

**Town of Leicester
Planning &
Community Development**



3 Washburn Square
Leicester, MA 01524
508.892.7007 ext. 120
www.leicesterma.org

*Planning Board &
Zoning Board of Appeals*

*Kristen Jacobsen
Town Planner*

**Request for Extension of
Site Plan / Special Permit / Variance /
Definitive Subdivision**

SP -20 22 - 06 Ext

Applicant

Name of Applicant (primary contact): Amit Schilgi
Company: 651 main st LLC
Address: 945 massachusetts ave #198 lunenburg MA 01462
Phone: 9179351793 Cell: 9179351793
Email Address: schamit@gmail.com

Owner

Name of Owner: 651 Main st LLC
Address: 945 massachusetts ave #198 lunenburg MA 01462
Phone: _____ Cell: _____
Email: mark@globalgcny.com

Proposal

The undersigned herewith resubmits the accompanying additional plan, materials, information, etc., relative to the previously filed Site Plan Application No. SP2022-06 and/or Special Permit Application No. _____ and/or Variance Application No. _____ for property located on/at 651 main st and decision recorded at the Hampshire Registry of Deeds, Deed Book 1761, Page 78, dated _____ and/or Plan Book _____, Page _____.

With this submission of this form, and any other materials requested by the Planning and Community Development Department, I am hereby requesting a 13 month extension, to commence work on said project as described in the original Decision.

Signature

Original Owner's Signature (Blue Ink Only): [Signature] Date: 11/14/23
Mailing Address: 945 massachusetts Ave Town/State/Zip: Lunenburg MA 01462
Phone Number: 646 483 2517 Email: mark@globalgcny.com

Office Use only

Official Use Only: Date Received: 11/16/23 Date of Public Hearing: 12/19/23
Fee: \$ 50.00 Check Dated: 11/14/23 Check #: 117
Check Name: 651 Main Street
Decision of Board: ☒ Approved ☐ Approved with Conditions ☐ Denied
Date of Decision: _____ Expiration Date: _____

Town Clerk's stamp:
TOWN CLERK'S OFFICE
LEICESTER, MASS.
2023 NOV 22 AM 9:34
RECEIVED



300 feet Abutters List Report

Leicester, MA
November 22, 2023

Subject Property:

Parcel Number: 21-B5.1-0
CAMA Number: 21-B5.1-0
Property Address: 651 MAIN ST

Mailing Address: 651 MAIN STREET LLC
55 MEAD STREET
LEOMINSTER, MA 01453

Abutters:

Parcel Number: 21-A8-0
CAMA Number: 21-A8-0
Property Address: 58 HENSHAW ST

Mailing Address: NIST SHARON J PARLIMENT KURT K
44 HENSHAW ST
LEICESTER, MA 01524

Parcel Number: 21A-A11-0
CAMA Number: 21A-A11-0
Property Address: 778 MAIN ST

Mailing Address: CHARLTON ROAD REALTY LLC
25 WATERVILLE LANE
SHREWSBURY, MA 01545

Parcel Number: 21A-A12-0
CAMA Number: 21A-A12-0
Property Address: 774 MAIN ST

Mailing Address: WHEELER RANDY L WHEELER ANN M
774 MAIN STREET
LEICESTER, MA 01524-1306

Parcel Number: 21A-A13-0
CAMA Number: 21A-A13-0
Property Address: 1 WAITE ST

Mailing Address: PHAM CUC
1 WAITE STREET
LEICESTER, MA 01524

Parcel Number: 21A-A14-0
CAMA Number: 21A-A14-0
Property Address: 25 WAITE ST

Mailing Address: MORLEY EDWARD J MORLEY
CLAUDETTE C
25 WAITE STREET
LEICESTER, MA 01524

Parcel Number: 21-B5-0
CAMA Number: 21-B5-0
Property Address: 747 MAIN ST

Mailing Address: BERMEJO CANTOS Nanci M MALO
CAMPOVERDE ROSA NUBE
747 MAIN STREET
LEICESTER, MA 01524

