

**LEICESTER PLANNING BOARD
MEETING MINUTES**

[Note: Meetings are held virtually using GoToMeeting.]

MEMBERS PRESENT: Jason Grimshaw (Chair), Deb Friedman (Vice-Chair), Andrew Kularski, Sharon Nist, Jaymi-Lyn Souza

ASSOCIATE MEMBERS PRESENT: James Reinke

STAFF PRESENT: Michelle Buck: Town Planner, Brooke Hammond: Department Assistant.

ORDER OF BUSINESS*

1. 7:00PM **Continued Public Hearing, Special Permit/Site Plan Review**
1570 Main (SP2021-01), Hank's Marine, boat showroom (Applicant: Matthew Shogren)
2. 7:15PM **Public Hearing, Special Permit/Site Plan Review**
Town Meadow Farm/124 Green Street (SP2021-02), Outdoor Marijuana Cultivation (Applicant: Leon Dykas III)
3. 7:30PM **Continued Public Hearing, Zoning Bylaw Amendments**
 - A. Greenville Village Neighborhood Business (NB) district
 - B. Marijuana
 - C. Outdoor Storage
 - D. Business Residential 1 (BR-1) and Residential Industrial Business (RIB)
 - E. Highway Business Industrial (HB-1 & HB-2)
4. 8:00PM **Approval of Minutes**
 - March 2, 2021
5. 8:15PM **Town Planner Report/General Discussion:**
 - A. Miscellaneous Project Updates
 - B. Board Member Committee Updates
 - C. Upcoming Meeting Dates
6. **Adjourn**

Mr. Grimshaw started the meeting at 7:00 PM.

1. Continued Public Hearing – Special Permit/Site Plan Review (SP2021-01)

Hanks Marine/1570 Main Street

[Note: Both Mr. Kularski and Ms. Souza missed one continuance of the hearing but watched video recordings in order to vote at the meeting.]

Mr. Dubois states the drainage and landscaping concerns have all been addressed. The basin in the front of the building was modified due to high groundwater levels. The fence on the East side of the property was extended 200' and a row of plantings was added to the front of the property.

Ms. Friedman asks for confirmation that the landscaping has been approved. Ms. Buck confirms that the revised landscaping plan meets requirements, including changes to remove trees susceptible to Asian long horned beetles.

Ms. Friedman asks if the fence or boats that will be displayed in the front of the building will obstruct vision from the driveway. Mr. Dubois and Mr. Shogren confirm that neither of these things will affect the sightline from the driveway. The boats will be about 30 feet off the road, and the fence about 15 feet.

Ms. Buck brings up project specific conditions in the draft Decision Ms. Buck asks the Board if they want to include hours of operation as a project specific condition. The draft states Monday-Saturday, 8 am-6 pm. The second condition is that screening landscaping should be planted as early as possible. The Board and applicant agree to the project specific conditions.

Motion: Ms. Friedman moves to approve the Special Permit for Hank's Marine at 1570 Main St.

Second: Mr. Kularski

Discussion: None

Roll-call Vote: (5-0-0)

2. Public Hearing – Special Permit/Site Plan Review (SP2021-02)

Town Meadow Farm/124 Green Street

[Mr. Grimshaw reads Hearing Notice.]

The applicant and property owner, Mr. Dykas, explains that the project at his home on 124 Green Street is two combined parcels that total 141 acres. The marijuana cultivation will have winds blowing odors away from neighbors, an 8' opaque fence with a wind guard, a security system, and limited access. Mr. Dykas studied other outdoor marijuana cultivation plants in preparation of this plan.

Mr. Piniero, Mr. Dykas' attorney, states this will be an Tier 11, 100,000 square foot outdoor cultivation developed in accordance with Leicester's Zoning Bylaws. During previous meetings citizens were concerned about odors resulting from outdoor marijuana cultivations; Mr. Piniero states that less odorous strains of marijuana will be planted, as well as other plants such as mint, peppermint, lavender, sunflowers and more to minimize odors. The opaque fencing also serves as an odor barrier. The security system was approved by the chief of police and complies to Cannabis Control Commission (CCC) regulations. Leicester Police will have a copy of the security plan. The engineer's plan, done by Mr. Dubois of DC Engineering, includes stormwater management and a maintenance plan. Mr. Pineiro states they would like to to start growing and harvesting this year. Plants will be harvested on-site but processed off-site.

Ms. Buck states that the applicant has not addressed all the comments in detail; more detail is needed regarding odor control, lighting, and security. The volume and locations of plantings were also not thoroughly identified. Though the lighting has to meet CCC standards, there is a local bylaw requirement that says lighting may not extend past property lines or create light pollution and must have visual compatibility with surrounding areas (determined by the Board). Ms. Buck states the project must have odor control measures that are proven to be effective. More information is also needed on traffic and the use of the structure on site.

