

**Town of Leicester Planning Board
Meeting Minutes
August 7, 2018**

MEMBERS PRESENT: Jason Grimshaw, Chair; Debra Friedman, Vice-Chair; Sharon Nist, Andrew Kularski, Alaa Abusalah

ASSOCIATE MEMBER: Robyn Zwicker

MEMBERS ABSENT:

IN ATTENDANCE: Michelle Buck, Town Planner

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM **Public Hearing, Major Site Plan Review (continued)**
515 Henshaw Street Solar Farm/SPR2018-01 (Applicant: Borrego Solar)
- 7:15PM **Discussion, Site Plan Review Application**
101 Huntoon Memorial Highway/SPR2018-03 (Applicant: 101 Huntoon LLC)
- 7:45PM **Approval of Minutes:**
 - June 19, 2018
 - June 26, 2018
 - July 10, 2018
- 8:00PM **Town Planner Report/General Discussion:**
 - A. Zoning Amendments
 - B. Miscellaneous Project Updates
 - C. Board Member Committee Updates

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

Public Hearing, Major Site Plan Review (continued)

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

Dean Smith of Borrego Solar was present to provide an update on changes from the original submittal. They haven't finalized plans yet. Based on the survey, the shape of the parcel is different than what was shown on GIS. Also, additional wetlands were found on site, requiring changes to the plans. A large portion of the frontage will remain un-cleared. He wants to discuss clearing and re-vegetating with a fence in this area. Would that be sufficient? Or would the Board prefer to leave existing vegetation? He wants input from the Board before finalizing plans. An easement is proposed to have a portion of the access drive on the abutting property. A Lithium-ion battery energy storage system has been added to capture excess energy. The structure around the system provides containment, and each individual cell is sealed. Mr. Grimshaw asked the Applicant to provide a picture of the technology; Mr. Smith agreed.

Mr. Smith continued. The lithium battery system uses a sophisticated monitoring and fire-suppression system to adjust for what's called a "temperature incident." In the event of a fire, a powder extinguishing agent is used. The fence has been changed so that it's further from the modules since the property will remain an agricultural use. Ms. Friedman asked if he'd continue to graze cattle. Mr. Smith said that Mr. Cooper will continue to graze cattle on the site, as it provides another financial incentive to the owner. The racks for the solar system are raised higher than typical so cattle can graze underneath.

Ms. Nist asked if the battery container will be fenced, particularly to keep cattle away. Mr. Smith said no, but it's a closed container. The Applicant is willing to provide a solid vinyl fence

to address noise or other concerns. He noted that there will be air conditioning units to protect the batteries.

Mr. Smith said that part of what's been holding them up is that the powerlines on Stafford Street are over-stressed from the many projects on Stafford Street. A study of the system capacity is currently being done; the results of the study will be available this month.

Ms. Nist asked if the number of solar panels has increased. Mr. Smith said yes, but the amount of electricity that can go into the power system is lower.

Mr. Grimshaw referred to the earlier question about feedback on tree clearing in the buffer area. Mr. Smith noted that they'd like to clear more than half the buffer. Ms. Buck noted that the Zoning Bylaw only allows clearing of half the buffer and that to clear more than that would require a variance. Mr. Smith noted he'll revise the plans to only clear half.

Ms. Friedman asked if there are gates for the cattle to get in. Mr. Smith said yes. There are gate for cattle and vehicles.

Ms. Abusalah asked about the need for maintenance of the air conditioning systems. Mr. Smith said maintenance would be no more frequently than a standard residential unit. The site will be visited only 2 – 3 times per year. They'll mow 1 or 2 times per year, and sometimes have to clear snow in winter. There's a data acquisition system on the equipment pad that continuously monitors the system. A facility in Lowell checks during daytime hours when the system is producing energy. The system has to meet performance criteria. If the system falls below criteria, staff has to visit the site to evaluate. Ms. Friedman asked if mowing might be less frequent at this particular site since there will be cattle grazing. Mr. Smith said yes.

Ms. Buck asked for clarification on the comment that there are more panels but less energy. What happens to the excess energy that is stored in the batteries? Mr. Smith said that the excess is stored in the lithium battery system until the time of day where they can put the energy into the system. Basically, the battery system allows them to even out energy leaving the site.

