

**Town of Leicester Planning Board
Meeting Minutes
May 21, 2019**

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

MEMBER ABSENT: Alaa Abusalah

IN ATTENDANCE: Michelle Buck, Town Planner

MEETING TIME: 7:00PM

AGENDA:

1. 7:00PM **Public Hearing, Amendment to Special Permit Regulations, continued**
Submittal Requirements for Earth Fill & Removal Operations
2. 7:15PM **Public Hearing, Special Permit Application (SP2019-01)**
1570 Main Street/Hank's Marine, Boat Repair & Storage (Applicant: Matthew Shogren)
3. 7:30PM **Public Hearing, Definitive Subdivision Plan (SUB2018-03)**
2 lot subdivision on Boutilier Road (Applicant: ZPT Energy Solutions II, LLC)
88 Huntoon Memorial Highway (Applicant: East Coast Organics, LLC)
4. 7:45PM **Discussion, Site Plan Review, SPR2018-08, continued**
424 Main Street/Nor'Easter Remedies, Marijuana Cultivation (Applicant: Nor'Easter Remedies)
5. 8:00PM **ANR Plan**
231 Pine Street (Applicants: Michael & Alicia Perry)
6. 8:30PM **Approval of Minutes:**
 - 3/19/2019
 - 4/2/2019
7. **Town Planner Report/General Discussion:**
 - A. Chapter 61 Request: Chapel & Mulberry Streets
 - B. Miscellaneous Project Updates
 - C. Board Member Committee Updates
7. **Adjourn**

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

**Public Hearing, Amendment to Special Permit Regulations, continued
Submittal Requirements for Earth Fill & Removal Operations**

Mr. Grimshaw stated that he had listened to the audio recording of the April 16, 2019 Planning Board Meeting. Ms. Buck stated that Mr. Kularski also listened to that recording.

Ms. Buck stated that they had already reviewed these amendments at the April 16th Planning Board meeting. She said that she had a chance to review them again but did not make any additional changes. She commented that unless there were people in the audience that wanted to comment on these, the Board could go ahead and vote to adopt these changes.

Mr. Grimshaw asked if there were any questions or comments from the public and there were none.

MOTION: Ms. Friedman moved to adopt the submittal regulations for earth fill and removal operations.

SECOND: Ms. Nist. Discussion: Mr. Grimshaw thanked all the people who attended Board meetings and helped to draft this bylaw and also mentioned Ms. Buck. Ms. Friedman specifically thanked Perry Dube for all his time and input.

VOTE: All in favor.

ANR Plan, 231 Pine Street (Applicants: Michael & Alicia Perry)

Ms. Buck explained that this would be a simple land swap. She stated that Parcel A, owned by James Wessell, would be transferred to the abutting owner to the south (233 Pine Street) and she said that this would not affect the frontage.

MOTION: Mr. Kularski moved to approve the ANR plan for 231 and 233 Pine Street.

SECOND: Ms. Nist Discussion: None

VOTE: All in favor.

Town Planner Report/General Discussion:

Miscellaneous Project Updates

Ms. Buck reported that the Select Board signed off on the contract for the design work for the Complete Streets Project. She said that she still needed to discuss the schedule with Dennis Griffin, Highway Superintendent. She stated that under the proposed schedule there would not be any actual construction work done this season. There would only be design work at this point and that construction would begin next spring.

Chapter 61 Request: Chapel & Mulberry Streets

Ms. Buck stated that they received a Chapter 61 notice to convert for another solar farm on Chapel & Mulberry Streets (the project the Planning Board called Mulberry 3). She said that this Board had already reviewed this request in 2015 and 2017 for the two prior solar farms but said that they had to go through the formal process again. Ms. Buck said that the Board did not have any comments for the two prior requests and asked the Board if they had any comments this time around. The Board had no comment.

Approval of Minutes

MOTION: Ms. Nist moved to approve the minutes of March 19, 2019.

SECOND: Mr. Kularski. Discussion: None.

VOTE: All in favor.

Approval of Minutes

MOTION: Ms. Nist moved to approve the minutes of April 16, 2019.

SECOND: Mr. Kularski. Discussion: Mr. Grimshaw stated that he would abstain and commented that Mr. Kularski should abstain as well. Ms. Friedman commented about Ms. Abusalah being absent for the vote and said that they should wait. Mr. Grimshaw agreed and withdrew the motion and continued voting to the next meeting.

