

Town of Leicester Planning Board

Meeting Minutes

March 2, 2021 at 7:00PM

[Note: This meeting was held remotely using GoToMeeting]

Members Present: Jason Grimshaw (Chair), Deb Friedman (Vice-Chair), Sharon Nist, Andrew Kularski

Associate Members Present: James Reinke

Members Absent: Jaymi-Lyn Souza

Staff Present: Michelle Buck: Town Planner, Brooke Hammond: Department Assistant.

ORDER OF BUSINESS:

1. **Continued Public Hearing, Special Permit/Site Plan Review**
1570 Main (SP2021-01), Hank's Marine, boat showroom (Applicant: Matthew Shogren)
2. **Public Hearing, Zoning Bylaw Amendments**
 - A. Greenville Village Neighborhood Business (NB) district
 - B. Marijuana
 - C. Outdoor Storage
 - D. Business Residential 1 (BR-1) and Residential Industrial Business (RIB)
 - E. Highway Business Industrial (HB-1 & HB-2)
3. **Approval of Minutes**
 - February 16, 2021
4. **Town Planner Report/General Discussion:**
 - A. Miscellaneous Project Updates
 - B. Board Member Committee Updates

Meeting starts at 7:00 PM.

1. Continued Public Hearing, 1570 Main St

Mr. Dubois, DC Engineering & Survey, Inc., presents revised plans. He states they are extending the fence on the west side of the property and adding landscaping along the fence to make the buffer denser. The drainage area will be changed slightly from an infiltration basin to a bioretention area with appropriate vegetation. All comments from the Town Planner and Town Engineer were sufficiently addressed. Ms. Buck asks the Board if more vegetation should be added to the west property line along the fence to provide a better buffer. Ms. Friedman agrees this addresses the issue of sparse vegetation between this property and the abutter. Ms. Buck suggests that this hearing be continued to the next meeting in order to revise the plan and allow time for review by Quinn Engineering.

Motion: Ms. Friedman motions to continue hearing to March 16, 2021 at 7 pm.

Second: Mr. Kularski.

Discussion: None.

Roll-Call Vote: (5-0-0)

2. Approval of Minutes

Motion: Ms. Nist moves to accept the minutes from February 16, 2021.

Second: Ms. Friedman.

Discussion: Mr. Kularski abstained from voting because he did not attend.

Roll-Call Vote: (4-0-1)

3. Town Planner Report

15 Water Street

Ms. Buck sent a letter saying comments from the Water District and Fire Department should be addressed. She says the business owner is actively working on these issues.

Future Meeting Dates

March 16, 2021 – Public Hearing for Town Meadow Farm.

April 6, 2021 – Public Hearing for 11 Hankey Street.

Board/Committee Updates

Mr. Grimshaw asks if there are any updates on the 1323 Main Street complaint. Ms. Buck says there are multiple ZBA permits for this property. Some of the complaints cannot be addressed until there is less snow cover on the ground.

Capital Improvement Committee met February 25, 2021. There were budget requests from Fire, Police, and the Town Administrator. There will be two meetings in March to rank these requests, and recommendations will be given to the Select Board for Town Meeting.

The Economic Development Committee has a short check-in meeting on February 25 to discuss some grant opportunities and potentially holding a small business event in the fall.

Open Space & Recreation Plan Committee was organized and will meet with a planner from CMRPC monthly. The first meeting was held February 23, 2021.

4. Zoning Bylaw Amendments

[Mr. Grimshaw reads Public Hearing Notice]

5.06 - Greenville Village Neighborhood Business District (NB)

Ms. Buck notes this section is separate from the other amendments and that all marijuana uses are prohibited in this district.

The NB District runs along Pleasant St from Green St to Hankey Street. This district was adopted 20 years ago to allow new small businesses up to 3,000 sq. ft. as well as to protect residential uses and historic structures. Allowed uses in the district are:

- Retail
- Professional/medical offices
- Banks
- Hair salons
- Artisans

- Funeral Homes
- Plumber, carpenter, electrician workshops
- Restaurants

Prohibited uses are anything not listed in the bylaw, anything vehicle related, and marijuana establishments. It was clarified at the last Town Meeting that marijuana establishments were never allowed in this district. The purpose of the current amendments is to allow easier redevelopment of existing commercial structures in the district.

