

**Town of Leicester Planning Board  
Meeting Minutes  
June 4, 2019**

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

MEMBER ABSENT: N/A

IN ATTENDANCE: Michelle Buck, Town Planner and Maureen Schur, Department Assistant

MEETING TIME: 7:00PM

**AGENDA:**

1. 6:55PM **Public Hearing, Definitive Subdivision Plan (SUB2018-03), continued**  
2 lot subdivision on Boutillier Road (Applicant: ZPT Energy Solutions II, LLC)
2. 7:00PM **Discussion, Site Plan Review (SPR2019-01)**  
1762 Main Street, Parking for Cultivate at 1762 Main Street (Applicant: Cultivate Holdings, LLC)  
*Note: the Applicant has requested a continuance*
3. 7:10PM **Approval of Minutes:**
  - 4/16/2019
  - 5/21/2019
4. 7:15PM **Town Planner Report/General Discussion**
  - A. Miscellaneous Project Updates
  - B. Board Member Committee Updates
5. 7:30PM **Public Hearing, Major Site Plan Review (SPR2019-02)**  
0 & 22 Burncoat Street/Cultivate, Marijuana Cultivation Facility (Applicant: Commerce Real Estate)
6. **Adjourn**

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Mr. Grimshaw called the meeting to order at 6:55 PM.

**Public Hearing, Definitive Subdivision Plan (SUB2018-03)**

**2 lot subdivision on Boutillier Road (Applicant: ZPT Energy Solutions II, LLC)**

Mr. Grimshaw stated there were a few outstanding issues. Mr. Chris Anderson of Hannigan Engineering discussed additions to the plan. They are adding the required site lines per the Subdivision Regulations. The detention basins have been updated from pre cast concrete to HDPE per Quinn Engineering and the Highway Department. All typographical errors have been corrected. Trash racks were added to prevent debris from getting through. A major component of change was relative to the hydro works unit. A forebay was added to the detention basin and it was reclassified from a detention basin to an infiltration basin. They are able to get the required TSS removal to be compliant with storm water management. Kevin Quinn is doing a review of final compliance calculations. The request for granite curb inlets has been removed. A request for HDPE drainage lines waiver for underground utilities and overhead wires locations has been made. A waiver for a street lighting plan has been submitted due to the isolated area of the project.

Ms. Buck stated she spoke with Kevin Quinn of Quinn Engineering and he looked at the nature of the revisions and is comfortable with approval subject to his review. Ms. Buck went over the changes to the draft Decision. A section reference (V.I.E.2) was added to the waivers. Condition

#1 was amended to add the following: “The plans submitted for endorsement shall contain any changes required by final review specified in condition #17.” Condition #17 was added, as follows: “Approval is subject to review and approval of the final plan revisions by Quinn Engineering.”

Mr. Grimshaw asked if there were any questions or comments from the public and there was one. Jan Parke asked what number solar farm is this project? Ms. Buck stated she believes it’s the 13<sup>th</sup>. She also asked when will project start? Mr. Anderson said that the goal would be by the end of the year.

MOTION: Mr. Grimshaw made motion to approve with the waivers and conditions as discussed.

SECOND: Ms. Friedman. DISCUSSION: None

VOTE: All in favor.

#### **Discussion, Site Plan Review (SPR2019-01)**

##### **1762 Main Street, Parking for Cultivate at 1762 Main Street (Applicant: Cultivate Holdings, LLC)**

Ms. Buck stated she received a request from Land Planning for a 45 day continuance for site plan approval. Applicant asked to be heard again on July 16, 2019 with a deadline for decision July 18, 2019.

MOTION: Ms. Friedman moved to continue the discussion of parking at 1762 Main St. for Cultivate to July 16, 2019 with a decision deadline of July 18, 2019.

SECOND: Ms. AbuSalah. DISCUSSION: None.

VOTE: All in favor.

#### **Approval of Minutes**

MOTION: Ms. Friedman moved to approve minutes from April 16, 2019

SECOND: Ms. Nist. DISCUSSION: None.

VOTE: 3 in favor, 2 abstentions.(Mr. Grimshaw, Mr.Kularski)

#### **Approval of Minutes**

MOTION: Ms. Friedman moved to approve the minutes of May 21, 2019, 2019.

SECOND: Ms. Nist. DISCUSSION: None.

VOTE: 4 in favor, 1 abstention.(Ms. AbuSalah)

#### **Town Planner Report/General Discussion:**

##### **Brick City Mill Pond Dam**

Ms. Buck stated we received notice from DCR related to the Brick City Mill Pond (Chapel Street) dam owner’s failure to comply with March 8, 2017 Certificate of Non-Compliance and Dam Safety Order. The property owners have failed to comply so they have been given 45 days to reply, in writing, with a schedule to bring the dam into compliance.

