



ALLEN ENGINEERING  
& ASSOCIATES, INC.

Civil Engineers, Surveyors &  
Land Development Consultants

**ADDRESS**

One Charlesview Road  
Suite 2  
Hopdale, MA 01747

**PHONE**

(508) 381-3212

**WEB SITE**

www.allen-ea.com

September 23, 2021

Leicester Planning Board  
Leicester Zoning Board of Appeals  
3 Washburn Square  
Leicester, MA 01524

Re: #1603 – #1605 Main Street,  
Leicester, MA  
AEA Project 00047

Dear Members of the Board:

Allen Engineering & Associates, Inc., on behalf of the applicant Skaff Petroleum, Inc., hereby submits the enclosed materials for approval of construction on the property located at #1603 – #1605 Main Street.

The applicant seeks the following approvals:

Planning Board

- Site Plan Review
- Stormwater Permit
- Special Permits (HB-1 Zoning District)
  - Zoning By-Law §3.2.03 7. – Gasoline station
  - Zoning By-Law §3.2.03 11. – Drive-through facility
  - Zoning By-Law §3.2.03 13. – Rental enclosed self-storage facility
- Waiver for buffer size  
(Waiver request follows)

Zoning Board of Appeals

- Variance request for curb cut location (Petition for Variance follows).
- Variance request for size of standing sign (Petition for Variance follows).

Review History

The Planning Board and Zoning Board of Appeals have reviewed a project on this site in the past (2013) and has granted approvals based on that review. The Planning Board approval (recorded in deed book 51725, page 157) and the Zoning Board of Appeals decision (recorded in deed book 51972, page 163) are included herewith for reference. The construction under these approvals was not started and the approvals have since lapsed and are expired. The site layout, as had been previously approved, has been modified somewhat on the current enclosed plans:



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#1603 – #1605 Main Street,  
Leicester, MA

At #1603 an 80' by 125' three story self-storage building replaces the formerly proposed 80' by 125' retail/bank building.

At #1605 the proposed use as a gas station/convenience store and fast-food restaurant/drive-thru remain as previously proposed, although the site layout has been reconfigured. The former approval included a car wash which is no longer proposed.

**Project Narrative**

The subject property lies on the southwesterly side of Route 9 (state highway) and is numbered 1603 & 1605 Main Street. The site comprises three parcels under common ownership and is shown on Leicester assessor's maps 18, block A, parcel 8.1, and map 18A, block A, parcels 14 & 15. The site is a vacant/cleared lot approximately opposite the Walmart (Soojians Drive) entrance. The project proponent seeks approval to construct two commercial buildings with appurtenant parking, access drives and utilities.

The easterly building (#1603) is proposed as a three-story self-storage building having a footprint area of 10,000 square feet. This building will contain 100 storage units per floor for a total of 300 units of varying sizes. The building will be equipped with elevators and an automated fire protection sprinkler system. The building will provide two office spaces as well as one restroom. It is anticipated that 1 – 2 full-time employees will staff the building.

The westerly building (#1605) has a footprint area of 4,996 square feet and will contain a one-story fast-food restaurant with a drive-thru on the easterly side of the building, and a gas station/convenience store on the westerly side of the building. The easterly portion of the building will be a slab-on-grade construction, while the westerly will have an additional basement level to be used for supplies and storage. A canopy 18.5 feet in height will cover the five auto fueling islands. This will protect the fuel customers from the elements as well as reduce the potential of pollutants in the stormwater by limiting the fuel area exposure to precipitation. A concrete positive limiting barrier with sufficient storage capacity will be constructed around the fueling area to contain inadvertent spills. The restaurant drive-thru will be double-lane with separate by-pass lane. This will allow 17 cars to stack in cue thereby reducing the possibility of overflow into the parking/driveway area and improving vehicle circulation and pedestrian safety. A total of 40 parking spaces are provided for this building exceeding the required number of 33. Eight employee spaces will be designated adjacent to the drive-thru area. This building will be staffed by 7 – 10 employees, and operating hours are anticipated to be 5am to 12 pm daily.

#1603 – #1605 Main Street,  
Leicester, MA



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Access to the site will be provided by a new curb cut and driveway on the westerly side of the lot, directly across Route 9 from Soojians Drive with an additional site egress (right turn only) on the easterly side of the lot. In connection with this work the applicant is coordinating with the Massachusetts Department of Transportation (MassDOT). The existing traffic signalization and lane markings will be modified at the intersection to accommodate the new entrance. The Traffic Consultant on the project, Ron Muller & Associates, represents the applicant in respect to work within the state highway right-of-way. We have included the consultant's plans to date along with this application in a draft/preliminary format as the MassDOT approval has not as yet been finalized. A Traffic Impact and Access Study has been prepared and included herewith for review.

