

Town of Leicester Planning Board

Meeting Minutes

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

ASSOCIATE MEMBER: Robyn Zwicker

MEMBERS ABSENT: Alaa AbuSalah

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

MEETING DATE: **April 3, 2018**

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM General Discussion
 Backyard Poultry Committee, Applicant Interviews:
- Michael Cole
 - Joseph Richardson
 - Eric Ryan
 - Suzanne Sears
- 7:45PM Public Hearing, Major Site Plan Review:
 515 Henshaw Street Solar Farm/SPR2018-01 (Applicant: Borrego Solar)
- 7:45PM** Public Hearing, Zoning Bylaw Amendments (continued):
 Marijuana Establishments
- 8:30PM Approval of Minutes:
- March 6, 2018
- 8:45PM Town Planner Report/General Discussion:
- A. Miscellaneous Project Updates
 - B. Potential Future Zoning Bylaw Amendments
 - C. May meeting dates
 - D. Board Member Committee Updates

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

General Discussion

Backyard Poultry Committee, Applicant Interviews:

Mr. Grimshaw thanked all applicants for their interest and noted Ms. Buck would be in touch after tonight's meeting on the Board's recommendations. He explained interview procedures. Each applicant will be individually interviewed at approximately 10 minutes, being asked 6 questions each.

Michael Cole

Retired Marine Corp Master Sargent; Twenty years as Operation Manager at Clark University in Worcester, at which time, he bought his home in Leicester and his children attended Leicester schools. He plans to retire again in a couple of years and wants to get more involved with the Town.

- Involved with any poultry groups or clubs?
He is not involved in any poultry related groups, such as NOFA or PVBCA or any poultry related clubs. He started raising poultry back in the 80s in North Carolina, when he was still

in the Marine Corp. He worked on a chicken farm and has a lot of experience raising different kinds of poultry.

- Three Main Points to include in Bylaw?
Poultry should be treated like an animal, such as a dog or cat, although he pointed out, his neighbor's dog makes more noise than chickens. He believed in home farming and raising your own food. Leicester has several different zones with different regulations and one regulation won't cover every zone. Although male birds tend to be noisier, they are needed, therefore, the bylaw should show some leniency for male birds and not an automatic not allowed.
- Which of the three main points could be compromised on?
He felt there was always room for compromise with everything.
- Which communities, if any, have good poultry zoning bylaws that could be used for this committee?
Oxford did not have a good set of bylaws and were over restrictive. He felt the less restrictive would be better for everyone. Oxford requires a permit, notification to abutters and their application process creates a huge hassle for people.
- What consideration should be given to residents who don't own or want chickens?
More discussion was needed, but it also depended upon which district the property was located and how much land was involved. With smaller lots, there could be a lot of problems, but with larger lots, 1 acre plus, he didn't feel neighbors should have much to say about how someone else uses their land.
- What are the greatest strengths he could bring to this committee?
He is a bulldog when joining something and won't walk away. He is well organized and had the time and effort to put in the Committee.

Ms. Friedman asked how big his property was. Mr. Cole said he owns 1 ½ acres in Leicester and 6 acres in Spencer.

Joseph Richardson

Lived in Leicester since 2011 and raised poultry for 4 years. He's raised Pheasants for the State at the Country Sportsman's Club and currently works full time for the Town of Ashland.

- Involved with any poultry groups or clubs?
He is a member of NOFA and an online Mass Homesteaders Group. He purchased his birds from the National Poultry & Food project and they are certified.
- Three Main Points to include in Bylaw?
It was important to look at the use, in terms of, what the person was using the poultry for, such as pets, or for food production. The use or purpose needs to be identified to raise poultry.

It's important to look at proximity to neighbors and surroundings. The zones overlap and lot sizes differ by zone the way Leicester is setup. For examples, in the SA zone, there are small lots and large lots that exist, therefore, they need to look at both issues and come up with a solution that works for the people who live within that zone.

