

**Leicester Planning Board Meeting Minutes
February 20, 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, Chris Clark (Alternate)

Members Absent: Anthony Escobar, Lee Dykas

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

Members of the Public in Attendance: None

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

Approval of minutes from February 6, 2024

Motion by Ms. Nist to approve the February 6, 2024, minutes with correction of minor typos.

Second: Mr. Reinke

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Absent
Lee Dykas	Absent
Three (3) in Favor. None (0) Opposed. Two (2) Absent Approved 3 to 0	

700 and 704 Main St. – Cultec System Install Status

Ms. Jacobsen said the Planning Department received an email from Mark Farnham regarding the Cultec system but Mr. Farnham wasn't able to attend this meeting. Ms. Jacobsen read Mr. Farnham's email in which he said the gutters are connected, provided photos, attached Cultec invoices, and asked about the 696 and 698 duplexes Cultec systems. Mr. Campbell asked if we requested invoices or photos from the 696 and 698 system. Ms. Jacobsen said no but she would do a site visit with Harold Leaming, Building Inspector, to confirm install. Mr. Reinke said he wants to make sure everyone is playing by the same standards. Ms. Jacobsen suggested including a standard condition on approvals that as-builts are required to be submitted upon project completion. Mr. Reinke concurred. Mr. Reinke said the gutter connection fix was temporary and asked when they would be putting in the permanent connection. Ms. Jacobsen said they didn't clarify that, but she would reach out to Mr. Farnham. Mr. Reinke suggested Ms. Jacobsen and Mr. Leaming view the system before it is backfilled. Ms. Nist said they should have a deadline.

Ms. Jacobsen said the Board could appoint Alternate Member, Chris Clark, as a voting member out of necessity since there were two boards members absent tonight.

Motion by Mr. Reinke to appoint Chris Clark as a voting member out of necessity tonight.

Second: Ms. Nist

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Absent
Lee Dykas	Absent
Chris Clark, Alternate Member	
Three (3) in Favor. None (0) Opposed.	
Two (2) Absent	
Approved 3 to 0	

Motion by Mr. Reinke to set a deadline for the property at 700 and 704 Main St. to have a permanent solution to their stormwater management roof leaders being tied into the Cultec system by May 15, 2024.

Second: Ms. Nist

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Absent
Lee Dykas	Absent
Chris Clark, Alternate Member	Aye
Four (4) in Favor. None (0) Opposed.	
Two (2) Absent	
Approved 4 to 0	

3 Blueberry Lane - Status

Ms. Jacobsen said Justin Zuffante's engineer, Jay Dubois, P.E., sent a site inspection memo from 1/4/24 and read the memo. Mr. Dubois said occupancy permits were obtained, that landscaping and plantings still needed to be installed along the northern boundary line, and additional grading be completed along southern-western boundary line in order to enhance the site's drainage infrastructure. Mr. Dubois indicated this work will be done in the spring when the weather allows. Ms. Jacobsen said the applicant had submitted a modification which he later withdrew and asked for the return of his surety. She said the Board asked for an as-built or inspection by his engineer and his engineer, Mr. Dubois, provided the inspection report. Ms. Jacobsen also said the site has an occupancy permit, the site is being used, and the permit was issued in 2021 yet there are still outstanding items. She suggested setting a date for plantings to be done and completion of that

would warrant returning his surety. Mr. Reinke said he will make a motion to set a date, and he wants people to comply with what has been approved and hold people accountable.

Motion by Mr. Reinke to set a deadline for the corrective actions set for 3 Blueberry Lane as described by the applicant's engineer by May 15, 2024.

Second: Ms. Nist

Discussion: Ms. Nist asked if that would be enough time weather wise. Mr. Reinke and Ms. Jacobsen said the date can be changed if the weather is not good.

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Absent
Lee Dykas	Absent
Chris Clark, Alternate Member	Aye
Four (4) in Favor. None (0) Opposed.	
Two (2) Absent	
Approved 4 to 0	

Authorization for Town Planner to sign ANR plans

Ms. Jacobsen explained the MA law that allows the Town Planner to sign ANR plans on behalf of the Planning Board. Ms. Westwell said that historically Michelle Buck had this authority and this is what Ms. Nist was referring to the Board signing each year a few meetings back. Ms. Nist asked if this was required and Ms. Jacobsen said it's not required, and that the Board typically signs ANRs at the meeting. Mr. Reinke said this allows the Town Planner to sign in the Board's stead, but Ms. Nist is talking about the Board signatures being recorded at the registry each year. Ms. Jacobsen will check with the registry.

Motion by Mr. Reinke to table the ANR authorization to the Board's next meeting on 3/12/24.