Stormwater management will be achieved through the use of conventional deep sump catch basins and sediment forebay/infiltration basin for groundwater recharge. An additional measure for stormwater treatment, being a hydrodynamic separator will be utilized in the treatment train for the fuel sales portion of the site to enhance Total Suspended Solids removal and supply storage for oil and sediment. The stormwater system has been developed in full compliance with the Massachusetts Stormwater Management Standards and the Drainage Analysis report is provided with this application package.

Sewer and water service will be supplied by the Leicester Sewer and Leicester Water Districts, a letter confirming adequate capacity is enclosed herewith.

The site has been designed to provide access for fire apparatus around the entirety of both proposed buildings. Other on-site fire protection measures include: A canopy mounted fire suppression system for the fueling area, an automated sprinkler service in building #1603, and installation of a town standard fire hydrant.

**Planning Board Waiver Request**

As noted on sheet 4 of the plan set, the Applicant requests relief by the Leicester Planning Board from strict compliance of the By-Law for the following:

**Landscape buffer to a residential use**

(Zoning By-Law section 5.5.02.2b. - 50 feet required).

Waiver Request: To allow a buffer of 48.4 feet, and also request to allow parking and driveways to be located within the buffer adjacent to



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#1603 – #1605 Main Street,  
Leicester, MA

residential property located at #1621 Main Street. An opaque fence is proposed within this buffer to mitigate the screening value lost by reduction of the buffer.

**Zoning Board of Appeals Petition for Variance**

As noted on sheet 4 of the plan set, the Applicant requests relief by the Leicester Zoning Board of Appeals from strict compliance of the By-Law for the following:

**Distance from curb cut to a residential property**

(Zoning By-Law section 5.5.02.1.c.1. - 24 feet required).

Variance Request: To allow a distance of 1 foot from new curb cut to the existing residential property at #1621 Main Street.  
(Variance Application Form follows)

**Zoning Board of Appeals Petition for Variance**

As noted on sheet 4 of the plan set, the Applicant requests relief by the Leicester Zoning Board of Appeals from strict compliance of the By-Law for the following:

**Standing Sign - Size**

(Zoning By-Law section 3.2.07-2 (not to exceed 30 square feet).

Variance Request: To allow a standing sign with an area of 188 square feet on each side. (Variance Application Form follows)

**Attachments/Enclosures:**

**Planning Board submittal packet**

- Previous (2013) Planning Board approval (recorded in deed book 51725, page 157) – 1 copy.
- Site Plan Review & Special Permit Application Form – 1 copy.
- Letter from Leicester Water Supply District confirming adequate water and sewer capacity – 1 copy.
- Certified abutters list – 1 copy.
- Application Fee (Site Plan Review) – Check \$3,150.00
- Project Review Fee Initial Deposit (Site Plan Review) – Check \$4,200.00
- Project Site Plans – 2 full size + 11 reduced copies
- Project Architectural Plans (In-Progress) – 2 full size + 11 reduced copies
- MassDOT Route 9 Improvement Plans (In-Progress) – 2 full size + 11 reduced copies.





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#1603 – #1605 Main Street,  
Leicester, MA

- Traffic Impact and Access Study - 3 copies.
- Drainage Analysis Report – 3 copies.
- CD with pdf copies of the entire submittal.

**Zoning Board of Appeals submittal packet**

- Variance Application Form – 3 copies
- Certified Abutters List – 1 copy
- Previous (2013) Zoning Board of Appeals decision (recorded in deed book 51972, page 163)
- Filing Fee – Check \$175.00
- Project Site Plans – 1 full size + 2 reduced copies
- Project Architectural Plans – 1 full size + 2 reduced copies
- CD with pdf copies of the entire submittal.

Please feel free to contact us by email at [Bruce@Allen-ea.com](mailto:Bruce@Allen-ea.com) or by telephone at (508) 381-3212 ext. 102 with any questions regarding this correspondence.

Sincerely,

Bruce Williams



ALLEN ENGINEERING  
& ASSOCIATES, INC.

For Planning Office Use:  
File #: \_\_\_\_\_

**Leicester Planning Board  
Site Plan Review & Special Permit Application Form**

**PERMIT TYPE:** ☒ Special Permit ☒ Site Plan Review

**CONTACT INFORMATION**

<b>Owner Information</b>			
<b>Name:</b>	Kevin Lobisser	<b>Company Name:</b>	Leicester Main, LLC
<b>Signature:</b>			
<b>Address:</b>	One Charlesview Road, Suite 1, Hopedale, MA 01747		
<b>Phone:</b>	(508) 478-6235	<b>Email:</b>	leslie@lobisserbuildingcorp.com
<b>Applicant Information</b>			
<b>Name:</b>	Jean Skaff	<b>Company Name:</b>	Skaff Fuels, Inc.
<b>Signature:</b>			
<b>Address:</b>	334 Grafton Street, Worcester, MA 01604		
<b>Phone:</b>	(508) 212-8857	<b>Email:</b>	jskaff@jyssolutions.com
<b>Primary Contact Person</b> <i>(The person that will be contacted by Planning Board staff during the application process.)</i>			
<b>Name:</b>	Bruce Williams	<b>Company Name:</b>	Allen Engineering & Associates, Inc.
<b>Address:</b>	One Charlesview Road, Suite 2, Hopedale, MA 01747		
<b>Phone:</b>	(508) 381-3212	<b>Email:</b>	Bruce@Allen-ea.com