There should be a mechanism with animal control and Health Department involvement, as far as best practices with poultry. An inspection requirement to keep track of how many poultry a person has, what are the living conditions and removal of compost. That way people who didn't know the proper care or wasn't caring properly, it can be identified before it becomes a larger issue for the neighbors or Town. It can become an unhealthy situation if someone doesn't know what they are doing and didn't know where to turn for resources.

- Which of the three main points could be compromised on?
He works with people every day and while he has an opinion, he was not so steadfast on everything that he won't listen to someone else's opinion.
- Which communities, if any, have good poultry zoning bylaws that could be used for this committee?
There are communities that have some good points, but Leicester should not try to mirror another community. Some communities go through the health department and other communities go through the zoning department. What works best for other communities isn't necessarily what would work best for Leicester. Leicester has a strong history with agriculture and people are getting back to their own resource of food, which has become a priority. He suggested a possible survey done on other communities could help see what works for them. There are communities who have homestead bylaws that are separate from their poultry bylaw. Something like that might be beneficial in Leicester.
- What consideration should be given to residents who don't own or want chickens?
The residents who don't want chickens should be a part of the process. He believed in being a good neighbor. He felt it a value to have someone on the committee who has concerns with raising poultry. It was better for everyone involved, because he didn't want to develop something just for the ones who are for it. Everyone's voice needs to be heard to make this a bylaw that works for Leicester.
- What are the greatest strengths he could bring to this committee?
His ability to work with people and to compromise and listen, as well as bringing the knowledge he's learned over the years.

Mr. Kularski asked how big his property was. Mr. Richardson said just over 1.1 acres. He abuts 12 acres of woods in back, and didn't have neighbors that were close to his property line.

In closing, he thanked the Board for taking this step and listening to the people. He considered this a positive move for the Town and a good move engaging people who are involved.

Eric Ryan

He's been a resident of Leicester since the age of 3 and attended Leicester Schools. He's always had an interest caring for farm animals and has been raising chickens for the past 8 years.

- Involved in any poultry groups or clubs?
He is not a member of any group or club; he was self-taught.
- Three main points to include in Bylaw?
The need to educate people on potential impact chickens could have with neighbors. Providing information on care and planning for the birds from beginning to end. That there is a basic understanding on daily care and not something someone could just walk away from.
- Which of the three points could be compromised on?
He was open to compromise on anything. The biggest concern would be neighbors concerns with noise and smell and providing basic knowledge people need to know on care and sanitation.

Ms. Friedman asked if he had roosters. Mr. Ryan had them in the past; none were mean and did not bother neighbors.

- What comminutes, if any, have developed good poultry bylaws?
He was not familiar with other community's bylaws, but understood the confusion with the naming of zones and felt it would be difficult to compare one Town to another.
- What consideration should be given to residents who do not own or want chickens?
He didn't know enough about zoning, but felt size of the property should be taken into account. Buffers from neighboring properties should be looked at, as well as the neighborhood characteristics that exist. For example, with a 2 acre plus parcel, setting guidelines for screening chickens from neighbors should be considered, because larger property owners would have the option placing them further back on lot. Parcels with less than an acre would not have that option to screen the chicken, although they may have the land to sustain them.
- What are the greatest strength to bring to this committee?
He's opened-minded, does not have strong opinions and will listen to abutters' concerns.

Suzanne Sears

She and Joe Richardson share the same home together. She works from home and the one who spends the most time with the animals.

- Involved in any poultry groups or clubs?
Her and Joe are both members of NOFA, several backyard poultry groups online, homesteading webpage related to their online business, Massachusetts Homesteaders online group, Leicester Agricultural Committee.

Ms. Friedman asked to elaborate on the homesteader groups. Ms. Sears explained Massachusetts Homesteading and Self-sufficiency group covers the northeast. It's people who are into being self-sufficient, solar energy, seeding, organic growing, etc.

