

Town of Leicester Planning Board

Meeting Minutes

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

ASSOCIATE MEMBER: Robyn Zwicker

MEMBERS ABSENT:

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

MEETING DATE: **August 1, 2017**

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Public Hearing continued:
Special Permit for Wholesale/Warehouse Business, 143 Clark Street (Applicant: Andrew Graham)
- 7:30PM Public Hearing continued:
Special Permit for Large-Scale Ground-Mounted Solar Energy System, 408 Stafford Street (Applicant: Ameresco, Inc.)
- 7:45PM Public Hearing, continued:
Special Permit Application: Restaurant (Eastern Pearl) at 1060 Main Street (Applicant: Ren Gua Zhu)
- 8:00PM Approval of Minutes:
- 6/20/2017
 - 7/18/2017
- 8:15PM Town Planner Report/General Discussion:
- A. Registry Signature Form
 - B. Fall Town Meeting/Potential Zoning Bylaw Amendments
 - C. Green Communities
 - D. Miscellaneous Project Updates
 - E. Upcoming Meeting Dates

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

Public Hearing cont

Special permit for wholesale/warehouse business 143 Clark street (Applicant: Andrew Graham)

Attorney Gary Bracket; Andrew Graham, applicant; George Hinman, property owner in attendance.

Mr. Kularski recused himself from voting due to a conflict of interest.

Attorney Bracket made the presentation. This request was for the reuse of an existing structure for Mr. Graham's wholesale hardware distribution business. They felt the use would be in harmony with the zoning bylaw, the zoning district and the criteria for the granting of a special permit. The wholesale hardware distribution business would be mostly selling of door hardware, tools and related items to hardware stores and lumberyards.

Mr. Bracket reviewed the Statement of Compliance and Project Narrative in support of the special permit. The use will be self-contained. Their deliveries are during the week, the same goes with deliveries going out. There will be a number of employees on site, with some light

assembly on site. Most work will consist of filling orders received by clients, customers and stores they service.

Parking space size will be increased to 10 x 20 foot to accommodate regulations. The use of the property will not involve any additional lighting. The business is self-contained; there won't be any noise, noxious fumes or orders of any sort. The water and sewer districts both indicated services will be sufficient to accommodate the proposed use.

The comments from the Police Department recommended installation of a public safety repeater. Mr. Bracket said speaking with the Police Chief, he indicated it being just a recommendation, and that sometimes in metal buildings, there could be issues with radio transmittals to and from personnel. Mr. George Hinman confirmed the building had a history of being free from any public safety responses.

Mr. Bracket continued. One key lock box will be provided to satisfy emergency services. Pavement marking and signage will be provided. They are asking the Board not to impose the condition for a public safety repeater, as requested by the Police Dept. The applicant will work with the Police and Fire to address that concern.

They met the parking space requirement. There was plenty of space on the property to address parking for employees and customers. The company does conduct periodic training sessions, approximately 6 times a year for their employees that are held usually on Saturdays. These sessions would not be disruptive to the abutting neighborhood and would not cause any traffic concerns.

A condition from the Banner Tire Decision on this building, was incorporated into this decision and they felt the nature of Mr. Graham's business, as a wholesaler of hardware equipment, to be a little different than a tire business. The suggestion in the draft decision was to install a security gate with a chain lock across the entrance on Clark Street. Mr. Bracket asked for that access not be gated. A security gate had not been installed there at present time and was probably conditioned out of concern of theft and illegal activity on the site after hours. That will not be the case with this proposed hardware wholesale operation.

Hours of deliveries, outgoing and receiving, would be Monday through Friday, 7:30am to 5:30pm and Saturday, 7:30am to 12-noon. These outgoing and receiving deliveries will not cause an adverse impact to the neighbors or cause any traffic issues.

There's a proposed condition noted in the draft that trucks not remain running when parked during loading and unloading, and they agreed with that condition. They are not proposing any new lighting on site and all existing lighting will remain directed away from neighboring properties.

Mr. Andrew Graham explained his father started this business in 1979 and they currently rent space in Worcester. They've outgrown their space and need a bigger area. This building will give them the opportunity to grow the business. It's very similar to what Millbrook use to do, but on a much smaller basis.