**PROJECT INFORMATION**

<b>Project Address:</b>	1603-1605 Main Street	<b>Zoning District:</b>	HB-1
<b>Assessors Map &amp; Parcel #</b>	18-8.1, 18A-14 & 15	<b>Deed Reference (Book &amp; Page):</b>	85/156 (CERT), 41309/153 (DEED)
<b>Applicable Zoning Bylaw Section(s):</b>	3.2.03 (Use Regulations), 5.2 (Site Plan Review), 5.5 (HB-1), 5.9 (Stormwater Management)		
<b>Proposed Land Use:</b>	Auto Fuel Sales, Convenience Store, Fast Food Restaurant with Drive-Through, Self-Storage Building		
<b>Existing Land Use:</b>	Vacant		

For Planning Office Use:  
File #: \_\_\_\_\_

## PROJECT INFORMATION, Continued

<b>Size of Proposed Structure(s):</b>	4,997 sf convenience store/restaurant, 10,000 sf (x3 floors) Self-Storage	
<b>Total Lot Area:</b>	169,218 sf (3.88 acres)	
<b>Water Source:</b> (Select One)	<input type="radio"/> Private Well	<input type="radio"/> Cherry Valley & Rochdale Water District
	<input type="radio"/> Hillcrest Water District	<input checked="" type="radio"/> Leicester Water Supply District
<b>Sewer Source:</b> (Select One)	<input type="radio"/> Private Septic System	<input type="radio"/> Cherry Valley Sewer District
	<input type="radio"/> Hillcrest Water District	<input checked="" type="radio"/> Leicester Water Supply District
	<input type="radio"/> Oxford Rochdale Sewer District	
<b>Brief Project Description:</b> Please include a brief description on this form (i.e. do not write "see attached"). [Examples: New construction of a 20,000s.f. retail building and associated parking; Use of a 1,000s.f. portion of an existing structure for a proposed pet grooming clinic.] New construction of two buildings; #1603 - a 3 story self-storage building. #1605 a one story auto fuel sales/convenience store and fast food restaurant with a drive-through. Appurtenances include 5 gas pump islands with a canopy, and proposed required paved parking areas and utilities.		

## Application Checklist

Use this checklist to ensure you have provided all required information. See Planning Board Site Plan Review & Special Permit Regulations for details. 13 copies are required except where noted.

<input checked="" type="checkbox"/> Plans (2-full-size & 11-11"x17")	<input checked="" type="checkbox"/> Detailed Project Narrative including any waiver requests <sup>1</sup>	<input checked="" type="checkbox"/> Drainage Analysis/ Stormwater Report, (3 copies) <input type="checkbox"/> n/a
<input checked="" type="checkbox"/> Documentation of Availability of Water & Sewer <input type="checkbox"/> n/a	<input checked="" type="checkbox"/> Certified Abutters List (1 copy) <sup>2</sup> <input type="checkbox"/> n/a	<input checked="" type="checkbox"/> Traffic Study (3 copies) <input type="checkbox"/> n/a
<input checked="" type="checkbox"/> Fees <sup>3</sup>	<input checked="" type="checkbox"/> .pdf copy of all required submittals (CD or USB Drive)	

<sup>1</sup> See Planning Board Site Plan Regulations for details on what should be included in a Project Narrative. For special permits that don't require conformance with Site Plan Review submittal requirements, submit a narrative explaining conformance with special permit approval criteria (see Special Permit Regulations for details).

<sup>2</sup> certified abutters lists are required for all Special Permits applications and for Major Site Plan Review Applications (new construction over 30,000 s.f. and ground-mounted solar over 250,000 s.f or 2 acres or more of tree clearing)

<sup>3</sup> Please refer to the Planning Board's Fee Regulations. Checks must be made out to the Town of Leicester

<b>For Planning Board Use:</b>			
<b>Date of Submittal:</b>			
<b>Public Hearing/Meeting Date(s):</b>			
<b>Date of Planning Board Vote:</b>			
<b>Date Decision Filed with Town Clerk:</b>			

