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## Leicester Planning Board Meeting Minutes December 5, 2023

**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

**Members of the Public in Attendance:** See attached Sign in Sheet

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

### Approval of Minutes from October 3, 2023

**Motion** by Ms. Nist to accept the October 3, 2023 minutes.

**Second:** Mr. Reinke

**Discussion:** None

### Record of Vote:

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

### 2024 Meeting Dates

**Motion** by Mr. Reinke to approve the 2024 meeting dates except for November 5<sup>th</sup>.

**Second:** Ms. Nist

**Discussion:** None

### Record of Vote:

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

**1. 7:05 PM Public Hearing – SP-2023-04 & SOR-2023-05 Patriot Storage LLC**

Applicant proposes storing of relocatable storage units along a fenced lot line at 3 Blueberry Lane

Chairman Campbell opened the public hearing at 7:05 pm and read the public hearing notice into the record.

Justin Zuffante, owner, was present and said he was requesting an amendment to his site plan and special permit to add 6 – 10'x20' relocatable units to his existing storage business.

Mr. Reinke asked how often the units will be relocated. Mr. Zuffante said it depends on length of rental, maybe once a month and would either be stored on site or at the renter's residence.

Ms. Nist asked if they were pods and facing the street. Mr. Zuffante said yes along the fence line with a 20' tree buffer. Ms. Nist asked if he was removing more trees and Mr. Zuffante said no. Mr. Reinke asked what the space was between the line of the driveway and the side lot line and Mr. Zuffante replied 10'. Mr. Reinke asked if Mr. Zuffante was proposing to limit them to six units. Mr. Zuffante said each unit would be 10'x20' with two 10'x10' and two doors or he could get 10'x10' units instead.

Mr. Reinke said the side yard setback is 40' from a structure in the BR-1 zone so this proposal seems more encroaching. Mr. Escobar questioned whether that was just for permanent structures as these were movable. Mr. Zuffante said that the units were considered equipment and not structures or accessory buildings so they were allowed in the BR-1 zone. Ms. Nist expressed concern that if the Board approved 6 20'x20' units and then he changed to 12 10'x10' units, there would be an issue with the approval. Mr. Zuffane said he was open to what works best.

Mr. Barry Besse, abutter and owner of Hilltop Vet said Mr. Zuffane has already cleared everything and he is too close to the lot lines. Mr. Reinke said that abutters had concerns with the 1<sup>st</sup> approval and that Mr. Zuffane may already be out of compliance with the setbacks.

Mr. Dykas asked what units Mr. Zuffane was going to use and Mr. Zuffane offered the box specifications for Board review. Mr. Dykas said they didn't look moveable and at 10' would need oversized load permits to move whereas "pods" were 8'. Mr. Reinke expressed concern that units would become permanent. Mr. Campbell said the portable units need a buffer. Mr. Reinke was concerned with proximity to lot line and whether or not the original permit was being violated. Ms. Jacobsen said Special Permit Condition #16 said buffer was to remain undisturbed so if it was cleared that would be a violation. Mr. Reinke said he wants to do a site visit. Ms. Jacobsen said the Board could condition the size of the units.

Mr. Besse showed the Board photos he took of the lot line. Mr. Zuffane said he also has photos and the highway department also cut back overgrowth along the edge of the road, that the buffer area is usually green in the summer, and that he did install a privacy fence per the original permit. Mr. Reinke said the 4/12/21 plan approved by the Planning Board may have been non-compliant and if so, it would be even more non-compliant if they approve the amendment and he does not want storage units in the 20' buffer.

**Motion** by Mr. Reinke to schedule a site visit as a posted meeting so all members could go and the applicant can be there on Saturday, December 9, 2023 at 10:30 am.