5.6.02.2 – Site plan review won't be required for existing structures for uses not requiring a special permit.

5.6.03.4 – Add “except where prohibited under Section 5.6.04 or where said use is prohibited in all other districts.”

5.6.03.4 - Add “Commercial structures in existence prior to the creation of the NB district (ATM 5/6/2002, Article 34) are exempt from the above size limitations, except that any expansions shall require a special permit.”

5.6.03.5 – New section adding additional uses with special permit in commercial structures in existence prior to the creation of the NB district. Makerspaces, Outdoor storage and parking of commercial vehicles and construction vehicles associated with uses in the existing building (i.e. not rental storage), and rental self-storage facility (outdoor storage prohibited).

5.6.05.1 – Section D amended to read “new parking areas shall be located to the side or rear of the primary structure.” Existing parking lots do not have to be moved.

5.6.05.2 – Typographical error under section A, changing “it's” to “its”. Deleted Section C. New section J added that says “The landscaped buffer requirements in paragraphs A & B shall not apply to reuse of existing structures and associated parking areas. The Planning Board may require a landscape buffer for uses requiring a special permit.”

5.6.06.1 – Section A “use requiring special permit” used in place of “construction of any use designated SP under the NB District” Section B a new shorter title is given for Planning Board Regulations. Section G, “where applicable” is added to the end of the section.

Next steps include revising the draft as needed based on comments from the Board and the public. Ms. Buck states she would prefer if the Board continued the hearing to the next Planning Board meeting to give her time to further revise the draft bylaw amendments, and that all cross-references are edited appropriately. After the hearing is closed the Planning Board will make recommendations on each article, and the amendments will be presented at Town Meeting on May 2, 2021. A 2/3 vote at Town Meeting is required to pass.

NB District Amendments Public Comment

Patrick Carroll, who has the property at 760 Pleasant St on deposit, wants to use the facility for his small tree service business. He says the allowed uses both existing and proposed will allow small businesses that wish to reside in Leicester will be able to do so in the NB District. He says neighbors are excited to return the property to business use, and he discussed the history of the site as a fueling and maintenance facility. He supports the proposed amendments

Randall Meraki from The WorcShop, a makerspace proposed within this district, thanks the Board and Ms. Buck for crafting the zoning legislation to help bring in businesses to blighted

lots. Mr. Meraki says these amendments allow capacity for small businesses to come to Leicester.

Ms. Buck notes that citizens with interests or concerns about the amendments should also attend the continued hearing on March 16, 2021

Marijuana

1.3 – Add Definitions:

Marijuana Courier: an entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from a Medical Marijuana Treatment Center, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: Definitions or 935 CMR 500.050: Marijuana Establishments and shall be subject to 935 CMR 500.050(1)(b): Control Limitations.

Marijuana Delivery License: an entity that is authorized to deliver marijuana and marijuana products directly to consumers and as permitted, Marijuana Couriers to patients and caregivers

Marijuana Delivery Operator: an entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: Definitions or 935 CMR 500.050: Marijuana Establishments and shall be subject to 935 CMR 500.050(1)(b): Control Limitations.

New term ‘Marijuana Delivery Operator’ to be added to Marijuana Establishment and Marijuana Establishment, Non-Retail definitions. Add term ‘Marijuana Courier’ to Marijuana Retailer, Consumer Sales Only.

3.2.03 – New use number 23: Marijuana Delivery Operator. Renumbering later uses.

Marijuana Delivery Operator will be allowed by-right in B and HB-1 & HB-2 districts, and by special permit in the CB, I, and BI-A districts.

5.1.5.02.I – Increasing the number of marijuana retailers from one to two in the Town of Leicester.

Marijuana Amendments Board Comments:

Ms. Friedman states the increase in number of marijuana establishments was requested by the Select Board. Ms. Buck said she’s not sure if it was the Select Board; it’s something she’s discussed with the Town Administrator. Mr. Kularski asks if we have to increase the number of retailers based on the number of liquor licenses. Ms. Buck says she will check into this.