3:30:56PM

# Town of Leicester

## Abutters List

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
17 B4.4 0	20 SOOJANS DR	WAL-MART R E BUSINESS TRUST	TAX DEPT 8013	702 S W 8TH ST	BENTONVILLE	AR	72716
17 B8.1 0	1626 MAIN ST	GUZMAN ALFONSO		1626 MAIN STREET	LEICESTER	MA	01524
18 A6 0	1735 MAIN ST	JOSEPH HANNA J	C/O MARIA JOSEPH	18R ST MARTIN STREET	CHARLESTOWN	MA	02129
18 A8 0	1601 MAIN ST	LEINONEN REALTY INC	1601 REALTY LLC	PO BOX 318	E BROOKFIELD	MA	01515
18 B1 0	1606 MAIN ST	CAREY FRANK M	CAREY PHYLLIS A	PO BOX 295	LEICESTER	MA	01524-0295
18 B10 0	MAIN ST	GARABEDIAN DEBRA ,GARY		40 WESTLUND ROAD	BELMONT	MA	02478
18 B2 0	1576 MAIN ST	LANE JR KENNETH G		1576 MAIN ST	LEICESTER	MA	01524
18A A12 0	1625 MAIN ST	HOPKINS MARIA M	CLINTON JAMES R	23 LAKEVIEW DRIVE	SPENCER	MA	01562
18A A13 0	1621 MAIN ST	SNOWFLAKE LLC		1 CHARLESVIEW RD	HOPEDALE	MA	01747

*End of Report*

Above is a certified list abutters and abutters to abutters within 300 feet of subject.

Subject property: Main Street, Assessors Map 18A-A14, Deed Ref. 41309/153

Subject owner(s): Leicester Main LLC

Subject property: 1605 Main Street, Assessors Map 18A-A15, Deed Ref. 41309/153

Subject owner(s): Leicester Main LLC

Subject property: 1603 Main Street, Assessors Map 18-A8.1, Registered Land Recording 85-156

Subject owner(s): Leicester Main LLC

Sandy Genna, Principal Assessor

Prepared by: Kathleen Asquith, Assistant Assessor



**LEICESTER WATER SUPPLY DISTRICT**  
**124 PINE STREET - P.O. BOX 86**  
**LEICESTER, MA 01524**  
**TEL: 508 892-8484 FAX: 508-892-1812**  
[www.lwsd.net](http://www.lwsd.net)

To whom it may concern:

20-April-2021

Please be advised that there is adequate water and sewer supply for the proposed Buildings at 1603 and 1605 Main Street. An application to the Leicester Water Supply District will be required and any appropriate connection and inspection fees paid prior to connection being allowed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph H. Wood", with a long, sweeping horizontal stroke extending to the left.

Joseph H. Wood- Superintendent  
*Leicester Water Supply District*





# Office of the Town Clerk

## Town of Leicester

3 Washburn Square • Leicester, Massachusetts 01524-1333  
Telephone (508) 892-7011 • Fax: (508) 892-7070

DEBORAH K. DAVIS  
TOWN CLERK  
E-mail: davisd@leicesterma.org

LINDA A. ROWDEN  
ASSISTANT TOWN CLERK  
E-mail: rowdenl@leicesterma.org



2013 00133975

Bk: 51725 Pg: 157  
Page: 1 of 10 11/08/2013 01:12 PM WD

October 24, 2013



2013 00104521

Cert: 16956 Bk: 00085 Pg: 156  
Page: 1 of 0 11/08/2013 01:09 PM WD

### SPECIAL PERMIT, SITE PLAN & STORMWATER PERMIT ORDER OF CONDITIONS

I hereby certify that the twenty (20) days have elapsed from the date the Decision was filed in my office by the **Leicester Zoning Board of Appeals**, which **GRANTED** the petition of Stacianne Orrico 1603 Main St. & David Dunham-Manager, Leicester Main, LLC 1605 Main St., Leicester, Massachusetts for a **Application for Site Plan Approval** under §5.2 of the Leicester Zoning By-laws to allow construction of multiple structures and uses.

**Application for a Special Permit for the following:** 1) gas station, 2) fast-food drive-through facility, 3) bank drive-through facility, and 4) car wash. Prepared by Allen Engineering, LLC

The applicant requests Site Plan Approval in accordance §5.2 of the Leicester Zoning By-laws.

**Deed Reference:** Book: 13997 Page: 70 and Book: 41309 Page: 153

*DOC NO 103927 WITH CERT NO. 16956*

**Assessors Map #18, Parcel A8.1 and Map 18A, Parcel A15**  
**Zoning: Highway Business Industrial 1 (HB-1)**

**Special Permit Filed:** October 3, 2013

Approval by the Planning Board shall not be construed as approval from any other board, official or regulation that is needed regarding permitting for this project.

No Appeal has been filed with my office against this Decision.