Parcel Number: 21-B6-0
CAMA Number: 21-B6-0
Property Address: 57 HENSHAW ST

Mailing Address: 57 HENSHAW STREET LLC CYNTHIA
57 HENSHAW ST
LEICESTER, MA 01524

Parcel Number: 21B-A1-0
CAMA Number: 21B-A1-0
Property Address: 22 WAITE ST

Mailing Address: TOWN OF LEICESTER LEICESTER
COMMUNITY FIELD
3 WASHBURN SQUARE
LEICESTER, MA 01524

Parcel Number: 21B-A3.1-0
CAMA Number: 21B-A3.1-0
Property Address: CARLISLE ST

Mailing Address: KENNEY PHILIP
PO BOX 525
CHARLTON, MA 01507

Parcel Number: 21B-A6-0
CAMA Number: 21B-A6-0
Property Address: CARLISLE ST

Mailing Address: KENNEY PHILIP
PO BOX 525
CHARLTON, MA 01507

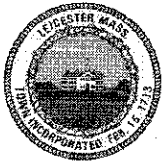


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300 feet Abutters List Report

Leicester, MA
November 22, 2023

Parcel Number: 21B-A7-0
CAMA Number: 21B-A7-0
Property Address: MAIN ST

Mailing Address: MANTELLI BARBARA
4707 EASTBROOK AVENUE
LAKEWOOD, CA 90713

Parcel Number: 21B-A8.4-0
CAMA Number: 21B-A8.1-0
Property Address: 704 702 MAIN ST

Mailing Address: CHERRY VALLEY REALTY, LLC
62 HAGGETTS POND RD
ANDOVER, MA 01810

Parcel Number: 21B-A8.6-0
CAMA Number: 21B-A8.4-0
Property Address: 696 MAIN ST

Mailing Address: CHERRY VALLEY REALTY, LLC
62 HAGGETTS POND RD
ANDOVER, MA 01810

Parcel Number: 21B-A8.5-0
CAMA Number: 21B-A8.5-0
Property Address: 700 698 MAIN ST

Mailing Address: CHERRY VALLEY REALTY, LLC
62 HAGGETTS POND RD
ANDOVER, MA 01810

Parcel Number: 21B-A8-0
CAMA Number: 21B-A8-0
Property Address: 710 MAIN ST

Mailing Address: SANTRUM JACQUELINE SANTRUM
JOSE
710 MAIN ST
CHERRY VALLEY, MA 01611

Parcel Number: 21B-A9-0
CAMA Number: 21B-A9-0
Property Address: 724 MAIN ST

Mailing Address: CANANE RONALD E CANANE
KATHLEEN A
852 MAIN ST
LEICESTER, MA 01524

Parcel Number: 21B-H1-0
CAMA Number: 21B-H1-0
Property Address: MAIN ST

Mailing Address: MANTELLI BARBARA
4707 EASTBROOK AVENUE
LAKEWOOD, CA 90713

Parcel Number: 21B-H2-0
CAMA Number: 21B-H2-0
Property Address: CARLISLE ST

Mailing Address: CHERRY VALLEY METH CHURCH
CARLISLE ST
CHERRY VALLEY, MA 01611

Parcel Number: 21B-H4-0
CAMA Number: 21B-H4-0
Property Address: CARLISLE ST

Mailing Address: KENNEY PHILIP
PO BOX 525
CHARLTON, MA 01507

Parcel Number: 21B-H5-0
CAMA Number: 21B-H5-0
Property Address: CARLISLE ST

Mailing Address: MANTELLI BARBARA
4707 EASTBROOK AVENUE
LAKEWOOD, CA 90713

Parcel Number: 21B-H6-0
CAMA Number: 21B-H6-0
Property Address: CARLISLE ST

Mailing Address: TOWN OF LEICESTER TOWN HALL
3 WASHBURN SQUARE
LEICESTER, MA 01524

Parcel Number: 24-A1-0
CAMA Number: 24-A1-0
Property Address: HENSHAW ST

Mailing Address: CHERRY VALLEY WATER DIST
P O BOX 138
ROCHDALE, MA 01542



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300 feet Abutters List Report

