report under “Facility Description” it says 7.0 Megawatts DC. Ms. Buck said that would need to be clarified in order to determine the bond amount. She said that they typically use an average amount per Megawatts AC to determine the bond amount and noted that their initial number is much lower than what Leicester usually asks for.

Ms. Buck asked Mr. Patacchiola about the mention of setting up an escrow account in the Decommissioning Plan. Mr. Patacchiola stated that he was not aware of an escrow account and said he would check in to it. Ms. Buck commented that an escrow account is not typical.

Mr. Grimshaw asked if anyone from the public had any comments and there were no comments.

MOTION: Ms. Nist motioned to continue the Public Hearing for Boutilier Solar Farm #3/500 Boutilier Road to December 18<sup>th</sup> at 7:00 PM.

SECOND: Mr. Kularski. Discussion: None

VOTE: All in favor.

### **Approval of Minutes**

MOTION: Ms. Friedman moved to approve the minutes of November 13, 2018.

SECOND: Ms. Nist. Discussion: None

VOTE: All in favor.

### **ANR Plan**

#### **557 Main Street (Applicant: Reinardele Chaviero)**

Ms. Buck explained that the property owner is taking one big lot and dividing it into two lots, one of which will need to go before the ZBA for approval (it has only 50 feet of frontage. Ms. Friedman asked how they would get access to the property and Ms. Nist stated that it is a shared driveway. Ms. Friedman asked if there is an easement on the property and stated that it looks like access to the house will be lost when the lots are split. The Board discussed the issue and felt the owner should explain

MOTION: Ms. Nist motioned to disapprove the ANR Plan for 557 Main Street.

SECOND: Ms. Friedman. Discussion: None

VOTE: All in favor.

### **Public Hearing, Major Site Plan Review, continued**

#### **515 Henshaw Street Solar Farm/SPR2018-01 (Applicant: Borrego Solar)**

Dean Smith of Borrego Solar Systems, Inc. was present and stated he sent notification to abutters again. Mr. Smith discussed the project with the Board. He stated that they will be using a more efficient module than originally offered and said because of that change, the system size will go down slightly.

Mr. Smith submitted responses based on Quinn’s and Ms. Buck’s comments. He stated that he will be tweaking the water basin design and that will take some time. Mr. Smith plans to extend a portion of the fence for a visual buffer. Ms. Nist asked if the modules will be high enough for the cows to graze and Mr. Dean responded that they will be high enough according to the bylaw.

Mr. Dean stated that another fence will be added around the equipment pad area to keep the livestock away.

Ms. Buck asked Mr. Dean about the revised plans. Mr. Smith said that these were responses from February comments. He stated that stormwater management still needs to be worked on and he wants to tweak the report. Mr. Smith asked if it was acceptable for him to meet with Mr. Quinn regarding his revisions. Ms. Buck said that revisions need to go through the Planning Board office for date stamping and initial review and then the revised plan is given to Mr. Quinn for his review. Mr. Smith asked Ms. Buck to sit on the revised plans for a few days and not pass them on to Mr. Quinn yet so he can tweak them. Ms. Buck agreed. Ms. Buck asked Mr. Smith how long he thinks it would take him to fully complete the revisions and he answered that he hoped to have them by the end of the week. Mr. Smith stated he preferred to continue the public hearing to a later date in order to finalize revisions.

Mr. Grimshaw asked if anyone from the public had any comments and there were no comments.

MOTION: Mr. Kularski moved to continue the public hearing for 515 Henshaw Street solar farms to January 15, 2019 at 7:00 PM.

SECOND: Ms. Nist. Discussion: None

VOTE: All in favor.

#### **Discussion, Site Plan Review, SPR2018-08**

#### **424 Main Street/Nor'Easter Remedies, Marijuana Cultivation (Applicant: Nor'Easter Remedies)**

Jordan Grossman of Nor'easter Remedies, LLC was present along with co-managing partners, Connor McTaggart and Robert Harder along with their attorney, Ian M. Urquhart. Mr. Grossman reviewed the project with the Board. Mr. Grossman stated that he submitted a Site Plan Review application over a month ago and has received several responses back. He stated that he has reached out to each Department to confirm what exactly has to be done to get the site plan approved.

Quinn's comments were discussed. They still haven't heard from the building inspector yet and no responses from Highway either. They have received approval from Police and disapproval from Fire and Board of Health. Fire was concerned about the sprinklers and angle of the driveway and Board of Health disapproved because the utilities need to be drawn onto the plans.

Mr. Kularski asked what they would be doing at their facility and they answered that they will be selling flower material and doing light processing. They further explained that there will be no selling of plants to the public; they will be selling only to dispensaries and retail stores. Ms. Buck asked if they would be selling full-size plants and they confirmed that they will be full-size plants. Ms. Friedman asked about the odor and they responded that they will have two levels of filtration and will be using recycled air that will be filtered through a carbon filter.

