



Town of Leicester

PLANNING BOARD

3 Washburn Square
Leicester, Massachusetts, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

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PLANNING BOARD AGENDA

Tuesday May 5, 2020 @ 7:00PM
ONLINE MEETING ONLY

Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/194158805>

You can also dial in using your phone.

United States (Toll Free): 1 877 309 2073

United States: +1 (312) 757-3129

Access Code: 194-158-805

ORDER OF BUSINESS*

1. 7:00PM **Public Hearing, Zoning Bylaw Amendment (Citizen Petition):**
Outdoor Marijuana Cultivation, Applicant: Lee Dykas
2. 7:45PM **Approval of Minutes:**
 - January 7, 2020
 - January 22, 2020
 - February 18, 2020
 - March 10, 2020
 - March 24, 2020
3. 8:00PM **Town Planner Report/General Discussion:**
 - A. Acceptance of MGL Chapter 119G, Section 9 related to electronic signatures 110
 - B. Project Updates: Mulberry Solar 3
 - C. Miscellaneous Project Updates
 - D. Board Member Committee Updates
4. **Adjourn**

***Note: Agenda times for items that are not public hearings may be taken out of order.**

“The listings of matters are those reasonably anticipated by the Chair 48 hours before said meeting, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law”



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Memorandum

TO: Planning Board Members
FROM: Michelle R. Buck, AICP
Town Planner/Director of Inspectional Services
DATE: April 30, 2020
RE: **May 5, 2020 Planning Board Meeting**

The Planning Board meeting of May 5, 2020 will be held using remote participation again using GoToMeeting. Information to log in is on the agenda, and a direct link is also available on the Planning Board web page (see link under News & Announcements). Please remember that all votes must be **Roll Call** votes.

Remote Meeting – Suggested Instructions (for Chair):

1. Ask the public participating to silence cell phones and mute their device during the meeting until called upon to speak
2. Ask all members of the Board to identify themselves by name for the public at the start of the meeting
3. Inform the public that the meeting is being recorded
4. For each agenda item, ask if anyone is present to speak on the matter and to identify themselves
5. When time for public comment, ask everyone to identify themselves before speaking.
6. Regularly remind participants not to speak unless asked to speak or recognized by the Chair

Public Hearing, Zoning Bylaw Amendment (Citizen Petition), Outdoor Marijuana Cultivation,

Attached is the citizen petition submitted by Lee Dykas. A draft bylaw was submitted to me before this was filed, and I recommended significant amendments (mostly to make the proposal more consistent with our existing Zoning Bylaw, not to alter the basic premise of the proposal). The filed petition incorporated my recommended changes.

In summary, the proposed amendments would allow the outdoor cultivation of marijuana anywhere in the Suburban Agriculture (SA) zoning district (and no other district) by special permit from the Planning Board on parcels with a minimum of 15 acres – 50 acres, depending on the size of the project. Setbacks would be 500 feet from schools and daycare facilities, and 200 feet from all property lines. The proposal contains specific criteria for granting a special permit.

I've also enclosed our existing marijuana bylaw for reference.

Acceptance of MGL Chapter 119G, Section 9 related to electronic signatures (Registry of Deeds Requirement)

Attached are a suggested motion and related documents to meet Registry of Deeds requirements for electronic signatures.

Mulberry Solar Updates (SP2018-02)

Last week, the applicant requested several minor changes that can be handled administratively. I denied the fence relocation requests, as the fences mark the limits of clearing, so I've enclosed my letter for your information. They may choose to bring the denied requests to the Board for further review.

A couple of other issues:

- The Applicant is unable to record their decision because the appeal period has been extended until after the state of emergency ends (and because of the Registry e-signature requirements). After consultation with Town Counsel, the Applicant was allowed to proceed with work that would have required recording first, with the understanding that they are proceeding *at their own risk*.
- The Applicant been permitted to put in *underground* electrical work only, so that they can work on final grading. Most other work is on hold until planting per the restoration plan is complete.
- Planting per the restoration plan is well underway and is scheduled for completion sometime in the next couple weeks. The landscape architect that reviewed their plan, Alice Web of Earth Design Landscape Architecture, will inspect the plantings when complete.
- I was notified by a Conservation Commission member on 4/28/2020 that there are erosion and flooding issues occurring on-site. The Applicant was notified and has started corrective action.



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[Project Name: Zoning Bylaw Amendment]

**LEICESTER PLANNING BOARD
PUBLIC HEARING NOTICE**

Pursuant to MGL, Ch. 40A, Sec. 5, the Leicester Planning Board will hold a public hearing on Tuesday, May 5, 2020, starting at 7:00PM to discuss proposed amendments to the Leicester Zoning Bylaws. The subject matter of proposed amendments is as follows:

Amendment of the Town of Leicester Zoning Bylaw, specifically its “Medical Marijuana Treatment Centers and Marijuana Establishments” bylaws by inserting new definitions and amending existing definitions in Section 1.3; by amending the Schedule of Use Section 3.2.03, Business; by inserting additional language to Section 5.15.02 and a new section 5.15.04, entitled ‘Marijuana Outdoor Cultivator Requirements’; to allow for outdoor cultivation of marijuana in the Suburban Agricultural district (SA).

The meeting will be conducted ONLINE or by phone only. Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/194158805>

You can also dial in using your phone.

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Access Code: 194-158-805

The complete text relative to the proposed amendments is available for inspection on the Planning Board’s web page on the Town of Leicester’s website at www.leicesterma.org.

Jason Grimshaw, Chair
Leicester Planning Board

To be published in the Worcester Telegram & Gazette on Tuesday, April 21, 2020 and Tuesday, April 28, 2020.

Article: Citizen Petition Amendment to Medical Marijuana Treatment Centers and Marijuana Establishment Bylaw of the Town of Leicester.

To see if the Town will vote to authorize an amendment to the Town of Leicester Zoning Bylaw and to its existing "Medical Marijuana Treatment Centers and Marijuana Establishments" Bylaws by inserting new definitions and amending existing definitions in Section 1.3, by inserting a new paragraph to the Schedule of Use Section 3.2.03 Business for Outdoor Cultivation of Cannabis/Marijuana in Suburban Agricultural district (SA). In addition, by inserting additional language to Section 5.15.02 and a new section 5.15.04, entitled Marijuana Outdoor Cultivator Requirements."

Inserting the following definitions to Section 1.3 [As Amended through October 22, 2019]

A. Definition

Insert this definition in to Section 1.3 of our Bylaw.

MARIJUANA OUTDOOR CULTIVATOR: a marijuana establishment that involves the cultivation of mature Cannabis outdoors without the use of artificial lighting in the canopy area, except to maintain immature or vegetative Mother Plants, including but limited to open air, hot house, or cold frame greenhouse production, which is not (a) for personal use or (b) conducted by a licensed caregiver, in amounts not to exceed the state imposed limits for individuals or caregivers."

Amend the existing definition of Marijuana Establishment, Non-Retail in Section 1.3, as follows:

MARIJUANA ESTABLISHMENT, NON-RETAIL: a marijuana establishment that does not involve on-site retail sales to consumers, including Marijuana Cultivators, Marijuana Product Manufacturers that only sell to Marijuana Establishments but not consumers, Marijuana Testing Facilities, and Marijuana Transportation or Distribution Facilities. Not to include Marijuana Outdoor Cultivator.

By Inserting the following language to Section 5.15 Medical Marijuana Treatment Centers and Marijuana Establishments [New Bylaw voted May 7, 2013, Rev' 5/1/2018 and 5/7/2019]

By amending Section 5.15.12, subsections A & B, as shown below:
5.15.02 STANDARDS:

A. General

All aspects of a Medical Marijuana Treatment Center or Marijuana Establishment except Marijuana Outdoor Cultivators must take place at a fixed location within a fully enclosed building with opaque walls and shall not be visible from the exterior of the building. (Except as allowed for Marijuana Outdoor Cultivators, Greenhouses with transparent or translucent walls are prohibited: glass or other transparent roofs are allowed. Transparent

or translucent greenhouses are allowable within the opaque perimeter fence of an outdoor cultivation facility. (See related subsection J., Lighting and Section 5.15.04 Marijuana Outdoor Cultivators). No outside storage of marijuana, related supplies, or educational materials is permitted. Medical Marijuana Treatment Centers and Marijuana Establishments are not permitted as a home occupation. Site Plan Review is required for all Medical Marijuana Treatment Centers, Marijuana Outdoor Cultivators and Marijuana Establishments, including when the facility will reuse an existing structure.

B. Buffer Requirements

No Medical Marijuana Treatment Center or Marijuana Establishment may be located within required buffer areas. Buffers shall be 500 feet for Medical Marijuana Treatment Centers and Marijuana Retailers, Consumer Sales Only and 200 feet for Marijuana Establishments, Non-Retail, from the following: residential zoning districts (SA, R1, and R2), and pre-existing public or private schools (pre-school through grade 12), except that buffer from the SA district shall not apply to Marijuana Outdoor Cultivators. Distance shall be measured in a straight line as the shortest between the Medical Marijuana Treatment Center or Marijuana Establishment building and residential district boundaries, and as a straight line from the nearest point of the property line in question to the nearest point of the property line where the Medical Marijuana Treatment Center or Marijuana Establishment is or will be located for schools.¹

Amend Section 3.2.03, Business, by inserting use number 22, Marijuana Outdoor Cultivator as shown below (and renumbering existing uses 22 – 29 accordingly):

3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
18.	Medical Marijuana Treatment Center (Planning Board Site Plan Review Required)	N	N	N	Y	N	Y	Y	Y
19.	Marijuana Retailer, Consumer Sales Only (Special Permits issued by the Planning Board)	N	N	N	SP	N	SP	SP	SP
20.	Marijuana Establishment, Non-Retail (Planning Board Site Plan Review Required)	N	N	N	Y	N	Y	Y	Y
21.	Marijuana Social Consumption Facility	N	N	N	N	N	N	N	N
<u>22.</u>	<u>Marijuana Outdoor Cultivator</u>	<u>SP</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Amend Section 5.6, Greenville Village Neighborhood Business District (NB), Subsection 5.6.04, Prohibited Uses, by adding the following text:

5.6.04.3. All types of Marijuana Establishments regulated by Section 5.15.

To Amend the Leicester Zoning Bylaws as Amended through October 22, 2019 (Section 5.15) by inserting a proposed new section Section 5.15.04 entitled "Outdoor Marijuana Cultivation Requirements" [See, New Bylaw voted May 7, 2013, Revised 5/1/2018 and 5/7/2019]²

5.15.04 MARIJUANA OUTDOOR CULTIVATOR REQUIREMENTS

A. Purpose

The intent of this Section is to address local siting and land use concerns in relation to the legalization of medical and recreational marijuana in the Commonwealth following ballot initiatives in 2012 and 2016. The granting of a Special Permit by the Town of Leicester does not supersede state or federal laws or pre-empt an applicant from complying with all relevant state and federal laws. In addition, the purpose of this bylaw is to update the Marijuana Establishment Bylaw and to regulate Marijuana Outdoor Cultivators, to incorporate the recent circular issued by the Cannabis Control Commission entitled "Guidance for Farmers" and to protect the integrity of natural resources in the Town of Leicester³

B. Applicability

A Special Permit under this section shall be required from the Planning Board for any Marijuana Outdoor Cultivator as a principal or accessory use, or combination of uses involving a Marijuana Outdoor Cultivator.

C. Performance Standards

1. No Marijuana Outdoor Cultivator shall be located within 500 feet (measured from edge of building or occupied space to edge of building or occupied space) of any public or private school providing education in kindergarten or any of grades 1 through 12, any public playground, or licensed daycare.
2. The minimum lot size for this use shall be fifteen (15) acres. In addition, the Town establishes the following minimal ratios of acreage for outdoor cultivation based on the following footage of Canopy:

<u>Tier:</u>	<u>Footage of Canopy</u>	<u>Acreage required</u>
<u>Tier 1:</u>	<u>up to 5,000 s.f canopy</u>	<u>15 acres</u>
<u>Tier 2:</u>	<u>5,001 to 10,000 s.f.</u>	<u>25 acres</u>
<u>Tier 3:</u>	<u>10,001 to 20,000 s.f.</u>	<u>30 acres</u>
<u>Tier 4:</u>	<u>20,001 to 30,000</u>	<u>35 acres</u>

² Section 5.15.03 will remain in effect establishing Special Permit Requirements **5.15.03 SPECIAL PERMIT REQUIREMENTS:** The Planning Board shall be the Special Permit Granting Authority for all Marijuana Establishments. Applications shall be submitted in accordance with the Planning Board's Special Permit Regulations. In addition to the special permit approval criteria for the applicable zoning district and the Planning Board's Special Permit Regulations, the Planning Board shall find that the proposed use meets the requirements of this section 5.15.

