

Town of Leicester Planning Board
Meeting Minutes

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

ASSOCIATE MEMBER:

MEMBERS ABSENT: Robyn Zwicker, Jason Grimshaw

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

MEETING DATE: **February 6, 2018**

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Public Application:
 ANR Plan, 190 Main St, ChV (Applicant: Lynde Brook Plaza, LLC)
- 7:15PM Town Planner Report/General Discussion:
 A. Zoning Bylaw Amendment Update (public hearing 2/20/2018)
 B. Miscellaneous Project Updates
 C. Board Member Committee Updates

Ms. Friedman called the meeting to order at 7:00PM

Public Application:

ANR Plan, 190 Main Street, Cherry Valley (Applicant: Lynde Brook Plaza, LLC)

In attendance: Damien Berthiaume, Attorney for Lynd Brook Plaza, LLC; Wayne LeBlanc, Attorney for property buyer; Michael Novia, Double Play Sports; Jeff Ellers, Eller's Restaurant.

Ms. Buck reviewed. The lot currently has frontage on Main Street and Reservoir Street. The owner wants to divide the parcel so the rear parcel, labeled Lot 1, has legal frontage on Reservoir Street and the front parcel labeled Lot 2, will have legal frontage on Main Street. The ZBA approved variance from the Zoning Board allowing access from Main Street (rather than where the Lot 1 has legal frontage on Reservoir Street). The Zoning Bylaw requires access come from the lot's frontage.

There are multiple buildings on one lot and the owner wants to split the property in two, so there can be two separate lots with two different owners. The rear lot would still be allowed to use the current access from Main Street, with an easement agreement between owners for the back lot to pass over the front lot and an agreement the back lot allow the front lot additional parking.

Everything that currently exists on the lot was permitted prior to the adoption of parking regulations. The restaurant was allowed by-right therefore, parking was not specifically reviewed, but the other uses were reviewed for adequacy of parking. The ZBA had asked whether parking remained sufficient with this new arrangement.

Currently the site has 184 spaces total, 119 spaces will be for the use of the front parcel (53 spaces will exist on the front portion and 66 spaces will be to the rear with an easement). After reviewing the current parking regulations, the restaurant would require 82 and the remaining 37 would be for the batting cages, which seemed sufficient. The back parcel, to be used for storage, would require 17, but will have 65 spaces. A perspective buyer of the rear lot (Lot 1) stated they planned putting up a fence to restrict the flow of traffic to the back lot.

Ms. Friedman advised checking with the fire department before putting up a fence, because they normally require access around the entire lot. She asked if there would be a change to the lighting or the building's use in back

Mr. Berthiaume explained there would not be a change to the lot's lighting or the use. They are looking to legalize the situation that exists with this property, through the ANR process. They have the frontage and square footage for a legal lot and particularly, a variance from the ZBA that defines the definition to allow Main Street remain as access.

Ms. AbuSalah asked the hours of operation for the current businesses. Mr. Novia said the fitness center was 24 hours. The storage facility owner said 24 hours. Ms. AbuSalah concern was the use no longer being storage and becomes a more active site creating an increase with traffic. Mr. Berthiaume said a change in use from a storage facility to something listed within the Bylaw, would require applying for the appropriate permits and meeting parking requirements.

Attorney Wayne LeBlanc representing the two Condominium owners explained in 2008 the condominiums were created and the first unit sold was Eller's Restaurant. There were two other permits issued by the Planning Board in 2011 and 2012 to Michael Novia for the Batting Cages and Fitness Center. The parking used right now was the area being discussed. The striping was almost the same, with a few more spaces established by the surveyor. The fitness center has a second floor that Mr. Novia plans to complete and will be similar to the first floor, a portion the fitness center and a portion being administrative and storage.

Looking at the parking, he wanted the Board to understand Mr. Novia had always planned to complete the second floor and to address parking. Under the current regulations, as related to the restaurant, in 2011, it was the assumed the combined parking for Eller's and storage facility was 90 spaces. When Mr. Novia filed for the fitness center, the proposal showed a total of 55 spaces, exclusive of Eller's and the storage facility, which would total 145. It appeared, at that time, the Board accepted the 55 spaces because that's what was presented but it seems to be in excess of what is necessary for the fitness center and batting cages.

Hearing no further discussion, Ms. Friedman asked for a motion.

MOTION: Ms. Nist moved to approve the ANR for 190 Main Street, Cherry Valley, MA

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

Ms. Buck recommended a motion to approve the parking plan, because a parking review was specifically noted in the Zoning Board Decision.

