

**Leicester Planning Board Meeting Minutes
October 2, 2013**

MEMBERS PRESENT: Jason Grimshaw, David Wright, Debra Friedman, Sharon Nist,

ASSOCIATE MEMBERS: Kathleen Wilson

MEMBERS ABSENT: Adam Menard

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

MEETING DATE: October 2, 2013

MEETING TIME: 7:00 pm

AGENDA:

- 7:00PM Public Application:
Request for release of surety; Carey Hill Estates
- 7:05 PM Approval of Minutes:
9/3/2013
- 7:15PM Public Hearing:
Proposed Zoning Map Amendment, 100 Clark Street (HB-2 to SA)
Note: this hearing will be re-scheduled because of an error in the public hearing notice.
- 7:20PM Town Planner Report/General Board Discussion
A. Economic Development Committee
B. Oakridge Estates
C. Open Space Plan
D. Miscellaneous Project Updates
- 7:30PM Public Hearing Continued:
Site Plan & Special Permit Application, 1603 & 1605 Main Street
(gas station, fast food, convenience store, car wash, bank, general retail)
- 7:45PM Public Hearing:
Modification of Subdivision (Pondview) request to eliminate streetlights

Mr. Grimshaw called the meeting to order at 700PM

Public Application:

Request for release of surety; Carey Hill Estates

Ms. Buck recommended the Board not take any action on this at this time, because the Town is still waiting for the applicant to submit the road acceptance documents. This will be placed, once again, on the next meeting agenda.

MOTION: Ms. Nist moved to continue this request to the next Board meeting on October 22nd.

SECONDED: Mr. Wright – Discussion: None

VOTE: All in Favor

Approval of minutes

9/3/2013

MOTION: Mr. Wright moved to approve the meeting minutes of 9/3/2013.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Town Planner Report

Oakridge Estates

The developer, in building portions of phase 2, had put piles of dirt in the middle of the phase 3 roadway. This project is the extension of Virginia Drive off of Henshaw Street. There was supposed to be a looped road through phase 3 for emergency access. There wasn't sufficient surety on the third phase, so one of the requirements for extension of approval was to keep phase 3 open for emergency access. The developer was slow to clear access to phase 3, so she asked the building inspector to withhold the issuance of an occupancy permit until the road was cleared. The developer quickly addressed the situation. Ms. Buck noted that she had asked also the fire chief to check the site and confirm that the access was sufficient and he approved.

Miscellaneous

1. *Spending Freeze*: As a result of the override failing to pass, the Town Administrator instituted an immediate spending freeze on all expenses and all requests would need to go through his office.
2. *Legislative Breakfast Meeting*: CMRPC is giving a legislative update breakfast on October 25th at 8AM. Ms. Buck noted she will be attending. She said once a quarter there is a legislative breakfast given and this breakfast meeting topic is on the land use reform legislation. Any Board Members interested in attending should email directly to CMRPC to RSVP.
3. *Medical Marijuana Zoning Bylaw*: The Attorney General's Office has approved the Medical Marijuana Bylaw that was approved at the May Town Meeting. One comment was made: the State Department of Public Health changed the name for the use from "Medical Marijuana Treatment Centers" (from the state law) to "Registered Marijuana Dispensary". The AG's Office recommended talking with Town Counsel to consider changing how it's worded in the Bylaw. Ms. Buck felt the definition of the two terms were the same and didn't feel that it was urgent to rush into doing an amendment. It can be considered for the 2014 Annual Town Meeting if needed.

Public Hearing

Proposed Zoning Map Amendment, 100 Clark Street (HB-2 to SA)

Mr. Grimshaw read the Public Hearing Notice into the record.

Ms. Buck noted that because of a typographical error in the Hearing Notice, the hearing should be re-advertised. The notice accidentally said the amendment was proposing rezoning that parcel to HB-2; it should have read SA. She corrected the notice and if the Board agrees, she will re-advertise for October 22, 2013.

Ms. Teresa Shapazian, 73 Clark Street, asked if the property was being rezoned to a business zone.

Ms. Buck said no, which was the reason she had recommended to re-advertise, because the typographical error misinformed the public. The property is currently split 90% business (HB-2) and 10% Residential (SA). The property owner wants to make the entire lot residential (SA.).

MOTION: Mr. Wright moved to close the public hearing.

SECONDED: Ms. Friedman – Discussion: None

VOTE: All in Favor

Town Planner Report Continued:

Economic Development Committee Report (Jason Grimshaw)

Mr. Grimshaw summarized the most recent EDC meeting held on Tuesday, September 24, 2013.

