

**Town of Leicester Planning Board
Meeting Minutes
February 5, 2019**

MEMBERS PRESENT: Jason Grimshaw, Chair; Sharon Nist, Andrew Kularski, Robyn Zwicker

MEMBER ARRIVED AT 7:15PM: Alaa Abusalah

MEMBER ABSENT: Debra Friedman, Vice-Chair

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

MEETING TIME: 7:05 PM

AGENDA:

1. 7:00PM **Public Hearing, Major Site Plan Review, continued**
515 Henshaw Street Solar Farm/SPR2018-01 (Applicant: Borrego Solar)
2. 7:15PM **Public Hearing, Special Permit**
710 Main Street/SP2018-03, 3 duplexes (Applicant: Rapid Transit LLC)
3. 7:45PM **Public Hearing, Definitive Subdivision Plan**
Oak Bluff Lane/SUB2018-01, 6 lot residential subdivision (Applicant: Central Land Development Corp.)
4. 8:15PM **Discussion, Site Plan Review, continued**
424 Main Street/Nor'Easter Remedies/SPR2018-08, Marijuana Cultivation (Applicant: Nor'Easter Remedies)
5. 8:30PM **Approval of Minutes:**
 - 1/15/2019
6. 8:35PM **Town Planner Report/General Discussion:**
 - A. Zoning Bylaw Amendments for May 2019 Town Meeting
 - Ground-Mounted Solar
 - Earth Fill/Removal
 - Marijuana Cultivation (housekeeping amendment)
 - Multi-Family Housing/Chapel St (request of Boston Dev. Investment Corp.)
 - Outside Storage (request of James DiCentes)
 - B. Miscellaneous Project Updates
 - C. Board Member Committee Update
7. **Adjourn**

Jason Grimshaw called the meeting to order at 7:05PM

Public Hearing, Major Site Plan Review, continued

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

Ms. Buck stated that the Applicant requested a continuance to March 5th.

MOTION: Ms. Nist moved to continue the hearing for 515 Henshaw Street Solar Farm to March 5, 2019 at 7:00 PM.

SECOND: Mr. Kularski. Discussion: None

VOTE: All in favor.

Town Planner Report/General Discussion:

Zoning Bylaw Amendments for May 2019 Town Meeting

Outside Storage (request of James DiCentes):

Mr. James DiCentes stated that he contacted Ms. Buck weeks ago regarding outside storage on

his property and said that he submitted a written request to address the Board. He stated that he understands that the Board has not supported outside storage in the past but he was hoping that they would be open to his request. Mr. DiCentes asked the board to consider that he has been in business for over 40 years in town and has kept his property neat and orderly. He stated that other businesses have storage containers on their property and asked why he could not.

Mr. Kularski asked if Mr. DiCentes was looking to have the area rezoned or if he was just asking to have outside storage. Mr. DiCentes replied that he was not sure exactly what he was looking for and was hoping the Board could help guide him on what he should do. He stated that the area he is located in could only be used for a bed and breakfast. Ms. Buck reviewed the list of what was permitted in his zoning district [RIB] and said that it does allow a wide range of business uses but does not allow outside storage. Mr. Zwicker confirmed that they do not allow outside storage in town.

Mr. Grimshaw asked Ms. Buck what the logistics of a zoning change would require and she answered that they would need something written up by next Wednesday. Mr. Grimshaw addressed Mr. DiCentes and said that zoning changes have to be prepped and publicly advertised in a timely manner and he does not believe that it would happen this May because the timing is too tight. Mr. Grimshaw went on to say that this process is very time consuming and thinks that it would be difficult to rezone just for one person's property. Mr. Grimshaw suggested that Mr. DiCentes discuss this with his neighbors to have them also request rezoning. He said that it would be helpful to have more than one property owner request rezoning.

Mr. Kularski stated that there is an interest in outside storage in Leicester and he asked the Board to brainstorm and explore the possibility of allowing outside storage. He said that they should discuss guidelines and consider neatness, effects on surrounding areas, etc. Mr. Grimshaw agreed that was not a bad idea. Mr. DiCentes thanked the Board for addressing his issues.