Robert Wilson, Fire Chief said a lock box already existed on the building and there was a fire alarm system in place. If the Board does requires the chain link gate at the Clark Street access, an additional lock box would be required.

Mr. Hinman said regarding the lot lighting, there are two lights on the east side, which is Route 56 side. They are light sensitive and turn on & off automatically, based on light. There are two lights on the west side, which is the shipping dockside, and there are approximately six lights on the front of the building. They have never received a complaint regarding the lights.

He also spoke on the repeater issue and noted there was one incident when they had a response from the Fire & Police Departments in 2011. That was because 1,500 square feet came down because of the snow load. Other than that, about a week ago, their controller came in and put in the wrong entry code and the police showed up. Those were the only three incidents since they moved into that building back in 1992.

Ms. Friedman asked would there be sufficient lighting to have deliveries till 5:30pm when it starts turning dark starting at 4pm. Mr. Hinman felt there was sufficient lighting to support deliveries after dark. Mr. Graham said most trucks are in and out by 4:00pm, but just in case they requested to 5:30pm.

Ms. Friedman said having 22 employees, would extra parking be needed for venders, sales people or customers who may come in. Ms. Graham said some of the 22 employees are sales people who are not there every day. There are occasional venders or customers who come and go, but he felt they didn't need a lot of parking.

Ms. Friedman asked if 22 would cover employees, plus all venders and sales people. Mr. Graham said they would probably put in about 30, but didn't want to limit it. Ms. Buck suggested providing *at least* 25 spaces, because she didn't want them to commit to a number they can't provide. Mr. Graham agreed.

Ms. Friedman recalled the reason the gate was required for the Banner Tire Business, was because neighbors were concerned with teenage activities behind the building. Mr. Graham said he has stopped by and looked at the site and building often and found no signs of anyone doing anything there. He has not found there to be a lot of trash or tire marks on the property.

Mr. Hinman said when Banner Tire was going to come in; the discussion was about teenage activity. He has never found empty beer cans or trash on the property and cannot name one incident where the police department had to be called to the site because of teenage activity.

Ms. Nist asked if there was enough room on site for snow removal. Mr. Hinman said they have someone contracted to plow the site. The property is large enough to allow snow to be pushed off to the side and they have never had to remove the snow from site.

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

MOTION: Ms. Friedman moved to approve the Special Permit for R.A. Graham Co, 143 Clark Street, Rochdale, MA for Wholesale/Warehouse Business and accepting all the changes requested under the Project's Specific Conditions; Planning Board agreeing to the applicant's request for no public safety repeater; lock box already located on site; not requiring the gate at the Clark Street access; and accepting delivery days and times.

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

Public Hearing continued

Special permit for Large-Scale Ground Mounted Solar Energy System, 408 Stafford Street (Applicant: Ameresco, Inc.)

Mr. Peter Esselstyn of Ameresco, Inc., Rob Witowski, Environmental Engineer Consultant and John Kohl of National Grid in attendance.

Mr. Witowski gave the presentation. At the last meeting, the site plan with revised stormwater design and calculations submitted were reviewed by the Town Engineer, but they hadn't had the chance to fully review the comments received back from Quinn Engineering. Since that time, an updated letter was sent from Quinn Engineering that noted some outstanding issues and are now resolved.

First item, #3 regarding the use of the 18" Compost Sock, Quinn Engineering deferred to the Conservation Commission. Mr. Witowski explained the use of compost socks was used more often than silt fence and based on the slope and the length of the slope, they felt 18" compost sock would be more than adequate to keep any erosion out of the wetland.

Second item. #4c regarding clearing of trees and brush without improvements of the ground surface. Quinn Engineering recommended that plans define specific locations and/or conditions under which erosion control blankets are placed and then Mr. Quinn deferred to Conservation.

Mr. Witowski explained their proposal was to clear everything within the tree clearing shown on the plan, but the stumps will be left in place to aid in stabilizing the slope and the area will be reseeded. They felt it wasn't being left without improvement.

