

## **Town of Leicester Planning Board**

### **Meeting Minutes**

MEMBERS PRESENT: Jason Grimshaw, Chair; Sharon Nist, Alaa AbuSalah, Debra Friedman

ASSOCIATE MEMBER: Robyn Zwicker

MEMBERS ABSENT: Andrew Kularski

IN ATTENDANCE: Michelle Buck, Town Planner; Barbara Knox, Board Secretary; Harry Brooks, Board of Selectmen Liaison

MEETING DATE: **March 7, 2017**

MEETING TIME: 7:00PM

#### **AGENDA:**

- 7:00PM      Public Application  
                 Hammond Street Extension Subdivision: Request to Extend deadline to complete work (John Birtz)
- 7:15PM      Town Planner Report/General Discussion
- A.      Complete Streets
  - B.      Site Readiness Grant
  - C.      DLTA Grant
  - D.      Miscellaneous Project Updates
- 7:30PM      Public Application:  
                 Site Plan Review: Expansion of Leicester Public Library (Town of Leicester)
- 8:00PM      Discussion:  
                 Draft Zoning Amendments: Solar Facilities

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

#### **Public Application**

Hammond Street Extension Subdivision: Request to Extend deadline to complete work (John Birtz)

Ms. Buck gave a brief review. An extension request was received from John Birtz regarding the Hammond Street Extension Subdivision. The letter from the applicant included in meeting packet summarizes the work status. Ms. Buck was able to do a site inspection and found the base coat pavement and sidewalk were completed. Kevin Quinn was asked to review the site from an engineering perspective and to be included under conditions for approval. Mr. Quinn received the request late and was unable to do an inspection before tonight's meeting. Ms. Buck asked if the Board wanted to delay a formal vote until after the engineering review was received. Mr. Grimshaw suggested having the Board's vote be contingent upon Kevin Quinn's review. He asked for any further comments or discussion, hearing none, asked for a motion.

MOTION: Ms. Friedman moved to extend the deadline to complete construction to February 12, 2019 on the Hammond Street Extension Subdivision.

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

Any comments received from Kevin Quinn will be forwarded to the applicant to be addressed.

#### **Town Planner Report/General Discussion**

##### **A. Complete Streets**

There is a potential for the Town to receive funding for transportation projects. The first step in that process was to draft a complete streets policy. That policy was completed and adopted by

the Board of Selectmen on February 13<sup>th</sup>. Last week it was submitted to the State for approval. Once approval is received from the State, work will start with CMRPC to move forward with the next step in preparing a Complete Streets Prioritization Plan. Once that plan is completed, then the Town can then apply for the money.

**B. Site Readiness Grant**

This grant is offered through Mass Development to receive technical assistance funding. The grant would fund a marketing program so the Town could market the Segal property located on Route 56, which totals over 100-acres.

**C. DLTA Grant**

This stands for District Local Technical Assistance Grant and offered through CMRPC. There are two categories eligible for funding, one is housing and the second is economic development. The Town is applying for a housing market analysis to look at the competitive market in Leicester and the feasibility of implementing a new law related to Workforce Housing.

**D. Miscellaneous Projects**

- **Central Mass Crane**  
The Town Administrator received additional complaints from abutters to the south regarding the lighting. Ms. Buck contacted Quinn Engineering requesting he do another light study analysis at the southern boundary.
- **Parker Street**  
The current owners of the Parker Street lots are the Webster First Credit Union, who has hired a new attorney to oversee the project, Attorney Michael Meloche. Attorney Meloche has given up his private practice. Ms. Buck met with Mr. Meloche last week and was informed the bank was still proposing a gravel road and no stormwater control.
- **Building Height Amendment**  
The gentlemen scheduled at the last Planning Board agenda to discuss building height changes was still interested, but was waiting on an agreement from the land owner. Ms. Buck informed him that the Board might consider the changes, but would probably only consider a change for height along the Town's main roads and would not consider submitting an amendment before Fall Town Meeting.
- **Cell Tower**  
An inquiry was received for another potential cell tower. A couple of potential sites being considered were on Route 9 and another on Route 56. Ms. Buck noted the Town had not yet received a decision from the Court regarding the Huntoon Highway Verizon Cell Tower.
- **Drive-In Restaurant**  
The former drive-in restaurant building on Route 9 near the drive-in theater is in the process of being renovated and intends to open as a drive-in restaurant.