Ground-Mounted Solar:

Ms. Buck stated that she has been continuing to work on these and included the old draft in the meeting packet. She said that some of the changes are just clarification. She added that vegetation includes all types of vegetation (including trees), and that no clearing of existing vegetation in setback areas will be allowed. Ms. Buck asked the Board if they would like to cap the amount of facilities allowed and the Board said yes. Since the Board last reviewed this issue, the Attorney General's office approved a cap in the Town of North Brookfield. Mr. Zwicker suggested 15 and Ms. Nist suggested no more than 20. Mr. Grimshaw suggested 18 to 20 and Mr. Kularski said that they should not exceed 20.

Ms. Buck explained that they currently have 13 permitted solar farms. She went on to explain that 9 are finished, 2 are approved but still pending construction, 1 has an expired permit and 1 is currently under review. Ms. Wilson stated that there might be 5 more coming from the airport and Ms. Buck said she wasn't aware of that it would be 5 separate projects. Ms. Wilson said she believes it will be 5 separate solar farms of varying sizes that will be put out to bid and will be listed under paying taxes to Leicester. Ms. Wilson commented that they would have to come through the Planning Board. Ms. Buck stated that she will leave it at 20 for now and will double check with Massport and North Brookfield.

Ms. Buck asked if the Board was looking to make any changes to the zoning districts that they are currently allowed in. She said that right now they are allowed almost everywhere and reminded the Board that they removed it from R2 in 2016. She further stated that most of these solar farms are located in the most restricted areas. Mr. Kularski said it should definitely be limited and have a buffer zone; he stated that that should take care of a lot of the issues. Ms. Buck said that some towns do limit the amount of land that can be cleared. Ms. Nist asked that it be limited to a certain percentage of the acreage. Ms. Buck stated that she will have some sample language for the Board and have a revised draft for February 19th for their review and additional comments to be ready for March 5th.

Earth Fill/Removal:

Ms. Buck said she's been reviewing the draft written by Town Counsel last fall and it was 13 pages long. She's been trying to scale it back, but she may be starting from scratch and will be checking what other towns use. Mr. Kularski asked about fees per ton and Ms. Buck said that will not be included. Mr. Kularski stated that he would like to know where the fill is coming from. Ms. Buck will continue to work on this and update the Board.

Marijuana Cultivation (housekeeping amendment):

Ms. Buck stated that she is receiving multiple requests for greenhouses so she wrote it to make it more explicit that no greenhouses are allowed. She stated that she wanted it to be clear to the public and the Board agreed with it.

Public Hearing, Special Permit

710 Main Street/SP2018-03, 3 duplexes (Applicant: Rapid Transit LLC)

Ms. Buck stated that the Applicant requested a continuance to February 19th.

MOTION: Ms. Nist moved to continue the hearing for 710 Main Street to February 19, 2019 at 7:00 PM.

SECOND: Ms. Abusalah. Discussion: Mr. Kularski stated that he would not be in attendance at the February 19th meeting.

VOTE: All in favor.

Public Hearing, Definitive Subdivision Plan

Oak Bluff Lane/SUB2018-01, 6 lot residential subdivision (Applicant: Central Land Development Corp.)

Brian MacEwen of Graz Engineering, LLC updated the Board and said that he hasn't gotten the final revised plans to Quinn Engineering yet. He discussed the issues that needed to be changed saying the major change was in regards to the grading and the layout of the detention pond at the back of the cul-de-sac. Mr. MacEwen said he received comments back from the Post Office and they do want a central box location so he needs to reconfigure the roadway. He said he will be revising the entrance and will be putting in a 10 foot wide pull out lane for mail pick up. Mr. MacEwen stated that the Police Department and Highway Department want to make sure they are happy with site distances and said that he's looking to coordinate that final piece with them.