A True Copy, Attest:

*Deborah K. Davis*

Deborah K. Davis

*EB*



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

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

**SPECIAL PERMIT, SITE PLAN  
& STORMWATER PERMIT APPROVAL  
ORDER OF CONDITIONS**

**Date:** October 2, 2013

**File Number:** SP2013-01

**Applicant:** David Dunham – Manager  
Leicester Main, LLC  
P.O. 275  
Spencer, MA 01562

<b>Owner:</b>	<u>1603 Main</u> Stacianne Orrico P.O. Box 451 Leicester, MA 01524	<u>1605 Main</u> Leicester Main, LLC P.O. Box 275 Spencer, MA 01562
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**Proposed Use:** Convenience store and general retail (§3.2.03.1), bank (§3.2.03.4), fast-food restaurant (§3.2.03.6), gas station (§3.2.03.7), drive-throughs for bank & fast food (§3.2.03.11), and car wash (§3.2.03.12).

**Location:** 1603-1605 Main Street  
Assessors Map 18, Parcel A8.1 and Map 18A, Parcel A15

**Zoning:** Highway Business Industrial 1 (HB-1)

**Deed Ref.:** Book 13997, Page 70 and Book 41309, Page 153

**Water/Sewer:** Leicester Water Supply District (water & sewer)

**Subject:** Application for Site Plan Approval under §5.2 of the Leicester Zoning By-laws to allow construction of multiple structures and uses.  
Application for a Special Permit for the following: 1) gas station, 2) fast-food drive-through facility, 3) bank drive-through facility, and 4) car wash

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The decision of the Planning Board on the above-referenced application is as follows:

**PROCEDURAL HISTORY:**

1. On May 28, 2013, an application for Site Plan Approval in accordance §5.2 of the Leicester Zoning By-laws was submitted to the Leicester Planning Board. All application materials are on file with the Planning Board. The Board's decision is based on the following submittal(s):
2. Set of Site Plans (10 sheets), entitled 1603 & 1605 Main Street (Route 9), prepared by Allen Engineering, LLC, as follows:

Sheet Title	Sheet number	Latest Revision Date
Cover Sheet	1 of 10	9/27/2013
Existing Conditions Plan	2 of 10	9/27/2013
Site Parking & Layout Plan	3 of 10	9/27/2013
Site Utility Plan	4 of 10	9/27/2013
Site Grading & Drainage Plan	5 of 10	9/27/2013
Landscape Plan	6 of 10	9/27/2013
Landscape Detail Sheet	7 of 10	9/27/2013
Lighting Photometrics Plan	8 of 10	9/27/2013
Detail Plan	9 of 10	9/27/2013
Detail Plan	10 of 10	9/27/2013
Front & Rear Side Elevations (proposed Gas & C-Store)	A1	8/29/2013

3. Architectural Rendering for 10,000s.f. retail/bank building, undated, received 8/15/2013
4. Stormwater Report: 1603 & 1605 Main Street (Route 9), prepared by Allen Engineering, LLC., and dated May 23, 2013, last revised through September 27, 2013 and soil testing logs dated 7/25/2013.
5. Traffic Impact and Access Study: Gas Station/Retail Development; Prepared for: Snowflake, LLC, 31 Whitewood Road, Milford, MA 01757 and Prepared by Ron Müller & Associates dated March 14, 2013.
6. Letters from Allen Engineering: Submittal Letter, Project Narrative, and Special Permit & Waiver Request Letter, all dated May 23, 2013 (Project Narrative revised August 9, 2013); response to comment letter with attached photos related to design of signs and buildings dated August 9, 2013; response to comment letter dated 8/29/2013.
7. The Planning Board held a public hearing on the application on July 9, 2013. The hearing was continued to August 13, 2013 (no discussion), September 3, 2013, and October 2, 2013 to allow the Applicant to address comments from the Board and other Departments. At each hearing date, opportunity was given to all those interested to be heard in favor or opposition to such application. The hearing was closed on October 2, 2013.
8. The Board engaged Quinn Engineering of Paxton, Massachusetts, pursuant to G.L. c. 44, s. 53G, to review the Applicant's proposed development.
9. During the review process, the following documents, exhibits and plans were submitted to the Planning Board:
  - A. The plans and submittals referred to above;
  - B. Correspondence of Quinn Engineering, Inc. to Leicester Planning Board dated June 18, 2013, August 23, 2013, September 3, 2013 and October 1, 2013;
  - C. Written comments from the following Town Boards and Departments: Building Department (6/4/2013), Highway Department (6/4/2013), Historical Commission (6/8/2013), Board of Health (6/26/2013), Fire Department (7/2/2013), and the Police Department (5/31/2013). All comments are on file with the Planning Board.

**FINDINGS**

1. The project is located in the Highway Business Industrial 1 (HB-1) zoning district and consists of the following uses: convenience store, car wash, fast-food, gas station, retail, and bank in structures described below.