[Note: Additional project materials were sent to Ms. Buck shortly before the meeting. There was not sufficient time for the Board or staff to review said materials before the meeting.]

Mr. Kularski asks Mr. Dykas to provide more information on both the marijuana plantings and odor control plantings. Mr. Dykas says there are labeled plantings on the map provided to the Board. There is a 20' wide area along the North, East, and West perimeter of the fence where mint and peppermint will be planted for odor mitigation, totaling approximately 31,000 square feet. Mr. Dykas says this is the first odor mitigation plan done in the state of MA for a project like this, and that odor mitigation is not a problem at facilities like this. Mr. Dykas states that he does not intend to purposely grow odorous marijuana strains, and not all the plants will be blooming at the same time; He also says the natural aroma from the mint, peppermint, and lavender being mowed will sufficiently mitigate odors. Mr. Kularski says this response answers his question, but that the smell is the biggest concern from neighbors. He asks Mr. Dykas if the odor control plants will be established before the marijuana plants. Mr. Dykas answers yes.

Ms. Friedman asks the applicant to revise the plans to address both Ms. Buck and Mr. Quinn's comments, and for a detailed list of both the marijuana strains and odor control plants to be planted on the property. Mr. Dykas says this is not possible, as there are thousands of marijuana strains and he plans and creating new strains in the future. Mr. Piniero says they want to find out which strains grow well in this environment but will keep Ms. Friedman's concerns in mind.

Mr. Dykas states that it's a seasonal grow operation, with 4-7 vehicles per day regularly accessing the site, along with periodic CCC inspectional vehicles.

Ms. Nist asks about traffic in and out of the site, especially regarding porta-potty maintenance. Mr. Dykas says the porta-potty can handle 15 people for a week, similar to any other job site.

Mr. Dykas says he has sufficiently addressed all of Mr. Quinn's comments. He says there is no need for a lighting plan because harvesting will be done during the day and his security cameras have night vision. This is confirmed by his security consultant Mr. Terrizzi. They say the outside perimeter of Mr. Dykas' facility will be lit according to CCC standards and to allow for appropriate surveillance. Mr. Kularski states he is satisfied with the lighting plan as long as the CCC guidelines are met. Mr. Grimshaw asks Ms. Buck to summarize any outstanding issues she has with the plan.

Ms. Buck states it is not accurate for Mr. Dykas to say all of Mr. Quinn's comments have been addressed. She says the application still lacks essential detail, and there have been varying reports on where exactly the growing facility will be on the site. Ms. Buck requests revised plans from Mr. Dykas and that the hearing be continued.

Public Comment:

Senator Michael Moore is present to show his support of Mr. Dykas' project. Senator Moore says that Mr. Dykas is a longtime resident of Leicester and only wants to contribute to the community. Senator More says agricultural land should be preserved and that Mr. Dykas has presented a great proposal.

Ms. Usher, an abutter, expresses support for this project.

Another abutter, Mr. Baker, expresses concerns with the project. Mr. Baker is concerned about traffic on Green St, the abutting daycare, chemical runoff, water use, and odors. Mr. Baker wants

to maintain the residential neighborhood feel and feels the project will adversely affect neighbors.

Mr. Dennis Griffin offers support for the project. He says there will be minimal odor and traffic impact because Mr. Dykas' property is on a hill.

Mr. Grimshaw asks what other issues remain. Ms. Buck answers plantings and odor control comments have yet to be addressed. Mr. Kularski notes that plantings are shown on the plan, just not what species of plants. Mr. Dubois says this planting plan is more detailed than most.

Motion: Mr. Kularski makes a motion to approve Mr. Dykas' plan at Town Meadow Farm.

Second: None.

[Note: Ms. Souza left the Planning Board meeting at 8:02 PM during the Town Meadow Farm discussion, making Mr. Reinke a voting member for this hearing.]

Motion: Ms. Friedman moves to continue the hearing to April 6, 2021 at 7:00PM.

Second: Ms. Nist

Discussion: None.

Roll-Call Vote: (4-1-0). Mr. Kularski was opposed.

3. Continued Public Hearing – Zoning Bylaw Amendments

All the zoning bylaw amendments have been continued from March 2, 2021 meeting.

Greenville Village Neighborhood Business District (NB)

This section proposes a series of changes to the district to make it easier to redevelop existing properties. No changes from last draft have been made. Ms. Buck notes there are no signage references or requirements in this district and asks the Board if they'd like to add the section tonight or at a future meeting. Ms. Friedman asks how difficult it would be to work through tonight. Ms. Buck proposing adding the NB district to the existing sign bylaw table. She shares draft revisions to the sign section of the Zoning Bylaw with the Board and goes over how signs would be regulated. The Board agrees to make the suggested changes.