Second: Ms. Nist

Discussion: General discussion about March meeting dates.

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Absent
Lee Dykas	Absent
Chris Clark, Alternate Member	Aye
Four (4) in Favor. None (0) Opposed.	
Two (2) Absent	
Approved 4 to 0	

Town Planner Report/General Discussion

Zoning Bylaws

Ms. Jacobsen asked for discussion on the use table. Three zones have been incorporated that were left off the use table. She wants to see what uses the Board would like to see in each zone now that the uses from each individual zone section have been incorporated into the use table so that the zoning bylaw is consistent and easy to use for staff and the public.

Retail

Ms. Jacobsen said there were some options for retail:

- Different scales of retail - large, small, with or without outdoor storage and which ones will be in allowed by right or by special permit in a zone.
- Square footage for small vs large retail.

Mr. Reinke suggested aligning the sizes with the building code as smaller entities have less requirements so it's less expense. Mr. Reinke said he thought the number was 7,500 sq. ft. but to check with the building inspector. Ms. Jacobsen suggested small scale be 7,500 sq. ft. or under and large scale be over 7,500 sq. ft.

Ms. Jacobsen asked what zones would work for those retail scales. Mr. Reinke suggested HB-1, BR-1 and asked if large scale was allowed now in BR-1. Ms. Jacobsen said currently retail in BR-1 is not allowed. Site Plan review would be triggered based on size or it could be by Special Permit. Mr. Reinke suggested small scale in the BR-1 zone, but not large scale based on what business already exist in that zone so the smaller scale zones grown in the abutting larger scale zones. Board discussed existing businesses in the BR-1 zone, costs to applicants for permitting through site plan review vs special permit, small scale vs large scale, and traffic concerns. Mr. Reinke surmised that small business owners would most likely look for an existing place to rent where a big company would buy vacant land or and existing building and then build out. Ms. Jacobsen said they also want to make sure they don't make an existing building in a current zone non-conforming by changing the zone requirements. Mr. Reinke suggested allowing small scale retail in the BR-1 by site plan review and special permit. Ms. Jacobsen said it can always be changed if it's not working. Mr. Campbell concurred.

RIB Zone

Ms. Jacobsen said this zone allows for retail, banks, gift shops, childcare facilities, drive-thru with special permit (see zoning bylaw for complete list) but it's not broken out by size. Mr. Reinke said it's a small district and large would not be good there. Ms. Jacobsen said half of this zone is in the Water Resource Protection Overlay District (WRPOD) which is restrictive. Ms. Jacobsen asked if the Board wanted to leave retail by right or make some by Special Permit. Ms. Nist mentioned the applicant that was interested in doing an athletic facility. Mr. Reinke said that type of facility would be allowed there by Special Permit and suggested RIB have small scale retail by right and large scale by Special Permit.

NB Zone

Ms. Jacobsen said these are small lots so they may not want large scale there at all or make it less strict. Site plan review if required for anything in this zone. Mr. Reinke and Ms. Nist said to leave it alone for now.

SA Zone

Ms. Jacobsen said retail is not allowed in this zone, but gifts shops or antiques are allowed by right and have to be in something that looks like a house. There were no suggestions made by the Board to change this zone.

R-1 and R-2 Zones

Ms. Jacobsen said retail is not allowed in this zone, but gifts shops are allowed by right. There were no suggestions made by the Board to change this zone.

B Zone

Ms. Jacobsen said retail is allowed by right and asked if they want to consider small and large scale. Mr. Reinke said most are small parcels. Ms. Jacobsen said there were a few large parcels. She pointed out an old undeveloped subdivision with paper roads that a gentleman called about as he bought two of the parcels and wanted to build on them. Ms. Jacobsen said if someone were to buy all the parcels, it would create a large parcel to build on. Mr. Reinke suggested small scale retail by right and large scale by Special Permit. Mr. Campbell and Mr. Clark concurred.

CB Zone

Mr. Reinke said large scale retail would be difficult and suggested small scale by right and large scale by Special Permit. Ms. Jacobsen and Mr. Campbell concurred.

Industrial and Business Industrial-A Zones

Ms. Jacobsen suggested keeping that as industrial unless nothing gets developed there or the mill buildings start to decline and then they can change it. Mr. Reinke asked if that was the only pocket of industrial and Ms. Jacobsen said there is a small Industrial-A zone. The Board would like to see retail allowed in the Industrial Zone to open up options.

Ms. Jacobsen said retail is allowed by right in the Business Industrial-A Zone and it is primarily full of solar farms. Mr. Reinke wants to research this zone and see if it can be BR-1.

