

**Leicester Planning Board  
Meeting Minutes**

MEMBERS PRESENT: Jason Grimshaw, David Wright, Sharon Nist, Alaa AbuSalah

ASSOCIATE MEMBER:

MEMBERS ABSENT: Carol Pappas, Debra Friedman

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

MEETING DATE: October 25, 2016

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM      Public Hearing Cont:  
                    Special Permit/Site Plan Review for Self-storage units and Contractor's Yard  
                    (C&J Realty Trust)
- 7:05PM      Application Discussion Continued:  
                    Site Plan Review, LaFlash Boutilier Solar Farm (ZPT Energy Solutions, LLC)
- 7:30PM      Public Hearing:  
                    Special Permit, Shaping Zone for Women (Fran Nicolaou)
- 7:45PM      Application Discussion:  
                    Decommissioning Bond, Cherry Valley Solar
- 8:00PM      Approval of Minutes  
                    • 8/23/2016
- 8:15PM      Town Planner Report/General Discussion:  
                    A. November 2016 Meeting Date(s)  
                    B. FY2017 Goals  
                    C. Miscellaneous Project Updates

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

**Public Hearing continued:**

Special Permit/Site Plan Review for Self-storage units and Contractor's Yard (C&J Realty Trust)

A written request received from the applicant requesting a continuance to the next available meeting date. After some discussion, it was agreed to continue to Wednesday, November 9, 2016 at 7PM. Kevin Desaulnier of 1741 Main Street submitted written comments for the Board's review concerning this project.

MOTION: Mr. Wright moved to continue the public hearing on the Special Permit/Site Plan Review for the Self-storage & Contractor's Yard located at 1749 Main Street, Leicester to November 9<sup>th</sup> at 7PM

SECONDED: Ms. Nist – Discussion: None – VOTE: All in Favor

**Application Discussion continued:**

Site Plan Review, LaFlash Boutilier Solar Farm (ZPT Energy Solutions, LLC)

In attendance, Brendan Gove of ZPT Energy Solutions.

Ms. Buck spoke with Town Counsel, who suggested a couple of options. Based on Town Counsel's suggestions, a draft decision was prepared and sent to the Board and Applicant for review and the Applicant had several comments.

The draft decision laid out two different options. One was if they wanted to have some kind of legal frontage on Boutillier Road, they would have to propose a subdivision, or propose a Bond or some kind of private driveway arrangement. The applicant proposed removing subdivision approval and use Boutillier Road, as it exists on the ground right now, to access the site and they would maintain the way only as necessary to access the solar site. On page 2 of the draft, the language related to a private driveway will be removed.

On page 3, paragraph 4: the applicant wanted this section removed completely. Ms. Buck disagreed and felt it should remain because it was just stating the status of public way, and because of the numerous issues the Town has had with private versus public ways, she felt the status of Boutillier Road needed to be clearly stated in the decision. The applicant's lawyer had a difference of opinion regarding the Permit Extension Act applying in this case and felt the subdivision was already rescinded. Ms. Buck disagreed with the lawyer's opinion, so the applicant suggested adding at the end of the paragraph: "the owner has agreed to surrender rights to the Boutillier Estates Subdivision Approval."

Paragraph 5 was completely rewritten proposing Boutillier Road only be used as access to the solar farm and a security gate be installed. Paragraph 6 reiterates the Board's findings for approval. In Paragraph 7 a sentence added noting the model home will be demolished as part of the project.

Page 5, paragraph 2: several items need to be done prior to commencement of work. Ms. Buck noted adding subparagraph (a) because she felt by the applicant only sending a letter stating they surrender rights to the subdivision, doesn't make a subdivision go away. It was her understanding for a subdivision to go away, it requires a formal rescission hearing with a vote. Subparagraph (a) states, if it was determined by Town Counsel that surrender of the permit requires a formal rescission hearing, the rescission process shall be completed prior to commencement of work.

Page 7, paragraph 20 was revised related to maintenance, and the operator of the solar farm will solely be responsible for all maintenance, including snowplowing the portion of Boutillier Road that provides access to the site.

Ms. Buck continued. One final issue came up regarding Condition #26 and the surety amount. Quinn Engineering referred comment to the Board on that. She reviewed surety amounts for the other solar projects in Town and previous correspondence from Quinn Engineering on this subject. When she took all of the previous amounts set for surety in Leicester, the average per kilowatt was close to \$78,000. When the low and the high were eliminated, the average came to just over \$52,000 per kilowatt, which was consistent with other communities. For this project, the surety amount would be close to \$208,000 instead of \$134,000, which is what she was recommending for this project.

Mr. Brendan Gove, ZPT Energy Solutions asked if the average amount figured was for Megawatt AC or DC. Ms. Buck didn't know.

Mr. Tom Bovenzi, Attorney representing the applicant, said although all proposed changes were acceptable to the applicant, he asked for clarification on the pre-construction requirements on the security gate and requested that the Board allow instead, installation of the security gate following construction of the project. He explained they would do the project first, there would be some access issues, and once the solar arrays are completed, the security gate would be installed. This was on page 5, under Pre-Construction #2, b). Ms. Buck agreed to reword paragraph b), but will add that a plan for the security gate will be submitted to the Planning Board following the construction of the solar array. This will also be noted under Project Specific Conditions #21.