Structure	Proposed Uses/Description
3,960 s.f. structure	Convenience store, fast food restaurant with drive-through, gas station payment, car wash
2,400 s.f. gas station canopy	8 gasoline pumps with canopy
900 s.f. structure	Car wash
10,000 s.f. Structure	7,500 s.f. retail (unspecified), and 2,500 s.f bank with drive-through

2. Pursuant to Zoning By-law, the following uses are allowed by-right in the HB-1 zoning district, subject to Site Plan approval under Section 5.2 of the Zoning By-laws: convenience store and general retail (§3.2.03.1), bank (§3.2.03.4), and fast-food restaurant (§3.2.03.6). The gas station (§3.2.03.7), drive-throughs for the bank and fast food uses (§3.2.03.11), and car wash (§3.2.03.12) require Site Plan approval and a special permit from the Planning Board.
3. The subject site is proposed to be served by the Leicester Water Supply District for both water and sewer.
4. Section 5.2.06 of the Zoning By-law contains Standards for Site Plan Approval (standards A-G). With regard to the Applicant's development proposal, the Planning Board makes the following findings pursuant to Section 5.2.06:
  - A. **The use complies with all the provisions of the Leicester Zoning By-Law;**  
The Board finds that the proposed project, as conditioned in this approval, complies with the Leicester Zoning Bylaws, except that the location of the driveways will require a variance from the Zoning Board of Appeals (Section 5.5.02.1.C.1 requirement that "Curb cuts abutting residential properties shall be at least twenty-four (24) feet from abutting properties.").
  - B. **The use will not materially endanger or constitute a hazard to the public health;**  
The Board finds that the proposed project, subject to the conditions set forth in this decision, will not constitute a hazard to public health or safety.
  - C. **The use will not create undue traffic congestion or unduly impair pedestrian safety;**  
The Board finds that the project as designed and including the proposed modifications to the traffic light at the entrance will not create undue traffic congestion or unduly impair pedestrian safety.
  - D. **Sufficient off-street parking exists or will be provided to serve the use;**  
The proposed site will have 71 parking spaces (59 of which are associated with the commercial retail and 12 spots associated with the gas station). There will also be 8 fueling stations as part of the gas station. The Board finds that the proposed development will have adequate parking consistent with the standards set forth in Sections 5.1 and 5.5 of the Zoning By-law.

- E. **The use can be adequately served by water, sewer, and other necessary utilities, or if these are unavailable, that they will be brought to the site at the owner's expense; or, the Planning Board is satisfied that the proposed alternatives will comply with all applicable regulations;**  
 The project is located within the boundaries of the Leicester Water Supply District (LWSD). LWSD has adequate capacity to serve the proposed project. Other utilities will be provided by the owner at the owner's expense.
- F. **The use will not result in a substantial increase of volume or rate of surface water runoff to neighboring properties and streets, nor will result in pollution or degradation to surface water or ground water;**  
 Based on the review by the Board's consulting engineer, Quinn Engineering, Inc., the Board finds the stormwater system meets applicable standards.
- G. **The use will not result in any undue disturbance to adjoining property owners or the Town caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, glare, etc.**  
 As set forth in this Decision and based upon the revisions incorporated into the plans during the course of project review, the proposed development will have adequate screening, landscaping, and other safeguards to meet this standard.
5. Section 5.5.03.2 of the Zoning By-law, Special Permit Review Criteria, states that "the Planning Board shall grant a special permit only after finding that the proposed use will be consistent with the purpose and intent of the bylaw, and that the proposed use or structure is in conformance with the following criteria:" The Planning Board finds that the application has met the requirements of the Special Permit Criteria, as described below:
- A. **Provision shall be made for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets and property. The service level of adjacent streets shall not be significantly reduced due to added traffic volume or type of traffic in accordance with the most recent edition of the Massachusetts Highway Department Highway Capacity Manual;**  
 The finds that the proposed project, as conditioned, will accommodate projected traffic associated with the proposed development without undue traffic congestion.
- B. **The proposed use shall not overload the capacity of water and sewer systems, stormwater drainage, solid waste disposal facilities, and other public facilities.**  
 LWSD has sufficient capacity to serve the project. Based on the review by the Board's consulting engineer, Quinn Engineering, Inc., the Board finds the stormwater system meets applicable standards.
- C. **The design of the project shall provide for adequate methods of disposal of sewage, refuse, or other wastes generated by the proposed use.** The Board finds the sewage and waste removal adequate to serve the proposed development as conditioned in this approval.
- D. **The project shall comply with all applicable environmental laws and regulations.**  
 The Board finds that the Applicant has complied with this requirement as conditioned in this approval.
- E. **The proposed project shall be consistent with Leicester's Master Plan.** The HB-1 zoning district was created to implement the economic development goals of the Master Plan. This district allows a variety of retail and commercial uses. The Board finds the



proposed uses to be consistent with economic development along Route 9 as envisioned in the Master Plan.