³ See, e.g. Guidance for Farmers, Cannabis Control Commission as revised on January 16, 2020

Tier 5:	30,001 to 40,000	40 acres
Tier 6:	40,001 to 50,000	45 acres
Tier 7:	50,001 to 60,000	50 acres
Tier 8:	60,001 to 70,000	50 acres
Tier 9:	70,001 to 80,000	50 acres
Tier 10:	80,001 to 90,000	50 acres
Tier 11:	90,001 to 100,000	50 acres

3. No fertilizers, compost, soils, materials, machinery, or equipment shall be stored within the required front, side, and rear yard setbacks.
4. The minimum setback from all property lines shall be 200 feet.
5. Marijuana not grown inside a securable structure shall be enclosed within a minimum of eight (8') foot opaque perimeter security fence to prevent unauthorized entry to the cultivation facility with signs notifying observers that it is a Limited Access Area.
6. The establishment shall not allow any person under 21 years of age to volunteer or work for the marijuana establishment;
7. The outdoor cultivation facility shall comply in every respect with the requirements of 935 CMR 500.110 (6) which regulates "Security and Alarm Requirements for Marijuana Establishments Operating Outdoors." The outdoor cultivation facility shall:
 - a). Implement adequate security measures to ensure that outdoor areas are not readily accessible to unauthorized individuals and to prevent and detect diversion, theft or loss of Marijuana which shall, at a minimum, include:
 - b). A perimeter security fence designed to prevent unauthorized entry to the cultivation facility with signs notifying observers that it is a Limited Access Area;
 - c). Commercial-grade, nonresidential locks;
 - d). A security alarm system that shall: be continuously monitored, whether electronically, by a monitoring company or other means determined to be adequate by the Commission; and provide an alert to designated employees of the Marijuana Establishment within five minutes after a notification of an alarm or a system failure, either by telephone, email or text message.
 - e). Video cameras at all points of entry and exit and in any parking lot which shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed at all safes, vaults, sales areas, and areas where Marijuana is cultivated, harvested, Processed, prepared, stored, handled, Transferred or dispensed and for the purpose of securing cash. Cameras shall be angled so as to allow for the capture of clear and certain identification of any Person entering or exiting the Marijuana Establishment or area;

- f). 24-hour recordings from all video cameras that are available immediate viewing by the Commission on request and that are retained for at least 90 calendar days. Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the Marijuana Establishment is aware of a pending criminal, civil or administrative investigation or legal proceeding for which the recording may contain relevant information;
- g). The ability to immediately produce a clear, color still image whether live or recorded;
- h). A date and time stamp embedded in all recordings, which shall be synchronized and set correctly at all times and shall not significantly obscure the picture;
- i). The ability to remain operational during a power outage; and
- j). A video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that may be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.
- k). All security system equipment and recordings shall be maintained in a secure location so as to prevent theft, loss, destruction and alterations.
- l). In addition to the requirements listed in 935 CMR 500.110(4)(a) and (b), the Marijuana Establishment shall have a back-up alarm system, with all capabilities of the primary system, provided by a company supplying commercial grade equipment, which shall not be the same company supplying the primary security system, or shall demonstrate to the Commission's satisfaction alternate safeguards to ensure continuous operation of a security system.
- m). Access to surveillance areas shall be limited to Persons that are essential to surveillance operations, Law Enforcement Authorities acting within their lawful jurisdiction, police and fire departments, security system service personnel and the Commission. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Commission on request. If the surveillance room is on-site of the Marijuana Establishment, it shall remain locked and shall not be used for any other function.
- n). All security equipment shall be in good working order and shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test.
- o). Security plans and procedures shared with Law Enforcement Authorities pursuant to 935 CMR 500.110(1)(o) shall include: a description of the location and operation of the

security system, including the location of the central control on the Premises, a schematic of security zones, the name of the security alarm company and monitoring company, if any, a floor plan or layout of the facility in a manner and scope as required by the municipality; and, a safety plan for the Manufacture and production of Marijuana Products as required pursuant to 935 CMR 500.101(1)(d)3.c.

p). Each licensee shall file an emergency response plan with the Leicester Fire and Police Department

q). No Outdoor Marijuana Cultivation establishment shall allow cultivation, processing, manufacture, sale or display of marijuana or marijuana products to be visible from a public place without the use of binoculars, aircraft or other optical aids.

8. In reviewing a special permit under this section the Board shall consider the impact of the proposal on the following:

a. Character of the neighborhood to include visual compatibility with surrounding uses.

b. Proximity to other licensed marijuana uses to prevent clustering.

c. Relationship to surrounding uses to avoid unnecessary exposure to minors.

d. Site design and other development related site impacts.

e. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property, except as allowed under a Special Permit granted to a Marijuana Cultivator, outdoors. Outdoor cultivation of marijuana will implement industry best practice to eliminate any noticeable trace of marijuana odor at the perimeter of property of the cultivator site.

9. Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500(10).

These amendments establish permitting requirements and reasonable regulations for Marijuana Outdoor Cultivators

3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
1.	Any wholesale or retail business, research laboratory, service or public utility not involving manufacturing on the premises except of products the major portion of which is sold on the premises by the producer to the consumer	N	N	N	Y	SP	Y	Y	Y
2.	Antique or gift shop, provided that the exterior of the building shall not be changed to look like a store, nor any new building be constructed to look like a store and provided that no merchandise shall be displayed outside the building.	Y	Y	Y	Y	SP	Y	Y	Y
3.	Place of amusement or assembly, club conducted for profit	SP	N	N	SP	SP	SP	SP	SP
4.	Office, bank, newspaper or job printing establishment.	N	N	N	Y	SP	Y	Y	Y
5.	Hotel or motel	N	N	N	Y	SP	Y	Y	Y
6.	Restaurant	SP	N	N	Y	SP	Y	Y	Y
7.	Gasoline station(prohibited in Watershed Overlay District	N	N	N	SP	N	N	N	SP
8.	Kennel, Commercial – Special Permits issued by the Planning Board.	SP	N	N	N	N	N	SP	SP
9.	Kennel, Private – Special Permits issued by Zoning Board of Appeals.	Y	SP	SP	Y	SP	Y	Y	Y
10.	Bed & Breakfast *in a pre-existing building	SP	SP	SP	Y	SP	N	N	Y*
11.	Drive-through facility (Special Permits issued by Planning Board)	N	N	N	SP	SP	SP	SP	SP
12.	Car Wash (Special Permits issued by Planning Board)	N	N	N	SP	N	SP	SP	SP
13.	Rental Enclosed Self-Storage Facility (outdoor storage prohibited) (Special Permits issued by Planning Board)	N	N	N	SP	SP	SP	SP	SP
14.	Contractor's Yard Not allowed (N) in NB, CB, and RIB. Allowed by-right (Y) in BR-1 and HB-2. (Special Permits issued by Planning Board. See also Section 3.2.08., Parking of Commercial Vehicles)	SP	N	N	SP	N	Y	Y	Y
15.	Veterinary Clinic	N	N	N	SP	SP	N	N	N
16.	Farmers' Market	Y	Y	Y	Y	Y	N	Y	Y
17.	Pet Grooming (Special Permits issued by Planning Board)	Y	SP	SP	Y	SP	Y	Y	Y
18.	Medical Marijuana Treatment Center (Planning Board Site Plan Review Required)	N	N	N	Y	N	Y	Y	Y
19.	Marijuana Retailer, Consumer Sales Only (Special Permits issued by the Planning Board)	N	N	N	SP	N	SP	SP	SP
20.	Marijuana Establishment, Non-Retail (Planning Board Site Plan Review Required)	N	N	N	Y	N	Y	Y	Y
21.	Marijuana Social Consumption Facility	N	N	N	N	N	N	N	N

Note: medical marijuana and marijuana establishments are also allowed in RIB and BR-1.

parcel of land would be subject to the subdivision regulations in existence at the time. Access must be across the front of the lot and in accordance with the Zoning By Laws of the Town of Leicester. The driveway to the dwelling on the lot shall not be more than 500 feet in length and must be gravel if not paved and installed in accordance with the Town of Leicester Zoning Bylaws. The provisions of this Section shall not apply to any lot shown on a definitive subdivision plan under M.G.L. c41, sec 81(O) or to a lot which being owned in common with other lots could be configured to conform to the dimensional requirements of the zoning district.

LOT- A single or continuous parcel of land held in the same ownership throughout.

LOT, CORNER- A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines, or in the case of a curved street, extended lot lines, being not more than 135 degrees.

LOT, DEPTH- The mean horizontal distance between the front lot line and the rear lot line.

LOT, FRONTAGE: The continuous distance measured along the front lot line between the points of intersection of the side lot lines with the front lot line.

LOT, FRONTAGE, STREET- A street which provides the required lot frontage for a building and the primary access to the lot. The principal permitted building on the lot shall be numbered on such frontage street. When a lot is bounded by more than one street, any one of them, but only one, may be designated as the frontage street by the owner, provided that the street meets the frontage requirement. When a lot is bounded by another municipality, the principal permitted building in Leicester must be numbered on a street within Leicester and gain access from said street. (See definitions of ACCESS and STREET)

LOT, NONCONFORMING- A lot lawfully existing at the effective date of this by-law, or any subsequent amendment thereto, which is not in accordance with all provisions of this by-law.

LOT, WIDTH-The width measured along a straight line so placed as to constitute the minimum distance between the side lot lines and upon which no point shall be closer than the required setback to the street.

LOT LINE, FRONT- The property line dividing a lot from a street (right of way). On the corner lot the owner shall designate one street line as the front lot line.

LOT LINE, REAR: The lot line opposite from the front lot line.

LOT LINE, SIDE: Any lot line not a front or rear lot line.

MAXIMUM BUILDING COVERAGE- Maximum building coverage shall be computed as the percentage of the total lot area which may be covered by all principal and accessory buildings and structures.

MARIJUANA: Marijuana or Marihuana means all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided that "Marijuana" shall not include: (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) hemp; or (3) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes marijuana products except where the context clearly indicates otherwise.

MARIJUANA CULTIVATOR: an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA ESTABLISHMENT: a licensed Marijuana Cultivator, Marijuana Testing Facility, Marijuana Product Manufacturer, Marijuana Retailer, or any other type of licensed marijuana-related business or businesses at a single location except a medical marijuana treatment center.

MARIJUANA ESTABLISHMENT, NON-RETAIL: a marijuana establishment that does not involve on-site retail sales to consumers, including Marijuana Cultivators, Marijuana Product Manufacturers that only sell to Marijuana Establishments but not consumers, Marijuana Testing Facilities, and Marijuana Transportation or Distribution Facilities.

MARIJUANA RETAILER, CONSUMER SALES ONLY: a marijuana establishment that involves on-site retail sales to consumers, excluding Marijuana Social Consumption Operators.

MARIJUANA PRODUCT MANUFACTURER: an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

MARIJUANA PRODUCTS: products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

MARIJUANA SOCIAL CONSUMPTION FACILITY: a “Marijuana Social Consumption Establishment” that is licensed by the Cannabis Control Commission where single servings of marijuana may be sold for consumption on the premises.

MARIJUANA SOCIAL CONSUMPTION OPERATOR: a marijuana retailer licensed to purchase marijuana and marijuana products from marijuana establishment and to sell marijuana and marijuana products on its premises only to consumers or allow consumers to consume marijuana and marijuana products on its premises only.

MARIJUANA TESTING FACILITY: An Independent Testing Laboratory as defined in 935CMR 500.002 licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

MARIJUANA RETAILER: an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

MARIJUANA TRANSPORTATION OR DISTRIBUTION FACILITY: an entity with a fixed location not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain and possess cannabis or marijuana products solely for the purpose of transporting and temporarily storing the same on the premises for sale and distribution to Marijuana Establishments, but not consumers.

MEDICAL MARIJUANA TREATMENT CENTER: a not-for-profit entity registered under 105 CMR 725.100, also known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana for medical use.

MIXED-USE DEVELOPMENT, VERTICAL MIX: An integration of commercial and residential uses in a single building in which the residential uses are located above the ground floor.

MIXED-USE DEVELOPMENT, HORIZONTAL MIX- An integration of commercial and multifamily residential uses in a development comprised of two or more buildings on the same lot, or in a single building where residential use is on the ground floor.

OWNER- The duly authorized agent, attorney, purchaser, devisee, trustee, lessee or any person having vested or equitable interest in the use, structure or lot in question.

PET GROOMING- An establishment that offers pet grooming services. In residential districts (SA, R1, and R2), such use shall only be allowed as an accessory use carried out entirely within a dwelling or accessory structure and incidental and subordinate to the dwelling use. Such use shall not include boarding or other animal-related activity.

RECORDED- Recorded in the Worcester Registry of Deeds or registered in the Land Court.

ROOSTER – A male chicken over the age of 16 weeks

SIGN- Any structure, device, billboard, placard, painting, drawing, poster, letter, word, model, banner, pennant, insignia, trade flag or representation used as or which is in the nature of an advertisement, announcement or direction, or is designed to attract the eye by intermittent or repeated motion or illumination and which is visible from a street. House numbers shall not be deemed to be signs within the meaning of this by-law.

SIGN, AREA OF-

- (a) The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, any frame around the sign and any “cutouts” or extensions, but shall not include any supporting framework or bracing which are incidental to the display itself.

→ 5.15 MEDICAL MARIJUANA TREATMENT CENTERS AND MARIJUANA ESTABLISHMENTS

[New Bylaw voted May 7, 2013, Revised 5/1/2018 and 5/7/2019]

5.15.01 Purpose and Intent:

To provide for the limited establishment of Medical Marijuana Treatment Centers and Marijuana Establishments in appropriate places and to minimize the adverse impacts of Medical Marijuana Treatment Facilities and Marijuana Establishments on residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said facilities.

5.15.02 STANDARDS:

A. General

All aspects of a Medical Marijuana Treatment Center or Marijuana Establishment must take place at a fixed location within a fully enclosed building with opaque walls and shall not be visible from the exterior of the building. (Greenhouses with transparent or translucent walls are prohibited: glass or other transparent roofs are allowed. See related subsection J., Lighting). No outside storage of marijuana, related supplies, or educational materials is permitted. Medical Marijuana Treatment Centers and Marijuana Establishments are not permitted as a home occupation. Site Plan Review is required for all Medical Marijuana Treatment Centers and Marijuana Establishments, including when the facility will reuse an existing structure.

B. Buffer Requirements

No Medical Marijuana Treatment Center or Marijuana Establishment may be located within required buffer areas. Buffers shall be 500 feet for Medical Marijuana Treatment Centers and Marijuana Retailers, Consumer Sales Only and 200 feet for Marijuana Establishments, Non-Retail, from the following: residential zoning districts (SA, R1, and R2), and pre-existing public or private schools (pre-school through grade 12). Distance shall be measured in a straight line as the shortest between the Medical Marijuana Treatment Center or Marijuana Establishment building and residential district boundaries, and as a straight line from the nearest point of the property line in question to the nearest point of the property line where the Medical Marijuana Treatment Center or Marijuana Establishment is or will be located for schools.

C. Signage

All business signage shall be subject to the requirements of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and the requirements of Leicester Zoning Bylaw

D. Ventilation/Odor

All Marijuana Establishments shall be ventilated in such a manner that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Medical Marijuana Treatment Center or Marijuana Establishment or at any adjoining use or property

E. Security

All Medical Marijuana Treatment Centers and Marijuana Establishments shall provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.

F. Permitting

All Medical Marijuana Treatment Centers and Marijuana Establishments shall meet all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will as proposed be in compliance with all applicable state laws and regulations.

G. Private Clubs

Clubs, lodges, or other private grounds (non-profit and private) allowing on-site consumption of marijuana or marijuana products, but not operating as a licensed marijuana social consumption operator are prohibited.

H. Conversion

The conversion of a Medical Marijuana Treatment Center (also known as a registered marijuana dispensary or RMD) licensed or registered not later than July 1, 2017 that is engaged in the cultivation, manufacture or sale of marijuana or marijuana products in Leicester to a marijuana establishment for adult use (also known as recreational use) engaged in the same type of activity shall be permitted by-right (without a special permit),

but shall require Planning Board Site Plan Review. Abutters, and abutters to the abutters within three hundred feet of the property line of the applicant, shall be notified of the date and time of the Site Plan Review discussion.