**Second:** Ms. Nist

**Discussion:** None

**Record of Vote:**

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

Mr. Campbell asked if there were any additional comments from the public. Mr. Besse said he lives next door and there is a right of way on the road and if the Board approves the amendment, he wants to clear cut everything on his property too. Mr. Besse said he wants to be at the site visit and Mr. Reinke said that was fine, but he could not come onto Mr. Zuffane's property without permission and that this hearing was to discuss the amendment and not Mr. Besse's property.

There were no other comments from the public.

**Motion** by Mr. Reinke to continue the public hearing for 3 Blueberry Lane to January 2, 2024 at 7:00 pm.

**Second:** Ms. Nist

**Discussion:** None

**Record of Vote:**

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

**2. Public Hearing (Continued) – SP-2023-03 & SPR-2023-03 HY Ventures Leicester, LLC  
1621 Main St.**

Mr. Tom Reidy, Esq. was present representing HY Ventures. Also present for the project is Phil Henry, P.E. (civil engineer), Daniel Dumais, P.E. (MDM traffic engineer), and Hussein Yatim (project engineer) and Terak Yatim. Mr. Reidy said the tech review meeting with the Town went well and they are hoping for approval tonight.

Mr. Henry presented the revised Plans per Planning Board comments which had largely remained unchanged except for:

- Added 3 trash receptacles
- Relocated striped loading zone and moved it closer to the dumpster area
- Adjusted landscape plantings to comply with the Town's list
- Showed snow storage in three areas

Ms. Nist asked if there would be stop sign at the exit to the gas station and Mr. Henry said yes and a stop bar. Mr. Reinke asked if another trash receptacle could be added in the space just before the drive through window and Mr. Henry said one would be added. Mr. Escobar asked if there was only one exit to go left out of both properties. Mr. Henry said yes, but it would be a four-way light. Mr. Escobar expressed concern about the traffic flow and Ms. Nist said drivers have to cross parking spaces. Mr. Henry said they are using standard flow, one way with no curb, but drivers can go all the way around the building. Mr. Escobar asked how many car lengths at the light and Mr. Henry said 2 ½ -3 cars with a timed signal and they can exit through the abutting property.

Mr. Dykas asked if all of Quinn Engineering's comments were addressed. Mr. Campbell said some comments were still outstanding. Mr. Henry went through Quinn Engineering's comment letter dated 11/16/2023, pointing out the comments that were already met and addressing the open comments:

- Comment 3. regarding accessible parking. Mr. Henry said that the spaces were 9'x18' and the ADA spaces were 8' with 8' of striping or 8' with 5' of striping. Mr. Henry said that making them bigger means less landscaping and that they meet MA Architectural Board (MAAB) and ADA standards but not the Town's 10' width requirement. Mr. Henry said the parking spaces will have van accessible signage.

**Motion** by Mr. Reinke to waive the Leicester Parking Regulations IV, A as long as the current layout is compliant with CMR 521.23 with both spots being labeled with the van accessible signage.

**Second:** Ms. Nist

**Discussion:** Mr. Reinke said that the Town's parking regulations are more restrictive, but the plan does allow for more landscaping, the proposed spaces are compliant with MAAB and ADA, and complies with the letter of the law.

**Record of Vote:**

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

- Comment 4. regarding a 50' landscape buffer.

**Motion** by Mr. Reinke to waive the requirements of 5.5.02.2, B. which require a 50' landscape buffer on sites where a non-residential use abuts a residential use, specifically because an opaque fence has been requested by the Planning Board and adopted by the Applicant and per the approved plan.

**Second:** Ms. Nist for discussion.

**Discussion:** Ms. Nist asked where that would place the retaining wall. Mr. Henry said it would be on the line or about 1' off the line. Mr. Reinke said that this zone is not for residential use long term, the abutter wants to sell for commercial purposes and the Applicant is putting up a fence. Ms. Nist asked if that was ok even if it is right on the property line. Mr. Henry said the fencing will be off the property line as it will be on top of the wall so a few feet off the property line and the face of the wall will be 1' off the property line.

**Record of Vote:**

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

- Comment 5. regarding parking spaces within 50' of the property line with 1625 Main St.