Last item was the Stormwater plan. He said they have two infiltration basins that will connect the topography so it directs the stormwater to those areas. He felt their plan shows they met all Stormwater standards.

He noted one other thing they were considering and working with National Grid on was a slight realignment of the access road. At the existing array and detention pond locations, the edge of the site drops off dramatically. In order to build the turnarounds for the fire department, a significant amount of regrading was needed and that pushes them into the buffer zone. Therefore, they are considering shifting the location over a little so it runs inside the fence adjacent to the existing array where the topography is flatter.

Discussion opened to public.

Ms. Nancy McCue, 402 Stafford Street said when she bought her property, it was zoned Suburban Agricultural and did not understand why something commercial can go there.

She asked if the zoned had changed. Ms. Buck said it is still Suburban Agricultural (SA). At the powerline easement, one side is zoned BI-A (Business-Industrial A) and the other side is SA.

Ms. McCue asked why a commercial business can be built there. Mr. Grimshaw explained solar facilities were allowed through the Special Permit process, which is an extra process the applicant was required to go through. Solar projects are pretty much allowed in every zone throughout the Town, with a couple of exceptions.

Mr. Witowski noted the Town's new Zoning Bylaw Amendment redefined the setbacks from residential property lines and they redesigned their plan in accordance to the amended Bylaw.

Ms. McCue asked if she would receive a tax credit for this. Mr. Grimshaw appreciated the question, but didn't know the answer and couldn't speak to that.

Mr. Kularski said he stopped by the site after the last meeting and viewed the distance from the residential property line. He felt there would be a decent buffer between properties.

Mr. Witowski said where the abutters are, in the back of the property line, was a wooded area and some wetlands that will add some additional buffer area. They will not be clearing right up to the property line.

Mr. Grimshaw asked if it was 150-feet from the back property line. Mr. Witowski said it was at least 200+ feet.

Ms. Buck said in terms of the Quinn Engineering comments related to erosion control, the comments will be forwarded to the Conservation Commission for review, to consider including conditions in their Order to address erosion control.

Ms. Nist asked if the applicant was considering shifting the road, will that be included in the Order of Conditions or will they need to come back before the Board for approval.

Ms. Buck felt it would depend on how much they planned to move the road and whether it would be considered a minor change by the Board and could be voted on at a regular meeting versus requiring a new public hearing.

Ms. Friedman suggested a condition be noted in the decision stating the plan be sent to Quinn Engineering for approval. If Quinn Engineering didn't have any concerns, then the Board is likely not to have any concerns. Mr. Witowski agreed.

Ms. Friedman said another condition would be any restrictions or conditions the Conservation Commission wanted to include.

Ms. Buck said previous solar farm applicants had to submit decommissioning bonds at the end of the process or prior to issuance of occupancy. The amended Bylaw requires decommissioning bonds prior to the commencement of work.

A memo received from Quinn Engineering addresses the decommissioning bond submitted by Ryan Hale of Ameresco. Mr. Quinn is recommending a surety of \$146,566.46. Mr. Witowski said National Grid's surety bonds start at \$100,000 and escalate 3% a year. The Board agreed to accept National Grid's surety estimate.

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

MOTION: Ms. Friedman moved to approve the Special Permit Application for Ameresco, Inc. for a Large-Scale Ground-Mounted Solar Energy System located at 408 Stafford Street, Cherry Valley, MA

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

Public Hearing cont

Special Permit, Restaurant (Eastern Pearl), 1060 Main Street (Applicant: Ren Gua Zhu)

Mr. Brian Hill of Land Planning and Mr. Ren Gua Zhu, Business Owner in attendance.

Mr. Hill gave the presentation. Mr. Zhu was looking to put in 41 parking spots. There was some comment at the last meeting about cars blocking the doors on the west side of the building and in front of the dumpster. The changes made have met everyone's concerns. There won't be parking in front of the dumpster, keeping it accessible and they were able to provide enough space for two dumpsters.

A parking waiver was requested, with a statement in support, explaining a percentage of customers would be walking from the college and nearby homes or apartments and would not need a car. Also, the Crossroads Marketplace does have in and out traffic, but no more than 5 cars are parked at one time and there are only two employees.