- I. Limitations
Marijuana Retailers, Consumer Sales Only shall be limited to 1 establishment in the Town of Leicester.
- J. Lighting
Lighting shall not extend beyond property lines. Artificial lighting from within the building(s) shall not create light pollution.

5.15.03 SPECIAL PERMIT REQUIREMENTS:

The Planning Board shall be the Special Permit Granting Authority for all Marijuana Establishments. Applications shall be submitted in accordance with the Planning Board's Special Permit Regulations. In addition to the special permit approval criteria for the applicable zoning district and the Planning Board's Special Permit Regulations, the Planning Board shall find that the proposed use meets the requirements of this section 5.15.

**Town of Leicester Planning Board
Meeting Minutes
January 7, 2020**

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

MEMBERS ABSENT:

IN ATTENDANCE: Michelle Buck, Town Planner, Maureen Schur Department Assistant

MEETING TIME: 7:00PM

AGENDA:

1. 7:00PM **Executive Session, MGL Chapter 30A, Section 21A, Exception 3-To discuss potential litigation (Smuggler's Cove ORSD)**
2. 7:05PM **Public Hearing, Special Permit (SP2019-02), continued**
Off Paxton Street/Smuggler's Cove, 24-lot Open Space Residential Development (Applicant: Central Land Development Corp.)
3. 7:35PM **Application, ANR Plan**
Off Mayflower Circle (Applicant: Central Land Development Corp.)
4. 7:45PM **Parking Waiver for Leicester Middle School Design**
Applicant: Warner Larson Landscapes Architects
5. 8:00PM **Status Update, May 2020 Zoning Bylaw Amendments**
 - A. Pleasant Street/Neighborhood Business
 - B. Outside Storage
 - C. Water Resources Protection Overlay District
6. 8:35PM **Approval of Minutes:**
 - 11-5-2019
 - 12-19-2019
7. 8:45PM **Town Planner Report/General Discussion**
 - A. Miscellaneous Project Updates
 - B. Board Member Committee Updates
 - C. March Meeting Dates
8. **Adjourn**

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

Executive Session, MGL Chapter 30A, Section 21A, Exception 3-To discuss potential litigation (Smuggler's Cove ORSD)

A motion was made by Ms. Friedman and seconded by Ms. Nist to enter into executive session at 7:02pm under Mass General Laws Chapter 30A. Section 21A, Exception 3, to discuss possible litigation regarding Smuggler's Cove. The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll call: 5:0:0.

Public Hearing, Special Permit (SP2019-02), Smuggler's Cove, continued

Mr. Grimshaw opened the public hearing at 7:15pm and reviewed the hearing procedure. He directed the members of the public to please direct all questions through the Chair so that everyone could be heard.

Ms. Buck introduced the applicant's engineer, Bruce Williams, from Allen Engineering. Mr. Williams informed the Board there is a change in notation regarding the plan. The open space will not belong to the Town it will be maintained in perpetuity by the homeowners' association. There have been no other changes to the plan. Mr. Schold also stated there are no other changes to the plan.

Mr. Grimshaw opened the hearing up to the public for questions and comments.

Mr. Bill Battelle asked about the function of the homeowners' association. It was explained the people who live in the development would maintain the open space. There will be a conservation component with the bylaws spelled out for the homeowners to follow. Ms. Buck explained the Planning Board will lay out general specifications. Any developer would have to go through the Conservation Commission to do work within the wetland buffer. Mr. Battelle expressed concern over the increase in the number of people who would have access to the lake. Mr. Schold explained he has decided to keep the open space private so the number of people accessing the lake would be limited to the people living in the development.

Mr. Kularski asked if there would be a deed restriction so the open space could not be developed. Mr. Schold stated the land would have a deed restriction. Mr. Mike DeLuca, representing Mr. Frank Mackenzie-Lamb asked if the plan had changed or there is still a plan to cross an easement located on Mr. Mackenzie-Lamb's property. Mr. Williams stated there has been no change. Attorney Steven Greenwald, Mr. Schold's attorney, explained he had spoken to First American Title Insurance Company and they confirmed there is an easement. Attorney Greenwald explained the Derelict Fee Statute as it pertains to Mr. Mackenzie Lamb's property. When land, on a road, is conveyed and not reserved that land is unintentionally conveyed ½ way into the road. He also explained the MacKenzie-Lamb's own out to the road and that the road Mr. Schold is proposing is moved out away from Mr. Mackenzie Lamb's property. Mr. Mackenzie-Lamb disagreed with Attorney Greenwald and stated they would wait until the final plan on road placement and then he and his attorney, Attorney George Harris, would get involved. He stated the land belongs to him through the Worcester Superior Land Court. Attorney Greenwald suggested the entire situation be reviewed by Town Counsel.

Ms. Carrie Panepinto asked if the emergency access road is part of the open space and if the Town or the homeowners' association would be maintaining that road. Mr. Williams answered it is part of the open space and Mr. Schold clarified that the town would maintain that road.

Mr. Mark Soojian asked if the development is not approved can the developer go ahead with a standard development. Mr. Soojian was told the developer could go ahead with a standard subdivision if he wanted. Mr. Soojian explained he would prefer the ORSD to the standard development. There were no other questions. The Board moved on to voting on the requested waivers.

MOTION: Ms. Friedman moved to approve the waiver to allow a dead-end street to provide access to 24 building lots on the proposed dead-end roadway as it is not a true dead-end due to the emergency access road.

SECOND: Ms. Nist

DISCUSSION: Mr. Battelle asked if another lane would be built on Paxton St. to access the development. He was told that would be discussed later.

VOTE: All in favor

MOTION: Ms. Friedman moved to approve the waiver to allow a dead-end road over 1,000 feet

SECOND: Ms. Nist

DISCUSSION: None

VOTE: All in favor

MOTION: Ms. Friedman moved to approve the waiver to allow a buffer of less than 100' at the perimeter of the project.

SECOND: Ms. Nist

DISCUSSION: Ms. Panepinto asked for clarification on the buffer zone. Ms. Buck explained the difference between the Planning Board buffer and the Conservation Commission buffer.

VOTE: all in favor

MOTION: Ms. Friedman moved to approve waiver to allow drainage basin 1 to be constructed in open space parcel C.

SECOND: Ms. Nist

DISCUSSION: Mr. Kularski asked for clarification of the location on the plan. Bruce Williams, Allen Engineering pointed to open space parcel C on the plan.

VOTE: All in favor

MOTION: Ms. Friedman moved to approve the reduction in road width from 28' to 24'

SECOND: Mr. Kularski

DISCUSSION: Mr. Battelle asked why the reduction is important. The Board explained it is less expensive for maintenance and there is less impervious area. Mr. Kularksi added studies show a narrower road width generally means a reduction in speed.

VOTE: All in favor

MOTION: Ms. Friedman moved to disapprove the waiver for deletion of sidewalks (as requested) but approved the waiver to allow for the reduction to one sidewalk.

SECOND: Ms. Nist

DISCUSSION: Mr. Soojian asked if the sidewalk would be a path or an actual sidewalk. The board explained the sidewalk would be built to required specifications and inspected by the town engineer Kevin Quinn.

VOTE: All in favor

Mr. Grimshaw asked if there were any questions regarding the findings. There were none.

MOTION: Ms. Friedman motions to approve special permit for Smuggler's Cove open space residential development with the Order of Conditions as read.

SECOND: Ms. Nist

DISCUSSION: Mr. Friedman states that this is conceptual plan. It is meant for the developer to come in and gauge the Planning Board and public's response towards it. The plan will go into the more detailed, Definitive stage and be revisited by the Board. Currently the Board is approving a concept. Mr. Battelle addresses the board and asks if the public will have access to the plans in the Definitive stage which the Board states that they will. Mr. Battelle states that he is concerned about the land being disturbed in order to create access to the water. Ms. Friedman advises Mr. Battelle that it would be the responsibility of the Conservation Commission to determine what would be disturbed within the 100-foot buffer of the water. Mr. Battelle is

concerned that he does not see plans as to how the open space is going to offer access to the water. He wants to know when the more developed plans will be available so that it will be visible as to how the homes will have access to the water. The Board advised him that these plans will be available at the Definitive stage. Ms. Friedman states that there is the green open space that would allow for an association beach. Ms. Friedman refers to Cedar Meadow and states that at Cedar Meadow they have one association lot on the water for use by all the people in the area and it noted that it is a private association lot. Mr. Battelle states that the pond is not going to be able to sustain the amount of people and traffic that will be coming into this project. VOTE: 4 in Favor, 1 Opposed (Ms. Souza)

Ms. Friedman asked why Ms. Souza voted the way she did. Ms. Souza said she wanted to her vote to reflect that there was public opposition. Board members indicated that they were offended by this reason, and that they expected a more specific reason for denial. Ms. Souza indicated she didn't intend to offend the Board.

Application, ANR Plan, Off Mayflower Circle

Ms. Buck passed out copies the ANR Plan to the board. Ms. Buck states that this plan involves the land that was the subject of the Mayflower-Holcomb Subdivision that the Board had previously approved. Ms. Buck states that project is not going forward, so the property owner is dividing the land into three pieces: out-lot A, out-lot B and remaining land. Both out-lot A & B are not building lots as they are backland with no frontage. The purpose of this ANR plan is to define the boundaries so that the ownership can be transferred to abutting landowners. The remaining land is only parcel that has frontage and has access on Mayflower Circle. Ms. Buck recommends approval.

MOTION: Mr. Kularski motions to approve the ANR Plan for Mayflower Circle

SECOND: Ms. Friedman

DISCUSSION: NONE

VOTE: All in Favor

Parking Waiver for Leicester Middle School Design

David Warner, Principal at Warner-Larson Landscape Architects working with Feingold Alexander, the architect for the new school he states that they are in the schematic design phase for the school. Mr. Warner states that typically permits for this kind of project occur in the design/development phase after the project is funded and the engineering is complete. He states that regarding the parking space in the zoning regulations of 10x20 ft and the parking quantity calculation, those special requirements would use a significant portion of the developable area such that it would come at the expense of other programs such as athletic facilities.

Mr. Warner explains the general site plan. He states that they are proposing to construct a new driveway closer to the tennis courts for parent drop off access that is separate from the bus drop off. Mr. Warner states that they determined parking quantity calculation by figuring how many parking spaces currently exist at the Primary School, Middle School and Memorial School and came up with 179 spaces. The traffic engineer working for Feingold Alexander also looked at the parking utilization of the schools in operation excluding the High School and determined that 160 spaces are necessary.

Ms. Friedman asks for clarification as to what schools the 160 spaces are needed for. Mr. Warner said that they are evaluating the existing conditions and that the number of cars that are currently serving the student population where the students are going to school at this time which is at the Primary School and the Middle School. When evaluating these two locations they determined that 160 spaces is what is needed for the daily operations of the student population.

Ms. Friedman asks if they currently have an excess of spaces. Mr. Warner confirmed this stating the currently parking spaces are under-utilized. Mr. Warner states that the Parking Regulations require two spaces for every classroom, and 1 space for every 5 occupants in an area of assembly such as an auditorium or a cafeteria. In this case they evaluated the cafeteria which has the largest potential seating capacity at 750 seats and calculated that 270 spaces would be needed in accordance with zoning regulations. Mr. Warner states that in a school type facility it is not typical that the classrooms would be at full utilization while holding a large event. He states that this is a great location for a new school because of the shared campus for larger events that may occur and that the shared campus parking. The parking spots on the shared campus, which includes the Primary School, High School and the proposed new Middle School totals 433 for shared parking for events that may occur at the schools.

Mr. Kularski asks if the 433 campus parking spots include the spots at the Primary School. Mr. Warner states that this is correct and that there are 71 parking spaces at the primary school and that what the town decides to do with the Primary School after the new school is constructed is an unknown. Mr. Warner states that there are also about 70 parking spaces at the Senior Center so in the case of a very large event people could park there and walk. He pointed out that there is a walking connection path proposed within the campus of the redeveloped area. Mr. Warner states that they measured the parking space size at all the schools, including Becker College and they are all mapped out at 9x18 which he states is a very typical size that they have incorporated at many schools. This is also the parking space size that they are proposing to use at the new middle school. Mr. Warner states that by granting these waivers there is a reduction of 23,220 s.f. of impervious surface. He states that this is in the Water Resource Protection Overlay District and that this is significant in terms of being able to accommodate the needed parking program and athletic program and not have to inflate the cost of the project any larger than it needs to be in terms of paving and stormwater management associated with it.

Mr. Warner states that they believe it is the environmentally and fiscally responsible thing to do. He states that this an opportunity to see where the Board stands with the project as they will be going before the Planning Board again and the Conservation Commission during the design and development stage.

Ms. Friedman asks how many parking spaces are currently at the High School since Mr. Warner is saying that it will be used for overflow parking for events at the new school. Mr. Warner states that most events at schools happen after hours, in the evening. Ms. Friedman disagreed and states that family members attending events such as a Christmas concerts, Memorial Day concerts or other daytime events would not be able to utilize the High School or Senior Center parking spaces because would not be available during that time. Mr. Warner states that they have an excess of 30 parking spaces after the daily operations of the school built into the plan with 190 spaces. He states that the number of spaces at the three existing schools (not including the High School) is 179 and they have added additional spaces to that number to accommodate. Ms. Friedman asks that if there is a daytime event at the school will they only be able to accommodate 30 extra cars.

Harry Brooks, Select Board member, states that daytime events at the schools are scheduled only for a certain grade at a time and are typically at staggered times so parking could be accommodated.

Ms. Souza asks what the implications would be to the athletic fields if they added more parking spaces to their plan. Mr. Warner responds by saying that they have exhausted the possibilities of what can go where on the site. He states that the land layout limits the developable area and that paving 23,000 square feet more than planned would displace another part of the site.

Luke Soojian, Route 9 resident, asks how many spaces are expected to be lost due to snow removal equipment and snow piles in the winter. Mr. Warner states that every year snow removal is variable and that this site plan allows for a lot of space for snow storage with the islands between the parking areas and the lawn areas that exist adjacent to paved areas. He believes that there is the potential to not have any long-term loss of parking during even major snow events. Mr. Soojian states that pushing snow onto grass areas would damage the lawns and the landscaping would need to be repaired every year. Mr. Warner responded that they have had many meetings which included maintenance staff, safety officials, and highway superintendent and they have addressed these types of concerns. One of the possible solutions for this would be to complete the islands in the parking lot with stone material so that the snow removal equipment would not cause damage and eliminate having to repair grassy areas.