HB-1 Zone

Ms. Jacobsen said retail is allowed by right and it would be good to add small and large scale mixed use. Mr. Reinke agreed and suggested delineating large and small scale retail.

HB-2 Zone

Ms. Jacobsen said 90 Huntoon Memorial warehouse, Vangarden, and Joe's Auto are already in this zone and that retail is allowed. Mr. Reinke suggested leaving this zone as it is.

Uses Appearing in Only One Zone

Ms. Jacobsen said there are some uses that are inconsistent in sections of the current bylaw:

- Cemeteries – only existing allowed
- Liquor stores – not mentioned
- Medical offices – not mentioned – consider separating, for example, medical office from professional office from research facility in the use table and then define them.
- Some uses are overly specific and some uses can be simplified
- Some zones are missing personal services such as barber or beauty shop and spa
- If a use is not included in a zone, it's not allowed at all

Ms. Nist asked if chiropractic and physical therapy would be considered medical and Ms. Jacobsen said yes, it would be considered medical. Mr. Reinke asked Ms. Jacobsen to take a first pass at updating the use table and show the changes for the Board to review.

Meeting Dates

Due to a Board member conflict, the March 19th meeting will be moved to March 26th, 2024.

HB-1 Zoning Discussion Handout (2/20/24)

See: https://www.leicesterma.org/sites/g/files/vyhlf781/f/uploads/hb1_and_br1.pdf

Ms. Jacobsen reviewed the handout with the Board. In the BR-1 zone, there are 27 parcels affected by this change. All the single family homes affected will be increasing conformity as they are not allowed in HB-1. Ones that are currently non-conforming will likely remain non-conforming, but this is no more detrimental than current zoning.

Ms. Jacobsen said one of the big pushes for the HB-1 area is to allow mixed use. She suggested adding HB-1 mixed use development with horizontal mixed use. She said vertical mixed use is more for urban environments whereas horizontal mixes look more like town houses or condos even though they are apartments. She said they could specify commercial mixed use vs residential mixed use.

Ms. Jacobsen said she researched ratio/density and what that looks like in a mixed use setting. The Board can decide what they want the Town's max density to be and what the design should look like for mixed use.

Ms. Nist asked if any of the mixed use developments shown in the handout have open space. Ms. Jacobsen said that there can be an open space component, but the Town's open space bylaw is for a residential subdivision bylaw and not mixed use/commercial endeavor. Ms. Jacobsen offered

some options for commercial acreage and residential acreage requirements used by other Town for the Board to consider.

Ms. Jacobsen said there are options for reduced acreage to accommodate mixed use or to have outdoor areas. The handout also includes options for design guidelines for the Board to consider. Ms. Jacobsen said the goal is to come up with something that works for the Town. Mr. Reinke agreed that he wants it to be Leicester-centric, so it fits with our Town. He said the commercial component adds to the Town tax base as it draws people from other towns too.

Ms. Jacobsen said that research shows mixed use does not typically increase traffic as apartment dwellers tend to make one trip while single family homeowners make multiple trips per day.

Mr. Reinke asked if MBTA can be wrapped into this. Ms. Jacobsen said that the MBTA deadline might have gotten pushed another year and that she was attending a meeting about it. She said that mixed use is a win-win because we are compliant with the law and it benefits the Town. She said the MBTA mixed use must be by right but it's still subject to site plan review. Mr. Reinke said compliance with MBTA does come with some benefits as far as grants. Ms. Jacobsen said they can also add an affordability component but to keep in mind that "affordable" rent for a one bedroom apartment could be \$1,400 or more a month.

Ms. Jacobsen said that in order to make the Annual Town Meeting, the Board has to send the changes to the Selectboard, and they have to send it back to the Planning Board. She said like to get this to the Selectboard after the next Planning Board meeting.

Ms. Nist asked about native species for landscaping. Ms. Jacobsen said we can update the list. Mr. Reinke suggested contacting Jan Parke with CGLT.

There was general discussion about the next meeting agenda and the most recent EDC meeting.

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	Absent
Lee Dykas	Absent
Chris Clark, Alternate Member	Aye
Four (4) in Favor. None (0) Opposed. Two (2) Absent Approved 4 to 0	

Meeting adjourned at 8:56 p.m.

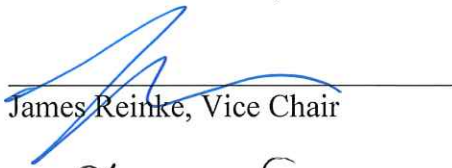
Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: 3/12/24

Planning Board Signatures



Joshua Campbell, Chair



James Reinke, Vice Chair



Sharon Nist, Clerk



Anthony Escobar



Lee Dykas

Chris Clark, Alternate Member