Marijuana Amendments Public Comments:

Rob Lally with Cultivate Holdings says their business has been in Leicester for 3 years and has tried to work with the Town to give back time and money to the community. Mr. Lally is in opposition to increasing the allowed number of marijuana establishments in Leicester. He states a new dispensary will not bring new clientele to town, but rather split the clients that Cultivate currently has. He suggests adding another dispensary would burden Town Police. Mr. Lally agrees with the new delivery regulations.

Mr. Reinke asks what the driving force behind the delivery regulations is. Ms. Buck says after discussions with the Town Administrator about the topic, there has been interest in marijuana delivery and new retail facilities from the public. Bringing new business into town improves property values and helps the tax base.

[Note: Information about marijuana regulations can be found on the Cannabis Control Commission's website.]

Outdoor Storage Amendments

Ms. Buck says the Planning Board has been asked to modify the rental self-storage bylaws to allow outdoor storage.

1.3 – Add Rental Self-Storage Facility definition: “A building or buildings consisting of individual self-contained units that are leased for the storage of vehicles or business and household goods. Storage of hazardous materials or substances, hazardous waste, gas, oil or any substances or materials which pose a threat to human health or safety or a threat to the environment is prohibited. No activity other than storage shall occur in such facilities. Such facilities may have associated outdoor storage by special permit in certain Zoning Districts (See Sections 3.2.03. and 5.2.18).”

3.2.03 – Add uses “Rental Self-Storage Facility with no outdoor storage” and “Rental Self-Storage Facility with outdoor storage (Special Permits issued by the Planning Board.)” The amendment will make it easier to have rental self-storage facilities with no outdoor storage in the HB-1 & HB-2 districts to make the use permitted by right. Rental Self-Storage facilities with outdoor storage will be allowed by Special Permit in the B, CB, BI-A and HB-1 & HB-2 districts. A footnote was added to specify that “land and water recreational vehicle storage yards shall meet the requirements for Rental Self-Storage Facility with outdoor storage.” Changes made to Sections 3.30 and 3.32 amend BR-1 and RIB zoning districts that are not in the use table with consistent definitions of rental-self storage facilities. In these two districts a Special Permit will be required for rental self-storage with or without outdoor storage.

3.2.08 – Parking of Commercial Vehicles, subsection B1: Adding HB-1 as a district where outdoor storage of commercial vehicles is permitted by right. Adding RIB as a district where the use requires a special permit. Subsection B2, changing per-mitted to permitted. Subsection B4, changing “Zoning Board of Appeals” to Special Permit Granting Authority.

5.18 – New Section: Outdoor Storage. The following text is to be added to the Zoning Bylaws:

5.18.01 Rental Self-Storage Facility with Outdoor Storage All Rental Self-Storage Facilities with outdoor storage shall be required to meet the following standards:

A. Outdoor storage areas shall be screened from view from roadways and abutting property owners by an opaque fence at least 6 feet in height.

B. Storage areas shall not be located in required setbacks from property lines

C. Outdoor storage areas shall not impede emergency access to the site or structures on the site. D. Appropriate provisions shall be made to ensure vehicle fuel or other contaminants are appropriately controlled and don't infiltrate the ground.

E. No commercial activity other than storage shall occur in indoor or outdoor areas, including vehicle maintenance, fueling, or repair work.

5.18.01 Other Outdoor Storage

A. For parking of commercial vehicles, see Section 3.2.08 (Parking of Commercial Vehicles)

B. Storage of large equipment or storage containers outside where accessory to a lawfully permitted commercial use on the same site is allowed by right in HB-1, HB-2, B, and I, and by special permit from the Planning Board in CB, RIB, BI-A, and BR-1. Emergency access to structures shall be maintained at all times. Parking sufficient for the uses on site in conformance with the Planning Board's Parking Regulations must remain unobstructed."

5.6.04.3 New section of prohibited uses added in case NB District Amendments don't move forward: "Rental Self-Storage Facilities (indoor or outdoor), except that Rental Self-Storage Facilities (indoor storage only) may be permitted by special permit in in commercial structures in existence prior to the creation of the NB district (ATM 5/6/2002, Article 34).

Outdoor Storage Board Comments

Ms. Nist notes that section titled "Other Outdoor Storage" needs to be changed from section number 5.18.01 to 5.18.02.

