

**Town of Leicester Planning Board
Meeting Minutes**

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

ASSOCIATE MEMBER: Alaa AbuSalah

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

MEETING DATE: **March 8, 2016**

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Application Discussion:
 Site Plan Review, Solar Farm, Borrego Solar, 466 Stafford Street
- 7:30PM Approval of Minutes:
 1/19/2016
- 7:35PM Town Planner Report/General Discussion:
 A. Potential Zoning Amendment, Medical Marijuana
 B. EDSAT Presentation Re-Scheduled for Thursday 3/31/2016
 C. Estate Planning Grant
 D. Miscellaneous Project Updates
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Mr. Grimshaw called the meeting to order at 7:00PM

Public application:

Site Plan Review, Solar Farm, Borrego Solar, 466 Stafford Street

Mr. Steve Long of Borrego Solar represented the application. Mr. Long said this project is being proposed on the former site of Stafford Hill Estates Subdivision that was a failed subdivision project from 2003. The solar project will be developed on three separate lots that total 77.98 acres. The current plan shows the property as it exists now in red and they will be changing the lot lines shown in blue and creating three different size lots. They will be submitted an ANR plan on the lot line changes.

Ms. Friedman asked why they were changing the lot lines. Mr. Long explained the way the lots were currently configured; they can't fit the systems on the lots. The property was split between two different zones, Business Residential 1 and Business Industrial A. The new lot lines are shown in red and there will be 3 systems; A, B & C. System A will be 2.8 megawatts; System B, 2.8 megawatts and System C, 1.4 megawatts making a total of 7 megawatts. System A will sit on 12.7 acres; System B on 12.5 acres and System C on 6.1 acres. Systems A & B will have access from Auburn Street and System C will have access from Stafford Street. The interconnection to the grid will be underground, within the fenced in area.

Mr. Long noted that they will cross the wetland to an open area, where no further vegetation needs to be cleared. They have a meeting before Conservation with an NOI application. The Commissioners have walked the site and reviewed where the wetland crossings were. All electrical connections to the site will be underground within the fence and become overhead

lines, on poles that will go along the tree line, and then out to Stafford Street, where the interconnection will be located. Site A will have access off of Auburn Street with a wetland crossing. The fire department recommended a 12 foot road width there and they will inform Quinn Engineering about that to make sure everyone was on the same page. There is an existing crossing already constructed when the subdivision was started and there was a lot of area already cleared.

Ms. Friedman asked for confirmation that there won't be any change to what has already been cut in for the crossing. Mr. Long said they are leaving it the way it is. There is a pipe there that looks good and Conservation agreed, so they are leaving it. Ms. Buck said there will be some additional clearing done, but not in that area.

Mr. Long agreed. He said the plan shows the interconnection proceeds to Site B, where there will be a 2.8 megawatt system. The site is surrounded by wetland vegetation and there will be erosion control place around the site. Site B lot will have access off Auburn Street. Site C is the smallest site, having a 1.4 megawatt system within the fence in area. The dark green shows the existing vegetation and that will not be touched.

Ms. Friedman asked if the vegetation in the upper area, where it was cleared, was to be kept low or allow to grow. Mr. Long said it's cleared there now and they plan not to do anything there. So if the vegetation does regrow, it will remain as is.

Ms. Friedman asked if the light green shown on the plan were the areas that will be allowed to regrow. Mr. Long said yes.

Ms. Buck explained that after reviewing the plan where the zoning lines were located and existing vegetation, it shows a 50 foot strip of land between this property and the abutting residential property. It appears the access drive to the solar site, sits right on the lot line to the abutting residential property. She suggested they center the access drive and moving it away from the abutting residential property. Mr. Long said they intend to leave as much vegetation as they can and agreed to center the access drive.

Ms. Buck noted in the BR-1 Zone there's a requirement that lots have to be more than 2/3 impervious and 1/3 greenery (not defined) and 20-feet around the perimeter. She wasn't sure how to define the driveway because it goes right along the perimeter and doesn't specify any trees or greenery. Driveways usually go into the lot and this driveway goes along the edge of the lot.