He said that 90% of that meeting was dedicated to the Medical Marijuana Facility. Prime Wellness is the company looking to locate a marijuana cultivating facility in the vacated Minuteman Corrugated building located at the corner of Route 56 and Clark Street.

The gentleman representing the company summarized the nature of the business, the licensing process through the State and the difference between a cultivation facility and a dispensary.

A lot of questions were answered about where the dispensary will be located and what the plan is for the future; such as, renting the building or buying it.

There will be 35 facilities that will receive a license to operate in the State, with possibly 4 within Worcester County. Prime Wellness is a local company, as opposed to other companies located out west and they were pretty confident that they would be approved to operate in this State.

Mr. Grimshaw continued. Information was given about the nature of the business and how it was regulated and controlled. There were many questions regarding lighting and site plan, the security and regulations that the State of Massachusetts requires and Massachusetts is a lot stricter than Colorado or California. It is highly regulated in this State.

It was Mr. Grimshaw's understanding that the plants are all bar-coded and the plant design is based on the location of the facility. For example, a patient who has glaucoma and was on a prescription for that, there would be a plant designed that would balance the CVI's and THC's for that patient and his/her name would be on that bar code. That plant would be just for that patient.

There will be no dispensing of anything out of that facility; it would all be transported to a dispensing facility that probably would be located in Worcester. They are looking at some property on Park Ave. and they are also hoping to get a dispensary in Natick and Framingham at some point as well. That is what this facility would service. It would all be enclosed and located inside the building.

Ms. Nist asked about the process of pickup and delivery. For example, is it done in an armored truck? Mr. Grimshaw said he wasn't sure but didn't think it was an armored truck. Someone did ask that question and it would probably be some non-described type vehicle. Ms. Buck said according to the State Regulations, they can't have any labels; it has to be basically unmarked.

Mr. Grimshaw said the first concern everyone had was with the security and the possibility of increased crime. This company, Prime Wellness, who operates out of Maine, noted that if the Town wanted to check that out, they would be willing to work with the Town on that, but if not, just on his word, it doesn't really happen and has never been an issue.

The Economic Development Committee is writing a letter in support of Prime Wellness coming into Town and Mr. Grimshaw suggested, at the EDC meeting, that the Planning Board might be willing to do the same.

Ms. Buck said there's a staff meeting scheduled with the project representative next week. In attendance will be the Town Administrator, Fire Chief, the Building Inspector and herself. This is basically just to go over permit requirements, because there are no requirements where they will have to come before the Planning Board. They are making no expansions to the building, no changes to the exterior, other than what is required by the State, such as lighting and security, but

nothing that would trigger site plan review. In order for the facility to go in that location, it has to be limited to cultivation.

Mr. Grimshaw noted that they will be baking. Ms. Buck agreed and has discussed that with the Building Inspector. They both agreed as long as the baking is subordinate and the main purpose is cultivation, it could be permitted. She has been keeping the local Board of Health Office in the loop on this as well.

Mr. Grimshaw asked if the Board agreed with sending a letter of support. Ms. Friedman felt it was a good idea to send a separate letter, but it needs to be made clear in the letter, that there is no reason for them to come before the Planning Board and that this was not a pre-determination for an approval. Ms. Buck noted that this business will have to conform to the new parking regulations. She believes that they will, they just have not documented that yet, but if they don't for some reason, it could require that the Planning Board review a waiver request for the parking. Ms. Buck asked if the letter could wait until after the October 22nd meeting. That way, she will have more information regarding this proposal. Mr. Grimshaw and Ms. Friedman agreed.

MOTION: Ms. Friedman moved that the Planning Board send a letter of endorsement, pending the meeting on October 22nd and the outcome regarding the project conforming to parking regulations.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Public Hearing Cont:

Site Plan & Special Permit Application, 1603 & 1605 Main Street

(gas station, fast food, convenience store, car wash, bank, general retail)

Mr. Grimshaw opened the hearing to the applicant to address the Board.

Mr. Mark Allen, Allen Engineering, representing the applicant made the presentation. Mr. Allen said that at the last meeting there were a few items they needed to address, as well as where the drainage basin was. They proposed a sediment forebay before the infiltration basin, as opposed to the brick chamber in the parking lot, so a few of the detail sheets changed. The Grading Sheet shows the sediment forebay and then the detailed plan also called for the forebay to be installed before the basin. The drainage was tweak a bit after going back and forth a couple of times with Quinn Engineering.