Mr. Zwicker asked who makes the batteries. Mr. Smith said it most likely will be NEC, though they sometimes use Tesla or IHI batteries.

The Applicant noted he'll have new plans ready in the next couple weeks. Hearing no further discussion, Mr. Grimshaw asked for a motion.

MOTION: Ms. Friedman moved to September 11, 2018.

SECOND: Ms. Nist. DISCUSSION: None

VOTE: All in favor

Discussion, Site Plan Review Application

101 Huntoon Memorial Highway/SPR2018-03 (Applicant: 101 Huntoon LLC)

Stephen Balcewicz of BC Engineering & Survey, Inc. and Robert Johnson (owner and Applicant) were present.

Mr. Balcewicz presented a color plan to the Board and described the project. Ms. Abusalah asked if it was the same plan as what was previously submitted to the Board. Mr. Balcewicz said yes; it's just enlarged and colored for clarity. He noted the property boundaries. The total land area is 113,564 s.f. The existing building is 90' x 135' [12,150 s.f.]. They are proposing an addition of 90' x 90' [8,100s.f.]. He noted the existing paved areas on site. No additional paving

is proposed. Half of the building's roof water will be captured in a Cultec chamber. When the existing building was proposed, there was a stormwater pond. The pond will be expanded with this project. They're also proposing construction of a retaining wall and creating a small basin, so water will percolate into the ground to address pre- and post-construction stormwater requirements. He noted the location of wetlands and an intermittent stream that runs along the property and runs into a culvert and into the state highway drainage system.

Mr. Balcewicz continued. Parking spaces are not all striped on the lot, but they can fit a total of 40 parking spaces. Ms. Friedman asked what the building is being used for. Mr. Balcewicz continued discussion of parking. He noted that company vehicles will be parked along the building. They have 27 full-time employees and 1 part-time employee and have adequate parking. Some of the spaces are striped, but not all. He noted that some doors are only used for deliveries. Deliveries are done along one side of the building and around the back. The site is a manufacturing company with an overhead rail crane inside the building. The Zoning Bylaw previously had a 40' side setback; now it's 50'. They have to apply to the Zoning Board of Appeals for a special permit [to expand a pre-existing non-conforming structure]. The crane needs tracks to go into the addition, so the addition has to be the same width as the existing building.

Mr. Balcewicz said that the purpose of the expansion is for worker safety and quality improvement. Ms. Abusalah asked if there will be new machines added as a result of the expansion. Mr. Balcewicz said no; the addition is only for safety and quality improvement. Basically, the workers need more room to work safely and efficiently. They manufacture steel products such as railings and beams additions in commercial buildings. No new employees are planned.

Mr. Balcewicz noted that he'll submit a revised project narrative with more detail but provided some details at the meeting. He noted that the welding company works from 6AM – 2:30PM. The offices area open from 8AM – 5PM. The existing building coverage existing is 9%. With the addition it goes to 15% of the lot. The building is serviced by water and sewer. Ms. Friedman asked if he was sure the lot coverage was only 15%. Mr. Balcewicz, said yes, when counting the total area of both lots. He also noted that they're not increasing any pavement.

Mr. Balcewicz went over comments from Quinn Engineering. Regarding the height of the retaining wall, Mr. Johnson is a structural engineer, and he'll submit a plan addressing this comment. He'll adjust the plan to address the comment regarding the Cultec chambers. He'll submit soil testing data. He will match pre-development to post-development. The chamber isn't designed to infiltrate; it holds water and releases it slowly. The soils in the area are difficult. He'll put in a guardrail as requested by Mr. Quinn.

Ms. Abusalah asked about the use of the space outside. Mr. Balcewicz said vehicles are stored outside in the rear. He noted that he's submitted a plan to the Conservation Commission. That hearing was continued to allow time to address comments from the Planning Board and the ZBA. Ms. Abusalah asked how many trucks are parked in the rear? Mr. Balcewicz said 2 3. Sometimes older trucks are also stored there, as well as steel.

Ms. Nist asked which way the water flows off-site. Mr. Balcewicz indicated that it flows southwesterly.