- Three main points to include in bylaw?
The bylaw should be done by lot size and not by zone. No one should be excluded because of the zone they live in. For example, have a limit on the number of birds allowed, by lot size. People with small lots, allowed fewer birds, people with larger lots, allowed a higher amount. Leicester should not copy what other Towns have, but to be a leader for other communities. All breeds of poultry should be allowed. There needs to be a broader definition on poultry in the bylaw that clearly states what's allowed and not allowed.
- Which of the three points could be compromised on?
Willing to work with the group on defining poultry.
- Which communities, if any, have developed good poultry bylaws?
Holden and Shrewsbury have a good set of bylaws and are available on their Towns' websites.
- What consideration should be given to residents who do not own or want chickens?
The people who do not want chickens should be part of the process with the Committee.
- What is the greatest strength to bring to this Committee?
Her strength was knowledge on caring, feeding, upkeep, and basic setup for the birds.

Public Hearing, Major Site Plan Review

515 Henshaw Street Solar Farm/SPR2018-01 (Applicant: Borrego Solar)

Mr. Grimshaw read the public notice into the record and then opened discussion to the applicant to present their application. Mr. Dean Smith, Civil Engineer., Mr. Brian Maylee, Project Developer of Borrego Solar Systems, Inc. and Jim Cooper, property owner in attendance.

Mr. Smith made the presentation. The project is located at 515 Henshaw Street, Rochdale, parcel A8, map 45 on the Assessor's Maps. The proposed entrance is off Stafford Street and the Coopers own the adjacent lots on both sides. Their entrance drive is on the adjacent parcel where there is an existing cut along the road and they will have an easement off the corner of that parcel.

The system proposed is 1.3 megawatt that's on 4.83 acres within a fenced area, with a total clearing involving 5.21 acres. The system will be ground screw mounted grass system. There are 3,348 modules in the entire system. The ground screw system provides very little earth disturbance and won't require a lot of grading to accommodate the system.

They are proposing to use an incentive under the new agricultural incentive program. In the State of Massachusetts, it's an agricultural canopy incentive and in order to meet those requirements, the lower edge of the module has to be 6ft off the ground to be assessable for livestock. Revisions maybe required to the plan in order to qualify for that incentive.

Where the system will be located, they are waiting for the preliminary screening to come back from the utilities. The project was part of a group study as part of the interconnection and the distribution system itself. So, there are still outstanding questions involved.

The distances are marked on the plan from the residential uses. The site itself where the system will be located is all wooded. There are pastures to the left and additional residents located along Henshaw Street.

The dimensions shown in white are the dimensions from the modules themselves to the adjacent residents. The dimensions in red are to the equipment area that will have the transformer and electrical equipment. Distance from the equipment area was approximately 150 to 175ft and won't create an impact with noise in that area.

They are proposing a lighting fixture at the equipment pad for safety and for any maintenance required after dark. The system itself will not be in operation after daylight hours therefore, there would be few occasions they would need to come in after dark. It will be a motion activated LED fixture, about 9ft off the ground, shielded and directed downward, so the light will be contained to the equipment area itself.

The system will be surrounded by a 6ft chain-link fence with 1ft of barbwire and gate locked at all times. At the gate, a Knox-Box will be provided for emergency service access. They are proposing a 16ft wide driveway that needs further review by the Fire Department and Emergency Services. Once the system goes into operation, it will be an unmanned facility. Property maintenance is done 3 to 4 times a year for mowing and other maintenance activity. There is very little activity at the site once in operation. Because there is electrical equipment, if there were ever a fire generally the fire department would let it burn itself out.

The heavy red line on the plan is the fence line around the system and showing the entrance off Stafford Street. Ms. Friedman asked if the entrance location was on the Cooper's property and if a house on that property. Mr. Smith said the entrance is on the parcel Cooper's own. Mr. Jim Cooper said the house was on a separate parcel. Ms. Friedman asked whether this would affect the sale of a house in the future. Mr. Cooper said no. Mr. Smith said it only involves a small triangular piece of that property because they stayed within the existing road cut for the driveway. There will be new power poles installed for the interconnection to the distribution system there.

At the boundary line is where the tree-clearing limit would be, showing the limit of the easement through that area. They are proposing clearing within the 100ft buffer from the adjacent wetland areas and proposing a minimum of 25ft No Disturb.