Ms. Buck said there were a couple of outstanding items from the last meeting. They have been either addressed through the revisions in the plans or in some of her suggested conditions of approval. For example, if the drive-through was eliminated it should be made a travel lane; this was in response to comments from the Fire Chief. There weren't any additional changes to the draft decision that was included in the mailing packet, other than changing the date of the final revision to the plans, Stormwater Report and the final comments from Quinn Engineering.

Ms. Nist asked if they had gone before the Zoning Board of Appeals yet. Mr. Allen said no, they decided to wait and see how the Planning Board would act on the project results.

Ms. Friedman asked what the normal hours of operation will be. Mr. Allen felt it would be the same as the gas station, which operates between the hours of 6AM to 10PM. Ms. Friedman asked if they would be looking to open 24 hours. Mr. Allen said no. Ms. Friedman asked if they were ever looking to modify that they would come back before the Board. Mr. Allen agreed.

Ms. Friedman asked if they were agreeable with turning off the lights within one hour of closing time. Mr. Allan said yes.

Mr. Grimshaw asked if there were special operating hours for the retail building. Mr. Allen felt they would be comfortable having the same hours as the gas station.

Mr. Grimshaw asked for any further comments, questions or concerns; hearing none, asked for a motion.

Ms. Buck noted that the Board has to officially take a vote to designate Kathleen Wilson, Associate Member, to participate as a voting member due to the absence of a regular member.

MOTION: Ms. Friedman moved to designate Kathleen Wilson, Associate Member, to participate as a voting member acting in the absence of Adam Menard, Regular Member.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Mr. Grimshaw asked for any further questions or concerns.

Mr. Allen noted in the decision that under Procedural History item #2, where it states the latest revision date being 8/29/2013, he did a revision on 9/27/2013. Ms. Buck asked if those were the plans just received last week. Mr. Allen said yes. Ms. Buck noted that had been revised.

MOTION: Mr. Wright moved to approve the Special Permit & Site Plan Review Application for 1603 & 1605 Main Street for the uses on this site of a gas station, fast food, convenience store, car wash, bank and general retail.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Public Hearing

Modification of Subdivision (Pondview), request to eliminate streetlights

Mr. Grimshaw read the Public Hearing Notice into the record and then opened the hearing to the applicant to address the Board.

Mr. Iqbal Ali said they are asking the Board to consider a reduction or elimination of the streetlights. All the houses have been built and all have been sold but one. They are supposed to have a Homeowner's Association to pay for certain things, but the street has been paved and is ready for road acceptance. He felt there was adequate streetlighting there, as well as all the homes have lights in front of their property.

Ms. Friedman asked if the current homeowners of this subdivision had been notified of this hearing and if so, asked for the return receipts. Mr. Ali said he didn't get any.

Ms. Buck asked if he had the white receipts showing he sent the notice out. Mr. Ali said no, he was under the impression that the Planning Board was doing that.

Ms. Friedman said that this hearing will need to be rescheduled in order to have the abutters and residents notified. This will need to be reposted, so it will be a new hearing. The notice needs to be sent out and the return receipts need to be brought to the meeting. The reason was because she wanted to make sure the people who have bought homes there know that there will not be streetlights.

Mr. Ali asked if he put the streetlight in, who will take over those lights. Ms. Friedman said the Association; there has to be a Homeowners Association in place.

Ms. Buck noted that this development was on that list from 2008 regarding streetlights and since the last meeting, she spoke with the Town Administrator Robert Reed. He didn't feel the Selectmen would still honor that 2008 agreement, but when he brought it to the Selectmen, they agreed to honor the 2008 agreement. However, they would like the Planning Board, where possible and where safety allows it, to reduce or eliminate streetlights.

Ms. Friedman agreed that could be possible to eliminate one of the streetlights in this development, but not all three. Mr. Wright agreed.

Ms. Friedman continued. She would like to hear from the people who live in those houses on how they feel about it.

Mr. Grimshaw agreed that because of the notification issue, this hearing has to be rescheduled and the abutters and residents have to be notified.

Mr. Ali said the situation is that there were signs for putting up the lights, he'll put up the lights but there will be no power to them. Someone will have to power them. Ms. Nist said to consider solar. Ms. Friedman agreed that there are solar streetlights too.

Ms. Buck noted that the Selectmen did say they would honor that agreement and Pondview was one of the projects in the pipeline at that time. However, it still means the developer has to put them in and get them turned on and keep them on until the road is accepted.

Mr. Ali said the worst case is that he should have the lights in. Ms. Friedman said the Board can't make a decision on that tonight.