The neighbors granted the opportunity to use the passageway that's 16 ½ feet wide and is also subject to the right of passage that's 7 ½ feet wide to the locus property. There is a tank in the 7 ½ feet and they can't use it without moving that tank. Therefore, they are proposing a ½ foot curb on the lot line and another ½ foot of grading just at the lot line to accommodate the change in grade and smooth out that area.

The mound in the parking lot will be made flush to the rest of the parking lot, where it will slope back out to the road, at about 2%. Right now it's about 1 ½ feet and there is a grassy area at the neighbor's property, with a paved area that's part of the 7 ½-foot passageway. They won't use that passageway, but grade at the lot line, add a curb at about 6" tall and flow out 6" from there to blend in with the existing grade.

Ms. Buck noted the changes were in response to Quinn Engineering's comment about doing the grading. She spoke with Carl Hultgren from Quinn Engineering today and he agreed with the most recent proposal.

Mr. Hill discussed the parking spaces in back. He said they found a lot of dirt and leaves had covered the pavement and after removing the dirt and leaves, the pavement went back further and right up to the wall, so they were able to provide the 20 foot depth.

Landscaping was added along the existing curbing and additional curbing was added at the pavement where the mound will be made flush with the lot. Additional trees and bushes will be added at the lot line.

Originally, parking spaces were provided near the side doors, but the fire department said no to that, so they need to ask for 2 additional spaces be added to the waiver request.

Ms. Buck said after reviewing the revised plan, there will be 1 less space than agreed to at the last meeting. Another change was, the Board requested a one-way access in and a one-way access out, but they found it had to remain two-way access because their abutter uses the same access.

Mr. Kularski asked about signage. Mr. Hill said signage will be provided in the front and back that will be visible from both lots, stating, "parking for businesses only". There will be "no parking" signs placed along the lot lines and westerly lot line.

Ms. Friedman asked if the signs would be placed on polls that can be removed from the pavement when doing snow removal. She was concerned with the signs being destroyed if there happens to be a bad winter.

Ms. AbuSalah asked if they planned to update the signage for the business. Mr. Hill said they would use the current location for the new business sign.

Ms. Friedman asked if there would be any changes made to the sign, such as lighting of the sign, or a backlit sign. Mr. Hill said they were not proposing any changes and the sign will remain the same size.

Ms. AbuSalah felt with all the improvements being made to the site, the business sign (in particular the triangular sign) would throw off the look to the site and be unbalanced.

Mr. Hill said the sign will remain in the current location and was required to be approved by the Building Inspector.

Ms. Friedman asked if they had secured a snow removal contract. Mr. Hill said yes and received approval from the Water/Sewer Department.

Ms. Friedman asked to confirm deliveries made would go through Crossroads Market and whether Crossroads would be used as part of the restaurant.

Mr. Hill said they would be going through the Market for deliveries, but that would be before the Market opened for business and they won't be using Crossroads as part of the restaurant.

Mr. Grimshaw asked to confirm the decision written was for 60 seats, and 41 parking spaces with the waivers requested. Ms. Buck agreed.

There was discussion regarding the 60 seats, and the Board agreed to include in the decision that the number of seats could be increased in the future if the Zoning Bylaw was amended to allow off-site parking. The Board also added a condition requiring that the triangular sign be removed.

Mr. Grimshaw asked for any further comments or questions, hearing none, asked for a motion.

MOTION: Ms. Friedman moved to approve the special permit for Ren Gua Zhu of 22 Morgan Drive, North Grafton, MA for a Restaurant (Eastern Pearl) located at 1060 Main Street, Leicester, MA, and accepting all changes and waiver requests as discussed.

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

Approval of Minutes

6/20/2017

MOTION: Ms. Nist moved to approve the minutes of 6/20/2017

SECONDED: Mr. Kularski – Discussion: None – VOTE: 4 In Favor / 1 Abstained (Ms. Nist)

7/18/2017

MOTION: Ms. Nist moved to approve the minutes of 7/18/2017 with typo corrections as noted

SECONDED: Mr. Kularski – Discussion: None -VOTE: 4 In Favor/1 Abstained (Ms. AbuSalah)

Town Planner Report/General Discussion:

A. Registry Signature Form

The form was signed by members absent at the last meeting.

