

Leicester Planning Board Meeting Minutes
March 12, 2024

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TOWN CLERK'S OFFICE
LEICESTER, MASS.

Location: Leicester Town Hall, Meeting Room 3

Member Present: Joshua Campbell, James Reinke, Sharon Nist, Anthony Escobar, Lee Dykas, Chris Clark (Alternate)

Members Absent: None

Staff Members Present: Kristen Jacobsen, Town Planner, Lisa Westwell, Administrative Assistant to the Planning Department

Members of the Public in Attendance: See attached Sign-In Sheet

Call to Order: Chairman Campbell called the meeting to order at 7:00 PM

Public Hearing: SPR-2014-01 – Modification: Jack Daige, Central Mass Crane, 112 Huntoon Memorial Highway, Rochdale, MA. Map 46 Parcel A1.2-0. Zone: HB-2. The project includes the construction of a 10,000 s.f. storage/garage building with a new stormwater management system.

The public hearing was opened at 7:05 pm. Mr. Campbell read the public hearing notice into the record and confirmed with Ms. Jacobsen that the meeting was posted.

Robert Duff, P.E. of McClure Engineering, Inc. was present to represent the project. Mr. Duff said the Applicant wants to build a 10,000 sq. ft. garage/storage as an accessory use. The building will be sited in the rear of the property closer to Stafford St. The Applicant wants to keep merchandise/equipment inside the building. He said Quinn Engineering gave a final peer review letter. Mr. Duff also said the stormwater system will prevent overflow to abutting lots.

Mr. Campbell asked if the Board had any questions. Mr. Reinke said the sewer in the building going to the oil/water separator is labeled as SDR-5 and should be cast iron per code. He asked for that to be corrected on the final plan and Mr. Duff said he would make that revision. Mr. Reinke said the site entrance detail (Sheet C-2) said it was a public road but that is not applicable. Mr. Duff said he would make those revisions on the final plan. Mr. Duff said that they will be extending the gravel area to the building.

Ms. Nist asked if there would be any more exterior lighting. Mr. Duff said yes; there will be two-three lights in front, one in back with no spill off as they have had past issues with neighbors so the lights will be shielded if needed.

Ms. Nist asked if there was any fencing proposed. Mr. Duff said no fencing is being proposed and they are asking for a waiver for landscaping as the building is far back on the lot and there are no houses nearby. Mr. Escobar and Mr. Lee concurred saying there is an all natural tree buffer.

Mr. Campbell reviewed Quinn Engineering's Peer Review comments regarding:

1. Stormwater Permit – the Board can condition this permit
2. Site Plan

- a. Landscaping – a waiver has been requested
- b. Entirely fill site will total volume of 60,735 cubic feet of fill
- c. Elevation Plans – dimensions of building included, and Mr. Duff said they will try and match with the existing buildings but there are no elevation plans. Mr. Reinke said elevation plans are required but not needed for this project.
3. Lighting – Ms. Jacobsen said the Board can condition the lights. Mr. Duff said they will be dark sky compliant.
4. Landscaping – applicant is requesting a waiver.
5. Roof Gutters – building is required to have roof gutters and that downspouts be connected to the underground roof drain system
6. Parking – Ms. Jacobsen said the building is accessory and not for public use so the Board can waive the parking requirements.
7. Hydrology and Stormwater
 - a. Soil testing – existing results reasonable and justified. Mr. Duff said that additional soil testing near the new building would yield the same results.
 - b. Fence around basin – fencing not necessary on shallow pond. Mr. Duff said the basin should empty in 6-8 hours, maintenance of fence is an issue, and it's a commercial site with no children so they didn't include a fence.
 - c. Routing Diagram – Mr. Duff said an updated version was submitted.

Mr. Duff said that they currently have 12 employees and 20 parking spaces with handicapped spaces in the front.

Motion: Mr. Reinke moved to waive the landscaping requirements under zoning bylaw section 5.5.02.2

Second: Ms. Nist

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Aye
Five (5) in Favor. None (0) Opposed.	
Approved 5 to 0	

Motion: Mr. Reinke moved to waive parking requirements under zoning bylaw section 5.5.02.2

Second: Ms. Nist

Discussion: Ms. Jacobsen suggested section 5.5.02.01

Amended Motion: Mr. Reinke amended his motion to waive parking requirements under zoning bylaw section 5.5.02.01

Second: Ms. Nist

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

Motion: Mr. Reinke moved that all exterior lighting fixtures shall be shielded or cut down light design and cut sheets are to be provided to the Planning Department.

Second: Ms. Nist

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

Motion: Mr. Reinke moved that building shall not exceed 21.5 feet in height.

Second: Ms. Nist

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

Ms. Jacobsen suggested that as-builts be conditioned and remaining fees return upon final inspection and project completion.

Motion: Mr. Reinke moved an as-built for all site improvements under this SPR2014-01 modification shall be submitted to the Planning Department prior to issuance of an occupancy permit.

Second: Ms. Nist

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

Motion: Mr. Reinke moved to approve SPR2014-01 Modification for Jack Daige at 112 Huntoon Memorial Highway with previously approved conditions and waivers.

Second: Ms. Nist

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

Motion: Mr. Reinke moved to close the public hearing.

Second: Ms. Nist

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

The Public Hearing was closed at 7:27pm

Old Business

- **700 & 704 / 694 & 696 Main St.**

Ms. Jacobsen said Mr. Farnham will be pulling a building permit soon and will add a request for inspection of the Cultec system prior to backfill on the card. Ms. Jacobsen suggested using remaining funds in the peer review account for Quinn Engineering to do the inspection. Mr. Reinke asked about the fill and whether they need an earth removal permit. Ms. Jacobsen suggested asking

Quinn Engineering to estimate the amount of fill. Mr. Reinke asked if there was anything with Conservation and Ms. Jacobsen said she would check.