Mr. Ali said he just wants to have a discussion why and does the Board think that there isn't wiggle room, otherwise he'll put in the solar lights and call it a day.

Ms. Friedman said the thing of it is, is that the Board of Selectmen would like to see the Planning Board scale back on streetlights and in order to do that, the Board has to have a public hearing. It would save the developer some money, having one less light to install and save the Town having one less light to pay for.

Mr. Ali said there are just two more lights to put in; there is one already there at the entrance. Ms. Buck said it was not right at the entrance.

Mr. Wright said not the proposed lighting; there is an existing light on the street, which is not on the corner. Ms. Buck said it was north of the intersection, just passed the street. Mr. Wright showed Mr. Ali where the existing light was located and then pointed out the spots for the proposed lights. Ms. Buck noted if the Board visits the site, they can determine if it is adequate.

Mr. Ali said there are the two lights proposed and he could put up the solar lights. So he'll price that up when he comes back to the Board. He asked if changing from electric to solar as being minor change.

Mr. Wright said if the Board is agreeable to the request of meeting the Town Administrator's requirement to eliminate some of the streetlights, even though it's solar, the Town still has to pay for maintaining the lights. If there is ever an issue, the Town will be responsible for fixing it. He felt that there should be a public hearing and that the Board will also need to come to an agreement on which light would be the better one to eliminate.

Ms. Buck noted the new public hearing can be scheduled for the November 5, 2013 meeting. Mr. Ali asked if this meeting could be continued instead. Ms. Friedman said no, this is a public hearing

and the abutters and the residents of the development were not notified legally. Mr. Grimshaw agreed.

Mr. Ali asked in order for the Town to accept the road, it has to go to Town Meeting and when the next Meeting was. Ms. Buck said there is a Special Town Meeting on October 29th, but there isn't enough time for this to be put on the warrant. According to the Subdivision Regulations, a road acceptance request has to be submitted to the Board of Selectmen's Office at least 6 months prior to a Town Meeting.

Ms. Buck noted the applicant's address and asked if that was the correct mailing address; being 85 Chestnut Street, Shrewsbury. Mr. Ali said yes, that is correct. Ms. Friedman asked for the new public hearing notice to be sent by Certified Mail/Return Receipt to the applicant

Mr. Grimshaw asked for any further discussion; hearing none, asked for a motion to close the hearing and reschedule a new hearing for November 5th.

MOTION: Mr. Wright moved to close the public hearing on the Modification of Subdivision, (Pondview) request to eliminate streetlights and reschedule for Tuesday, November 5, 2013, at 7:30PM as a new public hearing.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Town Planner Report Continued:

Open Space and Recreation Plan

The Town's Open Space Plan was approved in 2007 for 5 years, then was granted a 2-year extension by the State (extensions were allowed because of communities having budget problems). Leicester's Plan is due to expire in November 2014. The Conway School of Landscape Design (CSDL), who did the Town's last two plans, contacted Ms. Buck to see about getting the process started early in 2014. After the students are done, there's usually another 6 months of worth of work after that. Their price has gone up to \$6,500, which wasn't a big increase from the last time. The Board has about \$3,000 in the consulting/professional budget account and there is \$2,200 left in the Wal-Mart donation account, which leaves about a \$1,300 shortfall.

Ms. Buck had a preliminary conversation with the Conservation Commission's Clerk to see if the Commission would be willing to contribute part of their budget towards this plan. Ms. Buck noted a formal request will be sent to the Commission, to make sure it will be put on their next meeting agenda.

Ms. Buck continued. She met with the new Town Administrator about a number of Planning Board projects and mentioned the Open Space Plan. She mentioned the shortfall and that she would be seeking funds from Conservation and maybe the Selectmen's Office. She noted that the Town could, if necessary, wait another year to start the process. The school only has an opening from their January to March term in order to do it now. The Town could do it a year later and the plan would only have been expired for a short time. However, she did express concern to the Town Administrator that the Planning Board might have even less in their budget next year.

CSDL needs an answer by the end of October to secure a spot. Ms. Buck will talk with the Town Administrator about the budget and will send the request to Conservation. She will give another update at the next Board Meeting on October 22nd.

Mr. Wright asked when the next Conservation Commission's meeting was. Ms. Buck wasn't sure, but thought it may be next week. The current concern was the spending freeze just instituted and that will be in effect until at least October 29th, which may make it impractical to give the Conway School a firm commitment.

Ms. Buck said the only other possible consideration might be CMRPC. The last time around, she contacted CMRPC about the possibility of just doing the maps, because that's the one component that can't be done in-house. That's because the Town doesn't have GIS and the State requires GIS Maps. When CMRPC was asked the last time around, they wanted \$11,000 just for the maps, but she has heard that their prices may have come down.