**F. The project shall comply with all Site Development Standards required in the HB-1 District.** The Board finds that the proposed development meets this standard as conditioned herein, and as noted below:

- a. The Zoning Bylaw, Section 5.5.02.2.B requires a 50 foot buffer where a non-residential use abuts a residential use, as is the case for this project. The Applicant has requested a reduction in the 50 foot buffer to 20 feet, with an access drive in the buffer. The Board approved the reduced buffer area, conditioned upon the landscaping and opaque fence as shown on the plans, in accordance with Section 5.5.02.2.D.
- b. As noted above, a variance is required related to Section 5.5.02.1.C.1 (driveway distance from abutting residential property).

## **CONDITIONS**

### **Pre-Construction**

1. Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address and business phone number of the individual who shall be responsible for all construction activities on site.
2. No construction activity or site work may commence until final water & sewer connection approvals are obtained from the Leicester Water Supply District.
3. Prior to the issuance of any building permit, other than demolition, the Applicant shall obtain Massachusetts Highway Department ("MHD") approval. A copy of the MHD approval shall be provided forthwith to the Planning Board office.
4. The applicant shall submit 3 full-size complete sets of the approved plans, 2 complete copies of the complete and final Stormwater Report and a .pdf version of each within 20 days of this approval.
5. A plan of the proposed property modification shall be submitted to the Planning Board prior to commencement of construction.

### **General**

6. Final design and construction shall be in substantial conformance to the plans submitted to the Planning Board and this Order of Conditions. No substantial corrections, field modifications, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board, which in its sole discretion, may determine such substantiality. Any requests for substantial modifications shall be made to the Planning Board for review and approval and shall include a description of the proposed modification, reasons the modification is necessary and supporting documentation.
7. Unauthorized deviations from the approved plan may result in the Planning Board seeking the issuance of a Cease and Desist Order until the deviation is addressed. Violation of any condition contained herein or failure to comply with the approved plan shall subject the

Applicant to a zoning enforcement action in accordance with the remedies set forth in M.G.L. c. 40A.

8. In accordance with Section 5.2.08 of the Zoning By-laws, construction on the site must be started or substantial activity commenced within one (1) year of the date of site plan approval. This time may be extended for one additional year at the discretion of the Planning Board, for good cause, and upon a written request from the applicant prior to the expiration of the original one-year period. If this time period has elapsed and construction has not started, the rights granted by the site plan approval shall expire and may be reestablished only after another site plan review under Section 5.2. Construction, once begun, shall be actively and continuously pursued to completion within a reasonable time.
9. Litter and debris in the parking lots, landscaped and buffer areas shall be removed regularly to maintain a neat and orderly appearance.
10. All on-site landscaped buffer areas shall be maintained in good condition in perpetuity so as to present a healthy, neat and orderly appearance.
11. The use will not result in any undue disturbance to adjoining property owners or to the Town caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, glare, etc.
12. In the event that the Applicant, its successors, or agent fails to maintain the stormwater management system in accordance with the Operation and Maintenance Plan, the Town may conduct such emergency maintenance or repairs, and the Applicant shall permit entry onto the Property to implement the measures set forth in such plan. In the event the Town conducts such maintenance or repairs, the Applicant shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Applicant fails to so reimburse the Town, the Town may place a lien on the property to secure such payment.
13. All travel lanes and parking areas shall remain accessible and clear of snow year-round. In such instances where snow storage areas are not sufficient to accommodate heavy snow, the Applicant shall remove snow off site to ensure that all travel lanes and parking areas are accessible.
14. The access driveway within the Development shall not be dedicated to or accepted by the Town Meeting and a public road. Maintenance of the access drive is the sole responsibility of the property owners.
15. The Applicant shall install a key storage "KNOX-BOX®" on the building per the specifications and requirements of the Leicester Fire Department.

**Project-Specific Conditions:**

16. Normal hours of Operation shall be 6:00AM – 10:00PM. The Planning Board may modify hours of operation upon the written request of the Applicant, with at least thirty (30) days notice.
17. Parking lot light poles shall be turned off within one hour of closing time. Security lighting may remain on after hours.