MOTION: Ms. Nist moved to approve the parking plan presented for 190 Main Street, Cherry Valley, MA

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

Town Planner Report/General Discussion:

A. Zoning Bylaw Amendment Update (Public Hearing 2/20/2018)

The draft amendment was submitted to the Town Administrator on February 1. Ms. Buck gave an overview on a conference she attended on February 2 regarding recreational/medical marijuana.

The Cannabis Control Commission had an error in their draft regulations released December 21, 2017. They included phrasing from the medical marijuana law, which talked about childcare and the phrase "where children commonly congregate". That phrase was not found in the regulations

for recreational marijuana. The standard for recreational marijuana is 500 ft from K-12 schools only and you cannot have a buffer more than 500 ft. Technically, there can be a buffer greater than 500 ft for medical marijuana through December 31, 2018 and presumably then become the same buffer as adult use. There can be a buffer smaller, but not bigger.

Ms. Buck questioned whether there could be a buffer from the expanded list of uses, or anything other than K-12 schools, parks, churches, etc. Both speakers at the conference were lawyers, who said that was not clear and to get Town Counsel's opinion. A letter was sent to Town Counsel for clarification on that point.

At the last Board meeting, they discussed separating the categories into retail, nonretail and social consumption. Ultimately, the buffers for retail and nonretail will remain the same and allowed in the same districts, so she considered combining the categories under marijuana establishments. In the draft, the categories were left separated for discussion purposes.

Social Consumption Facilities are not allowed in any community unless there was a local ballot initiative to allow them. A ballot initiative can only happen at General Elections. Social Consumption Facility was left in the Bylaw in case a ballot initiative was proposed and passed, the Board could specify which district.

The Bylaw did not include a definition or regulation on Craft Marijuana Cultivated Cooperative. Researching the definition states, it is an ownership structure, not a different use. Ms. Buck felt it wouldn't be appropriate for the Planning Board to regulate an ownership structure in a Zoning Bylaw. All Agreed.

In terms of limiting the number of facilities, the Town can limit the number to 20% or more of the number of package store licenses. Leicester has 6 and can limit the number of facilities to 1.2. So the Town can limit to 1 or a higher number with only a Bylaw Amendment. If the Town wanted to limit to fewer than 20% that would require a ballot vote in a "Yes" Community [a majority of Leicester residents voted in favor of recreational marijuana in November 2016.]. A limit was not included with the amendment proposal and both attorneys at the conference advised that if a community wanted to limit to a certain number, it should be both a Zoning Bylaw Amendment and General Bylaw Amendment.

Ms. Friedman asked if it could be done just as a Zoning Amendment for now and then come back if a General Bylaw Amendment was required. Ms. Buck said yes. Ms. Friedman felt the Board should consider a limit on retail due to surrounding communities not allowing them or having moratoriums.

B. Miscellaneous Project Updates

- Town Wide Department Head Budget Meeting will be held Saturday, February 10th at 9AM at the Senior Center. RSVP to Select Board Office.
- The Board asked Ms. Buck to send copies of the public hearing notice & copies of the proposed Zoning Amendments to the Finance/Advisory Board, Select Board, Town Administrator, Economic Development Committee and Zoning Board of Appeals.
- A new Site Plan Review application received for another solar farm to be located on land owned by the Cooper's.

- LaFlash Boutilier Solar submitted revised bond to cover the hydro-seeding and a decommissioning bond late today. In November, the developer requested an amendment to the decision to remove the requirement for a gate and the Board delayed action on that request for 90 days. Ms. Friedman suggested delaying action to the next Board meeting February 20.

MOTION: Ms. Nist moved to delay action on LaFlash Boutilier Solar amendment request to the next Board meeting on February 20, 2018.

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

- Discussion on future Zoning amendments and Master Plan Implementation. The Board asked Ms. Buck to provide an updated list of potential Zoning Bylaw amendments.
- Inland Divers/AAA Transportation : Question regarding whether there were landscaping requirements with site plan approval.
- Eastern Pearl: Submitted for a building permit
- 1603-1605 Main Street (across from Wal-Mart): No new applications have been submitted for that property

C. Board Member Committee Updates

Ms. Nist gave update on the Capital Improvement Committee. The next Capital Improvement Meeting February 20th @ 5:30PM

Ms. AbuSalah gave update on the Economic Development Committee. They will be meeting with Leicester Business Association on March 15th and Select Board on February 26th. Two vacancies on the committee need to be filled. The Committee has been considering joining the Chamber of Commerce. Leicester was the only municipality in Central Mass that was not a member.

MOTION: Ms. Nist moved to adjourn meeting

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

Meeting adjourned at 8:30PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in meeting packet:

- Agenda
- Memo from Michelle Buck to the Planning Board regarding February 6, 2018 Planning Board Meeting
- ANR plan, 190 Main Street, Cherry Valley
- ZBA Variance Decision

Documents submitted at meeting:

- None