

Leicester Planning Board Meeting Minutes September 5, 2023

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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

Members Absent:

Staff Members Present: Kristen Jacobsen, Town Planner, Elena Ion, CMRPC

Members of the Public in Attendance: Eric and Stephanie with Joe's Auto, Justin Eisnor, Mark Borenstein, Esq., Edward Kooyomjian, Jan Parke

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

Economic Development Commission Meeting Update

- Mr. Reinke said they discussed how to streamline the permitting process and that most of the bylaws are built around the safety aspect and Master Plan. He said that the center of Leicester is not designed for the traffic and it's hard to see the business as you jockey around so he was looking into on-street parking on Route 9 corridors in other Towns.
- EDC also talked about the challenges of the central business district and how it's mixed use and needs to be revamped by getting all folks on same page. EDC discussed how the Boards interact for projects and how they can make the permitting process easier. Ms. Nist is the main problem with Route 9 is it's a state highway and can't have parking.
- Mr. Campbell said they talked about an application checklist and that it would be good to have a checklist for these projects.

1. Public Hearing, Special Permit Amendment – Continued – 11 Hankey Street

Request for amend special permit SP2021-03 for makerspace

Applicant: The WorcShop

There is no one present to represent the project. Mr. Campbell said they are looking to amend several waivers that they had in their original special permit and asked if anyone wanted to speak on it. Mr. Reinke said in light of the recent change of staff, he thinks they should continue this to their next meeting and ask the new Town Planner to reach out to the Applicant.

Motion by Ms. Nist to continue the public hearing for the special permit amendment SP2021-03 for 11 Hankey St. to September 19, 2023, at 7pm or thereabouts.

Second: Mr. Reinke

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye

Lee Dykas	Aye
Four (4) in Favor. None (0) Opposed. One (1) Absent. Approved 4 to 0	

2. Joe's Auto – 81 Huntoon Memorial Highway

Ms. Jacobsen said the Applicant asked to be added to the agenda today for conversation on what the next steps would be for their project. Eric from Joe's Auto was present. Eric said dating back to October 2022 he met with Dept. of Inspectional Services and asked for them to visit the site to view his proposed changes. Eric said at that time everybody let him know that the property had been broken up and had some wetland issues as the previous owner had put junk vehicles on the lot, and they had an auto dealer license with a 100 car parking permit. Eric said his partner, Joe, bought the property from Paul and for Eric to move forward he had to clean out the wetlands. Eric said he had Glenn Krevosky delineate the wetlands and he cleaned up the wetlands. On November 30, 2022, they put together the application to become an automobile repair shop and used car sales business for the Town and they have been in business 18 years.

Eric said he wants to build a new building and have a used car dealership and was told he had a restriction to 30 cars. Joe carried over the 30 car number on the new parking plan, but Eric was told to get a new plan so he hired DiPrete Engineering in January of 2023 to do an existing conditions plan, contacted water/sewer, and submitted it for further review. The Planner told him there was a 50' setback and needed a variance. Eric said it got complicated and now they are stalled on the parking plan. The 50' setback renders the property useless if they can't park within the setback. Eric said he submitted the plans to the Town Clerk and Fire and the rest of the departments. Eric wants to build a 7,400 s.f. building. Eric said the existing building is also within the setback and the elevation in the back would not fit 100 cars and meet the front setback. Eric said he cleaned out the back of the property and had the plans revised and submitted them again in May 2023 for a used car dealership and then the Town Planner left again.

Eric said he is hoping for a temporary permit for the parking lot because he is still waiting on approval from the DMV. He said Ms. Ion instructed them to get a waiver from the ZBA for the variance and he said DiPrete submitted it, and he can submit a copy. Eric said he only has two weeks until he needs to get things started.

Mr. Campbell apologized for the turnover. Eric said he is also working with the abutting property owner to get some more land. Ms. Nist asked about the letter from Mike Silva and asked about a date. Eric said there was lots of correspondence from the Town with no date. Ms. Jacobsen said there is no record of a submittal in the Planning Dept., Town Clerk, or on the website. Ms. Nist also has no recollection of the submittal. Ms. Jacobsen said there is no application for the ZBA variance and no plans. Eric gave copies of his paperwork to Ms. Jacobsen. Ms. Jacobsen said the documents were from the Worcester County Registry of Deeds, motor vehicle license for repair, and insurance, and quote form Glenn Krevosky, but no application for a ZBA variance.

Mr. Reinke also apologized but said there is a process that they follow under Mass. General Law and step one is permitting and if he has it all, re-submit it to the Board. Mr. Reinke said the new Town Planner is here and ready to help him get the application and plan in order and submitted.

Mr. Reinke said the Town's peer review engineer will have to review his plans. Eric said he understands the process, he's all for it, and he'll gather everything up and bring it in again. Mr. Reinke said they want to get him in the right direction so to sit with the Town Planner, get existing and proposed conditions, and talk to his engineer about what phases he wants to go with for the project. Mr. Reinke said the variance information would be submitted to the ZBA, not the Planning Board and that he needs stamped plans from an engineer and an application. Mr. Reinke said they want to help him be compliant with the bylaws and regulations and they need his application(s) and all of his engineered plans. Mr. Reinke said the Tech Review team and town peer reviewer will review everything.

Eric said he bought a steel building to move the paint booth and showed some preliminary drawings and asked if he can get a temporary permit to pour the concrete. Mr. Reinke said he needs a building permit and the variance so doing anything would be at his own risk. Ms. Nist said the pouring of concrete would still need a site plan review for a new building. Ms. Jacobsen said he may need to go to Planning, Zoning and Conservation. Mr. Campbell said they are looking forward to working with Joe's Auto.

