

Town of Leicester Planning Board

Meeting Minutes

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

ASSOCIATE MEMBER: Robyn Zwicker

MEMBERS ABSENT: Andrew Kularski

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

Brian Green, Selectmen Liaison

MEETING DATE: **September 19, 2017**

MEETING TIME: 7:00PM

AGENDA:

7:00PM Town Planner Report/General Discussion:

A. Fall Town Meeting Zoning Bylaw Amendments (public hearing 10/3/2017)

B. Finance Advisory Board request

C. Miscellaneous Project updates

D. Upcoming Meeting Dates

7:30PM Public Hearing:

Special Permit Application for Water Tower, LeHigh Road, (Applicant: Hillcrest Water District)

8:00PM Approval of Minutes:

- 9/5/2017

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

Town Planner Report/General Discussion

Finance Advisory Board request

Richard Antanavica & Dorothy Dudley, Advisory Board Members in attendance. Mr. Antanavica said the Advisory Board sent this request to the Selectmen to see if this was something they would sponsor and suggest to the Planning Board to review. He explained companies wanting to locate on Route 56 to manufacture and sell products, but the way the Bylaws were written, that would not be allowed. He asked if this was something the Board would consider revising. The Advisory Board's concern was the lack of revenue coming into Town.

Ms. Friedman noted her understanding business was unable to locate on Route 56 was having insufficient municipal utilities available along that road. Mr. Antanavica agreed that was one of the issues, but a business just left because it couldn't sell products and was told only have a warehouse was allowed. Ms. Buck and Ms. Friedman did not understand why they were told they could not sell, because there are businesses on that road that currently sell products, and the Zoning Bylaws allow retail.

Mr. Antanavica pointed out Section 3.2.03 #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." He said the way the Advisory Board read that section, manufacturing was not allowed in the same location as retail. Ms. Buck explained that was not the correct section of the Bylaw.

Manufacturing or industrial use is also allowed by right in that district and is listed under Section 3.2.04 #1.

Ms. Friedman understood the biggest issue in that district was lack of natural gas, because several companies looking at the old Millbrook building couldn't use it because natural gas was not available. She felt the Board could try to clarify it, to make it clearer if needed, but that didn't seem to be the issue.

Ms. Buck noted the Planning Office was never contacted regarding retail use in that District and felt that was the reason for the miscommunication. The memo sent to the Selectmen from Advisory and the Selectmen's memo to the Planning Board, did not indicate there was a specific zoning amendment request for the Fall Town Meeting. The memo asked for a general review of zoning to see what can be done to bring more business into Town.

Ms. Friedman asked if Advisory had some suggestions on what would encourage or allow more businesses that are not allowed now. Ms. Dudley said Advisory Board's understanding from the Town Administrator was, retail use not allowed there.

Ms. Buck said she did get calls regarding 82 Huntoon Highway and the company who wanted to move in needed Town sewer and that's not available in that location. Ms. Friedman explained most of the time the problem lies with the infrastructure and not the Zoning. She questioned for a way the Town could work together and get natural gas, water and sewer along Route 56 and Route 9 west.

Ms. Buck mentioned the Board considering a comprehensive review of the Use Table and making it more streamlined. Ms. Friedman added the Board was also considering putting together a group to look at the zoning, in a comprehensive view and come back with suggestions. She noted that property owners need to understand the zoning; understand what they are selling and what kind of businesses would fit.

Ms. Buck said that in addition, the Town does not provide, for the public or staff, a map that accurately shows where water and sewer are available. Mr. Gary Stein, Engineer and Mr. Joe Wood, Superintendent of the Leicester/Hillcrest Water District said they could supply the Planning Office with a map showing areas of water and sewer lines availability.

Fall Town Meeting Zoning Bylaw Amendments

1. Recreational Marijuana Moratorium

Town Counsel recommended the only changes made. The changes were to make sure the bylaw included the correct legal references to the most recent version of the State Law related to marijuana.

2. Chicken Bylaw

Ms. Buck received suggestions from Diana Provencher. She suggested changing the title from backyard chickens to backyard poultry, so people could also have chickens, ducks, and turkeys and the same rules would apply. Up to 6, allowed by right and more than 6 would require a Special Permit.

Ms. Parliment asked whether male turkeys were allowed. Under the current draft, yes. The Board tabled further discussion until after the Water Tower public hearing.