## **Discussion:**

### Draft Zoning Amendments: Solar Facilities

Ms. Buck gave an overview. She wasn't certain on where to draw the line between the different sizes of solar facilities. Currently Leicester has two categories, small and large. Small facilities are anything under 250-kilowatts, which is roughly 40,000 square feet and allowed by right, needing just a building permit to commence construction. Large facilities are allowed by site plan review in the larger zoning districts such as SA, not allowed in the smaller districts, such as CB and allowed by special permit in the other three districts. Most of the commercial solar farms are larger than an acre and right now, Leicester has not had issues with that. Other communities are starting to see more ground mounted residential solar and that is addressed in this draft.

Mr. Grimshaw asked if the idea was for someone who had enough land, to be able to put ground mounted solar. Ms. Buck explained even if it was just to serve someone's own residential use, if it went beyond a certain size, the Board may want to take a more careful review.

The State has two model bylaws, by-right and special permit versions. The model bylaw that requires special permit divides it into three sizes and regulates it differently. The small solar facilities are from 0 to 1,750 square feet. A number of communities have gone back to fix their solar bylaws and made the cut off for small facilities at 1,000 square feet. 1,000 - to 40,000 square feet medium, and everything over 40,000 was considered large. The draft creates an extra-large category at 240,000 square feet, which Leicester would consider major site plan review that would require a public hearing.

Language was added to address canopies over parking lots and new dimensional requirements specific to solar facilities height and setback screening and deforestation was still being worked on. On page 2 of the draft, Purpose was modified, so it's facilitating and appropriately regulating. The definitions were completely changed. The Town of Wilbraham had the best example. They had the definition of ground mounted solar energy system, roof mounted solar energy system and defining large-scale and small-scale systems. References to kilowatts were completely removed from the Bylaw because technology changes so frequently. It made more sense to have the bylaw speak more on land use impact, rather than how much electricity it produced.

Ms. Buck noted the only place in the Bylaw where it mentions anything on canopy installations above parking lots or driveway was in the Definitions for ground-mounted systems. The last phrase says "excluding roof, wall mounted or canopy installation above parking lots or driveways". She asked if the Board wants to consider regulating roof, wall or canopy installations. The way it's noted in the current draft, they would not be regulated. Mr. Grimshaw thought it would be good idea to regulate installations over parking lots because it would give abutters, as well as Town Departments, the opportunity to voice their opinion. All agreed.

Ms. Buck asked if the Board considered regulating wall mounted solar or prefer to treat them the same as roof mounted. All agreed treating them the same as roof mounted. Discussion tabled to open public application discussion.

## **Public Application**

### Site Plan Review Expansion of Leicester Public Library

Ms. Nist disclosed being on the Capital Improvement Committee for the Library and has filed a disclosure with the Town Clerk. In attendance: Kevin Mizikar, Town Administrator, Christopher Garcia and Charles VanVoorhis of Garcia, Galuska, Desousa Consulting Engineers.

Mr. Mizikar gave a brief overview. The Town is in the process of undertaking comprehensive renovations to the Town's public library. As with previous projects, the Town is committed to disclosing what to the people what is going on to allow feedback and input from abutters.

Mr. Charles VanVoorhis, Architect to the project, introduced Christopher Garcia, Site Engineer to review the site plan.

Mr. Garcia said the existing library building has an approximately 3,000 square foot footprint. The existing access road on the east side of the building leads to the rear parking lot that has 12 unstriped parking spaces. The bituminous lot on the west side has a wooden bridge ramp that connects to the rear parking lot, with a side entrance sidewalk going along a gravel driveway on the left hand side of the building. The wetlands are located in the rear, off site, and this project will encroach into the 100 foot buffer. They currently have an application before the Conservation Commission.

The building is hooked into Town water and sewer; there is currently no drainage on site and the site drainage flows from south to the north side. There are no catch basins in the parking lot and the drainage runs off to the back of the lot into the wetlands. There's an area of fill in back where the water sheds off the back of the parking lot and down the slope, where there is a 13 foot difference between the parking lot and property line.