##### **New Committee/Appointments**

Ms. Buck stated there will be a new committee for the assistance in disposition of the Memorial School and it will have a representative from the Planning Board.

Ms. Buck asked Mr. Zwicker if he will be seeking re-appointment and he stated no, he is not.

**Town Planner Report/General Discussion continued:**

Oakridge Estates

Ms. Buck stated she, Kevin Quinn and Kevin Jarvis did a site walk and the developers are close to completion and are looking to seek road acceptance next Spring.

Capital Improvement

Met the end of May and will meet again the end of June to discuss budget.

Eastern Pearl

Jeff Taylor received a call from a paving company stating they were looking to start work soon. Jeff told them they need to meet with Ms. Buck. Ms. Buck stated she doesn't think they have met MassDOT regulations.

Briarcliff

Ms. Buck received a complaint from a resident about street lights. Resident stated street lights are in the wrong place and it is too dark. Ms. Buck stated the streetlights are functional and are installed in accordance with the approved plan.

**Public Hearing, Major Site Plan Review (SPR2019-02)**

**0 & 22 Burncoat Street/Cultivate, Marijuana Cultivation Facility (Applicant: Commerce Real Estate)**

Mr. Grimshaw reviewed the ground rules for the discussion. The applicant will present information, Ms. Buck will ask questions, the Board will ask questions and then the Public is invited to ask questions. Mr. Grimshaw encouraged the Public to direct questions to the chair as to prevent a back and forth.

Mr. Grimshaw introduced Travis Brown from Andrews Survey and Engineering there on behalf on Cultivate.

Mr. Brown introduced Rob Lally and Sam Barber of Cultivate, and Russell Dion of Campanelli. Mr. Brown explained the revised plans are a product of a peer review and comments. Of the 37 acres the project would disturb 8 acres. The facility is looking to tie into public utilities. There is available water supply according to the Water Department. The existing house will be knocked down in order to accommodate the truck access. All movements with trucks would happen on site there and there will be no backing up on Burncoat Street. There will be 66 parking spaces, and several would be ADA compliant for handicap access. There will be approximately 50 employees per shift, and because this is not a retail facility there will be no public presence. Sidewalks that provide access to the building have been added. Storm water management design on this property is planned for water to go into catch basins. Mr. Brown stated that the stormwater management has been looked at by peer review and stated there are no issues. Small box trucks will access this site between 2-6 times per day and a 55 foot trailer truck would come in approximately 2 times per week. A landscape and lighting plan has been submitted as part of this application. Peer comments suggest a Photometric plan. Parking spaces will be 10x20, there will be a minimum of 5% landscaping in the parking area. A solid fence is added to the northeast side as well as some trees and additional vegetation. There will be a 20 foot landscape buffer in

the front of the building. The building sits approximately 400 feet from Burncoat Street. Mr. Brown asked Ms. Buck to set up a meeting with Fire and Police to discuss any concerns. Any work that needs to be completed on Burncoat Street would be coordinated with DPW. Mr. Brown stated they met with the Conservation Commission 2 weeks ago and bylaws and regulations have been met. They will submit revised plans to Quinn Engineering for review.

Ms. Buck asked if someone from Cultivate could bring the revised plans to Quinn engineering and Mr. Barber stated he would do that.

Ms. Buck stated the Photometric plan is required during the review process. She also stated she would take a closer look at the landscape buffer requirements both along the front and from the abutters. There needs to be a 20 foot landscape buffer in front and a 50 foot buffer to residential property. Mr. Brown stated the plan complies with those regulations.

Mr. Wilson, Fire Inspector, stated he was concerned about the fire access. He also asked about the height of the building. Mr. Dion, from Campanelli Development addressed those questions. Mr. Wilson asked about egress door and Mr. Dion stated there are 8-9 egress doors on both sides of the building. Mr. Wilson asked if a fire hydrant would be put on the property and showed on the plan where the Fire Department would like it located. Mr. Dion and Mr. Brown stated they would install one. Mr. Wilson stated all of the concerns the Fire Department had have been appropriately addressed.

Ms. Friedman asked for an overview of the ventilation system. Mr. Dion explained that air intake would come through a screened area on the side of the building in order to prevent insects from entering. The air is filtered and then discharged through the roof vent. Ms. Friedman asked about any odor. Mr. Dion explained that a neutralizing agent is added to prevent any odor before air is discharged. The exhaust is located in the middle of the building. This exhaust is located 100 feet from the edge of the property.

Ms. Friedman asked about the hours of operation as it pertains to the tractor trucks entering and exiting the property. Mr. Barber explained deliveries would be the same as they are now between 11am and 3pm.