Public Hearing

Special Permit Application for Water Tower

Mr. Grimshaw read the notice into record and opened the hearing to discussion. Mr. Gary Stein, District Engineer and Mr. Joe Wood, Water Superintendent for Leicester/Hillcrest Water District; Mr. Kevin Reed and Mr. Jay Reidy, Hillcrest Water Commissioners in attendance.

Mr. Stein said they were looking to replace the Hillcrest water tank located at the end of Lehigh Road at Memorial School. The replacement tank will be similar to what is currently there. The new tank will be placed across the street from the old tank and the old tank will be removed once the water transfer is complete and sometime after school is out. A fence will be put around the tank and there will be some parking made available. The Highway Department requested a turnaround for trucks when they plow snow. The Police, Fire, and Oxford Sewer Departments have requested to place antennas on top of the tank. There will a small maintenance building similar to what already exists there now.

Ms. Nist asked if the tank would have a neutral color. Mr. Stein said the standard color for that type of tank is blue. It's a bolt together stainless steel tank with stainless steel bolts.

Ms. AbuSalah asked the demolition process. Mr. Stein said the tank is taken down like a tree. A company located in Worcester will be hired to remove the tank. The expected life span on the new tank is approximately 50-years.

Ms. Buck asked if the current turnaround was where the new tank is being proposed. Mr. Wood said currently the front-end loader comes in and turns around in front of the tank, then back out and do a 360 on a dead end road. The Highway Department wanted to make sure they would be able to turn around up there. Mr. Stein said where they are putting the parking spaces is where the trucks will turnaround.

Ms. Buck said under Project's Specific Conditions, a new condition will state, "the applicant shall provide space for public safety radio equipment on water tank and provide a paved turnaround for the Highway Department." All agreed.

Ms. Nist asked if the area around the old tank would be restored. Mr. Stein said the tank currently sits on a concrete pad, the pad will remain and they will do a clean up the area around the pad. There was brief discussion among Board members on this point, but it was agreed to leave the pad as described.

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

MOTION: Ms. Friedman moved to approve the Special Permit for Hillcrest Water District to replace existing water storage tank located at 14 Lehigh Road, Leicester, MA.

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

Fall Town Meeting Zoning Bylaw Amendments Discussion Continued:

Chicken Bylaw Continued

Ms. Friedman felt the issue wasn't whether it's turkeys or ducks, but that it be all female. There was discussion back and forth on this issue, and the Board ultimately agreed to exclude all male poultry from the definition of Backyard Poultry to make it consistent for chickens, ducks, and turkeys (rather than only restricting roosters).

Ms. Buck asked for the Board to consider reducing the minimum lot size required, from 20,000 to 10,000 square feet, for up to 6 chickens by right. Ms. Friedman felt 10,000 square feet was small. She asked who would deal with complaints if someone had an issue with neighbors chickens. Ms. Buck said wasn't sure, but thought it would be the Animal Control Officer. The minimum lot size will remain 20,000 square feet.

Ms. Buck asked the Board to consider minimum lot size for large livestock at 40,000 square feet and anything else, including poultry more than 6, 20,000 square feet. Ms. Buck explained that currently there isn't a minimum lot size, because everything goes to the ZBA. The reason for the minimum lot size for backyard poultry was that it would now be allowed by right. After some discussion, all agreed proposing 40,000 square feet for all livestock, including more than 6 poultry.

3. Parking Bylaw

Ms. Buck said the bylaw was written so that in several of the zoning districts, it allowed parking on the same lot or on a contiguous lot within the same zoning district. She questioned removing 9 x 18 parking requirements from the Bylaw so that it's only in Regulations, or taking it out of the Bylaw in the Central Business District, so it can be waived in the Regulations on a case-by-case review. Ms. Friedman agreed that removing the parking regulations out of the bylaw in the Central Business and Business Districts and putting it in Regulations gives the Board more leniency to waive. All Agreed.

Discussion on parking areas being required to have permeable asphalt on lots in the Highway Business and the Water Overlay Districts, as opposed to hard paved. All agreed to leave as is for now.

Miscellaneous project updates

408 Stafford Street (1st), Cherry Valley

There were two remaining items to be completed, 1) the concrete structures related to Stormwater that were supposed to have grates on top to keep debris out; 2) riprap was not installed in several locations where needed, for erosion control.