- **Board Signatures for Registry of Deeds**

Ms. Jacobsen said the Registry will send the form when it's ready to be renewed.

New Business:

- **Motion(s) to Proceed with Articles for the Town Meeting**

Ms. Jacobsen said she would like to hold public hearings for Articles HB-1 and battery energy storage for stand-alone units, and which does not regulate personal solar or arrays, and amendments to the HB-1, R-1 and BR-1 districts an adding mixed use into the HB-1 district along with its own special regulations, for the May Annual Town Meeting Spring 2024.

Mr. Campbell asked if there were any particular concerns.

Mr. Dykas asked about the battery storage size. Ms. Jacobsen said they are Tiers 1-4 with Tier 1 being 250 KW/hr or less and Tier 4 being greater than 10 MW/hr. Mr. Campbell and Mr. Reinke asked about the different between solar arrays and solar battery storage. She said the energy storage bylaw would not regulate solar farms or personal battery storage and are attached to transmission lines and not attached to a ground array. Mr. Dykas asked if this was like DevCo battery and Ms. Jacobsen said yes.

Ms. Jacobsen said this bylaw has already been accepted in several towns, including setbacks to mitigate fire threats as these fires are very difficult to put out and usually burn themselves out. Mr. Reinke said he spoke with Captain Mike Wilson at the Fire Dept. and Captain Wilson has some concerns about being able to put the fires out.

Ms. Jacobsen said that Tiers 3 and 4, that are the larger systems, would not be allowed in SA, R-1, R-2, by Special Permit in the Business District, not allowed in the Central Business District, allow by Special Permit in the Industrial District, and E-A, HB-1, HB-2, not allowed in BR-1, RIB, or NB. Residential is allowed across the board of personal solar. Tier 2 would be allowed by Special Permit.

Ms. Jacobsen said Harold Leaming, the Building Inspector, will be reviewing this bylaw as well. Ms. Nist asked if we can limit the use of these storage systems. Ms. Jacobsen said that we can ask but the Attorney General's office frowns upon moratoriums. Ms. Jacobsen said the setback requirements would make it so that there wouldn't be many parcels that could hold one of these systems.

Mr. Reinke expressed some concern about the Business zone because it can be densely packed, but the setbacks are ok. Mr. Dykas asked if it can be just plain no in any one zone since it's early technology and likely to change. Ms. Jacobsen suggested that topic be brought up for discussion at the public hearing they are required to have for the bylaw to go to Town Meeting.

Motion: Ms. Nist moved to proceed with the article for the battery energy storage system for the Spring Town Meeting in May.

Second: Mr. Reinke

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

Motion: Ms. Nist moved to proceed with the zoning bylaw HB-1 article for public hearing for May Town Meeting.

Second: Mr. Escobar

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

Mr. Campbell asked if they were voting on the use table. Ms. Jacobsen said that one is being held so they can really review it and have it ready for fall town meeting.

Approval of minutes from February 20, 2024

Motion by Ms. Nist to approve the February 20, 2024 minutes.

Second: Mr. Escobar

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

Town Planner Report/General Discussion

- **11 Hankey Street**

Ms. Jacobsen said the WorcShop has closed but the Special Permit Amendment application stays open and the new owners can proceed or withdraw the application. Mr. Reinke asked if the Board could have closed it since they didn't appear. Ms. Jacobsen said no the public hearing just gets continued. Ms. Nist asked if it could change use to be something other than a makerspace and Ms. Jacobsen said yes. Mr. Escobar asked if there was a new owner and Ms. Jacobsen said there is not a new owner yet. Mr. Dykas asked if it can be re-zoned for cannabis. Ms. Jacobsen said it may not meet the 200' buffer. It's in NB, R2, and SA and we can't spot zone and it won't meet the buffer requirement for cannabis so language would have to be amended in all 3 zones. Mr. Reinke said this property may fall under the AROD (Adaptive Re-Use Overlay District). Mr. Reinke can be used for mixed use residential. Ms. Jacobsen said it's being abated for nickel and cadmium. Ms. Westwell said CMG Environmental just did a report on the remediation, but it seems like it's going to continue. The Board discussed other ideas for possible use of 11 Hankey St.

- **Legal Ads**

Ms. Jacobsen said the Planning Department currently uses the Telegram & Gazette for legal ads but heard not many residents read that paper so the Dept. wanted to advertise in the Spencer New Leader. Mr. Reinke agreed. Mr. Escobar asked about the cost and Ms. Jacobsen said it's considerably cheaper.

- **Postage**

Ms. Jacobsen said that there is no requirement under M.G.L. to notify abutters via Certified Mail/Return Receipt, that it's very expensive to do so, and that she wants the Board to consider notifications by certificate or mailing or regular mail. Mr. Reinke asked Ms. Jacobsen to reach out to Town Counsel.

Motion by Ms. Nist to adjourn.

Second: Mr. Reinke

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

Meeting adjourned at 8:23 p.m.

Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: 3/26/24

Planning Board Signatures



Joshua Campbell, Chair



James Reinke, Vice Chair



Sharon Nist, Clerk

Anthony Escobar



Lee Dykas

Chris Clark, Alternate Member



Town of Leicester
Planning Board
Planning Department
3 Washburn Square, Leicester MA, 01524
508-892-7007

Tuesday, March 12, 2024 7:00pm

Please Sign In with your **FULL NAME**- Please Print Clearly

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