Motion: Ms. Friedman moves to approved the NB district amendments with all changes discussed.

Second: Ms. Nist

Discussion: None.

Roll-Call Vote: (4-0-0)

Marijuana

No changes to the draft since last meeting. Ms. Buck notes that contrary to prior discussions, the Select Board is not in favor of increasing the number of marijuana retail facilities in Leicester from one to two. The Board can vote to remove this amendment, leaving the allowed number of retail facilities at one. The Board agrees it should remain at one.

Motion: Ms. Friedman moves to approve the Marijuana bylaw amendments as discussed, including the removal of the marijuana retail increase.

Second: Ms. Nist

Discussion: None

Roll-Call Vote: (4-0-0)

Outdoor Storage

Slight formatting errors were fixed.

5.18.01 – Section D: adding language to say “all types of vehicles stored outside shall be in operable condition. Rental outdoor storage areas shall not be used as Vehicle Salvage Yards, which are prohibited in all Zoning districts”

Ms. Buck suggests that the Board modify Section 5.6.04 (NB district Prohibited Uses), by removing the language allowing rental self-storage by special permit in existing buildings (if the NB amendment fails, it shouldn't be allowed through this amendment). The Board agrees.

Motion: Ms. Friedman moves to approve the Outdoor Storage Amendments, including the changes discussed.

Second: Mr. Kularski

Discussion: None

Roll-Call Vote: (4-0-0)

Business Residential (BR-1) and Residential Industrial Business (RIB) Districts

No changes since last meeting.

Motion: Ms. Friedman moved to accept and support the RIB and BR-1 district zoning changes.

Second: Ms. Nist

Discussion: None.

Roll-Call Vote: (4-0-0)

HB-1 and HB-2 Districts

Changes to the title of Section 5.5 to include HB-2 district and adding HB-2 in multiple locations. The amendment changes the threshold for meeting site development standards, everything in this bylaw applies to both districts.

Motion: Ms. Friedman moves to approve the zoning bylaw changes to the HB-1 and HB-2 districts.

Second: Ms. Nist

Discussion: None.

Roll-Call Vote: (4-0-0)

4. Approval of Minutes

March 2, 2021

Motion: Ms. Nist

Second: Mr. Kularski

Discussion: None.

Roll-Call Vote: (4-0-0)

5. Town Planner Report/General Discussion

A. Miscellaneous Project Updates

None.

B. Board Member Committee Updates

Open Space and Recreation Plan Committee: Tuesday, March 23, 2021 at 6 PM

Capital Improvement Planning Committee was held March 11, next meeting scheduled for March 25 to do final ranking to present to select board and finance advisory.

The Historical Commission is looking for help to sponsor an Architectural Conservation District Bylaw.

C. Upcoming Meeting Dates:

April 6, 2021 & April 20, 2021. There will not be a meeting on May 4, 2021 (date of Annual Town Meeting). A special meeting can be scheduled if needed.

6. Adjourn

Motion: Mr. Kularski moves to adjourn the meeting.

Second: Ms. Nist

Discussion: None.

Roll-Call Vote: (4-0-0)

Meeting adjourned at 9:05 PM.

Documents included in meeting packet:

- Agenda
- Town Planner Memo dated 3/10/2021
- Hank's Marine Plans
- Quinn Engineering comments to Hank's Marine plan revisions dated 3/11/2021
- Draft Special Permit Decision for Hank's Marine
- Public Hearing Notice for Town Meadow Farm
- Town Meadow Farm Application
- Memo from Hector Pineiro dated 2/2/2021
- Email from Jay Dubois to Michelle Buck dated 2/4/2021
- Well Construction Permit Application dated 1/25/2021
- Town Meadow Farm Plans
- Quinn Engineering comments dated 3/3/2021
- Town Planner comments dated 2/23/2021
- Highway Department comments dated 2/11/2021
- Police Department comments dated 2/11/2021
- Plan Distribution Email for departmental review from Brooke Hammond dated 2/9/2021
- DC Engineering response to Quinn Engineering comments dated 3/8/2021
- Star Steel Greenhouse Specifications
- Zoning Bylaw Draft Amendments dated 2/10/2021
- March 2, 2021 Planning Board meeting minutes

Additional documents sent to the Board 3/16/2021

- Letter from Hector Piniero dated 3/15/2021
- Letter from Quinn Engineering dated 3/15/2021
- Letter from State Senator Michael Moore and State Representative David LeBoeuf