Leicester, MA
November 22, 2023

Parcel Number: 24A-A13-0 CAMA Number: 24A-A13-0 Property Address: 140 WILLOW HILL RD	Mailing Address: BARIL DONALD R JR TRUSTEE DONALD R BARIL IRREV. TRUST 140 WILLOW HILL RD CHERRY VALLEY, MA 01611
Parcel Number: 24A-A29-0 CAMA Number: 24A-A29-0 Property Address: MICHAEL AV	Mailing Address: GRATTON-GUIMARAES JONATHAN E. WITKOWSKI COREY E 7 MICHAEL AVE CHERRY VALLEY, MA 01611
Parcel Number: 24A-A30-0 CAMA Number: 24A-A30-0 Property Address: 2 MICHAEL AV	Mailing Address: MCCARTHY SUSAN C MCCARTHY REVOCABLE TRUST 2015 2 MICHAEL AVE CHERRY VALLEY, MA 01611
Parcel Number: 24A-A31-0 CAMA Number: 24A-A31-0 Property Address: 19 MONTEREY DR	Mailing Address: BENOIT PAUL F BERNARD HOGUE ALICE M LINDA J 19 MONTEREY DRIVE CHERRY VALLEY, MA 01611
Parcel Number: 24A-A32-0 CAMA Number: 24A-A32-0 Property Address: 23 MONTEREY DR	Mailing Address: CARROLL RENEE M TRUSTEE MESSIER IRR TRUST 23 MONTEREY DR CHERRY VALLEY, MA 01611
Parcel Number: 24A-A33-0 CAMA Number: 24A-A33-0 Property Address: MICHAEL AV	Mailing Address: MCCARTHY SUSAN C MCCARTHY REVOCABLE TRUST 2015 2 MICHAEL AVE CHERRY VALLEY, MA 01611
Parcel Number: 24A-A34-0 CAMA Number: 24A-A34-0 Property Address: 11 MICHAEL AV	Mailing Address: JUBINVILLE RICHARD E JUBINVILLE LORRAINE C 11 MICHAEL AVE CHERRY VALLEY, MA 01611
Parcel Number: 24A-A35-0 CAMA Number: 24A-A35-0 Property Address: 25 MONTEREY DR	Mailing Address: DOLEN JOHN P DOLEN KATHLEEN 25 MONTEREY DR CHERRY VALLEY, MA 01611
Parcel Number: 24A-A37-0 CAMA Number: 24A-A37-0 Property Address: 22 MONTEREY DR	Mailing Address: ORTIZ NANCY 22 MONTEREY DR CHERRY VALLEY, MA 01611-3018
Parcel Number: 24A-A38-0 CAMA Number: 24A-A38-0 Property Address: 20 MONTEREY DR	Mailing Address: SHERMAN JOANNE SHERMAN JONATHAN 20 MONTEREY DR CHERRY VALLEY, MA 01611
Parcel Number: 24A-A39-0 CAMA Number: 24A-A39-0 Property Address: 18 MONTEREY DR	Mailing Address: COLLINS KERRI 18 MONTEREY DR CHERRY VALLEY, MA 01611
Parcel Number: 24A-A40-0 CAMA Number: 24A-A40-0 Property Address: 16 MONTEREY DR	Mailing Address: FERNANDEZ KYLE R KELLY BRITTANY C 16 MONTEREY DR CHERRY VALLEY, MA 01611



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300 feet Abutters List Report

