

**Town of Leicester  
Planning Board Minutes**

MEMBERS PRESENT: Jason Grimshaw, Sharon Nist, Adam Menard, Debra Friedman

ASSOCIATE MEMBERS: Alaa Abusalah

MEMBERS ABSENT: David Wright

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

MEETING DATE: February 16, 2016

MEETING TIME: 7:00 pm

**AGENDA:**

7:00PM Public Hearing:  
Special Permit, American Canine Assistance Program (Kennel), 1030 Stafford Street, Stafford Industries, Inc.

7:30PM Public Hearing:  
Main Street (Route 9) Cherry Valley Rezoning (Residential 2 to Business)

8:00PM Town Planner Report/General Discussion:  
A. Miscellaneous Project Updates

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

**Public Hearing Cont:**

Special Permit, American Canine Assistance Program (Kennel), 1030 Stafford Street, Stafford Industries, Inc.

Ms. Patricia Dykas introduce Mr. Mike Maroney from MVA Engineering, who drew up the plan. Mr. Maroney explained there was approximately 3,000 square feet of area in back, located in the Suburban-Agriculture (SA) Zone, they would like to use and there's an area in front, located in the Business (B) Zone, they want to fence in to exercise the dogs. The dogs would not be left alone outside and will only be left out for an limited amount of time. Most activities will take place inside the building. They tried fitting the exercise area within the SA Zone in back, but couldn't easily accommodate the fence. They would like to have a grooming area sometime in the future, but right now, they only want to work on training dogs.

Ms. Buck said there was a memo received from the Conservation Commission regarding their concerns using areas near or close to the buffer zone from the pond. They would need approval from Conservation on doing work within the Riverfront Area and because they are going to be close to the buffer. She suggested that a wetlands specialist flag the boundary to make sure it would be out of the buffer.

Ms. Friedman asked if it would make a difference if they didn't put in a permanent fence, because it was discussed of the fence being removable. Ms. Dykas said it would be free-standing fence. Mr. Maroney said he did some research on this topic and found that if a fence was 6 feet and under, it would be exempt from the Wetlands Protection Act.

Ms. Buck asked for clarity on what type of fence they were proposing. Ms. Dykas explained it would be a free standing fence without footings; it would open up and pressed into the ground. There are no poles and there would be no holes in the ground. It can be moved anytime to where

ever they need it. It would be made out of welded wire or something similar to a chain-link fence. Ms. Buck said if there was not going to be any ground disturbance, Conservation would not be applicable.

Ms. Buck noted speaking with the Cherry Valley Water District today, because they were not in favor of approval for this project. The Water District will only go along with approval if the Planning Board's Decision makes it clear that the applicant must address the back flow prevention device, just for the section of the building where this business will be located. The District will not sign off on the project until the applicant provided more detail on their current and future proposals in detail.

Ms. Friedman asked for clarification if they were looking for approval on a grooming section. Ms. Dykas said yes and would like to have a retail space that would be geared to the service dog business and asked it be included with the Special Permit approval as well. Ms. Friedman noted by saying it's a retail space, implies that it is being geared for selling and not just having things available for specialty clients. Ms. Dykas explained it had more to do with providing a convenience for their clients, because some of the products are difficult to find.

Ms. Friedman questioned retail space being allowed in that zone. Ms. Buck agreed and noted a pet supply store would not be allowed, but having a very limited counter space display might be okay if clearly accessory to primary use. Ms. Dykas said she was not looking for anything bigger than a very limited display at the service desk.

Ms. Buck reviewed the Draft Decision and Conditions.

- Pre-construction conditions reviewed: 1) having a surveyed plan done before putting up the fence. 2) To receive final approval from the Cherry Valley & Rochdale Water District prior to occupancy.
- Project Specific Conditions reviewed: 1) separate outdoor and indoor training activity hours, i.e. normal hours of operation for daytime boarding/grooming/training and associated indoor activities shall be 7am – 9pm, Monday-Saturday; 10am – 5pm, Sundays and hours of operation for outdoor training shall be 8am – 7pm, Monday-Saturday; 2) The applicant may offer, for sale only, accessory products on a limited product range, directly tied to the training activities on site. Retail space will be limited to the Service Desk area. 3) If a fence is located within the River Front area, approval from Conservation would be required.

With no further discussion, Mr. Grimshaw asked for a motion.

MOTION: Ms. Friedman moved to approve the Special Permit for American Canine Assistance Program (Kennel), at 1030 Stafford Street, Rochdale, MA; Stafford Industries, Inc.

SECONDED: Ms. Nist – Discussion: Mr. Grimshaw noted that in absence of Planning Board Member David Wright, Associate Member Alaa Abusalah was appointed as a voting member on this Decision.

VOTE: All in Favor

## **Public Hearing:**

### Main Street Route 9, Cherry Valley Rezoning (Residential 2 to Business)

Mr. Grimshaw read the Notice into the record and then opened the hearing for discussion. Ms. Buck reviewed the Zoning Map and the properties affected. The Parcels highlighted in yellow would be changed from Residential 2 (currently shown in orange) to Business (green). All the property owners involved with the rezoning amendment were notified. At a previous meeting, the Board agreed to sponsor the amendment and hold a public hearing. This was originally requested by a private property owner, Jeff Canane.

Mr. Jim Hettiger, 311 Main Street asked about the original request. Ms. Buck said Mr. Canane originally requested rezoning of the two parcels at the corner of Auburn Street and Main Street.

Mr. Jeff Canane explained that he owns Jan's Package Store at 385 Main Street and also owns the parking lot next door, which is a separate lot, B2.1. He and his wife recently bought the Lajoie homestead next door to the parking lot. At one time he envisioned owning a strip mall, which he now realizes will never happen because of Conservation and being located next to river (Kettle Brook). He would like to expand his parking lot, which is the main reason for his request. When he started all this he realized that what he originally bought as Business zoned property had been changed to Residential 2 zone and he would like to have it changed back to Business. He understood it was the Planning Board's feeling to rezone from Auburn Street to Church Street to eliminate any possible spot zoning concerns.

Ms. Friedman noted there were also several existing businesses within that area as well.

Mr. Hettiger asked if the rezoning passes, would it affect the apartment building he owns that was residential. Ms. Buck said existing multifamily homes would be grandfathered and in the Business Zone multifamily housing is an allowed use by Special Permit.

With no further discussion, Mr. Grimshaw asked for a motion.

MOTION: Ms. Friedman moved that the Planning Board vote to support this zoning amendment.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Mr. Canane asked what the next step was.

Ms. Buck said it now goes to Town Meeting where it will need a 2/3 vote to pass.

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

### Next Meeting

After some discussion, all agreed to cancel the March 1, 2016 meeting due to the presidential primary, cancel the March 15, 2016, and reschedule the March meeting for Tuesday, March 8, 2016.

### Miscellaneous Project Updates

- A new solar farm proposal to be located on the old Stafford Hill Estates property will be heard at the March 8, 2016 meeting.

- There was some concern regarding the lights always being on at Becker College Soccer field. Ms. Buck will review the Order of Conditions regarding the field lighting.

MOTION: Ms. Friedman moved to adjourn meeting

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:05PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox

**Documents included in meeting packet:**

- Agenda
- Memo from Michelle Buck to the Planning Board members regarding 2/16/2016 meeting.
- Draft Special Permit Decision, Order of Conditions regarding American Canine Assistance Program.
- Public Hearing Notice to amend the Zoning Map for properties located on Main Street between Auburn Street and Church Street.
- Copy of Assessor's Map showing the properties considered for rezoning.

**Documents submitted at meeting:**

- None