**Motion** by Mr. Reinke to waive the requirements of 5.5.02.2, H. which addresses parking spaces within 50' of the property line as long as the opaque fence is part of the plan, which it is.

**Second:** Ms. Nist for discussion.

**Discussion:** Ms. Nist asked if this was waived does that mean there would be parking in the buffer and Mr. Reinke said yes, on the west side. Mr. Henry said there are 2 spaces in the buffer. Mr. Reinke said the fence reduces any light glare.

**Record of Vote:**

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

- Comment 10. regarding parking adequacy. Mr. Reinke clarified that the Applicant researched many Starbucks and the parking calculations proved to his satisfaction that the parking was adequate. Ms. Jacobsen said that the Zoning Enforcement Officer was present at the Tech Review meeting and had no issue with the parking. Mr. Henry showed where the employee parking would be.
- Comment 12. regarding stormwater being discharged into a common basin. Mr. Henry said they have been working on this with the property owners and they would take a condition on this as it is not yet worked out.

Mr. Dykas asked who will maintain what with the stormwater basins if the property is sold. Mr. Henry said there will be a recorded easement deed between the owners showing who is responsible for what. Mr. Henry said the agreement had not been worked out yet, but it would be in the Operation & Maintenance Plan and the Planning Board could condition it. Mr. Reidy said the O&M Plan would be incorporated into the Special Permit so the Planning Board could enforce it.

**Motion** by Mr. Reinke to approve Special Permit SP 2023-03 and SPR-2023-03 1621 Main Street, Leicester, MA as presented and with the waivers previously approved at tonight's meeting with the condition that as-builts be provided at the end of the project through mylar, digitally, and a set of plans.

**Second:** Ms. Nist

**Discussion:** None

#### **Record of Vote:**

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

Mr. Reinke asked Mr. Henry and Mr. Reidy how they felt the process when for this project. Mr. Reidy said the Town Planner knew the regulations and procedures and he felt she did a great job. Mr. Reidy said he thought everyone was easy to work with and that the Town said "We are open for business". Mr. Yatim said they are looking forward to opening. Mr. Reinke thanked the Applicants. Mr. Reinke asked if Burger King was still coming into Town. Mr. Yatim said they were working with the old building inspector and then the new building and he wanted more so the project went into three months and the company got sick of it so they backed out. Mr. Yatim said he is hoping to do more business in Town and thanked the Board. Mr. Yatim said they originally wanted to do a storage unit project on another parcel, but they now want to do retail.

## Old Business

- 11 Hankey Street.

Ms. Jacobsen said the Applicant requested a continuance to January.

**Motion** by Ms. Nist to continue 11 Hankey Street to January 16, 2024.

**Second:** Mr. Reinke

**Discussion:** None

### Record of Vote:

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

- Elect CMRPC Delegate.

**Motion** by Ms. Nist to keep Anthony Escobar and Lee Dykas as CMRPC delegates.

**Second:** Mr. Reinke

**Discussion:** None

### Record of Vote:

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

## New Business

- Project Closeout – 0, 90, 92 Huntoon Memorial Highway.

John Brennan with Brennan Group and Richard Whitehouse with VHB were present. They submitted an as-built and did a site walk with Kristen Jacobsen and Kevin Quinn with Quinn Engineering. They are requesting to close out the project and get a letter from the Planning Board for their financing.

Mr. Reinke asked what the status was of the bathrooms. Mr. Brennan said it is pending, they are all stubbed to the building, and they will put them in with they have tenants. Mr. Dykas asked about the number of pumps and Mr. Whitehouse said there were 1 or 2 and were installed. Mr. Reinke said their team came in well prepared and he commended them. Ms. Nist asked if they had any potential tenants and Mr. Brennan said two.

**Motion** by Mr. Reinke for Chairman Campbell to sign the project close out letter for 0, 90, 92 Huntoon Memorial Highway.