The proposed addition off the back will be roughly a 3,000 square footprint that will double the footprint of the existing building. There are improvements proposed to the pedestrian access & handicapped access ways to the building and site.

The existing drive on the east side will be eliminated and a new two-way entrance/exit way, having a 24-foot width, will be constructed in its place. A new parking area will be created in the rear of the site to the north and accessible entranceways to the building from the west and north sides will be added. The site slopes back and in order to create this accessibility and minimize the pitch in the pavement there, they will need to fill the edge of the lot on the east and west sides. That will create a flat level surface in the rear for easier accessibility.

The new plans show 29 parking spots and because the Town's Bylaws didn't provide any direction towards parking for libraries, the Mass Library Board suggested having a spot for every 400 square feet.

In terms of impervious coverage, originally the existing building has over 30% covered, which is already nonconforming. They have increased the building by double, as well as the pavement, to 26,000 square feet or an increase to 75% coverage.

There will be a new fire service, new firewalls installed, new electrical service, new sewer service, new gas service, new drainage system, and new site lighting. The lighting will have LED lighting, limited to 15 foot poles. There will be no light spillage off site. All poles have cut-off fixtures that force the lighting down, keeping it from leaving the site.

To aid with keeping the parking lot level, there will be retaining walls built along the perimeter of the back property line. On the west side, the retaining wall will start at 2 feet high and goes to a maximum of 7 feet in the back corner. In the south direction on the east side, the wall transitions and meets the grade, but at the highest point, there will be a 6½-foot wall. The retaining wall will be a cast-concrete wall.

Mr. Garcia continued.

In terms of drainage, because of the increase in impervious coverage, they've added a series of deep sump catch basins, water quality structures, and a detention basin meeting the standards set by DEP. They've added a solid sub-surface retention pond that will store the water in a controlled structure and then slowly bleed the water out. There will not be an increase of runoff from the site because they were able to contain the water on site and mitigate the runoff rate.

The site is located within the watershed protection district, the soil has a type 2 soil that is not good for infiltration. Two test pits were dug in back. One showed a lot of fill in the back area and the second showed, going 40-inches down and looking at the modeling of the soil, the ground water was no more than 16 inches below grade, with a rough elevation of 915 and average elevation of the parking lot 922. Based on those elevations, they were not able to infiltrate into the ground. There is high ground water with minimal coverage existing, so they were not able to get the 2 foot separate needed to meet DEP standards for infiltration.

They did look in the front area where they were at the natural grade and the drainage could be infiltrated, but they could not meet DEP setback requirements. DEP requires a 10 foot separation from the property line and separation from site on grade. To try to put infiltration there, potentially would put it right next to the foundation. The dumpster will be located in the back, with an enclosure, so it's not visible from the street. There will be a concrete pad there for the air conditioning units and behind an enclosure.

Ms. Friedman asked how far away the dumpster was located from the abutting property. Mr. Garcia said the house didn't go as far back as the addition. The dumpster will be 6 to 7 feet down from the house and hidden by the concrete retaining wall.

Ms. Nist asked if there would be a stop sign at the end of the driveway. Mr. Garcia said yes. Ms. Buck noted the Police Chief submitted some comments regarding the stop sign. The Chief asked the sign be compliant with MUTCD requirements, (The Manual of Uniformed Traffic Control Devices). Mr. Garcia said he was not aware of that comment, but would make sure the sign meets State standards.

Ms. Friedman asked out of the 29 parking spaces proposed, how many were taken up by library staff. Ms. Suzanne Hall, Library Director said there are currently 4 staff people; they are down one from five. At any given time, 5 or 6 and they won't all be there at the same time. When

someone comes, someone leaves. Some of the staff people live close by and walk to work. They are also fortunate to have business owners as neighbors, who have offered their lot for parking in the evening after 4PM.

Ms. Ernestine Cherry explained meeting with the owners of Affordable Windows about the renovation process and the possibility there could be some encroachment onto their land. Affordable Windows didn't have a problem with that.

Ms. Buck asked if the Board wanted to review the Elevation Plans that show the architectural features of the building. All agreed.