Mr. Gove explained the discrepancy between solar capacities AC & DC power rating. A 1.0MW AC solar array equates to a 1.43 MW DC solar array. What is being looked at here was, at the rate of \$52,000 per MW AC and looking at Cherry Valley being 1.392MW DC, figures out to be \$37,000 per MW DC. If it's \$52,000 per MW AC and it went to \$37,000 per MW DC and they are proposing a rate of \$34,000 per MW DC. He realizes he was jumping back and forth between AC & DC, but he was trying doing some fast figuring on his feet.

Ms. Buck felt because Mr. Gove there's been a lot of back and forth with other applicants regarding surety, she wanted to defer the final decision on the bond amount, because this was being figured in a rush. She suggested, adding to Condition #26 that the amount of the surety shall be determined by the Planning Board at a regular meeting of the Board prior to construction.

Mr. Wright discussed with the applicant AC versus DC power ratings. Mr. Gove noted the figure they put forward of \$34,000 does not include any value for salvage and most of the decommissioning done on these projects is net zero. Ms. Buck said she would be more comfortable taking the time to review all the information and see the comparisons. Although the applicant got quotes, the Board looks at what it will cost the Town to do the work, to set surety. Mr. Bovenzi agreed deferring the final decision on the bond amount to a later date.

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

MOTION: Ms. Nist moved to approve the Site Plan Review, LaFlash Boutillier Solar Farm (ZPT Energy Solutions, LLC) as discussed and amended, adding, that the amount of surety shall be determined by the Planning Board at a regular meeting of Board prior to construction.

SECONDED: Mr. Wright – Discussion: None – VOTE: All in Favor

## **Public Hearing**

### Special Permit, Shaping Zone for Woman (Fran Nicolaou)

Mr. Grimshaw read the Notice into the record and then opened the hearing to discussion.

In Attendance, Frank Nicolaou, business owner. Ms. Nicolaou has owned a gym in Worcester for 13 years called Shaping Zone for Women. She is looking to rent a spot at 21-69 Main Street in Cherry Valley, which is the old mill building right on Main Street. There is a huge parking lot

located behind the building that can be accessed off McCarthy Ave. *Pictures were submitted showing the size of the parking lot in back.* She explained it was an all-women gym and the women usually stay roughly 30 to 45 minutes to workout. It is a gym designated to women of all ages.

Ms. AbuSalah asked about signage. Ms. Nicolaou said they will have signs, one in the back showing which entrance to use and one on the side of the building where all the business signs were located. There is also a handicapped accessible ramp located in the back.

Ms. Buck asked how many people were typically at the gym at one time. Ms. Nicolaou said the facility can hold up to 15 people and generally, they will get 5 to 6 members within a 30 minute time span. Their busiest times were between 10:00AM to 11:30AM.

Ms. Nist asked if lockers were provided. Ms. Nicolaou said no, what they have are racks and hangers for members to put their belongings. This is not like a Planet Fitness; it's just designated for females and not a co-ed gym.

Ms. AbuSalah asked how many staff members there were. Ms. Nicolaou said just herself and her partner and they alternate every day, so an owner is present at all times. Ms. AbuSalah asked why they chose this location from a Worcester location. Ms. Nicolaou said it's not far from their existing location, many of their members live in the Cherry Valley area, and they didn't want to lose the members they have already.

Ms. Buck felt there would be enough parking for this use and asked what the hours of operation were. She suggested 6am to 8pm – 7 days per week that way, it would give the owner the option of opening more often and staying open later. Ms. Nicolaou appreciated that option, but didn't feel she would be opened more than she is currently. After some discussion, the Board agreed to allow the business to be open 6AM – 8PM, seven days per week.

Ms. Buck said the Police Department's recommended that the applicant post signs to notify clients that parking on Route 9 was prohibited by State Law. She asked if the Board had any thought on where that sign should be placed.

Ms. AbuSalah felt this was a good location for this type of business and suggested a sign be placed telling people that parking was available in back. Ms. Nicolaou said they plan to have a sign on the side of the building where McCarthy Ave is for the business.

Mr. Wright suggested having the sign state parking available in the rear for Shaping Zone. Ms. Nicolaou agreed. The draft Decision was modified to require that signs for the proposed business indicate that parking is located in the rear of the building.

Ms. Buck asked what the plan was for signage. Ms. Nicolaou said one on the side and one on the front of the building. Ms. Buck asked if there were existing signs there now from the past business. Mr. Wright said there are currently signs existing there now on the McCarthy Ave side of the building. Ms. Nicolaou agreed. Ms. Buck asked if there were signs on the Route 9 side of the building. Mr. Wright said no, other than a Lincare sign at the other end of the building.

Mr. Grimshaw said if the sign Bylaw allows two signs, one on the side and one on the front, to note on the bottom of the signs that parking for Shaping Zone was located in the rear of the building. Ms. Nicolaou agreed and noted she spoke with the Building Inspector and was told she can put a sign on the front and on the side of the building because she was on a corner, because Lincare had it the same way.