Ms. Friedman asked about the trucks being parked. Are there issues of fuel leakage? Mr. Balcewicz said no. Ms. Abusalah said she'd looked at a Google Maps image and there appeared to be many trucks stored outside. Mr. Zwicker looked online, and from what he can see on Google Maps it's steel stored outside. Ms. Abusalah reiterated that she'd seen trucks. Mr. Johnson said during the day, employees are parking in that area. In the rear, there's a yard truck to move trailers around, and there are trailers in the rear.

Ms. Abusalah asked if there are customers on site. Mr. Balcewicz said no.

Ms. Friedman noted that the plan shows no handicapped parking. Mr. Balcewicz said there are no customers; there are only employees on site. Ms. Friedman noted that the site must still provide handicapped parking. Mr. Balcewicz agreed to add the required handicapped parking spaces to the plan. There was discussion of the location of the employee entrance.

Ms. Friedman asked about trash disposal. Mr. Balcewicz said there are 2 dumpsters to the rear of the building near the retaining wall. One is used for scrap steel to recycle. The other is a regular dumpster.

Ms. Abusalah asked about the size of vehicles delivering and picking up from the building. She's concerned about circulation on site. The applicant showed the traffic flow on the plan.

Ms. Nist asked if the Cultec system is raised or in the ground. Mr. Balcewicz said it's in the ground and designed to be driven on. Fire trucks can get around the building and can drive on top of the chamber. The Fire Department has access on 3 sides of the building.

Ms. Nist noted that snow will have to be removed to maintain circulation.

Ms. Friedman asked if we'd receive comments from the Fire Department. Ms. Buck said that Chief Wilson had only commented in his role with the Oxford-Rochdale Sewer district. Ms. Friedman wants written comment from the Fire Department.

Ms. Nist asked if the applicant will provide the radio booster requested by the Police Department. Mr. Johnson said yes.

Ms. Buck noted that the project exceeds the parking required for the site. For a building of this size, 20 spaces are required and the applicant has 40. She'd assumed the spaces were already striped, so had considered the undersized spaces "grandfathered." She asked if Board members had concerns about the sizes proposed? Mr. Balcewicz noted that some spaces are striped, and he matched the spaces shown with the sizes of the spaces that are striped. Mr. Grimshaw asked the Board if they were okay with the smaller sizes. No Board members objected. Mr. Grimshaw noted that they will have to add handicapped parking.

Mr. Balcewicz delivered the ZBA application to Ms. Buck to file with the Town Clerk in the morning.

Mr. Kularski asked if there's a Knox box on the building. Mr. Johnson said yes.

Ms. Buck asked when revised plans would be submitted. If they're received by next Monday, we can continue to August 21, 2018.

MOTION: Ms. Friedman moved to continue discussion to August 21, 2018

SECOND: Ms. Abusalah. Discussion: None

VOTE: All in favor

Approval of Minutes:

June 19, 2018

MOTION: Ms. Abusalah moved to approve the minutes of June 19, 2018

SECOND: Ms. Nist. DISCUSSION: None

VOTE: All in favor

June 26, 2018

Ms. Abusalah noted that she was absent at the meeting and the minutes should be corrected accordingly.

MOTION: Mr. Kularski moved to approve the minutes with the correction.

SECOND: Ms. Nist DISCUSSION: None

VOTE: 4 in favor, 1 abstention (Ms. Abusalah). Minutes approved.

July 10, 2018

MOTION: Ms. Friedman moved to approve the minutes of July 10, 2018

SECOND: Ms. Nist. DISCUSSION: Mr. Grimshaw noted that he didn't open the meeting as he was absent. It should be corrected to say Ms. Friedman. Ms. Nist noted that on page 2, "Nist" should be deleted after Mr. Kularski's name in the motion to continue the Parker Street hearing.

VOTE: 3 in favor to approve as corrected, 2 abstentions (Mr. Grimshaw and Ms. Abusalah)

Town Planner Report/General Discussion:

Zoning Amendments

Chickens

Ms. Buck provided an overview. Basically, she took the draft from the Backyard Poultry Committee and modified it to fit in our existing Zoning Bylaw. For example, she had to add a definition on livestock to differentiate keeping of larger number of chickens from what would be allowed by-right (to be called backyard chickens). Ms. Nist asked about silviculture. Ms. Buck wasn't sure. Harry Brooks, Select Board member, was present and looked it up – it's related to the cultivation of trees.