Mr. MacEwen discussed the letter from the Superintendent of Schools agreeing to re-route the school bus route to use Oak Bluff Lane. He said they also stated in their letter that if they contract a different bus company, the Leicester Public Schools would authorize the new bus company to use Oak Bluff Lane. Mr. MacEwen passed out pictures in color to the Board showing Scott Lane's sidewalk. He noted that the pictures show the poor condition of the

sidewalk showing significant cracking. He also noted the snow left on the sidewalk and commented that the town does not plow the sidewalk during the winter.

Mr. MacEwen stated to the Board that they wanted to know what waivers they would be willing to grant so that those issues could be cleaned up. Ms. Buck noted that the Board previously approved some of these waivers in the Preliminary Subdivision Plan approval. Waivers were discussed as follows:

- *Waive §V, A, 1, (f), to permit roadway centerline radius of curvature of less than 200 feet.* Plans proposed radii of 100 feet in one location and 170 feet at another. Mr. MacEwen stated that revised plans for this waiver still needs to be submitted to Quinn Engineering for his review and approval.
- *Waive §VI, G, 4, (1-3), installation of required sidewalks*
Mr. Kularski stated that they met the requirement and got the School Department to give them a letter approving the bus route. Mr. Schold asked the Board to look at the pictures of the poor conditioned sidewalk that he submitted and ask them to look at this as a public safety issue. Ms. Nist asked if the bus would be stopping at each house or in one spot. Mr. Schold stated that he was not sure of that because it will depend on who buys the lots and if they have children. He stated that he currently has interest in three lots and those people do not have children.

Mr. Grimshaw asked if anyone from the public had any comments. John Pajer, 20 Oak Bluff Lane in Leicester, stated that this is a through street and asked why this waiver would be granted. Mr. Grimshaw said that it is fairly common to have waivers and that there are certain circumstances to consider with a subdivision. Ms. Buck confirmed that waivers are fairly common with subdivisions. She stated that waivers are not the same as varying the terms of zoning bylaws.

MOTION: Mr. Kularski moved to grant the waiver of sidewalks for Oak Bluff Lane.

SECOND: Ms. Nist. Discussion: None

VOTE: All in favor

- *Waive §VI E (3), installation of required streetlights.*
Mr. Kularski asked Mr. Schold if he would be willing to install a street light pole. Mr. Schold stated that he would like to add some light there because it is a dark area. Mr. Grimshaw asked if there are any plans to light the post office area and Mr. MacEwen answered that there is an existing utility pole but it would depend on if the town wants to pay for it. Mr. Kularski suggested one light at the intersection and lights at the end of the driveways. Mr. Schold pointed out that there is a light pole at the end of Salminen Drive. Ms. Nist asked if the homeowners would be responsible for light poles installed on their property and Mr. MacEwen answered yes.

Sandra Wilson stated that older neighborhoods had light poles at the end of the driveways and said that now there are not so many light poles left. Ms. Wilson asked how many street lights would be required if a waiver were not granted. Ms. Buck stated that historically they are considered at intersections, end of cul-de-sacs and sharp curves. Ms. Wilson asked if this subdivision would have three light poles based on that and the Board answered yes. Mr.

MacEwen commented that he has done other subdivisions in other towns where light poles were required and the town never turned them on. Mr. Grimshaw asked when the last subdivision was in town and Mr. Buck said it was 2010. Mr. Grimshaw asked if street lights were required. Ms. Buck said that in 2010 the Board required street lights and added language saying “street lights shall remain private and any maintenance and associated costs shall be the responsibility of the homeowner’s association or other private arrangement except for the Town of Leicester”. She noted that a homeowners’ association wouldn’t be practical for a small subdivision like Oak Bluff Lane. Ms. Wilson asked which subdivision she was referring to and Ms. Buck answered that it was Boutilier Estates.