3. 190 Main St., Cherry Valley

Mr. Mark Borenstein, Esq. is present for the applicant. Mr. Borenstein said he emailed Donna Main to talk about next steps but never heard back. The Board informed him she was no longer with the Town and Kristen Jacobsen is the new Town Planner. Mr. Borenstein said the three documents are: two confirmations from professionals the applicant has engaged for engineering and architectural, and a proposal from a performance consultant for fire suppression. Mr. Borenstein said the property owner has done the following:

- has a dumpster on the property to remove the scrap metal
- is working with the engineer to install straw wattles around the millings as they want to use the millings so are keeping them on site
- filed an electrical permit town today for wiring running along the side of the property and into the ground to connect the wiring to be compliant

Mr. Campbell asked Mr. Borenstein if the following punch list had been done and he replied yes to all:

- propane tank removed
- storage tank removed
- RV removed
- Containers for scrap metal and spoils
- Unregistered vehicles
- Contract with engineers

Mr. Reinke asked about the millings and said they did agree to have the wattles placed around them but didn't understand using it for grading. Mr. Borenstein said millings would be used for parking surfaces. Mr. Reinke said that is not allowed by bylaws or conservation and the parking would have to be done with asphalt. Mr. Borenstein wants to confirm what they want to do and have Kevin Quinn review and then go to the Board. Mr. Borenstein said they do not want to conduct any site work until the Board approves the plan. Mr. Reinke said the vision for the building is more

than just storage and suggests they come back with their vision and everything they will need to go along with their plans. The plan should show the building, use, and surrounding structures and that will drive the parking requirements. Mr. Borenstein said they want to meet all of the permitting requirements. Ms. Nist said the runoff from the west side of the building was discussed and needs to be taken care of with detention/retention. Mr. Reinke suggested they explore the uses allowed in the zone and decide what they want to do and also discuss their plans with their neighbors to address any issues they may have with traffic. Mr. Borenstein said a lot of the proposed parking areas are a common parking lot with the other businesses.

Mr. Campbell said the only open item now is the millings. Mr. Reinke suggested the Board extend completion of the list to September 19, 2023 and get an update from Mr. Borenstein. Ms. Nist asked where the millings came from and, if they are going to be removed, do they need an earth removal permit. Mr. Reinke said it's not soil so they do not need an earth removal permit. Mr. Borenstein said he doesn't know where the millings came from or how they will be used but if they were going to remain, they would explain to the Board why they were keeping them there and if they need Conservation permitting.

Motion by Mr. Reinke to continue the discussion on 190 Main St., Cherry Valley to September 19, 2023 at 7:05 pm or soon thereafter with anticipation that we will be receiving update and narrative on purpose and intent of the millings needing to stay on site.

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	

Town Planner Report/General Discussion

Mr. Reinke asked Ms. Jacobsen what her goals were for this year and she said to get this into a nice well oiled machine and get it cleaned up as there were some database issues.

Grandview Estates: Mr. Campbell invited Edward Kooyomjian, Jr. to be heard. He said he emailed Donna Main as well because his father received a registered letter from the Planning Board about Grandview Estates on Route 56. He wrote to Donna that his father passed away 3 years ago. He said he was a manager working on the project from 2005-2008 and Donna asked him to appear at this meeting. Mr. Kooyomjian summarized the letter saying it said: in response to a recent request for a reduction in surety to Grandview Estates, it's requested that you attend the meeting to discuss the project and the surety. Mr. Kooyomjian said this was closed out with Country Bank over 10 years ago so he doesn't understand why the letter was sent.

Ms. Nist said it's the road and as she recalls the road was supposed to be done in phases and only Phase 1 was done so she thinks it's a housekeeping item to make sure the road is the way it's supposed to be. Mr. Kooyomjian said that makes sense as the original surety was around \$100,000 and was last at about \$30,000 and was probably tied to a punch list with the Board. Mr. Kooyomjian said the road itself was that the cul-de-sac was temporary and would go away and the road would connect to Pleasant St. Mr. Kooyomjian said the cul-de-sac still exists but was not part of the permit. Mr. Dykas said stormwater was a concern on that. Ms. Nist suggested sending Kevin Quinn out to look at the road and if it's good, the Board could release the surety.

Ms. Jacobsen asked if Mr. Kooyomjian owned the property or if the bank owned it. He said Country Bank conducted an action and he doesn't know who owns it. Mr. Dykas thinks there's a homeowner's association and they were requesting the bond so maybe they own the land. Mr. Kooyomjian doesn't know if they own vacant land lots 2 and 3 or if it was conveyed to the association but the master deed might spell that out. Mr. Kooyomjian asked if there was a statute of limit on a surety letter and said that Leicester Estates Corporation is no longer in business. Ms. Jacobsen said that since Mr. Kooyomjian and his father are no longer owners, the Planning Department will look into ownership. Mr. Reinke asked who sent the letter asking for a reduction in the surety. Mr. Dykas said it was the homeowners association, but Mr. Campbell said Donna was supposed to look into who requested the surety so they didn't know. Ms. Jacobsen asked who would be entitled to get the money back now. Mr. Reinke said Quinn Engineering had some small things and as he recalled, it was stormwater related. Mr. Kooyomjian said the project was foreclosed upon and suggested contacting Country Bank or the homeowners association.

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 8:14 p.m.

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

Date Approved: 2/6/24

Planning Board Signatures



Joshua Campbell, Chair

Anthony Escobar

James Reinke, Vice Chair

Lee Dykas

Sharon Nist