Leicester, MA
November 22, 2023

Parcel Number: 24A-A57-0
CAMA Number: 24A-A57-0
Property Address: 567 MAIN ST

Mailing Address: LEVESQUE PAUL J
567 MAIN STREET
CHERRY VALLEY, MA 01611-2001

Parcel Number: 24A-A58-0
CAMA Number: 24A-A58-0
Property Address: 569 MAIN ST

Mailing Address: DAMATO ANTHONY
26 PAXTON RD
SPENCER, MA 01562

Parcel Number: 24A-A59-0
CAMA Number: 24A-A59-0
Property Address: MAIN ST

Mailing Address: DAMATO ANTHONY
26 PAXTON RD
SPENCER, MA 01562

Parcel Number: 24A-A60-0
CAMA Number: 24A-A60-0
Property Address: 1 COLONIAL DR

Mailing Address: DECILLIS JOHN J
1 COLONIAL DRIVE
CHERRY VALLEY, MA 01611

Parcel Number: 24A-A61-0
CAMA Number: 24A-A61-0
Property Address: 5 COLONIAL DR

Mailing Address: LAVIN THOMAS D
5 COLONIAL DRIVE
CHERRY VALLEY, MA 01611

Parcel Number: 24A-A62-0
CAMA Number: 24A-A62-0
Property Address: 7 COLONIAL DR

Mailing Address: GRENIER GENEVIEVE
7 COLONIAL DR
CHERRY VALLEY, MA 01611

Parcel Number: 24A-B1-0
CAMA Number: 24A-B1-0
Property Address: 593 MAIN ST

Mailing Address: LAFRANCE RICHARD L LAFRANCE
LYNN M
593 MAIN STREET
CHERRY VALLEY, MA 01611-3033

Parcel Number: 24A-B2-0
CAMA Number: 24A-B2-0
Property Address: 589 MAIN ST

Mailing Address: JACKSON NIKKYA
589 MAIN STREET
CHERRY VALLEY, MA 01611

Parcel Number: 24A-B3-0
CAMA Number: 24A-B3-0
Property Address: 577 MAIN ST

Mailing Address: SAMIA ALEXANDER L SAMIA JAMIE M
577 MAIN STREET
CHERRY VALLEY, MA 01611

Parcel Number: 24A-B4-0
CAMA Number: 24A-B4-0
Property Address: 6 COLONIAL DR

Mailing Address: FANION EARLE E JR
6 COLONIAL DR
CHERRY VALLEY, MA 01611

Parcel Number: 24A-B5-0
CAMA Number: 24A-B5-0
Property Address: 8 COLONIAL DR

Mailing Address: DUBEY CRAIG W
8 COLONIAL DR
CHERRY VALLEY, MA 01611

Parcel Number: 24-B1.1-0
CAMA Number: 24-B1.1-0
Property Address: 65 HENSHAW ST

Mailing Address: JUBINVILLE BRIAN J JUBINVILLE
CHRISTINE M
65 HENSHAW STREET
LEICESTER, MA 01524



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300 feet Abutters List Report

Leicester, MA

November 22, 2023

Parcel Number: 24-B1.2-0
CAMA Number: 24-B1.2-0
Property Address: 63 HENSHAW ST

Mailing Address: JUBINVILLE MICHAEL S JUBINVILLE
PAMELA N
63 HENSHAW STREET
LEICESTER, MA 01524

Parcel Number: 24-B1.3-0
CAMA Number: 24-B1.3-0
Property Address: REAR MICHAEL AV

Mailing Address: JUBINVILLE RICHARD E JUBINVILLE
LORRAINE C
11 MICHAEL AVE
CHERRY VALLEY, MA 01611

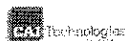
Above is a certified list of abutters within 300 feet including across the street.