Town Planner Report/General Discussion continued:

Oakridge Estates

Ms. Buck stated that a resident had come in to speak with her about street trees and requested that that trees be waived in front of her home. She said that since she received that request, the homeowners' association's Board of Directors voted not to approve that waiver. Ms. Buck stated that the Planning Board did not have to do anything at this time because the homeowners' association was not allowing the change.

Public Hearing, Special Permit Application (SP2019-01)

1570 Main Street/Hank's Marine, Boat Repair & Storage (Applicant: Matthew Shogren)

Mr. Grimshaw read the public hearing notice into record.

Ms. Buck noted that the Applicant still had not paid for the legal advertisement and the Applicant stated that he would drop off payment the next day.

Jason Dubois of DC Engineering & Survey Inc. was present along with the owner, Matthew Shogren. Mr. Dubois reviewed the plans with the Board and discussed the site and stated that there were no major revisions. He said that the site was currently being used as a boat storage area and he stated that the property was zoned Highway Business 1. Mr. Dubois said that they were proposing to install a fence about 200 feet back from the street with gated access. He said that the one story building currently on site would be used for the boat repair building and the rest of the site would be boat storage.

Mr. Shogren addressed the Board and explained that he had been renting this facility for about 10 years now and said that he had been using the site as a storage facility. He stated that the boats were stored about 300 feet from the road and said that they would also be installing a privacy fence. Mr. Shogren said that all repairs would take place behind that privacy fence and he said that he plans to have a sliding gate for access. He stated that he spoke with the Fire Department and said that they wanted 20 foot access to accommodate and he said that that he had already purchased the Knox box.

Mr. Grimshaw asked Mr. Dubois to show him on the plan where the fence would be and asked if it was already existing. Mr. Dubois pointed out the placement of the fence on the plan and Mr. Shogren stated the he had about 60 feet of fencing already installed. Mr. Friedman asked if the fencing would be installed all the way around the property and Mr. Shogren said that it would be located in the front because there are thick woods all the way around the property. Ms. Friedman asked if someone would be residing in the house and Mr. Shogren answered yes. Ms. Friedman commented that for many years this location was a hotel and said that she understood that they left one of the units intact in order to maintain the hotel license and asked if that was still true. Mr. Shogren stated that the last he knew was that when the prior owner had the property is that he kept the hotel license. He said that he had no knowledge of the current status of the hotel license but did confirm that one of the units was still there.

Mr. Kularski asked what the hours of operation would be for the business and Mr. Shogren answered that is would be Monday through Friday from 9:00 AM to 5:00 PM. Mr. Shogren stated that his mechanics don't usually work Saturday but may from time to time during the busy

season. Ms. Friedman asked if it would only be his employees going in and out of the property and Mr. Shogren answered yes.

Ms. Buck asked Mr. Shogren to provide more detail about the repair part of the business that would be taking place on site. Mr. Shogren stated that most of the boats would be able to fit inside the garage that was already there. He said that what they would really be working on would be outboard motor repairs. Mr. Shogren said that they would be running the boats back and forth from the shop in Rochdale. He said that in the fall they would shrink wrap the boats and store them for the winter and in the spring time he said it would be just pulling out the boats from storage. Mr. Shogren said that in the summer it would be primarily repairs.

Ms. Buck asked Mr. Dubois to address Quinn Engineering's memo. Mr. Dubois addressed the comment regarding stormwater management and stated that there would not be any major site development because they are not adding any buildings to the site and stated that they would be requesting waivers for the landscaping. Mr. Dubois said that there was a septic system currently on site and that the plan would be to eventually connect that to town sewer. Mr. Dubois stated that he would add the identifying abutting properties to the plan if the Board requested that. He said that there was a dumpster on site located by the repair shop area for solid waste storage and would not be visible from the street. Mr. Dubois stated that they covered the issue of public access already with regards to the installation of the fence. He addressed Quinn's comment about access drives widths and stated that he felt that would be for a bigger commercial company and said they would request a waiver but reminded the Board of the 20 foot access required by the Fire Department.

Mr. Dubois stated that they would not be adding additional lighting. Ms. Friedman asked if the existing lighting would be shown on the plan and Mr. Dubois stated that he would add that. Ms. Friedman asked if they would put some lighting for added security and Mr. Shogren answered no and said that there would be only one way into the property and one way out of the property. Mr. Shogren stated that the current lighting would be enough and stated that he currently had security cameras on the property too. Ms. Friedman asked Mr. Dubois to put the lighting, identify abutting residential structures and dumpster location on the plan. Mr. Friedman also asked Mr. Dubois to show the 20 foot wide driveway on the plan as well.