Mr. Charles Van Voorhis explained they will be mimicking the shape and style of the existing building and constructing the addition in same style brick. The east side of the parking area is depressed, the dumpster will be below grade level and the abutter won't see anything. The plan was to plant Ivy on the inside and outside of the fence along the backside to provide more screening.

Ms. Friedman asked about having a security fence around the dumpster. Mr. Garcia said there will be a 4-foot security fence around the dumpster.

Ms. Buck noted the property owner next door also had a fence along the property line, 120feet back from the road. She explained Library representatives coming before the Board a couple of years ago regarding landscaping in the front. At that time, the Board was satisfied with the existing landscaping on the site and agreed to allow the use of the existing landscaping in lieu of requiring additional planting. She asked if their plan was to have grass along the abutter's side of the property line. Mr. Garcia said there was an emergency door half way down the east side to the parking lot, with a sidewalk.

Ms. Friedman asked if there was a plan showing where the light poles were proposed. Mr. Garcia submitted a utility plan for review. The poles will be 15 feet high and spaced 50 feet apart. There will be 3 placed on the west side of the parking lot, 2 on the east side and 2 low volume lights placed in the front. Ms. Friedman noted her concern was with the abutters to the east. Mr. Garcia explained the lighting can be dimmed, or shut off because they will be on a lighting control system. The lights can also be dimmed down 15 to 25% and felt it was something that could be worked out with the abutter if needed.

Ms. Friedman asked about accessibility for emergency vehicles. Mr. Garcia said they have met with the fire department and met their requirements for accessibility.

Ms. Buck noted the primary outstanding issue was Stormwater. Kevin Quinn from Quinn Engineering still had concerns and recommended not closing the hearing because of two remaining concerns. He noted that the applicant was asking to waive stormwater recharge and has proposed zero infiltration. The justifications were site soils being unfavorable and most of the parking area being located in HSGA soil. He felt this is inaccurate and that the soil type is exemplary for recharge. This issue was especially important because they had filed for a special permit to allow 75% lot coverage onsite and the bylaw limit was 30%. The whole reason for

limiting impervious area was to protect ground water supply. Failing to provide recharge exacerbates this limitation. Kevin Quinn also noted they had made significant changes to the drainage system, but hadn't submitted a revised hydrological analysis. Quinn Engineering was unable to comment on that part of it without more information.

Mr. Garcia said they did have the correct drainage analysis, but Mr. Quinn was given a set of documents that were an earlier version. They did update that version and Mr. Quinn now has the corrected version. Mr. Garcia agreed contacting Quinn Engineering and setting up a meeting to discuss the outstanding issues.

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

MOTION: Ms. Friedman moved to continue Site Plan Review discussion on the expansion of the Leicester Public Library to March 21, 2017 at 7:30PM

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

### **Discussion Cont:**

#### **Draft Zoning Amendments: Solar Facilities**

Ms. Buck reviewed the General requirements. This section will explain which solar farms will require site plan review, major site plan review or a special permit. She asked where the Board would like to draw the threshold on requiring major site plan review. All large solar projects in Leicester require site plan review, but it doesn't require abutter notification or an advertised public hearing. Major site plan review only applies to commercial structures greater than 30,000 square feet and the only business in Town that was over that threshold was Walmart. She felt it would be a good idea to require large solar farms, 240,000 or greater, to have major site plan review. Small and large solar farms would still follow the standard requirements of site plan review in commercial districts. In residential districts, solar projects would require special permit approval. All agreed.

She also said the Board may want to consider requiring major site plan review for projects that involve major site clearing (for example, projects that require 2 acres or more of tree-clearing). After some discussion, all agreed for further research on what other Towns were requiring.

The last page of the draft, not yet complete, refers to solar specific special permit criteria. The general special permit criteria would apply to every district and there are existing specific special permit criteria for BI-1, BIA and RIB. Ms. Buck said she needed more research done for solar specific special permit criteria related to forest clearing and erosion concerns.

A new section added, Section 5, would include Development Standards for small-scale ground mounted solar energy systems. There was an exemption in the State Zoning Act for solar, so Town need to be careful wording their bylaw, especially for smaller facilities that are just intended to provide power to a residential or commercial building. The current draft states, facilities can't exceed 12-feet in height above the finished grade and then it follows State recommendations to use the same setback used for accessory structures. Therefore, small-scale ground-mounted solar energy systems would be considered accessory structures and in Leicester, (10 foot setback).