Jim Reinke, Zoning Board of Appeals member, states that one of the main concerns of the project is the preservation of as much fields as possible and that there are so many different aspects that have gone into the planning on this. Mr. Reinke states that there needs to be compromise at all levels.

MOTION: Mr. Kularski motions to waive the following provisions of the Leicester Planning Board Parking Regulations: Table of parking space requirements to allow 190 parking spaces for the Leicester Middle School building project.

SECOND: Ms. Nist

DISCUSSION: None

VOTE: 4 in Favor, 1 Opposed (Ms. Friedman)

MOTION: Mr. Kularski motions to waive the following provisions of the Leicester Planning Board Parking Regulations: Parking space size to allow a parking space size of 9'x18' for the Leicester Middle School building project.

SECOND: Ms. Nist

DISCUSSION: None

Vote: All in Favor

Approval of Minutes

MOTION: Ms. Nist moved to accept the minutes of 11/5/2019

SECOND: Ms. Friedman

DISCUSSION: none

VOTE: 3 in favor, 2 abstentions (Mr. Kularksi and Ms. Souza)

MOTION: Ms. Nist moved to accept the minutes of 12/19/2019

SECOND: Mr. Kularski

DISCUSSION: none

VOTE: 3 in favor, 2 abstentions (Ms. Friedman and Ms. Souza)

Miscellaneous Updates:*Oak Bluff Lane Subdivision*

Ms. Buck states that she took Oak Bluff Lane off the agenda for discussion of the surety estimate because it came in Thursday right before meeting packets were going out and because the applicant has not yet met all the Conditions of Approval required for lot releases. There are currently discussions going on between the developer, the developer's engineer and the Town Engineer on a surety amount.

Hillcrest Sewer District

The Hillcrest Sewer District came in about a year ago for a special permit for the height at which time they were leasing the parcel that the water tower is on. Now they want to buy the parcel. They will need another special permit to waive the dimensional requirements of the lot, which is smaller than the required lot size. This application will be added to the second February meeting agenda if it's submitted soon.

Economic Development Coordinator

Ms. Buck noted that the Town's new Economic Development Coordinator, Bryan Milward started last week. Mr. Milward was in attendance and met the Board.

Wal-Mart

Walmart is requesting a parking lot change to do away with one space. They will submit an application and will be on the next January agenda.

Mulberry Solar 3

There has been a complaint regarding possible clear cutting by Mulberry Solar #3. Ms. Buck informed the board she emailed the project manager and requested a licensed land surveyor confirm the limits of clearing. The applicant is also requesting an alteration of drainage structures. Ms. Buck explained to the applicant that he needs to put a proposal in writing and submit it to the office for the Board's review.

Zoning Amendments

Ms. Buck indicated that she is still working on these and they will be discussed at the next meeting, with a tentative public hearing date of March 10, 2020.

Board Updates: None

The next Planning Board meeting is scheduled for January 22, 2020 at 7:00pm

MOTION: Mr. Kularski moved to adjourn

SECOND: Ms. Friedman

DISCUSSION:None

VOTE: Unanimous

Meeting adjourned at 9:15PM

Respectfully Submitted,

Maureen Schur, Department Assistant

Documents included in meeting packet:

- Agenda
- Executive Session Motion protocol
- Memo from Town Planner dated 1/2/2020
- Letter from Mr. Schold dated 12/10/2019 regarding Smuggler's Cove
- Letter from Michael Juster dated 10/23/2019 regarding Smuggler's Cove
- Letter from John Josti dated 11/12/2019 regarding Smuggler's Cove
- Email/information on Pond Mussels from Carrie Panepinto dated 12/2/2019
- Letter from Adam Ceredona regarding Smuggler's Cove (received 10/15/2019) undated
- Letter from Sean Fadden regarding Smuggler's Cove (received 10/15/2019) undated
- Letter from David Baril regarding Smuggler's Cove (received 10/15/2019) undated
- Letter from Carrie & Mark Panepinto dated 10/24/2019 re: Smuggler's Cove
- Outline of Findings & Potential Conditions for Smuggler's Cove OSRD
- Letter from Warner Larson Landscape Architects regarding 70 Winslow Ave
- Minutes 11/5/2019 and 12/19/2019

Documents submitted at meeting:

- None

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

MEMBERS PRESENT: Debra Friedman, Sharon Nist, Jaymi-Lyn Souza

MEMBERS ABSENT: Jason Grimshaw, Andrew Kularski

IN ATTENDANCE: Michelle Buck, Town Planner, Maureen Schur Department Assistant

MEETING TIME: 7:00PM

AGENDA:

1. 7:00PM **Request for Lot Releases, Oak Bluff Lane (SUB2018-01)**
(Applicant: Central Land Development Corp.)
2. 7:15PM **Discussion, Enforcement Action, Mulberry Solar #3 (SP2018-02)**
Tree Clearing in Required Buffer for Solar Farm (Applicant: CS Energy)
3. 7:45PM **Update, May 2020 Zoning Bylaw Amendments**
 - A. Pleasant Street/Neighborhood Business
 - B. Outside Storage
 - C. Water Resources Protection Overlay District
4. 8:00PM **Parking Waiver, Wal-Mart (SPR2004-03)**
(Applicant: Massa Multimedia Architecture)
5. 8:15PM **Town Planner Report/General Discussion:**
 - A. Miscellaneous Project Updates
 - B. Board Member Committee Updates
 - C. March meeting dates
6. **Adjourn**

Ms. Friedman called the meeting to order at 7:03PM

Request for Lot Releases, Oak Bluff Lane (SUB2018-01)

Ms. Buck gave an overview of the request for lot releases. She explained the revised estimate of \$127,768.05 received from Kevin Quinn, Quinn Engineering. The applicant has 2 options regarding sign-off on the binder. The applicant can wait until testing is done and put up the surety in the amount of \$127,768.05 or put up a higher surety (\$179,342) and request the lot releases. Ms. Buck informed the Board that the Fire Department has signed off on the cistern and the applicant needs to submit a streetlight plan. The applicant requested a 6-month extension in order to be able to discern where the streetlights will be placed. Mr. Schold told the Board he had a conversation with Kevin Quinn and he is requesting 3 sites along the road be tested to determine if the binder course is appropriate. Mr. Schold stated he would speak with the Highway Superintendent to see if he would be amenable to doing the core testing at this time of year. Mr. Schold expressed frustration over not completely understanding that the binder course needed to be witnessed by an engineer; he was under the impression he simply had to notify Kevin Quinn he was doing the binder course. He explained the expense related to this action and that it costs a developer \$2,000-\$3,000 to do the testing after the road has been paved.

MOTION: Ms. Nist moved to set the surety amount of \$127,768.05 if the core testing is done and \$179,342.25 if the testing is not done now.

SECOND: Ms. Souza

DISCUSSION: None

VOTE: All in favor

Mr. Schold was told the surety could be a combination of cash, bond, or Letter of Credit.

MOTION: Ms. Nist moved to approve the extension request for the submittal of the streetlight plan to September 1, 2020

SECOND: Ms. Souza

DISCUSSION None

VOTE: All in favor

Discussion, Enforcement Action, Mulberry Solar #3 (SP2018-02)

Mr. Tare, senior project manager for Mulberry Solar #3, introduced himself, the engineer Mr. Howe and the project manager Mr. Kurahatti. Mr. Tare gave an overview of the additional tree clearing that took place within the 100' buffer. He explained an engineer did a clearing limits site review. He presented a corrective action plan to address the unauthorized clearing within the buffer. He explained how CS Energy came up with the number of trees that need to be planted in each of the areas where unauthorized clearing occurred. He also stated the Town has 2 options, they could hold back on the final sign off on the building permit and C&S Energy will put up a \$200,000 bond. He also stated there is a 2-year warranty on the trees just in case some that are planted do not take hold and grow.

Ms. Buck pointed out the plan doesn't address the first 50' of the buffer zone that was cleared. Mr. Tare explained the proposed planting of trees 4-6 feet in height and 1-1.5 inches in diameter and in place of all the low shrubbery that was removed they've proposed planting a pollinator mix. Mr. Tare explained the pollinator mix would be different from the "regular seed mix" that is planted between the rows of solar panels. Several of the Board members did not feel the pollinator mix was an appropriate option for all of the growth that was removed.

There was some discussion as to how an error of this magnitude occurred. Mr. Tare explained CS Energy was given the incorrect CAD file from the previous engineering company. Mr. Howe, Beals and Associates, explained his firm had been hired the end of December and were not involved in this project before that time. Mr. Howe explained there is concern over the stormwater basins as they feel will any storm, not just a 100 year storm, the basins will overflow into the spillways.

Ms. Friedman asked if there were any questions from the Board and there were none. She then asked if there were any questions from the public. Mr. Jack Daige, trustee for the Daige family property, spoke as an abutter. He is requesting 10 foot white pines be planted along his family's property line in offset staggered rows. Mr. Tare stated the arborist they are contracted with recommends 7 foot trees instead of 10 foot.

Ms. Jan Parke asked if the Town would consider levying fines against CS Energy as the cutting was done beyond what the permit allowed. She also asked about low shrubbery such as blueberries being planted as opposed to the pollinator mix. The Board told Ms. Parke the Town would look into all possibilities.

Ms. Buck explained the Board just received the restoration plan at the meeting and would not be voting on the plan this evening. They need time to review the entire proposal. She also stated she had spoken with the Town Engineer, Kevin Quinn and with Town Counsel [Attorney Amanda

Zuretti of Petrini & Associates] regarding the clearing and a detailed survey of the damage. Town Counsel suggest photographic evidence of the size and type of trees that were cut down. Ms. Buck explained the cost of this type of survey would be incurred by the applicant. She explained Mr. Quinn would work with a subcontractor such as Jarvis Land Survey, Inc. in order to provide a comprehensive survey. Town Counsel also strongly recommended a Cease and Desist order be issued as well as a full Public Hearing be held to allow the public an opportunity to be informed as to the situation. Mr. Quinn would provide an estimate of the cost of the survey to the town and to the applicant.

Ms. Buck explained due to hearing notice deadlines the earliest the public hearing to take place would be at the February 18, 2020 meeting. Mr. Howe strongly disagreed with a Cease and Desist Order. He stated there is no installation of solar panels or racking currently underway, but he feels the stormwater basins should be constructed now. Ms. Buck explained if Kevin Quinn feels the stormwater basins are necessary to stabilize the site CS Energy would be given permission to install them. Ms. Friedman stated the Board would defer to Mr. Quinn to see what is necessary to stabilize the site.

MOTION: Ms. Nist moved to issue a Cease and Desist Order, effective immediately, prohibiting any and all work on the project known as Mulberry Solar #3 (Planning Board permit #SP2018-02), except for limited work necessary to stabilize the site. Any such stabilization work requires preauthorization and review by the Town's peer review engineer. Stump removal is explicitly prohibited.

SECOND: Ms. Souza

DISCUSSION: Mr. Howe stated there is no clearing being done at this time, there will be no stumping at this time and if there is a problem with stormwater controls would Mr. Quinn allow stormwater controls to be put in. He also asked if the Town/Board has any preference as to the potential mitigation beyond the pollinator mix. Several Board members stated they felt the pollinator mix is inadequate as those types of mixes generally only last a year or two and it doesn't replace all the scrub trees that were removed. Ms. Buck explained this is uncharted territory for the Town as they have never experienced such a large area of unauthorized clearing and the Town would need to look into how to replace years' worth of growth. She also informed the Board and the applicant that Bryan Milward, Economic Development Coordinator, would be handling things in her absence.

VOTE: All in favor

MOTION: Ms. Souza moved to hold a Public Hearing on March 10, 2020 at 7:00pm

SECOND: Ms. Nist

DISCUSSION: None

VOTE: all in favor

Update, May 2020 Zoning Bylaw Amendments

Ms. Buck explained she is currently working on amendments for the May Town meeting. Ms. Buck states that she was trying to think of a way to address the concerns of reuse, particularly of the 11 Hankey Street building, and that what she has included in the packet is different than what they had before. She states that rather than a more comprehensive amendment of the Neighborhood Business zoning district, this is a more limited amendment of an existing section of the bylaw called the Adaptive Reuse Overlay District which allows more flexible rules for

redevelopment of historic buildings. Ms. Buck states she is amending it in a way that allows makerspaces, brew pubs, breweries, and wineries. She states she also included mixed-use development to address some of the expressed interest in live/workspaces. Ms. Buck states she also included an amendment to our definition of mixed-use development. She states we have two different kinds of mixed-use development in the bylaw. We have horizontal mix where commercial and residential are on one floor and then there is vertical where they are on separate floors. She states that recently there have been a couple of inquiries about the potential of someone wanting a business and just one residential unit. For vertical mix, the bylaw states 1-3 units or multi-family, however, for horizontal there is more of a grey area and it is not clear if you could have a commercial use and one unit. Ms. Buck states she put this information in the draft so the Board can review it. Ms. Buck states that the way the Adaptive Reuse Overlay District is written now is that you can only do multi-family housing if your eligible for inclusion on the state's Subsidized Housing Inventory. She states she added language to perhaps only make it required for ten or more and potentially not requiring that for live/workspace. Ms. Buck states that these changes are suggestions and up for discussion. The Board had no further questions. Ms. Buck states it will be filed with the Town Clerk and we will start the hearing process.

Parking Waiver, Wal-Mart (SPR2004-03)

(Applicant: Massa Multimedia Architecture)

Ms. Buck explains that when you are facing the store, to the far left there are some pick-up parking spaces designated. Walmart first added pick-up spaces in 2017. They make the spaces wider to allow easier access to load groceries in the car which results in losing spaces. Ms. Buck states that we did not have parking regulations when Walmart was first constructed but the current regulations would require 1,044 spaces. They have 935 spaces on site. They are now adding additional pick-up spaces and a crosswalk from those spaces to the pickup point, and it results in the loss of one parking space. Ms. Buck recommends that the Board vote to reduce the parking by one space.

MOTION: Ms. Nist motions to approve the parking waiver request from Walmart for a reduction of one parking space.

SECOND: Ms. Souza

DISCUSSION: None

VOTE: all in favor

Town Planner Report

Ms. Buck states that we received Attorney General's Office approval of the two articles that were approved at the Fall Town Meeting, which were deleting the Phased Growth Zoning Bylaw and Temporary Moratorium on Commercial Ground-Mounted Solar Energy Systems. [October 22, 2019 Town Meeting, Articles 17 & 18].