Ms. Friedman asked Ms. Buck if they would need a request in writing to waive the road width. Ms. Buck stated that that was a bylaw requirement and said that it was not clear if it would be applicable because there was a pre-existing business on the site. She said that they should definitely meet the Fire Department's 20 foot requirement. Ms. Buck asked if the Board would be requesting additional landscaping and said that if so, it should be listed on the plan. Mr. Grimshaw stated that he thought it did not need additional landscaping and Mr. Zwicker agreed. Mr. Kularski commented that he felt that it would not be a substantial change to what had been already going on for years at this site.

Mr. Grimshaw asked if there were any questions or comments from the public and a gentleman from the audience stated that he supported this and thought it was a good idea. He commented that this business had been in business for a very long time and that he was happy to see it expand.

The Board reviewed the draft Order of Conditions that was included in the meeting packet. Ms. Buck asked about parking and asked how many people would typically be parking on any given day and Mr. Shogren said it would be one to two people, maybe three people the most and they would park in the gated area in the back. Ms. Buck explained to the Board that there were no specific parking requirements for this use and said that if it would be fine with the Board, that she would just describe where the parking would be located. Ms. Buck stated that drainage had already been addressed along with the waste disposal. She noted the *Project-Specific Conditions* section and asked if the Board wanted to mention the hours of operation and the Board said they would list the hours as Monday through Saturday from 9:00 AM to 5:00 PM. Ms. Friedman asked Mr. Shogren if he would like to open earlier and he stated that he preferred 8:00 AM to 5:00 PM and the Board agreed. Ms. Buck stated that the only other conditions would be that the Applicant agrees to submit a revised plan that shows existing lighting, dumpster, locus and show 20 foot wide gravel driveway. Mr. Kularski asked that the Knox box location also be added to the revised plan and Ms. Buck stated that that would be a separate condition.

MOTION: Ms. Friedman moved to approve the special permit and site plan review for 1570 Main Street/Hank's Marine as well as the Order of Conditions with the amendments as discussed.

SECOND: Ms. Nist. Discussion: None

VOTE: All in favor.

**Public Hearing, Definitive Subdivision Plan (SUB2018-03)
2 lot subdivision on Boutillier Road (Applicant: ZPT Energy Solutions II, LLC)**

Mr. Grimshaw read the public hearing notice into record.

Chris Anderson from Hannigan Engineering, Inc. was present on behalf of the Applicant and addressed the Board. He reviewed the plan and stated that they had already been before this Board for the preliminary subdivision for this project a few months ago. Ms. Buck asked if he had the receipts for notifying the abutters and Mr. Anderson gave those receipts to her and stated that he previously sent a digital copy.

Mr. Anderson explained that there were three lots associated with the project and pointed out 285 Henshaw Street. He said that that currently contained a single family home on it and that the intent was to not disturb that site. He said that the remaining two lots would be located around the roadway. Mr. Anderson stated that during the preliminary process he felt that they addressed all of the Board's comments and concerns. He said that this would be meant to be an industrial subdivision and said that a site plan approval was recently approved for a new solar farm on Lot 3 [SPR 2018-06, Boutillier Solar #3].

Mr. Anderson said that drainage from the site would be accommodated via some catch basins and directed to a proposed detention basin. He said that the detention basin would accommodate both projects. He explained that if the project does get developed in the future, they would install the proper septic system and appropriate water wells and that would be coordinated with the Board of Health during that process.

Mr. Anderson reviewed the comments from Quinn Engineering with the Board. He discussed the waiver requests to permit the installation of HDPE pipes and eliminate the use of granite

gutter inlets at catch basins. Mr. Anderson commented that the previous Highway Department supervisor did not require granite gutter inlets but stated that the new supervisor did require granite inlets.

Mr. Anderson discussed the comment regarding site distances and stated that those would be added to the plan prior to construction. He stated that they would not be proposing any Open Space so that would not need to be identified on the plan. He discussed the recommendation for the flared end sections used in Detention Basin 13 would be precast concrete and he stated that they would be using HDPE piping and felt that would be sufficient. Mr. Anderson stated that they had shown the location of the log of Test Pit 1118-1 on the plan and said that it was just lightly shaded and he would make it more noticeable on the plan.

Mr. Anderson stated that this project would qualify for a Stormwater Pollution Prevention Plan (SWPPP) and copies of that would be provided to the Board once completed and finalized. He stated that there was an error in the scaling on the plan when they made their copies but confirmed that the scaling was correct. Mr. Anderson stated that they requested a waiver during the preliminary stage in regards to road width and said that had been denied at that time. He said that this plan showed the full road width with the appropriate curb radii.