Mr. Reinke states concern about outdoor storage facilities becoming salvage yards or junkyards. He suggests making a condition to ensure the vehicles are registered if they are to be stored outside. Mr. Kularski had previously suggested adding a condition saying vehicles needed to be operable and/or insured in order to be stored at one of these facilities. Ms. Friedman says a condition that a car be licensed cannot be enforced because a lot of people take certain vehicles off the road during winter. She agrees that requiring a car be operable or insured is a valid condition. Ms. Buck says she will add language about the cars remaining operable to the amendments before next meeting. Mr. Kularski says inoperable vehicles could be stored indoors; the condition would just apply to outdoor vehicle storage.

Outdoor Storage Public Comment

Ethan DeSota asks if the new 6' fence provision would apply to the WorcShop makerspace. Mr. DeSota has concerns about the parking of vehicles; he says businesses have construction or landscaping equipment that has broken down and needs to be parked outdoors in order to repair. Mr. DeSota says it would hinder businesses to have to transport equipment like this to a different location to repair. WorcShop deals in modifying vehicles and structures for experimental purposes (e.g. converting gas powered vehicles to electric vehicles). Mr. DeSota wants to know how an amendment like this would affect his business operations. Ms. Buck says the fence requirement relates to rental storage, the NB district allows outdoor storage of vehicles associated with a lawful commercial use in the structure. Ms. Buck says she can review the changes to see if WorcShop will comply.

Mr. Carroll says the concerns at WorcShop ties into his commercial interests in the NB District; he says limits must be established as vehicle storage and maintenance is a crucial part of running certain businesses.

Mr. Grimshaw reads written comments from a meeting participant [Robert, from GoToMeeting chat feature]: “We already have enough repair facilities and used car dealers that grossly abuse their licenses and managing their ‘inventory’. We do not need more eyesores and unofficial junkyards in town. We need to clean up those facilities before moving to special permits for outside storage.” Ms. Friedman says this is not used car storage, will be used mostly for boats and RV’s. Ms. Friedman says the point of the amendments is to craft the language to avoid outdoor storage from becoming eyesores.

Mr. Meraki says if the sightline from roads and traffic is a major concern, that perhaps language should be added to require non-functional vehicles are stored behind opaque fencing.

Robert has another written comment asking if properties are allowed only two unlicensed vehicles on their property. Ms. Friedman asks for specification on if “properties” means houses or businesses. Mr. Kularski states the current bylaw says “residences”. Mr. Reine says residences are only allowed one unregistered vehicle. Ms. Buck states she will look into these issues.

BR and BR-1 District Amendments

3.30 – Changing uses from letter numbering to numbers 1-42.

RIB District Amendments

3.32 - Subsections changed to make bylaw easier to understand. Similar to previous district changing uses from letters to numbers.

HB-1 District Amendments

Changing the threshold by which applicants must conform to site development standards. Making HB-1 & HB-2 districts are consistent with the other districts where the standards only apply to new and expansions of construction. Ms. Buck will add language to make it clear that all these standards apply to both HB-1 and HB-2.

Miscellaneous

Mr. Kularski requests that Ms. Buck contact the Town Administrator to ask about the recommendation to add another marijuana establishment, and what the benefit to the town is. Ms. Friedman states there is no liaison from the Select Board to the Planning Board.

Motion: Ms. Friedman moves to continue the Zoning Bylaw Amendment hearings to March 16th at 7:30PM or as soon thereafter as may be heard.

Second: Mr. Kularski

Discussion: None.

Roll-Call Vote: (4-0-0)

5. Adjourn

Motion: Ms. Friedman moves to adjourn the meeting.

Second: Ms. Nist

Discussion: None

Roll-Call Vote: (4-0-0)

The meeting was adjourned at 8:45 PM

Respectfully Submitted,

Brooke Hammond, Department Assistant

Documents included in the meeting packet:

- Meeting agenda
- Town Planner Memo dated 3/2/2021
- Applicant response to comments dated 2/17/2021
- Quinn Engineering comments dated 2/24/2021
- Site Plan- 1570 Main St.
- Zoning Bylaw Amendment Public Hearing Notice
- Zoning Bylaw Amendments (draft)
 - Outdoor storage
 - HB-1 District
 - BR-1 and RIB District
 - NB District
 - Marijuana Establishments
 - February 16 2012 Planning Board minutes
 - A. Kularski resignation letter dated 2/22/2021