LaFlash Boutilier Solar, Boutilier Road

This project is near completion. They are currently working on site stabilization and installing the gate.

Cherry Valley Solar (148 Henshaw Street)

This project is nearly complete. There were a couple of minor issues found. The hydro-seed did not take because of the dry summer, and needs to be redone and the landscaping on abutting property was not done as shown on approved plans.

New Fire Station

A request asking for a change in the landscaping. Ms. Buck walked the site with the project representative. The trees, highlighted in yellow, shown on the plan along the west and north boundaries, will be the only trees removed and leave more existing vegetation.

Ms. Friedman had concern about the residents along the west boundary and whether or not there would be enough vegetation if those trees were removed. Ms. Buck wasn't as concerned because there will be a fence.

Ms. AbuSalah asked if the fence went around the entire site. Ms. Buck said on one side and along the back [north and west sides].

Ms. AbuSalah had concerns about the screening on the west and south sides of the property. After discussion, the Board decided to allow reduction in tree planting on the west side if trees were relocated to the south side of the property.

Abutting Town Notice

Received from the Town of Oxford regarding rezoning of land just south of the Leicester Town line, from residential to commercial. The hearing will be held on Monday, September 25, 2017 for anyone interested in attending.

Potential Development of Chapel Street/Street Grades

Ms. Buck noted hearing back from both the Highway and Fire Departments, who both disapproved of waiving the 10% grade limit.

Complaint-Central Mass Crane

Complaint received from the abutter to Central Mass Crane regarding site lighting and property damage due to vibration from the large cranes. The abutter an expert come to his property, who stated that the damage done to his foundation was from the vibration of the cranes, which were equivalent to a 6.9 earthquake. Ms. Buck advised the abutter that any foundation damage was a civil matter between him and the other property owner and did not involve the Town. The abutter indicated he was going to the State with the lighting concerns and was also preparing to submit a petition to the Board of Selectmen.

Mulberry Solar, Mulberry Street

Ms. Buck indicated at the last meeting that there was a new owner, and she'd reviewed existing requirements under the current permit with the new owner. The permit is due to lapse October 4, 2017 and the new owners agreed, at that time, to reapply under the new Bylaw. It turns out the new owners hadn't purchased the land, but were just thinking on purchasing the land and the sale fell through.

The current owners are now going back and forth on meeting the commencement requirement deadlines. Ms. Buck felt they will be unable to meeting that requirement because the timeframe was tight. They would need a building permit in hand and start work on site or get the Planning Board to grant an extension to start the work. Ms. Buck advised the current owner that the Planning Board would not likely grant an extension for a project where there's been no progress in two years and the zoning has changed.

McNeil Highway Solar

Ms. AbuSalah asked about the landscaping for that project. Ms. Buck said the landscaping should be installed within the next couple of weeks.

Upcoming meeting dates

October & November Planning Board meeting dates reviewed.

Discussion on whether 2nd October meeting being needed and 1st November meeting may need to be rescheduled due to Town Meeting.

All agreed to wait to the next meeting to see if any new applications were submitted.

Approval of Minutes

9/5/2017

Tabled

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 8:45PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in meeting packet:

- Agenda
- Memo to Planning Board from Michelle Buck regarding September 19, 2017 Planning Board meeting
- Copy of Draft Zoning Bylaw Amendment on Recreational Marijuana Temporary Moratorium dated 9/14/2017
- Copy of Draft Zoning Bylaw Amendment on Recreational Marijuana Temporary Moratorium dated 8/8/2017
- Copy of Draft Zoning Bylaw Amendment on Livestock & Backyard Poultry
- Copy of Draft Zoning Bylaw Amendment on Parking
- Copy of Special Permit Application for Hillcrest District Water Storage Tank
- Copy of letter to Michelle Buck from Herbert Steine, Hillcrest District Engineer regarding Special Permit Application for water storage tank
- Project narrative regarding Special Permit Application for Hillcrest District Water Storage Tank
- Copy of Existing Site plan for Hillcrest District Water Storage Tank
- Comments from Police Department and Highway Department regarding Hillcrest Water Storage Tank
- Draft copy of Special Permit Decision on Hillcrest Water Storage Tank
- Planning Board Minutes of September 5, 2017

Documents submitted at meeting:

- Picture of proposed water storage tank for the Hillcrest Water District