Subject Property 651 Main Street

Subject owners: 651 Main Street LLC Deed Reference Book 66895 page 224

Certified by Alyce D. Johns, Interim Assessor

Alyce D Johns

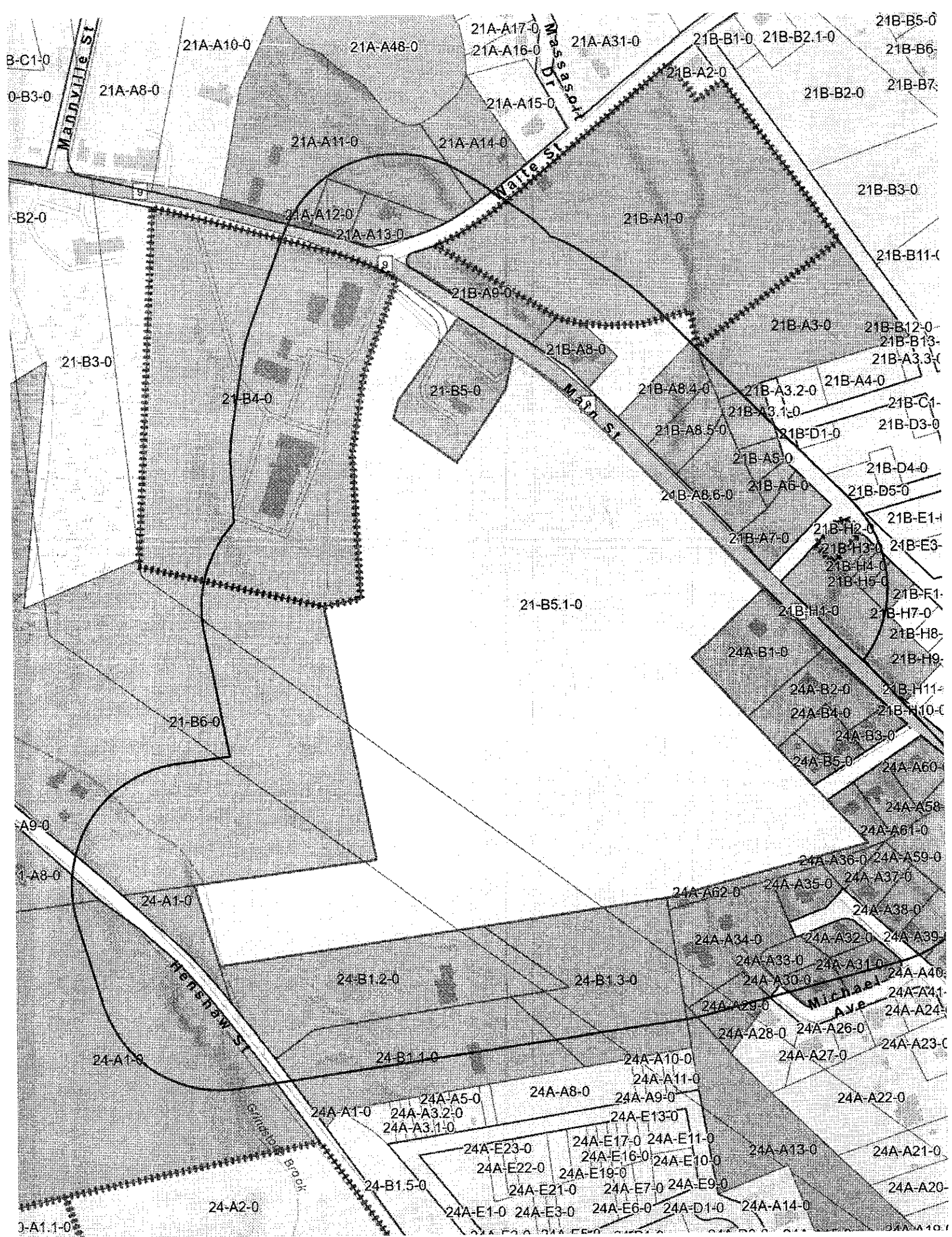


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11/22/2023

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**Town of Leicester
Planning Department**

3 Washburn Square, Leicester MA 01524

Tel: (508)892-7007 x120

Billing Authorization Form

To:

Town of Leicester

From:

Billing Authorization Form

RE:

In accordance with Massachusetts General Laws (MGL), c. 40A, §11, which reads in part,

"Notice shall be given by publication in a newspaper of general circulation in the city of town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing..."

I hereby authorize Local I.Q. New England to bill me directly for the attached Legal Notice(s) to be published for two successive weeks in the **Worcester Telegram** on the following dates:

12.5.23 and 12.12.23

For property located at: 651 main st Leicester MA

Please print legibly: 651 Main Street LLC
ATTN: Amit Schilgi

Bill To: 945 Massachusetts Ave

Address: ~~#198~~ #198

City/State/Zip: Lunenburg MA 01462

Telephone: 917 935 1793

Email: ~~kspbuilds@gmail.com~~

Amit S kspbuildsllc@gmail.com

Signature

Date

11/16/23

Payment to be remitted to: Gatehouse Media Massachusetts I, Inc
P.O. Box 631210
Cincinnati, OH 45263-1210



Office of the Town Clerk

Town of Leicester

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

Pamela LaFleur
TOWN CLERK
E-mail: lafleurp@leicesterma.org

Susan M. Zuscak
ASSISTANT TOWN CLERK
E-mail: zuscaks@leicesterma.org

February 21, 2023

SPECIAL PERMIT DECISION

I hereby certify that the twenty (20) days have elapsed from the date the Decision was filed in my office by the **Planning Board** which **APPROVED**: The property located 651 Main Street, Leicester, MA 01524. The owner: 651 Main Street LLC, Attn: Mark Klinger, 265 Sunrise Highway, Suite 1368, Rockville Center, New York 11570; The Applicant: 651 Main Street LLC, Attn: Mark Klinger, 265 Sunrise Highway, Suite 1368, Rockville Center, New York 11570; The applicant requests a Special Permit to allow two-family and multi-family dwellings under the Town of Leicester Zoning Bylaws ("Zoning Bylaws") §3.2.02 and §3.2.02-A; Major Site Plan Review §5.2; and a Stormwater Management approval under Zoning Bylaws §5.9. See Attached.

