

**Town of Leicester Planning Board
Meeting Minutes
September 22, 2020**

[Note: This meeting was held remotely using GoToMeeting]

MEMBERS PRESENT: Debra Friedman, Vice Chair; Sharon Nist, Andrew Kularski; Jaymi-Lyn Souza

MEMBERS ABSENT: Jason Grimshaw, Chair

IN ATTENDANCE: Michelle Buck, Town Planner, Tiffany Peters Department Assistant

MEETING TIME: 7:00PM

AGENDA:

1. 7:00PM **Appointment of Associate Planning Board Member**
2. 7:05PM **Public Hearing, Double-Play Fitness Special Permit Amendment (SP2012-01)**
To allow outdoor gym classes at 190 Main St. (Applicant: Michael & Stacey Novia)
3. 7:45PM **Site Plan Approval Extension Requests:**
 - A. SPR2018-03, 101 Huntoon, LLC (Applicant: Robert Johnson)
 - B. SPR2018-04, Eco-Farm (formerly East Coast Organics), 88 Huntoon Memorial Hwy, (Applicant: Liam Rafferty)
 - C. SPR2018-05, CannAssist, 88 Huntoon Memorial Hwy, (Applicant: Rochette Consulting Services, LLC)
4. 8:00PM **Approval of Minutes**
 - August 4, 2020
 - August 18, 2020
5. 8:15PM **Town Planner Report/General Discussion:**
 - A. Miscellaneous Project Updates
 - B. Future Zoning Bylaw Amendments
 - C. Board Member Committee Updates
 - D. Upcoming Meeting Dates
6. **Adjourn**

Ms. Friedman called meeting to order at 7:00PM

Appointment of Associate Planning Board Member

Two candidates applied for the Associate Planning Board Member position. The applicants are Mr. James Reinke and Mr. Joseph Lennerton, both candidates are present. The candidates address the Board and discuss their interest in the position, qualifications and availability.

Motion: Mr. Kularski moved to appoint Mr. James Reinke since he was the first person to apply

Second: Ms. Nist

Discussion: None

Roll Call Vote: (3-1-0). Ms. Nist opposed.

Public Hearing, Double-Play Fitness Special Permit Amendment (SP2012-01)

Ms. Friedman reads the public hearing notice. Mr. Kularski and Ms. Souza state that they contacted the Massachusetts State Ethics Commission regarding this hearing, and it was determined that there is not a conflict of interest. They each filed a disclosure form with the Town Clerk's office.

Mr. Michael Novia, the owner and Ms. Stacey Novia, the applicant and fitness director are present. Mr. Novia states that they are amending a Special Permit that they already have in place in order to continue doing outdoor exercise classes (aerobics, yoga, high impact, Zumba, piyo, HIIT, pilates, kickboxing) between the hours of 8AM and 8PM, 7 days per week, classes are 40 minutes long. There will be no changes to outdoor lighting. Classes will be held outdoors between the months of April to October. Ms. Nist asks if the classes impede the handicap parking spaces. Ms. Novia states that classes are not held in that area.

Ms. Friedman asks the applicant to address the noise level as there was an abutter complaint regarding the noise. Ms. Novia states that they keep the volume of the music at level four and the speaker facing away from that abutter. She states that the Board of Health Agent visited their establishment and walked the property and could not hear the music until she was in close vicinity to where the class was being held.

Ms. Buck asks the applicant about the use of a tire in the parking lot. The applicant states that it was not being used for a class, it was being utilized by gym members when a class was not in session and that use of the tire will not continue. It is determined that larger cones will replace the cones currently in place to safely block off the area where the classes are being held.

Mr. Novia states that he would like this amendment to be permanent. Ms. Friedman states that for the amendment to be permanent that other things would need to be considered such as parking, safety, lighting, etc. Ms. Buck explains that the application currently before the Board is for outdoor use during the pandemic and that if they want to do something broader or long-term, it would be a separate filing and the Board would require additional information.

There is commentary made by multiple members of the gym discussing the mental and physical benefits that Double-Play Fitness has provided them.

The Board determines that the amendment will be valid until October 31, 2021 and can be extended with a simple majority vote. Ms. Buck reviews suggested conditions of the special permit amendment (standard recording requirement, conditions in previous decisions remain in effect, music to be kept at reasonable levels, classes limited to activities listed in application and stated at this hearing, addition of taller traffic cones, and deadline). It is determined that there is not a noise ordinance in Town but the issue is addressed in the conditions.

Motion: Mr. Kularski move to allow Double-Play Fitness to resume outdoor classes in their rear lot with the condition that they add taller traffic cones to prevent vehicular traffic to the area where they are training until October 31, 2021 due to COVID-19.

Second: Ms. Nist

Discussion: None

Roll Call Vote: All in favor (5-0-0)

Site Plan Approval Extension Requests:

SPR2018-03, 101 Huntoon, LLC

Applicant is seeking a one-year extension for site plan approval. Their current approval is valid through October 16, 2020. Ms. Buck recommends a one-year extension.

Motion: Mr. Kularski moved to extend 101 Huntoon, LLC, Applicant Robert Johnson for 1 year

Second: Ms. Nist

Discussion: None

Roll Call Vote: All in favor (4-0-0)

SPR2018-04, Eco-Farm (formerly East Coast Organics), 88 Huntoon Memorial Hwy

The applicant is seeking a one-year extension for site plan approval. Their current approval is valid through October 2, 2020. Ms. Buck recommends a one-year extension.