Mr. Wright said a second wall sign would be allowed by special permit, as long as it doesn't exceed 10% of the wall area, Section 6.4.02. Ms. Buck advised she speak again with the Building Inspector to make sure the proposed signs conform to the Zoning Bylaw.

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

MOTION: Mr. Wright moved to approve the special permit for Shaping Zone for Women located at 21-69 Main Street, Cherry Valley with the discussed changes on working hours and signage requirements.

SECONDED: Ms. Nist – Discussion: None – VOTE: All in Favor

### **Application Discussion:**

#### **Decommissioning Bond, Cherry Valley Solar**

The Board originally approved surety amount of \$121,000, as proposed by the applicant and now the applicant is proposing a new amount of \$34,000. Ms. Buck explained wanting to wait and further review the surety on this project. She recommended making no changes and continuing discussion to the next Board Meeting on November 9, 2016.

MOTION: Ms. Nist moved to continue the Cherry Valley Solar Decommissioning Bond discussion to November 9<sup>th</sup>

SECONDED: Ms. AbuSalah – Discussion: None – VOTE: All in Favor

### **Approval of Minutes**

#### **8/23/2016**

MOTION: Ms. Nist to approve minutes of August 23<sup>rd</sup>, 2016

SECONDED: Mr. Grimshaw – Discussion: None – VOTE: 2-In Favor / 2-Abstained (Mr. Grimshaw & Ms. AbuSalah)

At this point, it was noted Mr. Grimshaw and Ms. AbuSalah were not present at the August 23<sup>rd</sup> meeting and cannot vote to approve.

MOTION: Mr. Wright moved to rescind the motion to approve the minutes of 8/23/2016

SECONDED: Ms. Nist – Discussion: None – VOTE: All in Favor

### **Town Planner Report**

#### **A. November 2016 Meeting Date(s)**

After some discussion, the Board decided to only schedule one meeting in November and set the November meeting for Tuesday, November 9, 2016. Ms. Buck noted that a new application received for Site Plan Review on Huntoon Highway will be scheduled for the December 6, 2016 meeting.

B. FY 2017 Goals

Ms. Buck gave a brief overview of items she's working on: Subdivision Regulations, Solar Bylaw modifications, E-Permitting, and prioritizing Zoning & General Bylaw Amendments.

C. Miscellaneous Project Updates

1. *Briarcliff Estates*

This is a senior project approved in 2003 located off Stafford Street. They have received multiple extensions, but haven't built any new units in 6 years. They are planning to construct two new units soon and will be needing another extension from the Board because their permit expires in January. Ms. Buck met with the applicant and visited the site. The applicant knows he needs to get a report to the Board by December 1<sup>st</sup> and have the amount of security re-evaluated.

2. *Oakridge Estates*

Ms. Buck did a site visit and found a lot of work had been completed at this site in the last year. The loop road is built all the way through and almost all the units are built. The project should be complete within 1 to 2 years.

3. *1603-1605 Main street*

This permit lapsed for failure to complete construction by October 2, 2016.

4. *McNeil Solar*

This permit expired for failure to commence construction by October 21, 2016.

5. *Pondview Estates*

No update available at this time. Ms. Buck will review the file and report back to the Board at the next meeting.

6. *Huntoon highway Verizon Cell Tower*

In still in court and both sides have asked for Summary of Judgement. An answer should be received by the end of November.

Hearing no further questions or comments, Mr. Grimshaw asked for a motion to adjourn.

MOTION: Ms. Nist moved to adjourn meeting

SECONDED: Ms. AbuSalah – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:25PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox

**Documents included in meeting packet:**

- Agenda
- Memo to the Planning Board from the Town Planner regarding the October 25, 2016 Planning Board Meeting
- Public Hearing Notice for Shaping Zone for Women, 21-69 Main Street, Cherry Valley
- Special Permit application for Shaping Zone for Women
- Site Plan showing location for Shaping Zone for Women
- Assessor's Map 23C showing location for Shaping Zone for Women
- Project description for Site Plan Review application for a commercial structure to be located on Huntoon Memorial Highway
- Comments received from Cherry Valley, Rochdale Water District, Cherry Valley Sewer District, Highway Department, Historical Commission, Board of Health, Police Department; Michelle Buck, Town Planner regarding Shaping Zone for Women
- Draft copy of Special Permit Decision Order of Conditions for Shaping Zone for Women
- Revised proposal for Decommissioning Plan regarding Cherry Valley Solar Project, 148 Henshaw Street
- Copy of Cherry Valley Solar approved estimate
  - Planning Board Minutes of August 23, 2016

**Documents submitted at meeting:**

- Ariel color photo of proposed site of Shaping Zone for Women
- General Description submitted by the applicant for Shaping Zone for Women
- Photos showing proposed parking area for Shaping Zone for Women
- Draft Site Plan Approval & Stormwater Permit Order of Conditions for LaFlash Boutilier Solar Project