Mr. Long agreed to put a 20 foot no disturb along the perimeter. He also said they will work on a decommissioning bond.

Ms. Buck noted there were remaining concern with drainage and final comments were not received from Quinn Engineering yet. Mr. Long said Conservation Commission was also reviewing this project concerning drainage.

Ms. Buck said Conservation received comments from DEP and DEP's opinion had changed on how they interrupt solar panels and as to whether they were impervious or pervious. She sent DEP's comments to Quinn Engineering for his review.

Ms. Friedman asked if DEP was considering the panels not to be impervious. Mr. Long said not quite, DEP was trying to come up with something to address solar panels, but they don't have a policy in place. His argument was if there wasn't a policy, then what do you follow?

Ms. Buck said at one point, DEP had decided solar panels were impervious, but in the interim there have been some large solar farms that have had massive erosion control problems.

Ms. Friedman said with this proposed site, there has been a lot of area already previously disturbed. She felt there wouldn't be the same kind of issues with erosion at this site, as there would be if they were clear-cutting the site. Mr. Long said they will not be clear-cutting and will be leaving the existing vegetation.

Ms. Buck asked how much more vegetation will be removed. Mr. Long didn't know the calculated numbers, but it wouldn't be much, just the strips along the outside areas. Mr. Michael Matarios, property owner, said Conservation noted if DEP didn't come up with a clear policy, they were going to agree with the panels not being impervious. Ms. Buck said DEP wanted to make sure there weren't going to be any erosion issues with this project.

Ms. Nist asked if there was going to be a gate at the access road. Mr. Long said yes.

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

MOTION: Ms. Friedman moved to continue discussion on the Site Plan Review, for the Solar Farm, by Borrego Solar, at 466 Stafford Street, Cherry Valley to Tuesday, April 5th at 7:30PM

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Ms. Buck noted that the applicant should address moving the access road over and addressing Quinn Engineering's comments.

MOTION: Ms. Friedman moved to extend the deadline to make a Decision to April 7th

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Approval of Minutes

1/9/2016

MOTION: Ms. Friedman moved to approve the minutes of January 9, 2016

SECONDED: Ms. Nist – Discussion: None

VOTE: 4-In Favor / 1-Abstained (Mr. Wright)

Town Planner Report

Potential Zoning Amendment, Medical Marijuana

The Town has been approached by several Medical Marijuana Companies for dispensary and cultivation sites. Ms. Buck and the Town Administrator, Kevin Mizikar have discussed amending the bylaw for the Annual Town Meeting. There is a developer interested in 82 Huntoon Highway for a cultivation site and another developer interested putting a dispensary at Laney's property on Route 9 across from the new Cumberland Farms. The Board was being asked to consider making the buffer requirements narrower or eliminating them all together. The proposed cultivation site sits 330 feet from a residential district and what they would like allowed out of that site, by the State definition, home delivery from the site.

Ms. Friedman said the irony is the areas where you would feel more comfortable reducing buffers, is the area less likely to have anything near it, for example, HB-1. In other areas where you would be less likely reduce the buffers, are the areas that have more things that aren't necessarily compatible.

Mr. Wright was comfortable keeping the current Bylaw and making no change to the buffers.

Mr. Grimshaw said Huntoon Highway was a great location for businesses such as this, because it's a commercial road, but the problem with Huntoon Highway was all the residential properties behind it.

Ms. Friedman felt a cultivation facility was different from a treatment center.

Ms. Buck said the cultivation operation would prefer to have a separate dispensary in Town, but they wanted to at least have home delivery out of that location, which was allowed under State Law. The Town is looking for ways to attract new businesses and for this particular business use, the Town has been approached by at least 4 companies who are all having difficulty with the zoning.

Ms. Friedman asked how the Economic Development Committee felt about this. Ms. Buck wasn't sure.