Ms. Abusalah asked if there are any other similar cultivation facilities in Massachusetts and Mr. Dion stated yes, there are 2 others. Mr. Dion described the building as looking just like a warehouse. The building is a solid wall, metal building with no windows. The roof is standard commercial. Two of the modules have solid roofing and the remaining 4 modules are translucent. Mr. Dion went on to describe a mechanical screen that comes over the roof to block the light. This shade is tied into the lighting system and if the shade doesn't close the lights can't come on. Mr. Dion stated they are building a similar facility in Freetown MA. He also stated the siding color of the building would be neutral in an attempt to blend in with its surroundings. Mr. Barber explained there needs to be 12 hours of light and 12 hours of dark to grow the plants and that any light that entered the building during the 12 hours of dark would degrade the plants; therefore no light can get through the blackout curtain. An exterior lighting plan will be submitted. With regards to security, all cameras are infrared and therefore do not require bright outside lighting. The security schedule will be reviewed by the CCC.

Ms. AbuSalah asked how the trash will be contained. Mr. Dion explained the trash will be self-contained and fully locked. The plan shows the trash is located near the truck dock. Mr. Barber stated any by-product will be ground up and mixed with dirt to make it unusable. The trash container is a compactor. There will also be a second trash compactor for trash generated by the employees and this compactor is also self-contained and locked.

Ms. AbuSalah asked if there would be a sign with Cultivate on it. Mr. Dion stated there would be a 3x5, non-illuminated sign to identify the property. It will likely have the address only.

Mr. Grimshaw opened the questions to the public. He reminded people to direct all questions to the chair.

Mr. Dennis Osolow asked when the project would start. Mr. Dion stated if permitting started in the next 30-35 days the project would likely start by the end of the calendar year.

Mr. Doug Leblanc stated his basement has flooded this year for the first time in 8 years and he is concerned with the cutting of trees. He also stated this is a 2 phase project and phase 2 is further from his property, couldn't that phase be started first? Mr. Leblanc is concerned about the smell and if the odor neutralizer will work. There is also a concern about wear and tear on the road and about a fire hydrant being located too far away.

Mr. Grimshaw reiterated Mr. Leblanc's concerns and asked they be addressed.

Mr. Brown explained the phasing process and the elevation of the land from Mr. Leblanc's home to the Cultivate Phase 1. He explained Mr. Leblanc's home is approximately 2 feet higher than the project and that the drainage issues may be improved after the storm water system is installed. Mr. Barber also stated the roof gutters will be fed into the retaining pond and that would help alleviate the water from pooling on the ground. Mr. Brown stated the phasing is dependent on the earth work. Soil will need to be added in order to build both phases, but the first phase has a higher elevation than phase 2 therefore less earth work would need to be done.

Mr. Kularski asked if the phasing was over years and Mr. Dion stated they are seeking permitting for the whole project and they may build the whole project. Mr. Dion stated they do not want to ask for a permit for a phase 1 project today and then come back and ask for a phase 2 permit tomorrow. Ms. Friedman asked if the project where phased where the retention pond would come in and Mr. Dion stated in Phase 1. Ms. Friedman asked what the likelihood of phasing and Mr. Brown stated it is possible as the biggest unknown is tying in to the electricity.

Mr. Brown stated there was a traffic analysis done and the result is there would be a .5% increase in traffic. Monday-Friday there would be approximately 50 employees on shift and normal shift hours would be 7:30am-3:30pm. It is likely that number could be smaller. Mr. Brown also stated there would be a sign posted prohibiting a right turn out of site in an attempt to funnel traffic back to route 9.

Ms. Rachel Debatis asked for a solid, 8 foot, privacy fence to be built all the way around the side of the facility facing her property. Ms. Debatis has requested a white vinyl or a red cedar fence.

Ms. Jan Parke stated there are several nice, old trees on the street and is it possible to save them and not clear cut. Mr. Brown stated they would look into that. Ms. Park asked what the plan is for the remaining acreage not being used by the facility. Mr. Barber stated the men who work at the facility would like to create some trails. Ms. Parke would like to have a meeting with the management from Cultivate. Both Mr. Barber and Mr. Lally offered Ms. Parke their business cards and told her they would be happy to set up a meeting. Mr. Lally told Ms. Parke he would call her to discuss her concerns.

MOTION: Ms. Friedman moved to continue Major Site Plan Review for 0&22 Burncoat Street to June 18, 2019 at 7:00 pm.

SECOND: Ms. Nist. DISCUSSION: None.

VOTE: All in favor.

MOTION: Ms. Nist moved to adjourn

SECOND: Mr. Kularski. DISCUSSION: None.

VOTE: All in favor.

Meeting adjourned at 8:50 pm

Respectfully Submitted,  
Maureen Schur, 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 April 16, 2019
- Meeting Minutes for May 21, 2019

**Documents submitted at meeting:**

- N/A