There was discussion on the fee required. Ms. Nist suggested a higher fee of \$25 (rather than the \$10 proposed). Ms. Friedman noted that the Backyard Poultry Committee made it the same as a dog license. Ms. Buck noted that it should cover administrative costs. Mr. Grimshaw felt it shouldn't be too high, and Ms. Friedman noted that Backyard Poultry Committee members felt very strongly that the annual fee should be low. The consensus was to take a look at administrative costs but to keep the fee as low as possible.

Ms. Nist noted that we should work with the Town Clerk's office on implementation, and the need to add a key on the cash register.

Ms. Abusalah asked if there was public turnout at the Backyard Poultry Committee meetings. Ms. Friedman said no.

Solar Moratorium

Ms. Buck noted her concerns with potential legal issues. Sturbridge and Charlton proposed moratoria to provide time to work on solar bylaws (they had no solar-specific bylaws at the time of the moratoria). Approval of Charlton's proposal is still pending from the Attorney General's office. Ms. Buck is also looking into whether or not a moratorium would affect Leicester's Green Communities designation.

Solar Bylaw Amendments

Ms. Buck noted that most of this proposal isn't critical at this time. The amendment clarifies that the term vegetation includes trees and that screening should be provided for abutters across the street. The bylaw already requires this; the amendment would just make it clearer. The amendment would disallow any clearing in the setback, instead of allowing clearing of ½ the setback. The only portion of the amendment that's significant is the cap on the number of solar farms. The cap of 20 is just a proposed number. We currently have 9 approved or under construction, 2 under review, and another 3 – 5 potential additional projects. The Attorney General's office has not yet approved North Brookfield's proposed cap of 12.

Ms. Buck noted that she needed input from the Board as to whether they wanted the moratorium article, the other solar article, or both. The Select Board and Town Administrator have requested a moratorium.

Ms. Abusalah asked what we would do during a moratorium. Ms. Friedman noted that we could further study the impact to the community, and continue to work on an improved bylaw rather than the limited amendment currently proposed. We could look at the issue more closely, and consider things like limiting to a certain percentage of land, rather than an absolute cap. It would provide time to explore the issues further. Mr. Zwiker suggested basing the number on population.

Mr. Kularski noted that the state law that provides some protection to solar was intended to allow people to put solar on their roofs, not large-scale commercial solar. Ms. Buck noted that in the letter from the Attorney General's office [regarding Sturbridge], it was noted that the issue hasn't been tested in court. It's not likely that when the exemption was put in state law that anyone envisioned large-scale commercial solar.

Mr. Zwicker wants a future amendment to require advanced battery storage since that's the future for solar.

There was discussion back and forth between members regarding the potential for basing future limits based on population, electricity production, and how much electricity is serving other communities. Ms. Friedman noted that other communities are much more restrictive than Leicester. Mr. Grimshaw noted environmental concerns.

Ms. Abusalah asked for clarification on the Green Communities issue. Ms. Friedman said it could affect the decision on a moratorium. Ms. Buck noted that funds already received wouldn't have to be returned, but if it affected our designation it could affect future grant funding under the program. She said she'd seek clarification from the Green Communities Program representative, Kelly Brown.

The consensus among Board members is to go forward with a moratorium, to allow time to investigate how best to improve the bylaw. Ms. Friedman said it's worth trying if it doesn't affect the Green Communities designation. The Board will proceed with both hearings for now.

Mr. Brooks asked why the moratorium was being considered. Ms. Friedman noted the large number of solar farms and their impacts. They want time to look at the bylaw to see if they can make it more restrictive. Mr. Grimshaw noted the effects on abutters. Mr. Kulaski said he hears a lot of complaints about solar farms and noted it's the first thing people mention when they learn he's on the Planning Board. Mr. Grimshaw said he stills supports solar farms, he just wants to make sure they're done right. Ms. Friedman noted that there are a lot of misconceptions, such

as concern about glare. Solar facilities are designed to absorb light. Ms. Friedman noted that applicants want to clear-cut right to property lines. Mr. Grimshaw wants bylaw to anticipate changes in the industry over time. Mr. Zwicker noted that in the future it's likely to be primarily residential, not large-scale commercial, as building materials are adapted to collect solar energy.