Mr. Wright said if the Board modified the buffer to accommodate those 4 companies, in his opinion, would be setting a precedent for other businesses who want to come in and needs the zoning changed. Ms. Buck explained when the medical marijuana bylaw passed statewide, Towns were in a rush to put something on the books. Over time, as a practical matter, this business (cultivation) was prohibited as written. The bylaw is preventing this use coming into Town, and that may not have been the intent.

Ms. Friedman would not have a problem reducing the buffer if it was just being produced, but if it becomes something where they are going to dispense, then she has a concern. She suggested, once the amendment was drafted, to send copies to each member of the Economic Development Committee asking for their feedback.

EDSAT presentation

This presentation has been rescheduled to Thursday, 3/31/2016 at 7:30 at Becker College Student Center.

Estate Planning Grant

This is a small Grant of \$350 to do an Estate Planning Workshop in Town for large landowners interested in permanently protecting their land. There will be direct invitations mailed out to about 120 large land owners, who own 60, 61A & 61B properties and 10+ acres of land. The workshop is being done in conjunction with the Common Ground Land Trust Group.

Miscellaneous Project Update

If needed, there may be a 2nd April Planning Board Meeting held on Tuesday, April 19, 2016.

Pending applications

- A Solar Farm application will be submitted soon, to be located on Henshaw Street at the Cherry Valley/Rochdale Water District property, just south of pond.
- A Special permit application might be submitted soon for a trucking depot to be located on South Main Street at the former Inland Divers.
- Mike's Donuts will be applying for a Special Permit for rearranging the drive thru area.
- There might be a Site Plan Review application submitted for 1749 Main Street. This site received approval from Conservation to level the area and make a yard for a residential use. Complaints started being received when more trucks were being parked there than necessary to complete the work approved by Conservation. The owner is now using the site as a construction equipment storage yard, which is allowed in that district, but because the land was altered for that use, triggers Site Plan Review. The owner has been ordered to remove all trucks in excess of what is necessary to complete the work authorized by the Conservation, but so far has failed to do so.
The owner is supposedly working on a Site Plan application.

CMRPC

They are doing their annual requests for traffic counts and pedestrian counts. Ms. Buck asked if the Board had any additional locations of interest to be done for 2016. Suggested for a pedestrian count was along Route 9 to Walmart. Suggested for traffic counts were: Henshaw & Stafford Street; River & Charlton Street; Route 56, north of Stafford Street.

General Discussion

Mr. Wright asked if Furniture Now has filed with Conservation or Planning on work done on the property. Ms. Buck said the owner was informed he needed to file with both Boards before moving forward.

Ms. Friedman asked what was stated in the Board's Decision regarding Central Mass Crane and which access drive the cranes were to use when entering the site. Ms. Buck will review the Decision.

With no further comments or concerns; Mr. Grimshaw asked for a motion to adjourn.

MOTION: Mr. Wright moved to adjourn meeting
SECONDED: Ms. Nist – Discussion: None
VOTE: All in Favor

Meeting adjourned at 8:21PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in meeting packet:

- Agenda
- Memo to the Planning Board from Michelle Buck regarding the March 8th Planning Board Meeting
- Site Plan Review application from Borrego Solar Systems for 466 Stafford Street solar project
- Memo from Michael Martiros owner of 466 Stafford Street regarding Authority to permit solar project
- Project narrative with pictures regarding 466 Stafford Street solar project
- Comments received from Quinn Engineering dated 2/17 & 2/25/2016 regarding 466 Stafford Street solar project
- Comments from Michelle Buck, Town Planner to Steve Long of Borrego Solar regarding 466 Stafford Street solar project
- Comments from Board of Health, Cherry Valley Sewer, Conservation Commission, Cherry Valley Water, Highway Department, and Historical Commission regarding 466 Stafford Street solar project
- Comments from Steve Long of Borrego Solar to Kevin Quinn and Michelle Buck regarding 466 Stafford Street solar project
- Draft Site Plan Approval & Stormwater Permit Order of Conditions regarding 466 Stafford Street solar project
- Draft Summary/Explanation regarding Bylaw amendment for Medical Marijuana Treatment Centers
- Planning Board minutes of January 19, 2016

Documents submitted at meeting:

- None