Ms. Friedman asked about the hours of operation and they said the hours of operation will follow the plants' growing schedule. They said the facility will technically be open 24 hours a day; 7 days a week but employee's hours will be from 7:00 AM to 9:00 PM with harvest days being

longer. Ms. Nist asked how many employees they anticipate having and they answered a maximum of 9 employees including themselves.

Mr. Kularski asked if they would be delivering their products or will there be pick-up. They said that the dispensaries they will be selling to will be coming to the facility to pick-up the product. Mr. Kularski asked what the average number of vehicles, including trash pick-up, they anticipate. They are anticipating about 9 visits a week, including trash pick-up. Ms. Nist asked who would be responsible for snow removal and they answered that they would be responsible themselves.

Ms. Buck asked if they would have 10 parking spots with one being a handicap spot and they confirmed that as correct. Ms. Buck asked if they have room for additional parking spots if needed and they said yes; the landlord has a lot to the north of the facility that they can utilize for additional parking. Ms. Buck asked if the Board is fine with 10 parking spots and Ms. Friedman stated that the spaces they have are fine. Mr. Kularski asked about signage and they said that they will mark the building but the signage will not be seen from the street.

Ms. Buck asked about the revised plans and they said they are fairly confident that they will have the plans for mid-January. Ms. Buck told them that she will need the plans for Quinn's review at least one week before the January 15<sup>th</sup> meeting. She said that if the revised plans are not ready for the January 15<sup>th</sup> meeting, it would be continued to the February 5<sup>th</sup> meeting. Ms. Friedman asked them to put the handicap parking spot on the revised plan.

Mr. Grossman stated that they want to request a traffic waiver because of the small nature of the business. Mr. Friedman told him to put any request for waivers in writing so that the Board can vote on it.

Mr. Grimshaw asked if anyone from the public had any comments and there were no comments.

MOTION: Ms. Nist moved to continue the discussion on 424 Main Street/Nor'Easter Remedies to January 15, 2019.

SECOND: Mr. Kularski. Discussion: None

VOTE: All in favor.

### **Town Planner Report/General Discussion:**

January Meeting Dates: Next Meeting will be January 15, 2019.

Briarcliff Estates: Ms. Buck said they submitted a project update that has been included in the meeting packet. She said that they will be submitting a request for an extension and it will be on the January 15<sup>th</sup> agenda.

### Miscellaneous

#### *Parker Street Chapter 61 Request*

Ms. Buck told the Board that she received a request from Webster First Federal Credit Union to remove land on Parker Street from Chapter 61 tax status. She said that the Town of Leicester

has the right of first refusal and the Planning Board and Conservation Commission have an opportunity to comment. The Board said they had no comment.

### *Zoning Bylaw Amendments*

Ms. Buck stated that she would be adding to the January agenda discussion of the zoning bylaw amendments for the spring. She said that the solar bylaw is the highest priority. Mr. Kularski wants a stronger buffer requirement for natural screening or vegetation (without the current option to clear vegetation in half the buffer). Mr. Zwicker suggested putting a limitation on what they can clear and the amount of trees they can cut. Ms. Buck stated that she received a study on solar bylaws and will include it in the January meeting packet. She mentioned that the fill bylaw also needs to be worked on.

Ms. Buck mentioned the sign bylaw and Ms. Friedman stated that was a huge undertaking. Ms. Buck said that she does not think she can work on a comprehensive overhaul sign bylaw for the Annual Town Meeting and Mr. Grimshaw asked if it could wait until next fall. Ms. Friedman commented that they could start working on it and then do an overhaul of it next November.

### Board Member Updates

Ms. Nist attended the EDC at Becker. She said that Senator Moore and other politicians were present and she found it be very good and beneficial.

Mr. Friedman asked about boat storage on Route 9 just before Walmart. She said she had seen a line of boats going into the area to be stored. She asked if that is a business and if there a business license that goes along with it? She also asked if it is allowed in that zone and does it have to be regulated? Ms. Buck said she would speak with the Building Inspector, Jeff Taylor.

Mr. Kularski stated that 875 Stafford Street looks like they are doing towing and vehicle storage. He's noticed two tow trucks parked on the property. Ms. Buck will ask Jeff Taylor again about this property.

MOTION: Ms. Nist moved to adjourn.

SECOND: Mr. Kularski

VOTE: All in favor.

The meeting adjourned at 8:25 PM.

Respectfully submitted:

Wanda Merced, Department Assistant

### **Documents included in meeting packet:**

- Agenda
- Memo from Town Planner to the Planning Board dated 11/29/2018 regarding 12/4/2018 meeting
- Documents related to Site Plan Review Application for Boutilier Solar Farm #3/500 Boutilier Road
- Site Plan Review Application for 424 Main Street and supporting documents
- Meeting Minutes dated 11/13/2018
- 2018 Status Report regarding Briarcliff Estates Senior Village – Victoria Drive

**Documents submitted at meeting:** *n/a*