The plans submitted to the Town were based on GIS radar surface and not an on-ground survey. Since that time, they now have on-the-ground topographical information and will need to incorporate some revisions. They will also have to address comments from the Town Planner and Town Engineer.

Ms. Friedman asked if they had a contour topography map. Mr. Smith said they have one based on the GIS radar. Ms. Friedman asked to described the general topography there. Mr. Smith explained that a ridge ran through the center of the property and split the site. One wetland flows to the north and one sits in the low area on the site. They did some minor stormwater calculations to get an idea what they needed in this case. Those calculations will be tighten with the results from the on-the-ground topography map.

He said they obviously need to make revisions to address all the comments. He asked for additional input or concerns from the Board. Some issues still need to be addressed, such as their proposal to clear up to the property line. The comments he received from Ms. Buck stated they need to provide half of the setback as a natural buffer. That will be addressed in the revision. They are also proposing evergreen landscaping along the roadway. The parcel also is divided by two zones, BR-1 to the east and SA to the west and they did provide the minimum offset from the zoning lines.

Ms. Friedman asked if the parcel to the west was used for anything. Mr. Smith said that was the pasture, the residence, and an outbuilding. In order to qualify for the agricultural canopy incentive, the land had to stay as an agricultural use. The Cooper's graze cattle in that area and requirements are to allow the cows to freely roam through the area to graze.

Ms. Friedman asked what number Henshaw Street this would be. Mr. Smith said the parcel itself is 515, but will contact the Assessor's Office for an assigned number.

Ms. Friedman asked if they had filed with the Conservation Commission. Mr. Smith said not yet, they were waiting for the on-ground topography to be completed and there were some delays in getting that. Once they make those revisions, he will contact the Planning Office and then file the NOI with the Conservation Commission. They understood Leicester Conservation wants a 25ft area preserved around the wetland area, which is why they proposed the project in that fashion.

Ms. Buck recommended additional screening around the driveway entrance from the residential homes across the street. Mr. Smith agreed and will call the office once they have their final layout. They also need to keep an open area for placement of the utility poles.

Ms. Buck asked their timing on a revised submittal. Mr. Smith considered 2 months would be plenty of time for them to make their revisions.

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

MOTION: Ms. Friedman moved to continue the public hearing for 515 Henshaw Street Solar Farm to June 5, 2018 at 7:30

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

Public hearing Zoning Bylaw Amendments

Marijuana Establishments

The revised draft dated 4/3/2018 distributed showing the few changes made. Yellow highlights show the changes made from the 3/15/2018 draft and in red are the new changes made since the meeting packet was mailed, based on Town Counsel's review.

Page 1, the two definitions, Marijuana Establishment & Marijuana Establishment, Non-retail; all terms capitalized to make it consistent to State Regulations. In addition, add phrase "except a Medical Marijuana Treatment Center" to the end of Marijuana Establishment, to make it consistent to the State Definition.

Changes from the 3/15/2018 draft, separate the medical definitions and a couple other definitions that closely match current State Regulations.

Page 2 shows changes made since 3/15/2018 draft.

Page 3 and only remaining issue was limitations on the number of marijuana retailers.

After further discussion with Town Counsel, was in the opinion if the Town was limited to 20% or more, a ballot vote was not needed and could just have the Bylaw. The question remains, what that limit will be?

There was discussion by limiting to 2, might make it easier to get through Town Meeting, but the Town Administrator asked for the Board to make the limit to 1 facility. Ms. Friedman asked why the Town Administrator asked for 1. Ms. Buck said it was ultimately a policy decision, but the Town Administrator's felt that it's important to get this Bylaw through Town Meeting and limiting to one, would make it an easier process. Ms. Friedman agreed with that, but wanted it noted for the record, that it was the Town Administrator's suggestion having the limit to 1, because she didn't want to hear the Planning Board being viewed as anti-business.