Ms. Buck states that she has been working to get things in order before she is out for surgery. She states that we have a special permit hearing on February 18, 2020 for Hillcrest Water District for a smaller lot size for their water tank. She states that she has already written a draft decision. She noted that new site plan or special permit applications that come in at this point can be scheduled in March. March meeting dates will be on March 10th and 24th, with the potential for a special meeting on March 17th depending on the deadlines for zoning articles. Articles are due to the Select Board by March 21, 2020.

Board Updates:*Capital Improvement*

Ms. Nist states that Capital Improvement met and that they have a lot of requests for things such as replacement of equipment. The new school depends on whether the Town receives the grant or not. She states they have another meeting next month.

Central Massachusetts Regional Planning Commission (CMRPC)

Ms. Souza mentioned the importance of the upcoming 2020 Census. She states that Edgar Luna had contacted her and had offered to give his presentation about the census to the Planning Board or any other Board that was interested. She states that since they do the census every ten years, those numbers will be used for funding for the next ten years. She states the college students should fill out census for the city or town in which they live more than 6 months of the year, so students who live on campus would complete census for the location of where their school is. Ms. Souza goes on to discuss how CMRPC has been using database planning and data to optimize projects such as school use. Ms. Souza mentioned the benefits of using digital maps and interactive maps versus paper maps and that they have been using more drones to do digital mapping. Municipalities can use Muni GIS mapping services.

MOTION: Ms. Nist moved to adjourn

SECOND: Ms. Souza

DISCUSSION: None

ALL IN FAVOR

Meeting adjourned at 8:10pm

Respectfully Submitted,

Maureen Schur, Department Assistant

Documents included in meeting packet:

- Agenda
- Memo from Town Planner dated 1/16/2020
- Memo from Kevin Quinn dated 1/16/2020, with attached site development budget
- Letter from Graz Engineering regarding Oak Bluff Lane lot releases dated 1/15/2020, with attachments
- Email from Mike Wilson L.F.D. regarding Oak Bluff Lane fire cistern dated 1/6/2020
- Draft Performance Security Agreement Oak Bluff Lane
- Draft Conditional Partial Release of Covenant Oak Bluff Lane
- Special Permit for Mulberry Solar 3 dated 9/11/2018
- Memo from Town Planner Michelle Buck to the Planning Board dated 1/20/2020 regarding Zoning Bylaw amendments
- Draft Amendments Adaptive Reuse Overlay District, dated 1/20/2020

Documents submitted at meeting:

- Proposed restoration plan/narrative CS Energy
- Restoration plan prepared by Todd P Morey Civil Engineer

**Town of Leicester Planning Board
Meeting Minutes
February 18, 2020**

MEMBERS PRESENT: Jason Grimshaw chair, Sharon Nist, Jaymi-Lyn Souza

MEMBERS ABSENT: Andrew Kularski, Debra Friedman

STAFF IN ATTENDANCE: Bryan Milward, Economic Development Coordinator

MEETING TIME: 7:00PM

AGENDA:

1. 7:00PM **Special Permit (SP2020-01) Hillcrest Water District 12 Lehigh Rd.**
Parcel is 15,009sf and R1 lot size requirements are 50,000 sf
2. 7:15PM **ANR Plan Hillcrest Water District 12 Lehigh Rd** create a lot for
existing water tower
3. 7:25PM **Update, May 2020 Zoning Bylaw Amendments**
 - A. Pleasant Street/Neighborhood Business
 - B. Outside Storage
 - C. Water Resources Protection Overlay District
4. 8:00PM **Town Planner Report/General Discussion:**
 - A. Miscellaneous Project Updates
 - B. Board Member Committee Updates
5. **Adjourn**

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

Special Permit (SP2020-01) Hillcrest Water District 12 Lehigh Rd.

Mr. Grimshaw reads the hearing notice for Hillcrest Water District to build a water tower on an undersized lot at 12 Lehigh Rd. Mr. Grimshaw asks Joe Wood from Hillcrest Water District to speak on the topic. Mr. Wood states that they ended up getting a licensing agreement with the town back on 2016. USDA is their funding agency and when they were finalizing their loans, they were told that the licensing agreement that they had with the Town was insufficient. They were told that they either needed to own the land or have an easement. He states that since then they have been working with the Town to get this squared away. One of the things that they needed to have was this Special Permit for the water tower because the lot size is under the 50,000 square feet required. He states the sole reason for the Special Permit is the lot size. He states that they received a Special Permit for height before construction. He states that the original lot size was over 50,000 square feet at the time of the original approval, but now that they are breaking it off into a smaller parcel [15,009 square feet] a Special Permit is required.

There are members of the public in the audience and Mr. Grimshaw addresses them and asks them if they wish to speak on the matter. Mr. Jeffrey Smith of 9 Lehigh Road states that he was there to hear what Mr. Wood had to say. Mr. Grimshaw asks if what they heard satisfied any questions that they may have had. Mr. Smith states that there is a half a million-dollar project on a half an acre of land and all that land is sitting right beside it and he doesn't see a lease to the Town. Mr. Wood responds by stating that the districts never owned the piece land that the tank was on and that it wasn't until after they started the process that they realized. Mr. Wood states

that they know there are plans but they were never recorded with the registry so all the plans they have at the office are invalid because they were never recorded at the registry.

Mr. Smith questions if his house is sitting on no man's land. Mr. Wood responds that they own their parcels that their homes are on but the parcel that was supposed to be carved out for the tank was never recorded at the registry, so it is an invalid plan. He states that once they get their Special Permit and all the deeds have been signed over that they will own the small parcel of land that two tanks are on.

Mr. Wood states that the Town gave them the licensing agreement originally but then found out that the license was not good enough, that they needed to own the land. He states that they asked for 15,000 sf and not 50,000 sf because that is all they needed for where they needed to put the tank. Mr. Grimshaw adds that it is a matter of convenience because of the Memorial School and that giving the water district this piece of land satisfies what they need for the tanks. They will get the Special Permit and the smaller lot which will suffice for what they need it for without having to take more land from the larger parcel that the school is on.

Ms. Nist asks Mr. Wood what is going to happen to the old tower. Mr. Wood responds by saying that the old tower is going to be demolished once the cure time has been met on the new tower.

Ms. Souza asks why it is not enough for them to lease the land, why do they have to own it. Mr. Wood states that USDA which is federal loan agency require them to own the land or have a permit of easement.

MOTION: Ms. Nist moved to approve the Special Permit for the Hillcrest Water Tank

SECOND: Ms. Souza

DISCUSSION: None

VOTE: All in Favor

ANR Plan Hillcrest Water District 12 Lehigh Rd

Board reviews ANR plan.

MOTION: Ms. Nist moved to approve the ANR Plan for the Hillcrest Water District at 12 Lehigh Road

SECOND: Ms. Souza

DISCUSSION: None

VOTE: All in Favor

Update, May 2020 Zoning Bylaw Amendments

[Note: Although discussion of Pleasant Street/Neighborhood Business, Outside Storage, and Water Resource Protection Overlay District were listed on the agenda, these amendments were postponed to a Fall 2020 Town Meeting based on discussion at the January 22, 2020 Planning Board Meeting. The Board is moving forward only with amendments to the Adaptive Reuse Bylaw for the May 5, 2020 Annual Town Meeting.]

The Board discussed Adaptive Reuse Bylaw amendments, specifically language related to makerspaces, including possibly changing of wording in the amendment in order to provide the makerspace with a larger umbrella to work with. Mr. Grimshaw advises Mr. Milward to suggest

the wording change to the applicant. They review bylaw amendments further; Ms. Souza points out some formatting inconsistencies. Sandy Wilson asks to speak through the Chair. Ms. Wilson asks if Adaptive Reuse will affect the Memorial School if it is sold because it is a municipal building. Mr. Grimshaw stated that he believed it would. Ms. Wilson states further that these changes will allow additional uses that may not currently be considered. Mr. Grimshaw once again confirmed that he believed this is correct. [The public hearing on these amendments is scheduled for March 10, 2020.]

Town Planner Report

Mr. Milward reports that Mulberry Solar has agreed to pay for the cost of a survey hired by the town to determine the extent of the unauthorized cutting of trees. Brian states that Mulberry Solar has met with the surveyor and that he has also been in contact with them in addition to Kevin Quinn of Quinn Engineering to ensure his availability for site monitoring. Mr. Milward states that on Thursday he sent them an email giving them the authority to proceed with site stabilization to prevent additional erosion on the site. Mulberry Solar is set to be on the Planning Board agenda for March 10th regarding their restoration plan which is being reviewed by Quinn Engineering at this time.

Board Updates:

Ms. Nist states that the Capital Improvement Committee met and rated the wish list. They will meet again on March 4th and re-evaluate

Mr. Grimshaw states that the Economic Development Committee met, their focus was preparing for the Open for Business event at Becker College which is scheduled to take place on March 12th at 6:00pm. He states that a group of students working on a call list in order to increase participation in the event.

MOTION: Ms. Nist moved to adjourn

SECOND: Ms. Souza

DISCUSSION: None

VOTE: All in favor

Meeting adjourned at 7:35PM

Respectfully Submitted,
Tiffany Peters, Department Assistant

Documents included in meeting packet:

- Agenda
- Hearing Notice for Hillcrest District Water Storage Tank Project Special Permit
- Special Permit Application for Hillcrest District Water Storage Tank Project
- Letter from Hillcrest Water District dated January 16, 2020
- Site Plan for Hillcrest District Water Storage Tank Project
- Special Permit Decision Approval dated February 18, 2020
- Hearing Notice for Zoning Bylaw Amendments
- Zoning Bylaw Amendments Adaptive Reuse Overlay District Improvements dated January 27, 2020

Documents submitted at meeting: N/A

**Town of Leicester Planning Board
Meeting Minutes
March 10, 2020**

MEMBERS PRESENT: Jason Grimshaw, Chair; Debra Friedman, Vice-Chair; Sharon Nist; Andrew Kularski

MEMBERS ABSENT: Jaymi-Lyn Souza

IN ATTENDANCE: Michelle Buck, Town Planner; Tiffany Peters, Department Assistant; Bryan Milward, Economic Development Coordinator

MEETING TIME: 7:00PM

AGENDA:

1. 7:00PM **Public Hearing, Special Permit Amendment/Enforcement of Violation**
Mulberry Solar #3 (SP2018-02), unauthorized tree clearing, review of proposed restoration plan (Applicant: Sycarpha Capital, LLC)
2. 7:30PM **Public Hearing, May 2020 Zoning Bylaw Amendments**
Amendment of Definitions and Adaptive Reuse sections of bylaw related to mixed-used developments and makerspaces.
3. 7:45PM **Town Planner Report/General Discussion:**
 - A. Potential Zoning Bylaw Amendment: Marijuana Cultivation
 - B. Miscellaneous Project Updates
 - C. Board Member Committee Updates
4. **Adjourn**

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

Public Hearing, Special Permit Amendment/Enforcement of Violation (SP2018-02)

Ms. Buck explained that there was a procedure error in the notification of this public hearing and requested a vote to continue hearing until March 24, 2020 at 7:30PM or as soon thereafter as may be heard.

MOTION: Ms. Friedman moved to continue the public hearing until March 24, 2020 at 7:30PM or as soon thereafter as may be heard.

SECOND: Ms. Nist

DISCUSSION: Devin Howe, Project Engineer from Beals Associates, Inc. representing CS Energy, addressed the Board asking for clarification on the procedural error that occurred. He states that they have been trying to work with the town to come up with restoration plan. He states that they notified the list of abutters that was provided to them from the Town and that now they are being told that surrounding towns also needed to be notified. We received waivers of notification from Worcester, Charlton, Auburn and Spencer. We did not receive waivers of notification from Oxford or Paxton before the hearing. Mr. Howe wants clarity on where these requirements are coming from as he states that they could not find in the Zoning Bylaws where it was their responsibility to notify abutting towns.

Ms. Buck states Town Counsel advised the Planning Board to follow the procedures for a Special Permit in this situation. Ms. Buck states that it is normal procedure for a Special Permit to send hearing notice to abutting towns. She states that she does not have an explanation as to why the procedural error occurred.

Mr. Howe is requesting the legal requirements for this process. Ms. Buck reiterated that we are

doing this per legal guidelines. Ms. Buck stated that the Planning office will handle notifying abutting towns before next Planning Board meeting.

Mr. Howe states that they are not here for a Special Permit and that this is not an amendment to a Special Permit; it is to lift a Cease and Desist order. Mr. Kularski explained that amendment was something that they were forced to put into place due to unauthorized trees that were cut down on the site. Mr. Howe states that they have a bond ready that is worth twice what the restoration will cost, and they are asking for a lift on the Cease and Desist. Mr. Howe states that there is a risk for future erosion due to the site not receiving final stabilization the longer the Cease and Desist Order is in place.

Mr. Grimshaw explains that due to procedural error this hearing is to be continued to March 24, 2020, and he calls for a vote.

VOTE: All in favor

Discussion, Potential Zoning Bylaw Amendment: Marijuana Cultivation

Lee Dykas of 124 Green Street proposes to the Board to amend the current bylaw to fit state law which now allows outdoor grow of marijuana. He presented a rough draft of the amended bylaw to the Board and an assessor map of the property. At this time, he states that his attorney, Hector Pineiro will speak on his behalf.

Mr. Pineiro states that he and Mr. Dykas visited a farm called Equinox Farm in Sheffield, MA to get a sense of what these types of places look like. Mr. Pineiro states that he can provide copies of the bylaws that Sheffield has in place. He states other towns have amended bylaws as well such as Barre and Pittsfield. Mr. Pineiro states that they included in their proposed amendment the definitions from the Cannabis Control Commission of Massachusetts. He also states that they have adopted regulations that are stricter than the state regulations. An example of this is that the Commission only mandates that a fence is required whereas the amendments being proposed here would require an eight-foot fence. Mr. Pineiro states that they are suggesting a minimum of five acres to be able to grow on property and that the grower be required to either pay taxes as a farm or file a 1040 with the federal government. Mr. Pineiro states that he believes this will create economic development for the Town as well because the Town will be given a percentage of the profits. He also states that by having this in the Suburban Agriculture (SA) district it allows some of this land to remain for growth and agricultural purposes which will provide employment into this area.