Ms. Buck will try and contact CMRPC. Then there's option B: do the rest of the plan in-house and just have CMRPC do the maps. Ms. Friedman suggested exploring various options.

Ms. Buck noted that CSLD does basically the entire plan, even though it is a draft and there is work to be done after the students are done. It is a good draft for a low price and they do a lot of the running around and information gathering.

Ms. Friedman said from where she is coming from, Ms. Buck is only part-time and if she was full-time, she could write the plan and just having the mapping done. She suggested getting the request into the Conway School, but ask what happens if the Board does commit and then the expense freeze is not lifted?

Mr. Wright asked if a deposit was required. Ms. Buck didn't think a deposit was required, but she also does not want to mislead them because they will be turning down people; they usually have a waiting list.

Ms. Friedman felt the Board would not be misleading them because the Town has every intention of doing the plan, as long as the money comes through. Mr. Grimshaw agreed and felt Leicester can't be alone in this, there must be other communities in similar situations. Ms. Friedman said obviously if it's the end of October and it's not lined up for January, they have an opening.

Ms. Friedman felt the Board should commit and secure the Conway School. Mr. Wright suggested having Ms. Buck explain the situation and then there would be no misleading. Ms. Buck said if Town Meeting votes in a budget on October 29th and the budgets are left intact, then she can commit by the deadline of October 31st. All Agreed.

Parker Street

Ms. Buck let the Board know that Special Counsel was assigned to represent the Planning Board. The judge wanted an attorney for the Selectmen and an attorney for the Planning Board.

The Attorney for the Board is Robert (Bob) Hennigan and Town Counsel Joe Cove will represent the Selectmen. There have been some efforts made at mediating that the Board will find more detail about in Executive Session.

Mr. Wright asked when Executive Session was scheduled. Ms. Buck said it hasn't been scheduled yet. She is waiting for a call from Attorney Hennigan to set up that meeting, but she was going to try for the October 22, 2013 meeting.

Miscellaneous – Audit Grant & Green Communities

The Town is applying for an Energy Audit Grant from DOER. Ms. Buck put together the grant application and will submit it by 9AM tomorrow morning. This grant will be for a supply of heating, refrigerating and air conditioning engineers' level 2 audit in four buildings: Town Hall,

Library, Senior Center and the Highway Department. The Town of Leicester is eligible because of some of the lighting efficiency projects done a couple of years ago. The reason behind this, if the Town goes forward with the Green Community designation, it will help the Town prepare the required energy reduction plan. It's for a \$12,500 application and Towns will get the funding [on a first-come, first-serve basis] if the application is complete; the submittal procedures are very detailed.

Ms. Buck gave a quick overview regarding the Green Communities Program. There are 5 requirements and the Town has made a lot of progress. One of the most difficult is the energy reduction plan. The most difficult, politically, is the stretch code, which has been defeated twice, last fall and again in the spring. It may or may not be on the warrant again at the Special Town Meeting on October 29th. She has had many discussions with the past Town Administrator and she felt that it should be put off, because the Town has not made any new public education efforts and is now in the middle of a 2 ½ override. Apparently, there is some interest from the Selectmen to put the stretch code back on the warrant. She had a preliminary discussion with the new Town Administrator, Kevin Mizikar. His initial opinion was to wait, and he is looking into an alternative funding source for the generator, so the Town would not have to rely on the Green Communities program.

Community Development Block Grant

Leicester was tied for third place for this funding Statewide. The tie was broken by what is called the Community Need Score and Leicester lost. The Town applied again for the reserve funds and lost again to the Town of Sturbridge. The Town will be going forward with submitting another grant for the next round and will go ahead with the same three projects, which were elevator design, housing rehab and a generator for the Housing Authority.

Mr. Grimshaw asked for any further comments, questions or concerns; hearing none, asked for a motion to adjourn.

MOTION: Mr. Wright moved to adjourn meeting

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:20PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Approved by the Planning Board on October 22, 2013.

Documents included in mailing packet:

- Agenda
- Memorandum to the Board from Ms. Buck dated 9/25/2013
- Copy of a sketch on the proposed streetlights for Pondview Estates.
- Copy of Special Permit, Site Plan & Stormwater Permit Approval
- Copy of Review Letter from Quinn Engineering regarding 1603 & 1605 Main Street dated 10/1/2013
- Copy of Planning Board Minutes of September 3, 2013

Documents submitted at meeting: N/A