18. Detailed sign information was not provided. Before construction/installation of signs, the Applicant must demonstrate compliance with Leicester's Zoning Bylaw, and obtain approvals from the Building Inspector and/or the Zoning Board of Appeals as applicable.
19. Although the Board has accepted renderings and photographs in lieu of detailed elevation plans for some of the proposed structures, all structures shall be substantially similar to the renderings and photographs submitted to the Board.
20. Deliveries shall be scheduled at off-peak hours to minimize traffic disruption within the site.
21. Revision of driveway entrances and intersection improvements as a result of MassDOT review may require review by the Planning Board or amendment of this decision, depending on the nature and scope of the proposed changes. Minor changes that do not substantially alter the flow of traffic to, from, or within the site are allowed without further Planning Board review.
22. Car wash discharge to the municipal sewer system is required and subject to review and approval by the Leicester Water Supply District.
23. The Planning Board may require the applicant to shield lights on the west side of the property if it is determined to be necessary to shield abutting properties.
24. If the tenant of the 10,000 square foot building does not require a drive-through (i.e. the tenant is something other than a bank or other use needing a drive-through), the area the area on the plan shown as a drive-through shall be marked as a fire lane.
25. The Applicant shall provide a pedestrian crosswalk across Route 9, subject to MassDOT approval, and provide related painted walkways to direct pedestrian traffic within the site.
26. The site has been designed to allow room for access drives to connect to abutting properties to allow shared access to the traffic signal on Route 9. The applicant shall not unreasonably withhold access to abutting properties. Any site changes that would interfere with provision of access to abutting properties are prohibited without formal project amendment.
27. The Planning Board's approval is contingent upon approval of a variance from the Zoning Board of Appeals related to the Section §5.5.02.1.C.1 requirement that "Curb cuts abutting residential properties shall be at least twenty-four (24) feet from abutting properties."

#### **Construction**

28. During construction, the Applicant shall conform with all local, state and federal laws regarding noise, vibration, dust and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction on exterior features shall not commence on any day before 7:00AM and shall not continue beyond 7:00PM; provided, however, that such construction shall not commence on Saturday before 8:00AM and shall end at 3:00PM. There shall be no construction on any Sunday or state or federal legal holiday.
29. Members or agents of the Planning Board shall have the right to enter the site at reasonable times to gather all information, measurements, photographs or other materials needed to

ensure compliance with this approval. Members or agents of the Planning Board entering onto the site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.

30. The Applicant shall promptly pay the reasonable fee of the consulting engineers for review of plans or field inspections during the construction phase.
31. Sediment tracked onto abutting public or private ways from construction activities shall be swept at the conclusion of each construction day, until all work areas have been properly stabilized.

### **Occupancy**

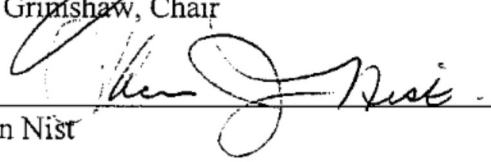
32. Prior to the issuance of any permanent certificate of occupancy, the Applicant shall substantially complete any Required Massachusetts Highway Department Traffic Improvements.
33. No final certificate of occupancy for the building shall be issued until the building is complete. Prior to the issuance of a certificate of occupancy for the building, site improvements and infrastructure specified on the plans shall be constructed and installed so as to adequately serve said building and landscaping shall be substantially completed, unless adequate security has been provided, reasonably acceptable to the Board, to ensure such completion. Any such performance guarantee shall be approved as to form by the Board or its designee.
34. If there are field changes from the approved site plans referenced above, the Board may require As-Built plans showing such changes prior to the final certificate of occupancy. No final certificate of occupancy shall be issued until the Planning Board or its agent confirms that all improvements or alterations substantially comply with the approved Site Plan.

Approval by the Planning Board shall not be construed as approval from any other board, official or regulation that is needed regarding permitting for this project.

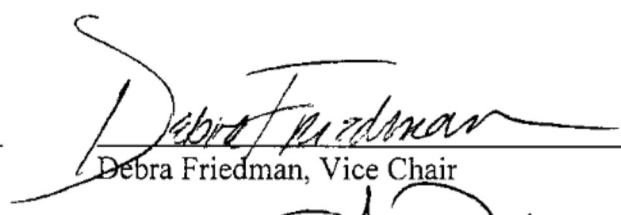
**RECORD OF VOTE**

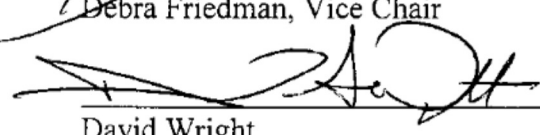
The Board vote was 5 in favor of approval 0 opposed. The following members of the Planning Board vote to approve a Special Permit for the proposed project, subject to the above-stated terms and conditions:

  
 Jason Grimshaw, Chair

  
 Sharon Nist

Absent  
 Adam Menard

  
 Debra Friedman, Vice Chair

  
 David Wright

  
 Kathleen Wilson, Associate Member
*Copy of Decision sent to:*

<i>Applicant</i>	<i>Building Inspector</i>	<i>Police Department</i>
<i>Owner</i>	<i>Quinn Engineering</i>	<i>Fire Department</i>
<i>Town Administrator</i>	<i>Assessors Office</i>	<i>Highway Department</i>
<i>Conservation Commission</i>	<i>Applicable Water District</i>	<i>Applicable Sewer District</i>
<i>Historical Commission</i>	<i>Board of Health</i>	<i>Applicant Engineer</i>
<i>Applicant's Attorney (where applicable)</i>		

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