Ms. Friedman asks how many people this will employ. Mr. Pineiro states that he does not know yet as there are only a couple other types of these places in the state. He goes on to discuss the benefits of outdoor cultivation over indoor cultivation, stating that indoor cultivations have high costs, a larger carbon footprint and larger consumptions of electricity. He states that this amendment would encourage many of the Suburban Agricultural lands to remain for that particular use and to maximize the use of these properties.

Ms. Friedman questioned the issue of odor. Mr. Pineiro states that they spoke with the manager of the Equinox Farm who told them that depending on the varieties that you grow the levels of odor can fluctuate. He states that some produce stronger odors than others and that when growing outdoors you can pick the varieties that are less odorous and that they only emit an odor during the flowering season. He states that on the particular property that they want to grow on

they do not have anyone within 500 feet of where they plan to grow. He states that he does address the issue of odor in the amendment.

Ms. Friedman asked for confirmation that Pittsfield and Sheffield are the only towns who have outdoor growing facilities in this state. Mr. Pineiro states that there are two in Sheffield and one in Pittsfield. The Pittsfield farm is called Bittersweet. Mr. Dykas states that he is willing to do what is needed to get this going including visiting other growers, doing a site walk of his proposed property, etc. Mr. Dykas points out his property lines and proposed area on site map.

Ms. Friedman states that she can appreciate that Mr. Dykas has a great location for this but reminded him that approving this bylaw amendment would not only be approving it for his particular property but would be approving it for everyone so they need to make sure that the regulations that are set are ones that will work for everyone. Mr. Dykas states that in the packet he provided the Board there is the guidelines for farmers and the CMS500 which are the guidelines for cannabis which he states he bought from the state bookstore.

Mr. Kularski asked how Mr. Dykas determined the setbacks and the acreage included in the amendments. Mr. Dykas states that he made determinations based on what he thought was best for the Town's people. Mr. Dykas states that his grow would be subject to the same tax as Cultivate and would be able to generate more income for the Town with minimal impact to the town. He states that they will maintain high security on the property. Mr. Dykas states that the Cannabis Commission is accelerating outdoor farmer's applications.

Mr. Grimshaw asks Ms. Buck to weigh in on the two options for moving forward with these zoning amendments which are 1.) the Planning Board sponsoring and preparing something or 2.) the applicant submitting a petition article. Mr. Grimshaw expresses concern with the window if time to get this done before town meeting in May.

Mr. Grimshaw asks if the Town Administrator would like to speak on the matter. Town Administrator, David Genereux, states that he and Bryan Milward toured the property and states that Mr. Dykas did present this to the Select Board during public comments. He states that there is a current bylaw in place stating that amendments need to be submitted 45 days in advance. Mr. Genereux states that either Mr. Dykas or the Planning Board need to submit something by March 19, 2020 in order to bring it to the Town Hall floor for a vote and that minor changes or adjustments can be made after the initial submission as long as it does not alter the scope of the article.

Ms. Friedman states that her biggest concern is not Mr. Dykas's property but how it will fit into other properties. She states that issues such as setbacks and odor control may be a problem on other people's property.

Mr. Kularski expresses concerns about setbacks and acreage being proposed.

Mr. Grimshaw states he would like to see what the Town of Sheffield has in their bylaws for setbacks, which was provided to him by Mr. Dykas. Mr. Dykas is advised by the Board that if his article fails at town meeting that he cannot bring it back for 2 years unless the Planning Board changes its recommendation.

Mr. Dykas states that he plans on creating a Facebook page in order to provide transparency for the Town's residents.

The Board and Ms. Buck discussed options of submitting the bylaw amendment and determine that the best option is for Mr. Dykas to submit a citizen's petition which would be filed with

Select Board. The Select board then has 14 days to forward it to the Planning Board. The Planning Board would then hold a hearing that would be tentatively scheduled for some time in April. At that hearing, amendments would be discussed. This option would allow more time for the Planning Board to review and make recommendations to the amendments. Mr. Genereux explains the process of events that need to occur for the article to be ready to be brought to the floor at Town Meeting. Mr. Grimshaw states that the Board feels a citizen's petition is the best way to move forward with bringing these Zoning Bylaw amendments to Town Meeting due to the time limitation at hand.

Public Hearing, May 2020 Zoning Bylaw Amendments, Adaptive Reuse

Mr. Grimshaw reads the hearing notice for the May 2020 Zoning Bylaw Amendments. Ms. Buck states that she had been working on amendments for a few months in order to make comprehensive changes to the Greenville Village Neighborhood Business [NB] district.

Ms. Buck states that she has prepared this Adaptive Reuse proposal as an interim way to allow reuse of mill structure on Hankey Street although it would apply to any structure in town that qualifies as an Adaptive Reuse structure which are historic mill buildings and former municipal buildings. The proposal includes a definition of makerspace which includes a variety of industrial and artistic uses and may include live/workspaces. Ms. Buck states that as drafted right now makerspaces will only be allowed as a part of an Adaptive Reuse project. Ms. Buck states she did not add makerspaces to the general use table to ensure that we are being careful about it so as of this time use is only allowed in an Adaptive Reuse project and by Special Permit.

The second part of the proposal adds the definition of mixed-use development. This was included in the proposal because it is being added as allowed use for adaptive reuse. There are two categories of mixed-use development: vertical mix and horizontal mix. Horizontal mix is when the residential and business use are on the same level. A vertical mix is when the residential use is the level above the business use. The definition of horizontal mix is proposed to be amended to allow a single residential unit combined with a commercial use.

Five new uses that are to be added to the adaptive reuse are mixed use development vertical, mix, mixed-use development horizontal mix, brewery/distillery/winery, brew pub, and makerspace. Ms. Buck states she proposed some changes to the language related to multi-family units. Per Ms. Buck, we have had on the books for a while that an Adaptive Reuse project could include multi-family which included an affordability requirement. Ms. Buck is proposing that the affordability requirement only be required for ten or more units because it is difficult to meet the state's requirements for affordability, especially for small projects. Ms. Buck also states that she proposed the affordability requirement be recommended but not required for live/workspaces associated with makers spaces. Ms. Buck states that ideally, she would like to have a more clearly defined definition of what a live/workspace is. At this time, it is only allowed by Special Permit. Michelle asked for the Board to vote on Planning Board approval for this at Town Meeting.

MOTION: Ms. Friedman moved to approve the Zoning Bylaw amendments as proposed.

SECOND: Ms. Nist

DISCUSSION: Sandy Wilson speaking for the public asks a question regarding vertical space in reference to how it would apply to the Memorial School. Ms. Buck states that amendments would be less restrictive. Ms. Wilson questions what the course of action would be if there was

something going in a location such 15 Water Street do it being a unique space cause of its size. Ms. Friedman stated that since it would be by Special Permit, they would be able to regulate it.
VOTE: all in favor

Town Planner Report

Oak Bluff:

Ms. Buck states that on March 24th we have lot releases for Oak Bluff coming up and that Board approved the surety amount in January. Payment has been provided but we are still waiting for information related to soil testing. She will also have to prepare a Performance Agreement for the Board's signature. Mr. Kularski states that he went to the Oak Bluff site and the pavement is falling apart already in two areas. Ms. Buck states she will be in touch with the developer about it.

Greenville Baptist Church:

Site plan Review is scheduled for the planned for the March 24, 2020 meeting.

Board Updates:

Memorial School

Mr. Kularski mentions that there was a meeting regarding the Memorial School that he was unable to attend. Sandy Wilson states that at that meeting the parcel issue was discussed. She states at Town Meeting it was voted on as one parcel which was only the parking lot, building and portion of the back hill. It did not include all the fields. Ms. Wilson states they voted to include at the May Town Meeting to include the fields as part of the whole property. Ms. Wilson also mentioned the land swap with the Hillcrest Water District which goes back to 1964 where Hillcrest Water had a plot of land given to them by the Smith family. They realized they couldn't build the tower where they intended to and chose to build it on the other side of the top of Lehigh Rd and in 1964 at Town Meeting it was voted that they swap the parcels, however it never got recorded at Worcester County Deeds. Ms. Wilson states in 2016 it was voted on Town Hall floor to authorize the selectmen to give them the property that the tank was really on. Hillcrest did not act to give the Town back the other parcel of land. She states that those are two articles to include them as a part of the whole Memorial School parcel. She states that there are three potential buyers who want the fields included. The entire parcel is just under 32 acres but only 28 have been approved.

Capital Improvement Committee

Ms. Nist states that the Capital Improvement Committee met and they re-enuvaluated with input from Department Heads as to how they wanted things rated regarding budget. Ms. Wilson included that eight of the nine things that were on Capital for the year are going to be on the warrant including (but not limited to) a new ambulance, replacement of roof at station two, replacement of detective's car, car port at the police station, cameras at high school, generator, and bathroom renovation in Town Hall.

Economic Development Committee

Mr. Grimshaw mentions that Economic Development has Open for Business event on Thursday night [March 12, 2020] and that students did community service making phone calls and getting the word out. They are expecting a good turnout for the event.

The next Planning Board meeting is scheduled for March 24, 2020 at 7:00pm

MOTION: Ms. Nist moved to adjourn

SECOND: Ms. Friedman

DISCUSSION: Mulberry Solar is to email Michelle tomorrow with general questions.

VOTE: All in favor

Meeting adjourned at 8:20pm

Respectfully Submitted,

Tiffany Peters, Department Assistant

Documents included in meeting packet:

- Agenda
- Memo from Town Planner dated 3/5/2020
- Email from Town Planner to Landscape Architect screening buffer at Mulberry Solar dated 3/5/2020
- Recommendation letter from EarthDesign for buffer re-planting plan for Mulberry Solar dated 03/03/2020
- Memo from Quinn Engineering regarding Mulberry Solar site walk dated 03/02/2020
- Memo from Quinn Engineering regarding Mulberry Solar tree restoration dated 02/20/2020
- Memo from Quinn Engineering regarding Mulberry Solar site walk dated 01/28/2020
- Site plan from Jarvis Land Survey, Inc
- Leicester Planning Board Public Hearing Notice: Zoning Bylaw Amendments
- Copy of Zoning Bylaw Amendments Adaptive Use Overlay District Improvements dated: 01/27/2020
- Proposed Bylaw Amendments and Use Table as submitted by Lee Dykas date stamped by Town Clerk on 03/04/2020

Documents submitted at meeting:

- Detailed packet of information regarding Marijuana cultivation including proposed amendments submitted by Lee Dykas
- Email from Michelle to Lee Dykas regarding Zoning Bylaw Change Information
- Revised Recommendations – Syncartha Buffer Re-Planting dated 03/09/2020

Town of Leicester Planning Board

Meeting Minutes

March 24, 2020

[Note: This meeting was held remotely using GoToMeeting]

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

MEMBERS ABSENT: None

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

MEETING TIME: 7:00PM

AGENDA:

1. 7:00PM **Lot Release Request/Acceptance of Performance Guarantee, Oak Bluff Lane Subdivision (SUB2018-01)**
Applicant: Schold Development, LLC
2. 7:15PM **Site Plan Review: Greenville Baptist Church (SPR2020-01)-Modification of SPR2004-01**
Construction of 1300 s.f. dry storage building (no water or sewer tie in), 28 new parking spaces, reconfiguration of sidewalks & associated site work.
Applicant: McClure Engineering, Inc.
3. 7:30PM **Public Hearing, Special Permit Amendment/Enforcement of Violation, continued**
Mulberry Solar #3 (SP2018-02), unauthorized tree clearing, review of proposed restoration plan (Applicant: Sycarpha Capital, LLC)
4. 8:00PM **Town Planner Report/General Discussion:**
 - A. Authorization to Allow Town Planner to sign plans regulated by the Subdivision Control Law
 - B. Miscellaneous Project Updates
 - C. Board Member Committee Updates
5. **Adjourn**

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

Lot Release Request/Acceptance of Performance Guarantee, Oak Bluff Lane Subdivision (SUB2018-01)

Mr. Grimshaw reads the request for lot release. Ms. Buck states that the bond was set in the amount of \$127,768.05 [at meeting of 1/22/2020] if core testing of the base coat was approved. She confirmed that this has been approved by Kevin Quinn of Quinn Engineering. Ms. Buck states the board needs to take two votes. One to accept the performance security agreement for Oak Bluffs Lane and the second is to approve the conditional partial release of covenant.

MOTION: Ms. Friedman motions for partial release of covenant for Oak Bluff Lane

SECOND: Ms. Nist

DISCUSSION: None

VOTE: All in Favor

MOTION: Ms. Friedman motions for approval of Performance Agreement for \$127,768.05

SECOND: Ms. Nist

DISCUSSION: None

VOTE: All in Favor

Site Plan Review: Greenville Baptist Church (SPR2020-01)- Modification of SPR2004-01

Mr. Grimshaw starts discussion for Greenville Baptist Site Plan Review and asks if anyone from the project is here to speak.

Peter Engle of McClure Engineering introduces himself and explains the project. He states that the church is running out of space inside and they are looking to build a storage building for chairs, tables, books, etc. There is a pantry in the church for food so no food will be stored in the new building. They are going to heat the new building. It will not require any fire protection; it is small enough and separated from the other buildings on the property. They are providing 10 feet on all sides for Fire Department access. Also, the plan proposes 28 new spaces for attendees of the church as well as sidewalks to Clark Building which is used for schooling.

Mr. Engle states that a stormwater analysis was done and that there is a large underground infiltration system which was completed in 2004 when the church was originally built and there is plenty of capacity in that system for the proposed work and they will be added two catch basins and a water quality treatment unit to the existing plan. Mr. Engle states that they are also proposing new lighting for the additional parking area.

Ms. Buck shares the Greenville Baptist site plan on screen so that the Board and the public can view it. Mr. Grimshaw asks if Ms. Buck has anything to add to what Mr. Engle has presented. Ms. Buck states that the site plan was reviewed by Kevin Quinn of Quinn Engineering and there were very minor comments one of which applied to accessible parking spaces which the applicant appears to have addressed. She states that in the applicants response he indicated that the Building Inspector signed off on that, Ms. Buck states doesn't know if the Building Inspector looked at that issue in much detail and ultimately it is the applicants responsibility to show that he has met the requirements. The only other issue was a printing error on the plans. Ms. Buck states that she does not have any other concerns about this project. Ms. Buck states their review is more limited as this building is for religious use. Ms. Buck states they can review parking and that the applicant has met requirements for aisle width and parking spot size and that they do not have a requirement for the number of spaces for religious use.