John Farr, 9 Sycamore Avenue in Spencer, asked what if they build this and it turns out they need lights, will they come back and install those and Mr. Grimshaw said generally not. Mr. Grimshaw said that the town would have to accept the road. Mr. Schold stated that if there are any issues down the road that light poles could be added later because the infrastructure is there. Mr. Farr asked Mr. Schold if he knew where the poles would be and Mr. Schold said that National Grid would be responsible for placement of the poles. Harry Hatch, 7 Sycamore Avenue in Spencer, stated that there is zero lighting now and said he did not see any issues with lighting. He stated that homeowners can purchase LED lights cheap and said those types lights last a long time.

MOTION: Mr. Kularski moved to grant the waiver for street lighting however the developer shall put a driveway light at the end of each driveway closest to the street as possible.

SECOND: Ms. Abusalah. Discussion: Mr. Grimshaw suggested a street light at the intersection of Baldwin Street and Oak Bluff Lane.

AMENDED MOTION: Mr. Kularski moved to add one required street light at the intersection of Baldwin Street and Oak Bluff Lane.

SECOND: Ms. Abusalah. Discussion: None.

VOTE: All in favor.

- *Waive §V, C, 4 to permit flow velocity in drains which exceeds 10 feet per second; under some storms flow in the culvert between DMH 5 and DMH 6 will reach 15 feet per second.*

MOTION: Mr. Kularski moved to grant the waiver for 15 feet per second on the drainage lines between DMH 5 and DMH 6.

SECOND: Ms. Nist. Discussion: John Pajer, 20 Oak Bluff Lane in Leicester, commented that the pond being elongated is 55 feet from his house and he assumes the water will drain off to the wetlands. He asked what if there is a big storm, will he get water in his cellar. Mr. MacEwen discussed the water flow and said that it would go through a discharge pipe down to the lake. Mr. Pajer stated that they would be introducing more water flow towards his home and is concerned about water in his basement. He asked if all the trees would be removed and Mr. MacEwen said that they will need to clear those trees in order to build up the embankment. Mr. Grimshaw stated that this waiver does not address the retention basin and said the Board is not voting on the retention basin tonight.

VOTE: All in favor.

- *Waive §V, C, 4 to permit cover over drainage of less than 30 inches required; in one case a Class IV reinforced concrete pipe (RCP) shall have 12 inches of cover and in another case, high density polyethylene (HDPE) culvert shall have 30 inches of cover.*

Mr. MacEwen stated that this is an isolated wetland and they will be installing a reinforced concrete pipe to provide an outlet to discharge under the roadway to the drainage pond then to the wetlands area.

MOTION: Mr. Kularski moved to allow minimum drainage pipe cover.

SECOND: Ms. Nist. Discussion: None

VOTE: All in favor.

- *Waive §VI, B, 1, a, to permit use of high density polyethylene (HDPE) culvert pile in lieu of the required RCP.*

MOTION: Mr. Kularski moved to permit the use of HDPE pipes.

SECOND: Ms. Abusalah. Discussion: None.

VOTE: All in favor.

- *Waive §VI, L, to waive installation of required street trees.*

Mr. Schold stated that he'd like to save as many trees as possible. Ms. Buck suggested postponing a formal vote on this waiver until the next meeting. She said that she will have a draft for next meeting with language about trees and then the Board could vote. Mr. Kularski asked what would stop a homeowner from cutting the trees that were left and Ms. Buck said there isn't anything to stop them. Mr. Kularski asked Matt if he plans to leave a lot of trees like he did on Baldwin Street and Mr. Schold answered that he wanted to save what he could. Mr. MacEwen said they will add street tree plantings to the plans to be approved by the Board. Ms. Wilson said that street trees are usually shade trees and then DPW has to maintain those. She suggested minimizing street trees if they have them in their yards and suggested not introducing more trees.

- *Waive §V, A, 2(a) and §VI.A, 2 to permit reducing the paved width of road from 28 feet to 24 feet.*

MOTION: Mr. Kularski moved to grant the waiver for the street width to 24 feet.

SECOND: Ms. Nist. Discussion: None.

VOTE: All in favor.