Motion: Mr. Kularski moved to approve one-year extension for Eco-Farm, 88 Huntoon Memorial Highway

Second: Ms. Nist

Discussion: None

Roll Call Vote: All in favor (4-0-0)

SPR2018-05, CannAssist, 88 Huntoon Memorial Hwy

Mr. Rochette is present and states he is seeking a one-year extension for CannAssist. He states they ran into difficulties due to COVID-19. The current approval is valid until October 2, 2020.

Motion: Mr. Kularski moved to approve a one-year extension for CannAssist, 88 Huntoon Memorial Highway till October 2, 2021.

Second: Ms. Nist

Discussion: None

Roll Call Vote: All in favor (4-0-0)

Approval of Minutes

August 4, 2020

Approval of minutes for August 4, 2020 continued until next meeting

August 18, 2020

Motion to Adjourn: Ms. Nist moved to approve minutes for August 18, 2020

Second: Mr. Kularski

Discussion: None

Roll Call Vote: (4-0-0)

Town Planner Report/General Discussion:

Outdoor Marijuana Cultivation

Zoning Bylaw amendment allowing outdoor marijuana cultivation [6/2/2020 Annual Town Meeting, Article 33] was approved by the Attorney General's Office 9/21/2020.

Mulberry Solar III

Ms. Buck states a site walk was done with Mr. Kevin Quinn and two project representatives. They are seeking final sign off on the project. The site looked good overall. There are a few areas that were recently planted with grass seed but has not taken yet and some trees and shrubs that exhibited stress due to the drought. Both will need to be examined in the spring. We are seeking bonds to cover those until that time.

103 Marshall Street

Ms. Buck states she looked at the site last month. The building is completed, and the parking is in. She states they are not open yet and she plans to check in with the applicant as they need sign off from the department before they do so.

Eastern Pearl

Ms. Buck states that she was informed by a Select Board representative that the applicant will not be moving forward with the project.

Open Space & Recreation Plan

Ms. Buck states that the current plan was approved by the state through December 2021, so she has started inquiries on pricing. The last three plans were done by The Conway School but states that their prices have increased, and they would not be able to begin until January 2022. She is also waiting on a price from CMRPC, who would do the mapping for free under another contract we have with them. Ms. Buck states she may request funding at Town Meeting for this.

Evolve Cultural Center

The owner states that currently she is only holding church services. Ms. Buck states they are trying to clarify exactly what type of business she applied for when it was approved. The owner is also looking for a way to expand parking.

Zoning Amendments

Ms. Buck reviews various zoning amendments that she has been working on including outdoor storage, flood zone zoning, housekeeping amendments, marijuana bylaw (raising cap on number of retail facilities, allowing delivery service), and Hankey Street zoning issue. More in-depth conversations will be had regarding zoning amendments at future meetings.

11 Hankey Street

Ms. Buck states that they met with project representatives for 11 Hankey Street last week. They still need to submit a Special Permit application for the maker's space activities. They want to do a significant amount of multi-family housing. The parcel is 4 acres in the Suburban Agriculture District and most of it lies in the Riverfront Protection Area. Ms. Buck states that the Adaptive Reuse Bylaw is not intended for this purpose and that she has been asked to look at potential options for future zoning amendments to allow some multi-family housing.

Board Member Committee Updates: None

Upcoming Meeting Dates:

- October 6, 2020
- October 20, 2020
- November 10, 2020

Motion to Adjourn: Ms. Nist moved to adjourn

Second: Mr. Kularski

Discussion: None

Roll Call Vote: All in favor (5-0-0)

Meeting adjourned at 8:35PM

Respectfully Submitted,
Tiffany Peters, Department Assistant

Documents included in meeting packet:

- Agenda
- Citizen Volunteer Form for Associate Planning Board Member applicant
- Public Hearing Notice for Double Play Fitness Special Permit Amendment
- Double Play Fitness Special Permit Amendment application received via email dated 8/31/2020
- Double Play Fitness Special Permit Amendment handwritten request dated 9/1/2020
- GIS Map of 190 Main Street
- Town Planner comments for Double Play Fitness Special Permit Amendment dated 9/2/2020
- Leicester Police comments Double Play Fitness Special Permit Amendment dated 9/3/2020
- Letter and supporting documents/photos from the Board of Health regarding Double Play Special Permit Amendment dated 8/26/2020
- Double Play Fitness Applicant response to Town Planner comments received 9/14/2020
- Emailed comments from abutting neighbor to Double Play Fitness dated 9/6/2020
- Emailed comments from abutting neighbor to Double Play Fitness dated 9/8/2020 with attached photos
- 21 support letters for Double Play Fitness
- Double Play Fitness Summary dated 9/17/2020
- Email requesting SPR extension for 101 Huntoon dated 8/25/2020
- Letter requesting SPR extension for EcoFarm at 88 Huntoon Mem Hwy dated 9/16/2020
- Email requesting SPR extension for CannAssist at 88 Huntoon Mem Hwy dated 9/2/2020
- Meeting minutes for 8/4/2020
- Meeting minutes for 8/18/2020

Documents submitted at meeting: None