Ms. Nist asks if the new structure will be a prefabricated structure or if it will be constructed from ground up. Mr. Engle states that it will be prefabricated structure on top of a poured foundation. Ms. Nist asked if Historical Commission comments had been addressed; Ms. Buck states that they have. The Historical Commission comments stated that there is a Native American burial ground on the property. Ms. Buck stated that the proposed construction is not on the portion of the property that the Historical Commission states the burial ground is on. Ms. Buck states that she included a draft decision in the board approval that was included in the meeting packet. She noted that Mr. Engle needs to provide 2 full size plans and one 8 ½" x 11" plan of the final site plan within 14 days to Planning Board office.

MOTION: Mr. Kularski

SECOND: Ms. Nist

DISCUSSION: None

VOTE: All in Favor

Public Hearing, Special Permit Amendment/Enforcement of Violation, continued

Mr. Grimshaw opens the continued hearing. Prateek Tare at CS Energy introduces his team. Devin Howe, Beals & Associates, Inc., then speaks and shares screen to show a plan on which he points out where the violation occurred. Mr. Howe states that the Town wanted an outside company to survey the land and they hired Jarvis Land Survey to go out and inventory the trees. He states that symbols on the plan indicate stumps that were found at the site. Mr. Howe states that they came up with a restoration plan that was reviewed by EarthDesign Landscape Architecture, LLC (EarthDesign). He states they have proposed along the eastern ridge various species of trees within that area that was cut. Mr. Howe states that the property on the eastern portion of the site is bordered by the City of Worcester and that CS Energy has tried to reach out to the city but have not received a call back. Mr. Howe states that the south portion borders the Daige family and that they are adding evergreen screening trees along their entire property line. They have staggered evergreen shrubs along that entire eastern property line that extends all the way to the southern portion of the property. Mr. Howe states another comment that he had received from Ms. Buck is that there was some low growth and shrubbery that was removed as well. He states that black dots on plan represent shrubs. They will be planting a thick area of shrubs as well as 6 inches of loam and pollinator seed mix that replicates the area where the low growth and shrubbery was inadvertently removed. This will be done along entire area in which low growth was removed. He continues to point out other area on the western side where they are also proposing to restore that area with the 6-inch loam and pollinator seed mix. Mr. Howe states that on the western side of the property there was a small area of land that was cleared of trees. He states that they are proposing to plant trees to restore that area as well as put down 6 inches of loam and seed. He states on the eastern portion of the site there are 104 evergreens and 103 deciduous trees for along that property line. He states that there are 376 shrubs that they are proposing along that area. Along the western side of the site they are proposing 208 shrubs as well as 14 trees.

Ms. Friedman asks if this restoration plan has been run by the Daige family as they have attended every meeting regarding this, and she wants to make sure they have been aware of the plan. Mr. Howe states that he does not want to speak for the family but that the recommendation by the Daige family was to install white pines. Mr. Howe states that concern that he and EarthDesign had is that white pines lose their lower branches and would not provide ample screening. Therefore, they are now proposing to install evergreen trees along the Daige property line in order to provide better all year screening. Ms. Friedman would like to know what kind of evergreens are being planted. Mr. Howe states they are proposing upright white pine, white spruce, blue spruce and eastern red cedar which were all suggested by the Town peer reviewer, EarthDesign. Ms. Buck added that the species of white pine that the landscape architect recommended is one that does not lose its lower branches. Ashlesh Kurahatti (CS Energy) states that he shared plan with Mr. Daige and he did not have any objections to it.

Ms. Friedman states that resident Jan Park had mentioned some type of berry bush instead of perineal flowers and asks if that suggestion had been considered at all. Ms. Buck states that the plan now contains a variety of native shrubs in addition to a seed mix including shrubs with berries.

Eric Sauvageau of 200 Chapel Street asks why on the western side of the project shrubs are being proposed and not trees. He states he lives on Chapel Street and he can see right through to the woods. Mr. Howe states the area in which they are proposing shrubs are the areas where they were permitted to cut trees but were not supposed to remove low growth vegetation. That is why

only shrubs are going back in that area. Mr. Sauvageau asks what type of shrubs will be installed in this area and Mr. Howe states that it is similar to what is going in on the eastern side.

Ms. Buck states that the original Special Permit decision [approved September 11, 2018] remains in effect except where the Board may modify it at this meeting. She states that a condition of approval in that decision [condition #20] allows the Board to go out and view the site once it is done and request additional landscaping if needed.

Ms. Friedman asks what size the trees are that are being installed. Mr. Howe states that trees will be 1.5 to 2-inch diameter and 6 to 7 feet tall at time of planting.

Ms. Buck asks about having a deadline for tree planting schedule and asks the applicant if they have any comment on their planting schedule. Mr. Howe states that given the state of the world they are requesting flexibility. He states their intention is to do the planting as soon as weather permits, May 8, 2020 was the date they had in mind. Ms. Buck states a deadline of mid to late June could be granted and that it is up to the Board to decide. She states that the Board has the power to extend the deadline if necessary, in order to provide them with flexibility. Ms. Nist suggested a deadline of June 30, 2020.

Ms. Buck explains to the participating public that the Board issued a Cease and Desist Order in January and that tonight's vote would allow the Cease and Desist to be lifted immediately for anything related to tree planting and then they could do other work once the decision is recorded at the Registry of Deeds. Ms. Buck states that there are also several conditions that are proposed and summarizes the Order of Conditions for the public. Conditions of Special Permit include: regular inspections during the remaining construction, the applicant must provide receipts for the tree species planted, a deadline of June 30th to plant the trees, no solar panels may installed until all the planting shown on the restoration plan have been completed and inspected by the Planning Board. Ms. Buck states that the applicant had also submitted a site restoration bond of \$200k which will remain in effect until vote of release by the Planning Board. Ms. Buck states that the decision also lists penalties that the Board may enforce if the applicant fails to comply with the Board's decision.

Mr. Tare asking what next steps will be considering Town Offices are closed. Ms. Buck states she will work on the decision and then send it to the Board for electronic signatures. It then needs to be filed with Town Clerk. Once it is filed with Town Clerk there is a 20-day appeal period before it can be filed with the Registry.

MOTION: Ms. Friedman moves to approve the Speical Permit Decision Amendment as written by Ms. Buck

SECOND: Ms. Nist

DISCUSSION: Mr. Tare comments on solar panel installation. They will not install solar panels until trees are planted but they are asking if it is ok to put the supporting structures in. Board is ok with this. Ms. Nist asks that it put in the Order of Conditions that if trees don't survive that they must be replaced. Ms. Buck states she will add it to order of conditions. Mr. Tare is requesting that they have a time frame put in place for tree replacement (2 growing seasons).

VOTE: All in Favor

Town Planner Report:

Route 9 Storage

Marc Curtis seeking an occupancy permit last week for Route 9 Storage. Ms. Buck and Mr. Quinn visited the property and while there were minor changes, the project is in substantial

conformance with the approved plan. Ms. Buck did request a \$2,000 surety amount, which Mr. Curtis has already submitted, because she could not evaluate landscaping at this time of year. Ms. Buck asks the Board to approve a \$2,000 Performance Agreement for Route 9 Storage.

MOTION: Ms. Friedman motions for approval for \$2,000 performance agreement for Route 9 Storage

SECOND: Ms. Nist

DISCUSSION: None

VOTE: All in Favor

Zoning Bylaw Amendment Citizen Petition

Ms. Buck states the Town received a citizen petition for a Zoning Bylaw amendment to allow outdoor growing of marijuana in the Suburban Agriculture (SA) zoning district. The proposal is now posted on the Planning Board's webpage. Normal procedure is that the Board has 65 days to hold a public hearing. The intention was to get this on the May 5, 2020 Annual Town Meeting but at this time it does not appear that Town Meeting will happen on that date. It needs to be decided when to schedule a public hearing for this. Ms. Buck states she is concerned about public participation for a proposal like this while using an online meeting format. Ms. Souza asks if there is any other way to offer public participation such as mail for people who not have access to online meetings. Ms. Buck states that people could submit written comments. She thinks there will be a lot of interest in this hearing. Ms. Buck states potential date would be May 5th, since Town Meeting will no longer be held on that day.

Approval of Minutes

Ms. Buck notes that the Board has a backlog of meeting minutes to review. When the Board meets next there will be multiple sets of minutes for review and approval.

ANR Plan Signature Authorization

Ms. Buck states that the state Subdivision Control Law allows the Planning Board to vote to authorize a single person to sign ANR plans that must be recorded at the Registry. The Board would still meet, review and approve the plan. This would make the signing process easier. Ms. Buck asks Board to authorize her, as Town Planner, to sign ANR plans regulated by the Subdivision Control Law.

MOTION: Ms. Nist motions for approval for Ms. Buck to sign plans in accordance with the Subdivision Control Law

SECOND: Ms. Friedman

DISCUSSION: None

VOTE: All in Favor

DocuSign

Ms. Buck states that they ran a successful test of the use of DocuSign. Items that Board votes on tonight will be sent to them tomorrow for signature.

Board Updates:

Capital Improvement

Ms. Nist states that Capital Improvement is supposed to be meeting with the selectman on the 30th regarding the school. Harry Brooks of the Select Board states they are not meeting on that date and now that they will be having the meeting at a later date, they have more time to get together. Mr. Brooks also advises that voting from the Board should be polled.

There were no other Board updates due to meeting cancellations.

MOTION: Ms. Nist motioned to adjourn

SECOND: Ms. Friedman

DISCUSSION: None

VOTE: All in favor

Meeting adjourned at 8:00pm

Respectfully Submitted,
Tiffany Peters, Department Assistant

Documents included in meeting packet:

- Agenda
- Town Planners Memo to the Planning Board dated March 24, 2020
- Email from Kevin Quinn regarding pavement testing dated March 19, 2020
- Oak Bluffs Lot Release Draft Decision
- Oak Bluffs Performance Agreement Draft Decision
- Letter from McClure Engineering to the Town Planner and Planning Board dated February 19, 2020
- Application for Greenville Baptist Site Plan Review including site plan and comments
- Site Plan Approval & Stormwater Permit Order of Conditions Draft
- Public Hearing Notice for Mulberry Solar Farm for unauthorized tree clearing violation
- Letter of Restoration Recommendations from Alice Webb of EarthDesign dated March 9, 2020
- Email from Alice Webb of EarthDesign to Town Planner dated March 4, 2020
- Letter of Restoration Recommendations from Alice Webb of EarthDesign dated March 3, 2020
- Memo from Quinn Engineering dated March 2, 2020
- Memo from Quinn Engineering dated January 28, 2020
- Site Plan of proposed restoration plan
- Draft Decision for Special Permit Amendment

Documents submitted at meeting: None

Planning Board:**Suggested Motion Regarding Electronic Signatures:**

I move that the Leicester Planning Board recognize and accept the provisions of MGL Chapter 110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.



**WORCESTER DISTRICT
REGISTRY OF DEEDS**

A division of the Secretary of the Commonwealth

90 Front Street – C201
Worcester, MA 01608
Tel. (508) 798-7717
Fax (508) 798-7746
worcesterdeeds.com

Kathryn A. Toomey
Register

Town/City Clerk

April 23, 2020

As of April 16, 2020, the Registry of Deeds is now accepting certain documents not requiring notarization from the city/town boards that have been electronically signed by a municipal board or commission.

Please see the attached detailed memo from Register Toomey and a copy of the 2020 amendment to the Massachusetts Deed Indexing Standards.

If you have any questions or concerns, please email Kathleen.Meehan-Sullivan@sec.state.ma.us.

Thank you for your time and attention to this matter.

Kathleen Meehan-Sullivan
Assistant Register
Worcester District Registry of Deeds
90 Front St.
Worcester, MA 01608
508-368-7014

Massachusetts Deed Indexing Standards 2018

April 2020 Amendment

The Massachusetts Registers and Assistant Registers of Deeds Association has adopted the following Amendment to the Massachusetts Deed Indexing Standards 2018. This amendment is effective April 17, 2020.

13-7. Electronic Signatures by Municipal Boards – The following procedure is recommended for municipal boards and committees that wish to execute documents in accordance with Massachusetts General Laws chapter 110G (Uniform Electronic Transaction Act) which documents are then to be recorded at the registry of deeds.

1. At a properly called meeting, the municipal board or commission should formally vote that the board recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.
2. The board then records at the registry of deeds a Certificate of Vote that provides the language of the motion that was made regarding electronic signatures and attests to the vote taken, and obtains the Town Clerk's certification.
3. Then, board members may cause their electronic signature to be affixed to permitting or compliance documents that have been approved by a board vote. Such electronically signed documents should also include a statement that the signatures are made in accordance with M.G.L. c.110G and pursuant to the board's electronic signature authorization vote recorded on [DATE] in [BOOK and PAGE or REG. LAND DOCUMENT NUMBER] at the [NAME OF REGISTRY] Registry of Deeds.
4. Any document so executed shall be accepted for recording at the registry of deeds either in electronic form or as a paper print of the electronically executed document.

This procedure has been authorized by Land Court for use with Registered Land but only for the duration of the COVID-19 emergency declaration in the Commonwealth of Massachusetts.



WORCESTER DISTRICT REGISTRY OF DEEDS

A division of the Secretary of the Commonwealth

90 Front Street – C201
Worcester, MA 01608
Tel. (508) 798-7717
Fax (508) 798-7746
worcesterdeeds.com

Kathryn A. Toomey
Register

April 9, 2020

Good Morning:

In accordance with the UETA and MGL c. 110G sect. 7 and 9, The Registry of Deeds Worcester-South will accept documents that do not require notarization from government entities, cities and towns which are signed with an electronic signature.

The following documents will be accepted with electronic signatures:

Order of Conditions

Certificate of Compliance

Betterment

Decisions

Order of taking

Approvals from DEP (usually in letter form)

Order of Resource Area Delineation, Determination of Applicability, Denial or order of conditions, (Documents from conservation commissions or DEP)

Extension permits (conservation commissions or DEP)

Extension of special permits/variance-decisions (from planning or zoning boards)

Permits (issued by conservation commissions, DEP or Mass Water Resources authority)

Licenses (issued by DEP)

Letters issued by Municipal light departments

Certificate of Dam safety permit (letter issued by state Conservation & Recreation)

Each city/town must record at the Registry of Deeds a Certificate of Vote from the municipal board or commission accepting the provisions of MGL c 110G regarding electronic signatures. See attached Massachusetts Deed Indexing Standards 2018 amended 4/2020 for further information.

For the purposes of recording, above the signatory box, the document must have written reference noting the intent to electronically sign and the act of the signatory described in accordance with MGL c.110G section 9 on the document and the book and page reference of the Certificate of Vote recorded at the Registry.