- *Waive §V, A, 4, (a) to permit a dead-end street greater than 500 feet in length; plans propose a 950 foot street, which continues onto a road in another community.*

MOTION: Mr. Kularski moved to allow a dead-end street not to exceed 500 feet.

SECOND: Ms. Nist. Discussion: Mr. Grimshaw commented that the plan proposes 950 feet.

AMENDED MOTION: Mr. Kularski moved to allow a dead-end street to exceed 500 feet.

VOTE: All in favor.

- *Waive §VI, E (1), to permit installation of overhead utilities in lieu of required underground utilities.*

MOTION: Mr. Kularski moved to approve this waiver and not require underground utilities.

SECOND: Ms. Nist. Discussion: None.

VOTE: All in favor.

MOTION: Ms. Nist moved to continue Oak Bluff Lane to February 19, 2019 at 7:15 PM.

SECOND: Ms. Abusalah. Discussion: Mr. Kularski stated that we would not be present at the February 19th meeting. Mr. Grimshaw stated that Ms. Friedman would need to listen to the recording of this meeting before the February 19th meeting in order to vote.

VOTE: All in favor.

Discussion, Site Plan Review, continued

424 Main Street/Nor'Easter Remedies/SPR2018-08, Marijuana Cultivation (Applicant: Nor'Easter Remedies)

Ms. Buck stated that the Applicant requested a continuance to March 5th.

MOTION: Ms. Nist moved to continue 424 Main Street/Nor'Easter Remedies to March 5, 2019 at a time to be determined.

SECOND: Mr. Kularski. Discussion: None

VOTE: All in favor.

Approval of Minutes

MOTION: Mr. Kularski moved to approve the minutes of January 15, 2019.

SECON: Ms. Nist. Discussion: None

VOTE: All in favor.

Town Planner Report/General Discussion:

Zoning Bylaw Amendments for May 2019 Town Meeting, continued

Multi-Family Housing/Chapel St (request of Boston Dev. Investment Corp.):

Ms. Buck updated the Board on this project. She stated that the developers arranged a meeting with Senator Moore on February 1st but Senator Moore missed the meeting due to a scheduling issue. The other parties met and discussed the project. She said another meeting to include Senator Moore has been scheduled for Monday, February 11th. Ms. Buck advised the Board that the dam on the property is not safe and that she gave copy of the Office of Dam Safety's letter regarding this issue to the developers. She contacted the Office of Dam Safety and was told that the owner hasn't complied with their requirements. Ms. Buck stated that the project proponents still have not submitted any information related to their potential zoning amendment.

Miscellaneous Project Updates

CVS

Mr. Grimshaw asked if there was any new information about CVS and Ms. Buck answered that she hasn't heard anything. Ms. Nist said that Santander Bank in Spencer is leaving and CVS bought the land to expand.

Cultivate

Mr. Grimshaw asked if there were anymore complaints about parking at Cultivate and Ms. Wilson stated that there are no issues at this time.

Board Member Committee Updates

Ms. Abusalah reported that the EDC met last Thursday. She said the next meeting will be at the end of February and they will be discussing new goals.

MOTION: Ms. Nist moved to adjourn

SECOND: Ms. Abusalah

VOTE: All in favor.

The meeting adjourned at 9:15 PM

Respectfully Submitted,
Wanda Merced, Department Assistant

Documents included in meeting packet:

- Agenda
- Memo from Town Planner to the Planning Board dated 1/31/2019 regarding 2/5/2019 meeting
- Documents related to Major Site Plan Review for 515 Henshaw Street Solar Farm (SPR2018-01)
- Documents related to Special Permit for 710 Main Street (SP2018-03)
- Documents related to Definitive Subdivision Plan for Oak Bluff Lane (SUB2018-01)
- Meeting minutes dated 1/15/2019
- Copy of existing and proposed amended solar bylaw
- Copy of proposed amended marijuana bylaw
- Request from James DiCentes for outside storage

Documents submitted at meeting:

- Pictures of Scott Lane's sidewalks