B. Fall Town Meeting/Potential Zoning Bylaw Amendments

- Recreational Marijuana Moratorium
- Parking Requirements
- Chickens (to allow by-right)

Zoning hearings to be scheduled for either the first or second September meeting.

C. Green Communities

Work continues on meeting the remaining criteria. CMRPC is working on the energy plan. Ms. Buck is working on documenting that Town's Zoning Laws allow at least one 250 Kw solar farm by-right, and that Leicester meets expedited permitting requirements for solar energy systems.

D. Miscellaneous Project Updates

Mr. Harry Brooks, Selectmen Liaison updated the Board regarding the new business opening located at 1764 Main Street (a medical marijuana facility). Town Officials have been invited for a tour of the facility.

He explained the school system having a student enrollment guideline and asked if there were any residential projects the schools should be aware on a possible increase in enrollment.

Ms. Buck informed the Board of a letter the Selectmen received from the Advisory Board requesting that the Selectmen look into modifying the Bylaws to make them more business friendly. At the Selectmen's meeting, the Advisory Board was advised that Zoning Bylaw amendment requests go through the Planning Board.

E. Upcoming Meeting Dates

No new applications received; the Board will cancel the August 15, 2017 Meeting if no ANRs are received.

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

MOTION: Ms. Friedman moved to adjourn meeting

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

Meeting adjourned at 8:40PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in mailing packet:

- Agenda
- Letter to the Planning Board from Michelle Buck regarding August 1, 2017 Planning Board meeting
- Special Permit application for R A Graham Co., Inc.
- Letter to Debra Davis, Town Clerk regarding R A Graham Co., Inc regarding application submittal for Special Permit
- Comments from Fire Department, Highway Department, Police Department, Cherry Valley & Rochdale Water District, Oxford/Rochdale Sewer District regarding R A Graham Co., Inc.
- Draft copy of Site Plan & Special Permit Decision for R A Graham Co., inc.
- Comment letter from Quinn Engineering to the Planning Board regarding Ameresco, Inc. Solar Energy System at 408 Stafford Street
- Response comment letter from Robert Bukowski & Andrew Vardakis, Engineers for Ameresco Inc., to the Planning Board regarding comments received from Quinn Engineering
- Draft copy of Special Permit, Site Plan Approval & Stormwater Permit for Ameresco, Inc
- Copy of letter sent to Michelle Buck from Norman Hill of Land Planning regarding 1060 Main Street, Eastern Pearl Restaurant.
- Email memo from Norman Hill of Land Planning to Michelle Buck regarding parking waiver for 1060 Main Street, Eastern Pearl Restaurant.
- Copy of Quitclaim Deed regarding 1060 Main Street, containing information to right of passage way being a strip of land 7-feet in width.
- Email memo from Norman Hill of Land Planning to Michelle Buck regarding revised plan for 1060 Main Street, Eastern Pearl Restaurant.
- Copy of plan of property located on Northerly side of 1060 Main Street
- Copy of Quitclaim Deed regarding 1060 Main Street, containing information to right of passage way being a strip of land 16.5-feet in width
- Copy of letter from Sunshine Landscaping Company to Eastern Pearl Restaurant regarding securing snow removal from parking lot at 1060 Main Street
- Email memo from Carl Hultgren, Quinn Engineering to Michelle Buck regarding 1060 Main Street
- Comment letter from Leicester Water District regarding 1060 Main Street
- Email memo from Michelle Buck to Norman Hill, Land Planning regarding 1060 Main Street & fire department plan markup
- Copy of revised parking plan for 1060 Main Street
- Copy of draft Special Permit Decision for 1060 Main Street, Eastern Pearl Restaurant
- Copy of Planning Board Minutes of June 10, 2017 and July 18, 2017

Documents submitted at meeting:

- Letter to Planning Board from Quinn Engineering regarding Ameresco Solar Project, 408 Stafford Street, Decommissioning Surety

Approved at the 9/5/2017 Planning Board Meeting