Mr. Anderson stated there was a typographical error in regards to the DMH #1 inlet invert on the hydrologic analysis and the "Schedule of Proposed Drainage Structures & Elevations" and confirmed that that would be revised on the plan. He commented that they could review using a trash-rack grate to capture large detritus in the storm flow but stated that this site would not be heavily used and large debris would be removed by the actual solar company as part of their maintenance. Mr. Anderson discussed the treatment devices and commented that because of the elevation of the area, he said that it would be very difficult to incorporate a lower maintenance BMP. He said they would defer to the Highway Department regarding this.

Ms. Friedman asked if they had heard back from the Highway Department in regards to this project and Ms. Buck answered no. Ms. Buck said that she did speak with Dennis Griffin today regarding the granite gutter inlet and he confirmed that they require granite but did not discuss the lower maintenance BMP. Mr. Grimshaw stated that they would have to get comment from him about that issue. Mr. Friedman commented that there were several issues that they need to have the Highway Department comment on in writing. (Quinn comments: #3 flared end sections of detention basin 13, #9, trash rack grate, and #10 Hydroworks stormwater treatment). Mr. Buck stated that Mr. Griffin is very busy and Mr. Friedman said she understood but that she really wanted something in writing from him.

Ms. Buck reminded the Board that the Applicant requested a fair amount of waivers during the preliminary stage and said that the Board only granted the waiver for the pipe. Ms. Buck went on to say that she spoke with the Applicant earlier in the afternoon and said he was able to answer many of her questions but she said street lighting and underground utilities were not shown on the plan. She stated that those would need to be waived or there would have to be a condition that they provide those. Mr. Kularski asked what was there now and Ms. Buck stated that it was overhead utilities. Mr. Anderson stated that if they ever build, that it would be up to National Grid or the utility company as to where they would put those. He stated that the street

lighting was a hot topic and said that he would leave it up to the Board on whether or not they want street lighting.

Ms. Buck commented that one of the reasons for this application was to get the zoning freeze from both the temporary moratorium [10/30/2018 Town Meeting, Article 13] and also from the changes that were just passed at Town Meeting [5/7/2019, Article 23]. She stated that the Board would not be ready to vote tonight because she still needed to put together a detailed decision and the plan needed to be revised. Mr. Grimshaw asked if the comments from the Code Enforcement Officer were addressed and Ms. Buck said she discussed it with him and she explained the plan to him and said that he was all set.

MOTION: Ms. Friedman moved to continue until June 4th at 6:55 PM.

SECOND: Ms. Nist. Discussion: Mr. Grimshaw confirmed that they would be waiting for a written response from Dennis Griffin, Highway Department.

VOTE: All in favor.

**Discussion, Site Plan Review, SPR2018-08, continued
424 Main Street/Nor'Easter Remedies, Marijuana Cultivation (Applicant: Nor'Easter Remedies)**

Ms. Buck stated that the Applicant requested a withdrawal of their application with the intent to resubmit in the future.

MOTION: Mr. Friedman moved to accept the withdrawal of 424 Main Street/Nor'Easter Remedies, Marijuana Cultivation.

SECOND: Ms. Nist. Discussion: None

VOTE: All in favor.

Town Planner Report/General Discussion continued:

Board Member Committee Updates

Ms. Nist stated that the Capital Improvement Committee would be meeting next Tuesday.

Mr. Friedman stated that she received a letter from the Select Board notifying her that her term on Central Mass Regional Planning Commission would be expiring on June 30th. She asked that she not be reappointed to this position because she had only been able to make it to one meeting and said that she could no longer attend these meetings.

MOTION: Ms. Friedman moved to adjourn.

SECOND: Ms. Nist

VOTE: All in favor.

The meeting adjourned at 8:11PM.

Respectfully Submitted,
Wanda Merced, Department Assistant

Documents included in meeting packet:

- Agenda
- Memo from Town Planner to the Planning Board dated 5/16/2019 regarding 5/21/2019 meeting
- Copy of Draft Special Permit Regulations Amendments
- Public hearing notice for Hank's Marine/1570 Main Street, supporting documents and Draft of Order of Conditions (SP2019-01)
- Public hearing notice for Boutilier Subdivision and supporting documents (SUB2018-03)
- Meeting Minutes for March 19, 2019
- Meeting Minutes for April 16, 2019

Documents submitted at meeting:

- N/A