**Second:** Ms. Nist

**Discussion:** None

**Record of Vote:**

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

- Chris Clarke was present and is interested in serving the Town as an associate to the Planning Board. Ms. Jacobsen explained the process.

**Motion** by Mr. Reinke to advertise the position of Associate Planning Board member and add to agenda on January 2, 2024 for interested parties to come express their interest.

**Second:** Ms. Nist

**Discussion:** None

**Record of Vote:**

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



## **Town Planner Report/General Discussion**

Ms. Jacobsen said she has been working on the projects before the board and working with CMRPC on the MBTA Communities, Town Center Plan, and Master Plan. Ms. Jacobsen said survey link was sent out and that CMRPC wants it to be tailored to Leicester and the Board can review and submit comments.

Mr. Reinke talked about turning the 4 lane highway back into on-street parking but Ms. Nist said it's a state highway and you can't park on it. Mr. Dykas asked if there was any talk about having an exit off the Mass Pike in Leicester. Mr. Reinke said it would be a challenge as it would be in Auburn, not Leicester, there are issues with topography, and Auburn doesn't want a second exit. Mr. Reinke felt it would take away lots of what Leicester is and increase traffic. Mr. Dykas thinks it's still worth looking into.

Ms. Nist asked about Chapel Street and the trailer that someone might be living in. Ms. Jacobsen said the Building Inspector was going to look into it.

Ms. Nist asked about 190 Main St. Mr. Reinke asked for Ms. Jacobsen to get an update. Ms. Jacobsen said they were dissatisfied with their options and may come in with a new housing project, possibly a 40B. Ms. Jacobsen said a new 40B project in Shrewsbury called Edgemere had rents upward of \$2,200/month for a one bedroom. Mr. Reinke said it's not what people think it is but there is a large grant available to increase housing. There was some discussion about 40B and increase in children in the school system. Ms. Jacobsen the Town would have to look into areas of town where larger housing complexes would be best suited, and for MBTA it would have to be allowed by right but it would still require Site Plan Review.

**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
<b>Five (5) in Favor. None (0) Opposed</b>	
<b>Approved 5 to 0</b>	


Meeting adjourned at 8:59 p.m.

Respectfully Submitted by:

Lisa Westwell, Administrative Assistant  
to the Planning Department


Date Approved: 12/19/2023

**Planning Board Signatures**

  
Joshua Campbell, Chair

  
James Reinke, Vice Chair

  
Sharon Nist

  
Anthony Escobar

  
Lee Dykas



Phone: 508-892-7019  
FAX: 508-892-7064

**TOWN OF LEICESTER**  
**PLANNING BOARD**  
**3 Washburn Square**  
**LEICESTER, MASSACHUSETTS, 01524-1333**

**CERTIFICATE PURSUANT TO Ch. 39, Section 23D**

CERTIFICATE PURSUANT TO G. L. c. 39, SECTION 23D OF PARTICIPATION IN A SESSION OF AN ADJUDICATORY HEARING WHERE THE UNDERSIGNED MEMBER MISSED A SINGLE HEARING SESSION.

[Note: Can only be used for missing one single hearing session; can not be used for missing more than one hearing session. Inquiries concerning this form and your ability to participate in a matter where you missed a single hearing session should be addressed to Town Counsel.]

I, ANTHONY ESCOBAR (printed name), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of the Planning Board.

2. I missed a hearing session on the matter of

1621 MAIN ST

which was held on OCTOBER 17, 2023.

3. I reviewed all the evidence introduced at the hearing session I missed, which included a review of:

- a. ☒ audio recording of the missed hearing session; or
- b. ☒ video recording of the missed hearing session; or
- c. ☒ a transcript of the missed hearing session...

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 5 day of DECEMBER, 2023.

[Signature]  
(signature)

Received as part of the record of the above matter:

Date: 12/5/2023  
By: Kristen Jacobsen  
Position: Town Planner

# SIGN-IN SHEET

[illegible]