Lot Sizes

Ms. Buck gave an overview. For Residential 1 (R1), the proposal would return the standard to what existed prior to 2002 (20,000 s.f./125' of frontage). For Suburban Agriculture (SA), 60,000 sf. was proposed, along with reducing the frontage to 150' and setbacks to 25'. The CMRPC housing study had suggested 60,000s.f in the SA district.

Mr. Kularski said he's not in favor of reduced lot sizes, particularly in SA.

Ms. Abusalah asked about septic systems. Ms. Buck noted that that can be determined through Board of Health approval; it doesn't necessarily have to be addressed through zoning. Ms. Nist asked what happens if someone buys a smaller lot and they can't perc. Ms. Friedman said it depends on the lot. If you have a 60,000s.f. lot and 40,000s.f. is wetlands, there's a problem. Ms. Abusalah asked if you can replace a failed septic system in the same area. Ms. Friedman noted that you are now required to have a reserve area for a replacement leach field. You have to be able to demonstrate that can replace the system, and it has to be 150 feet from well. Ms. Abusalah is nervous about buyers, and that real estate agents won't appropriately notify buyers that a lot may not be large enough for a well and septic system. Mr. Kularski noted that when building, you have to submit plans to the Board of Health for the septic system and well.

Mr. Kularski said that the key characteristic of the SA district is large lots. People that buy in the SA district want housing spread out; they don't want high density.

Ms. Nist noted that there's a lot of ledge.

Ms. Abusalah asked about the impact on school systems. Ms. Friedman noted that lot sizes were increased in 2002 in response to concerns from the Board of Selectmen about overcrowding in schools. The Town also put in a phased-growth bylaw to spread development out over time.

Ms. Nist asked if we could keep the lot size in SA the same, but reduce the frontage and setbacks. Ms. Buck said yes. Ms. Nist asked if frontage could make a difference. Ms. Buck noted that you would be able to get more lots on new roads. Ms. Friedman pointed out that a well has to be 150 from your septic and neighbors septic. Narrow lots would well and septic placement more difficult. Mr. Grimshaw felt if the lot size is left at 80,000s.f. the frontage and setbacks should be left alone as well.

Ms. Friedman noted that if developers want to build smaller lots, they have two options: 40B and the Open Space Residential Development Bylaw. Mr. Kularski reiterated his opposition to changing the SA district.

Mr. Grimshaw asked for comment on the R1 changes. Mr. Kularski said his concern is with wells and septic, and potential subdivisions without water and sewer. Ms. Friedman noted that if a well fails it could be difficult to place another on a narrow lot. There was discussion among Board members over how much of the R1 district was served by water and sewer and the size of existing lots throughout the district.

Mr. Grimshaw said he could support the R1 change, but wants to leave SA as is. Ms. Friedman said if there wasn't an alternative [40B or OSRD] she might change her opinion. Mr. Kularski said he'd like to see more projects like the Mayflower-Holcomb project.

Mr. Kularski, suggested leaving R1 at 50,000s.f, but allow to go to 20,000s.f. with water and sewer.

Mr. Brooks asked how other communities could have smaller lot sizes without water and sewer. Ms. Friedman said maybe those communities have more potential for expansion of water and sewer, which is not likely in Leicester. Rutland has had a lot of development, but they have water and sewer. Leicester won't extend service to SA.

Ms. Buck asked if she should amend the proposal before the hearing on August 21, 2018. There was discussion back and forth on the issue, and the consensus was to amend so that SA remains as is, and leave R1 as proposed and the Board can decide how to amend after hearing from the public.

Vehicle-Related Uses

Ms. Buck summarized the proposal, which is intended to eliminate confusion and create consistency between zoning districts on a range of vehicle-related uses. Ms. Abusalah raised aesthetic concerns about so many auto-related uses in the Business (B) district. Ms. Buck noted that would be difficult to get something that restricts the B district through Town Meeting. There was discussion about ways to limit the total number of auto sale licenses [issued by the Select Board]. Mr. Brooks said he'd look into the issue. Ms. Abusalah suggested limiting auto-related uses to the industrial districts. Mr. Grimshaw felt that Route 9 is suitable for these uses. A consensus of the Board agreed auto-related uses, including taxi services, shouldn't be in the Central Business (CB) district, but should be allowed in B.