At this time the Registry of Deeds Worcester-South requires original wet signatures on Plans, ANR, etc...

MGL. C. 110G

Section 7. (a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

(b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

(c) If a law requires a record to be in writing, an electronic record satisfies the law.

(d) If a law requires a signature, an electronic signature satisfies the law.

Section 9. (a) An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

(b) The effect of an electronic record or electronic signature attributed to a person under subsection (a) is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement, if any, and otherwise as provided by law.



Town of Leicester PLANNING BOARD

LEICESTER, MASSACHUSETTS, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

April 22, 2020

Ashlesh Kurahatti
Assistant Project Manager
CS Energy
100 Grove Street, Worcester, MA 01605
delivered via email to: akurahatti@csenergy.com

**Re: Project Change Requests April 2020
Mulberry Solar 3, File Number: SP2018-02**

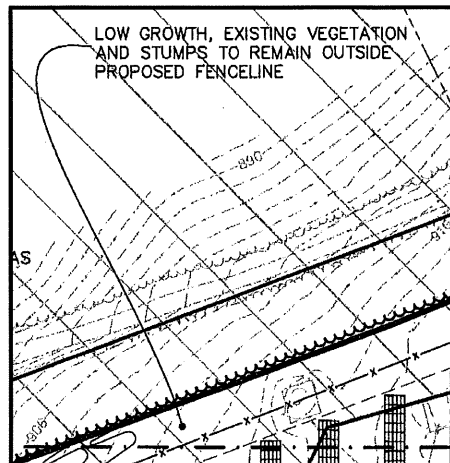
Dear Mr. Kurahatti:

I have reviewed your project change requests dated April 16, 2020 and April 21, 2020 (copies attached), and to confirm my earlier email responses, I have made the following determinations:

4/16/2020 Request:

1. S-W Section - Move fencing out West to include the Detention basin 4 and the level spreader eliminating the need for the 2 gates.

Denied. *The fence in this area serves a physical marker of the limits of clearing (see section of approved plan, below). Though vegetation was cleared beyond this point in violation of the Leicester Zoning Bylaw and the Planning Board's Special Permit decision dated September 11, 2018, the fence should remain in its originally approved location as a permanent indicator of clearing limits.*



2. N-E Section – Move fencing out East to include the long swale leading to Detention Basin 1 and eliminate the need for the gate at the end of the swale.
Fence Relocation Denied. *As in the S-W section, the fence in this area serves a physical indicator of the limits of clearing.*
Addition of Wood Guardrail Approved.
3. Second Row of Modules from North of the site – Since the solar panel was too close to the 100' zoning setback, we have moved it a little to the West.
Approved.

4/21/2020 Request:

Request to allow three (3) white pines at 4' to 5' height or to use another variety of evergreen (instead of 6' – 7' height white pines) as the 6'-7' white pines "weigh over a 1,000 lbs and installing them on the western site perimeter slope is not being deemed safe both operationally as well as on the long run for the tree's healthy growth."

Approved as follows: *Planting of three (3) 4' to 5' height white pines allowed instead of 6'-7' white pines in the location indicated on 4/21/2020 submittals.*

If you have any questions about the above determinations, please feel free to contact me at buckm@leicesterma.org.

Best regards,



Michelle R. Buck, AICP
 Town Planner/Director of Inspectional Services

cc: **CS Energy:** Joseph Casasanta (jcasasanta@csenergy.com); Siddesh Venkateswaran (svenkat@csenergy.com); Prateek Tare (ptare@csenergy.com); Adam Summers (asummers@csenergy.com)

Beals & Associates, Inc.: Devin Howe (DHowe@bealsassociates.com)

Sycarpha Solar: Keith Akers (keith.akers@syncarpha.com)

Mulberry Street Realty, LLC: David DeLollis (ddelollis@hotmail.com)

Quinn Engineering, Inc., Kevin Quinn (KQuinn@QECivil.com)

Buck, Michelle

From: Ashlesh Kurahatti <akurahatti@csenergy.com>
Sent: Thursday, April 16, 2020 10:11 AM
To: Buck, Michelle
Cc: Joseph Casasanta; Siddesh Venkateswaran; Prateek Tare; Devin Howe; Adam Summers
Subject: CS Energy - Mulberry Solar 3 - Fence line Change Request
Attachments: N-E Section.pdf; S-W Section.pdf

Good Morning Michelle,

Hope you're well. We're looking to build the fencing after the restoration scope of work is completed, and on that end we were wanting to make a layout change to improve site maintenance.

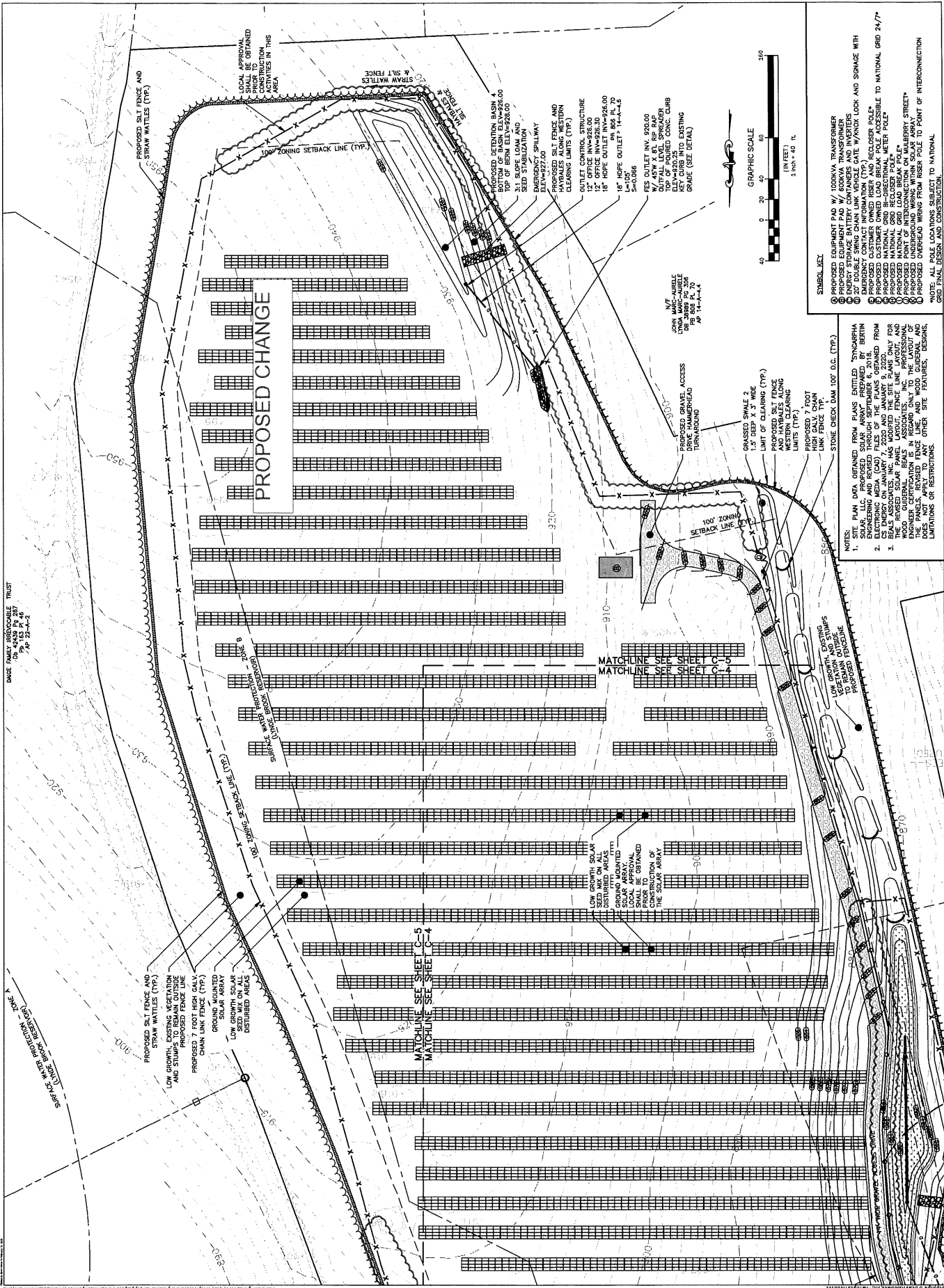
Three Proposed changes –

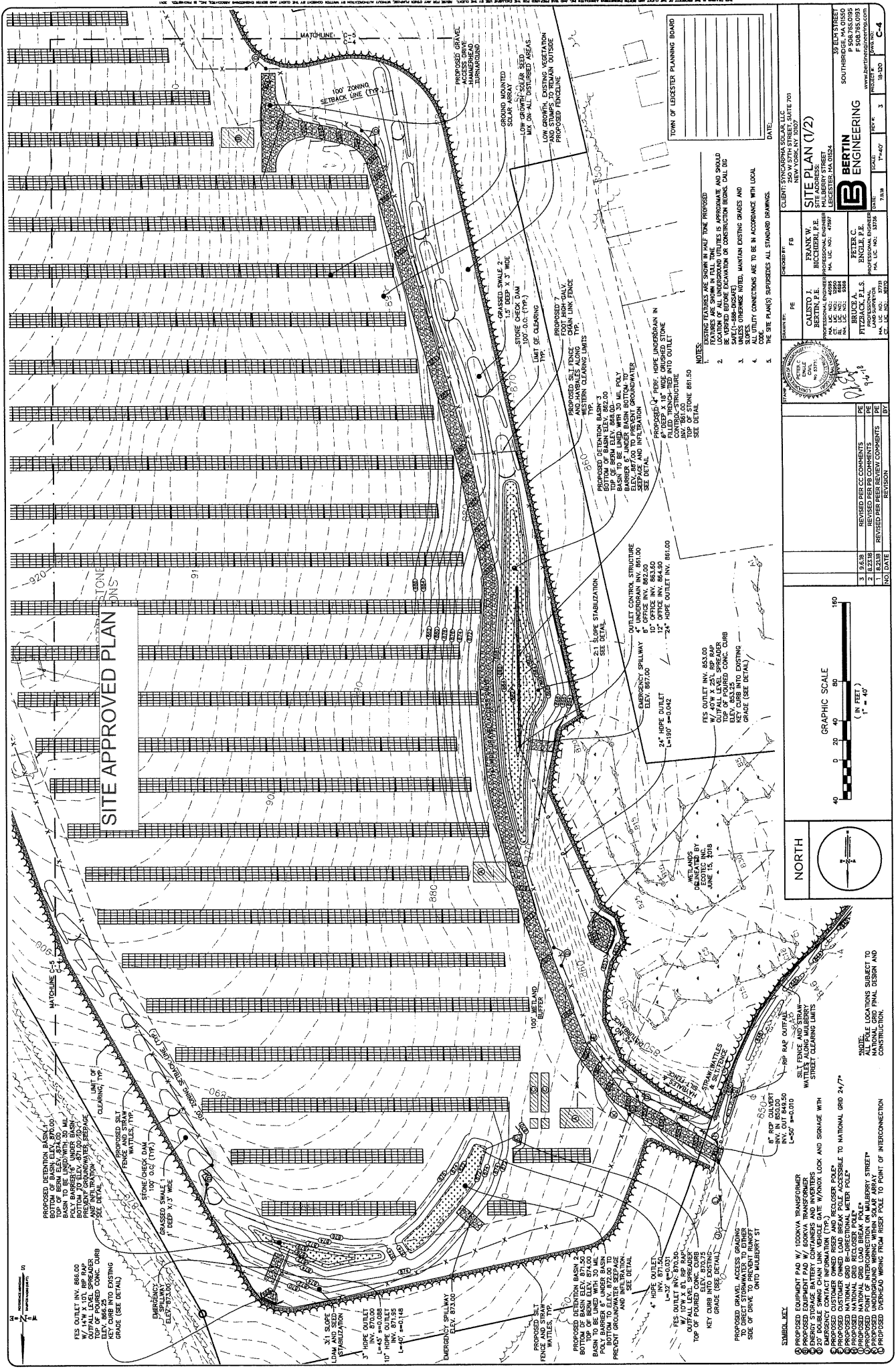
1. S-W Section - Move fencing out West to include the Detention basin 4 and the level spreader eliminating the need for the 2 gates (One – close to the hammerhead. Two - In front of Detention Basin 4).
2. N-E Section – Move fencing out East to include the long swale leading to Detention Basin 1 and eliminate the need for the gate at the end of the swale.
3. Second Row of Modules from North of the site – Since the solar panel was too close to the 100' zoning setback, we have moved it a little to the West.

We have come up with this proposition in our discussions with the Civil Engineer of Record as this will give better access to heavy equipment and machinery for SWPPP management through the solar farm's life cycle. Kindly advise if we can incorporate and execute these changes on the field, and note these in the final as – built drawings that we would submit to the Town after the project is constructed.

Ashlesh Kurahatti
 Assistant Project Manager

CS Energy
 100 Grove Street | Worcester, MA 01605
 ☎ 732.215.3102
akurahatti@csenergy.com
www.csenergy.com





Buck, Michelle

From: Ashlesh Kurahatti <akurahatti@csenergy.com>
Sent: Tuesday, April 21, 2020 3:49 PM
To: Buck, Michelle
Cc: Joseph Casasanta; Siddesh Venkateswaran; Prateek Tare; Devin Howe; Adam Summers
Subject: CS Energy - Mulberry Solar3 - Restoration - White Pines
Attachments: Restoration Plan - White Pines on Western Edge.PNG

Hi Michelle,

Update on Restoration work – We have all the plantings on site at the moment and installation is in full swing.

Having issues with installation of the three white pines on the western part of the site – These weigh over a 1,000 lbs and installing them on the western site perimeter **slope** is not being deemed safe both operationally as well as on the long run for the tree's healthy growth. We're requesting a minor change here to allow for smaller white pines of 4' to 5' height or alternatively allowing to use any other variety of evergreens listed on the restoration plan since they all have a smaller root ball than the white pines. Please advise.

Ashlesh Kurahatti
Assistant Project Manager

CS Energy
100 Grove Street | Worcester, MA 01605
C 732.215.3102
akurahatti@csenergy.com
www.csenergy.com

MEMORANDUM

In the northern end of the site, and in the swale in the south shoulder of Mulberry Street a series of “floc logs” have been placed, which allows turbid flow to pass over them. In the Mulberry Street swale, extending into Chapel Street, the flow of stormwater continued to flow, displaying a minor degree of turbidity, entering the existing catch basin on Chapel Street.