Ms. Buck asked how the Board wanted to proceed. Mr. Grimshaw felt most people would not want a facility built close to their property line, because there will probably be trees along the boundaries that would render it less effective. He felt 10 feet wasn't a big deal because it's a setback already in place. Mr. Zwicker felt a small-scale facility of 5,000 square feet should not have an issue.

Ms. Buck continued.

Dimensional requirements for solar facilities currently follow whatever the existing zoning district allows. At some point, the Town's frontage requirements were reduced to allow large landowners that couldn't do anything else with the land to put a solar farm in back. The buffer setback requirements for solar, can't be more stringent than what the Town requires for other commercial uses. Leicester already requires in HB1 & HB2 that commercial uses be setback 100 feet from residential district boundaries and 50 feet from existing residential uses. She felt because of what was already required in commercial districts, the Town could require the same in all residential districts, such as Suburban-Agriculture.

She felt more research was needed regarding height requirements for solar panels. The current height restriction on structures was 35 feet and she felt the Town would not want to see solar panels go that high. The question raised was when solar companies put these in over parking lots as canopies, how high are the canopies.

Additional language has been added to the Bylaw regarding land clearing, habitat protection and screening requirements. The existing vegetation would be left in the setback, unless it was shading the solar panels. Adequate erosion control measures should be provided if additional land clearing was required. She noted that Towns have limited construction on environmentally sensitive land or prohibit it altogether on conservation and environmental land.

Additional research found Towns require screening and buffering medium and large scale facilities year round from all adjoining properties and residential uses in all zoning districts and from public ways and from private ways in residential districts. Screening would be provided in the required setback areas and could consist of dense vegetated screening, fencing or other methods that would adequately screen the facility. Ms. Buck asked whether to have more specific depth requirements or more detail on what a vegetated screening should consist of. Ms. Friedman suggested offering examples on the equivalent to what the Board was looking for.

Ms. Buck noted that EOEA no longer includes a recommendation for financial surety for solar farms in their model bylaw, because most commercial uses don't require financial sureties and communities already have the ability to place tax liens. Towns can require surety in circumstances where a valid planning purpose for doing so exists, but most Town Bylaws, to date, require financial sureties. Applicants have found it very difficult to get a form of surety that is good for 20 years. She asked if the Board would still want to require surety, and noted there is debate in the planning community on this subject.

Ms. Friedman felt with technology changing so fast, Towns could be looking at these facilities being obsolete in 5 years. She questioned what else the Town would have to fall back on if solar companies abandoned their site. All agreed keeping financial surety requirement in the Bylaw.



Ms. Buck questioned limiting solar facility use within the Watershed Overlay District and requiring it as a special permit use. Ms. Friedman said there wouldn't be an impact if there was no tree clearing, but if tree clearing was involved, there would be a huge impact. Mr. Grimshaw agreed a special permit should be required in the Watershed Overlay District.

Ms. Buck said roof mounted solar was currently exempt from the bylaw and from the height limitation. She asked if the Board agreed excluding roof mounted solar from the height limitation. All agreed.

Ms. Buck said the way the Bylaw was drafted, medium and large solar facilities, or anything over 1,000-square feet, would require site plan review. She asked if the Board wanted to allow something bigger than 1,000 without site plan review. The Bylaw currently states, a commercial structure that's not solar and over 3,000 square feet, triggers site plan review. All agreed 3000-square feet for solar facilities.

Hearing no further discussion or questions, 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 8:45PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox

**Documents included in mailing packet:**

- Agenda
- Memo to the Planning Board from Michelle Buck, Town Planner regarding March 7<sup>th</sup> meeting
- Letter from John Birtz regarding Notice of Permit Expiration and request for Status or Work update for Hammond Street Extension
- Draft copy of Certificate of Extension of Subdivision Approval for Hammond Street Extension
- Site Plan Review Application for Town of Leicester Public Library Renovation project
- Comments from Fire Department, Building Inspector, Highway Department, Quinn Engineering, Police Department, Sewer/Water Department
- Draft Site Plan Approval & Stormwater Permit Order of Conditions for Leicester Public Library Expansion

**Documents submitted at meeting:**

- None