Although she agreed having the limit to 1 was the way to go into this, it was a compromise for people who are not strongly supporting this. The Town can always consider increasing the limit in the future if needed. All agreed whatever would make it easier to get it through Town Meeting and allow the Town to have a Marijuana Zoning Bylaw. However, the Planning Board would be willing to look at increasing that number in the future, in order to bring in more business, if needed.

Ms. Sandy Wilson agreed limiting to 1 facility would not make a big wave at Town Meeting and limiting to 2 might defeat the entire Bylaw.

Ms. Buck reviewed the Current Draft Limitations and Alternative Language Limitations. Town Counsel reviewed the limit as two and the Town's package store number is 6 and 20% of that equals 1.2. The State has not provided any guidance whether they were rounding up or down and the Town Administrator's preference was to phrase it as written under the handout: "Marijuana Retailers, Consumer Sales Only shall be limited to twenty percent (20%) of the number of liquor licenses issued pursuant to G.L. C138§15 (commonly known as "package stores") in the Town of Leicester".

Upon further discussion, the following motion was made:

MOTION: Ms. Friedman moved to recommend approval, accepting the changes as highlight in the draft Zoning Bylaw Amendments, Marijuana Establishments, dated 3/15/2018 and to keep the wording of the original draft on the limitations, to one (1) establishment

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

MOTION: Ms. Friedman moved to close the public hearing on the Zoning Bylaw Amendments

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

Approval of Minutes

March 6, 2018

MOTION: Ms. Nist moved to approve the minutes of March 6, 2018

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

Town Planner Report

Miscellaneous Project updates

Received an Open Space Residential Development (OSRD) special permit for a subdivision extension of Mayflower Circle/Holcomb Street. The Board also received notice from DEP about new rules for putting docks and piers in any Great Pond.

May meeting dates

Planning Board May meeting date will be May 15th 2018. The first May meeting will be cancelled because Town Meeting is May 1st.

Potential future Zoning Bylaw Amendments

To be discussed at the April 17th meeting

Board Member Committee Updates

None

Verizon Cell Tower Update

Depositions held at Town Hall all day on March 27th. Appeal Trial continued in Federal Court to May 2nd.

Discussion, Backyard Poultry Committee Applicants:

Structure of the Committee, 2 Planning Board; 1 Agriculture Committee; 1 Board of Health, Animal Control Office; 2 At-large. Upon further review, the following motion was made:

MOTION: Mr. Kularski moved to appoint Joseph Richardson and Eric Ryan for the Backyard Poultry Committee.

SECONDED: Ms. Nist – Discussion: Ms. Nist recommended, if someone should resign, to appoint Michael Cole.

Ms. Friedman suggested extending an invitation to those who have not been asked to sit on the Committee, to attend meetings as a member of the community, if they had an interest.

VOTE: All in Favor

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

MOTION: Ms. Nist moved to adjourn meeting

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

Meeting adjourned at 8:50PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in meeting packet:

- Agenda
- Memo to the Planning Board from Michelle Buck regarding April 3, 2018 Planning Board Meeting
- Backyard Poultry Sub-Committee Applications from Michael Cole, Joseph Richardson, Eric Ryan and Suzanne Sears
- Public Hearing Notice for 515 Henshaw Street Solar Farm
- Site Plan Review Application for 515 Henshaw Street Solar Project
- Project Narrative for 515 Henshaw Street Solar Project
- Copies of Site plan map for 515 Henshaw Street Solar Project proposal
- Solar Decommissioning proposal for 515 Henshaw Street solar Project
- Comments received from Quinn Engineering 2/26/2018, Quinn Engineering 2/27/2018, Town Planner Michelle Buck, Police Department, Cherry Valley Rochdale Water District, Building Inspector, Fire Department, Highway Department, Board of Health
- Copy of Draft Zoning Bylaw Amendments Marijuana Establishments 3/29/2018
- Planning Board Minutes of March 3, 2018

Documents submitted at meeting:

- Draft Zoning Bylaw Amendment, Marijuana Establishments 4/3/2018
- Zoning Bylaw Amendments: Marijuana Alternate Language for Limitations Section-4/3/2018