Ms. Friedman asked about how the number of cars per lot is determined by the Select Board. Mr. Brooks said the number is site-specific and the Board seeks input from the Fire Department.

The Board wants the larger auto dealerships only in the larger districts like HB-1 and HB-2.

Breweries

Ms. Buck provided an overview, noting that the draft has 2 broad categories: "Breweries, Distilleries, Wineries," and "Brew Pubs." The Board wants brew pubs allowed in SA by special permit, and wants "Breweries, Distilleries, Wineries" allowed in SA if definition is amended to limit size in SA. There was discussion back and forth related to the different types of liquor licenses.

Miscellaneous Project Updates

Marijuana Establishments

Ms. Buck asked for clarification from the Board related to the Zoning Bylaw requirement for enclosed structures. All Board members felt that this language prohibits greenhouse structures. The bylaw is intended for permanent, secure structures. Mr. Brooks noted that the state is pushing for greenhouses to minimize energy use, but he agrees with Planning Board concerns.

Eastern Pearl

Ms. Friedman noted that Eastern Pearl has started work.

Board Member Committee Updates

Capital Improvement

Ms. Nist provided an update. The Highway Department is seeking 7 pieces of equipment: front-end loader, roadside mower/brush cutter, towable diesel air compressor, six-wheel dump truck/combo sander, power angle plow for backhoe, sidewalk snowblower/sweeper/mower, and 550 1-ton dump truck/sander. She attended a field trip for Select Board, Advisory Committee, and Capital Improvement Committee members. There will be a \$940,000 debt exclusion on the Town Meeting warrant. There will be an open house for the public. Ms. Nist and Mr. Brooks noted that the equipment is needed.

EDC

Ms. Abusalah said that Leicester has joined the Blackstone Valley Chamber of Commerce, which is more active with small towns than Worcester Chamber. The EDC will be hosting an “Open for Business” event on Wednesday, November 14, 2018, most likely at Becker College. The Blackstone Chamber will be assisting. Once the EDC has finished tasks like business cards and the website, they’ll be ready to work on other issues like zoning suggestions and other projects such as adding Leicester priority sites to a state listing. The EDC also plans to have a booth at the Harvest Fair.

100 Tobin Road Property

Ms. Nist noted this property was up for auction. Ms. Buck said she’d had many inquiries.

Davis Self-Storage

Board members asked about the outside storage issue. Ms. Buck noted that she had not yet followed up on this issue.

School Department Building

Ms. Abusalah asked about this property. It’s been sold, and the owner is considering mixed business/residential. Parking could be an issue.

MOTION: Ms. Nist moved to adjourn the meeting.

SECONDED: Ms. Abusalah

VOTE: All in favor

The meeting adjourned at 9:20PM.

Respectfully submitted:

Michelle Buck, Town Planner

Documents included in meeting packet:

- Agenda
- Memo from Town Planner to the Planning Board dated 8/2/2018 regarding 8/7/2018 meeting
- Site Plan Review application and related documents for 101 Huntoon Memorial Highway (Application Form, Narrative, abutters list, 1 sheet of plans, comments Quinn Engineering, Code Enforcement Officer, Highway Department, Police Department, Cherry Valley-Rochdale Water/Oxford-Rochdale Sewer)
- Draft Zoning Bylaw Amendments, related to the following: chickens (dated 8/2/2018), solar moratorium (8/2/2018), modification of solar bylaw (8/1/2018), residential dimensional requirements (8/2/2018), vehicle related uses (8/5/2018), and breweries (8/5/2018)
- 7/9/2018 Draft Chicken Bylaw

- 4/16/2013 Letter from the Office of the Attorney General to the Town of Sturbridge Town Clerk (related to solar moratorium)
- Solar Project Summary dated 7/31/2018
- Residential Lot Size Changes summary
- Minutes of 6/19/2018, 6/26/2018, and 7/10/2018

Documents submitted at meeting:

- Color plan for 101 Huntoon Memorial Highway