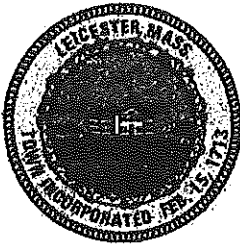
Deed Reference: Book: 16761 Page: 78
Map: 21 Parcel: B5.1-0

Special Permit Filed: January 31, 2023

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

A True Copy, Attest:

Lisa J. Johnson
Interim Town Clerk



**Town of Leicester
PLANNING BOARD**

LEICESTER, MASSACHUSETTS, 01524-1333

Phone: 508-892-7007 Fax: 508-892-7070

www.leicesterma.org

Decision on Application for Special Permit under §3.2.02 and §3.2.02-A of the Leicester Zoning Bylaw to allow two-family and multi-family dwellings; Special Permit under §5.9 for Stormwater Permit; and Site Plan Review under §5.2

Date: January 17, 2023

Project Name: Skyview Estates

File Number: SP2022-06

Applicant: 651 Main Street, LLC
Attn: Mark Klinger
265 Sunrise Highway, Suite 1368
Rockville Center
New York, 11570

Owner: Same

Location: 651 Main Street, Map 21, Parcel B5.1-0

Deed Ref.: Book 16761, Page 78

Zoning: Business (B)
Water Resources Protection Overlay District (WRPOD)

Water/Sewer: Leicester Water Supply District (water)/Cherry Valley Sewer District (sewer)

Subject: Application for Special Permit under §3.2.02 and §3.2.02-A of the Leicester Zoning Bylaw to allow two-family and multi-family dwellings; Site Plan Review under §5.2 and Stormwater Permit Special Permit under §5.9

GENERAL SUMMARY:

On July 22, 2021, the Applicant submitted applications to the Leicester Planning Board for: approval of a Definitive Subdivision Plan (DSUB2021-02); Special Permit to allow two-family and multi-family dwellings under the Town of Leicester Zoning Bylaws ("Zoning Bylaws") §3.2.02 and §3.2.02-A; and Stormwater Management approval under Zoning Bylaws §5.9. The Definitive Subdivision plan initially proposed 32 lots (with 30 two-family structure and 2 multi-family structures for a total of 74 housing units) and three private ways. During the review process, the Applicant reconfigured the project into five separate lots and proposed a private two and multi-family project with private infrastructure. On November 23, 2021, the Applicant submitted, and the Planning Board approved, a request to withdraw the Definitive Subdivision Plan approval application.

On September 6, 2022, 651 Main Street, LLC ("Applicant") submitted an application to the Leicester Planning Board for: Special Permit to allow two-family and multi-family dwellings under the Town of Leicester Zoning Bylaws ("Zoning Bylaws") §3.2.02 and §3.2.02-A; Major Site Plan Review §5.2; and a Stormwater Management approval under Zoning Bylaws §5.9.

RECEIVED
2023 JAN 21 PM 6:16
TOWN OF LEICESTER, MASS.
PLANNING BOARD OFFICE

PROCEDURAL HISTORY:

1. All application materials are on file with the Planning Board. The Board's decision is based on the following submittals:
 - A. Application packet (application form, project narrative/letter from Allen & Major Associates, Inc. dated 9/1/22, revised through 12/2/2022).
 - B. Drainage Report, Skyview Estates (Project #2889-01), prepared by Allen & Major Associates, Inc., issued 9/1/2022 and revised through 12/2/2022.
 - C. Traffic Impact Assessment prepared by TEC the Engineering Corp, dated 9/2/2022.
 - D. Set of Plans entitled "Site Plans for Skyview Estates Main Street Leicester, MA 01611" prepared by Allen & Major Associates, Inc. issued 9/1/2022 and revised through 1/9/2023. Plan sheets included the following:

Sheet Title	Sheet #
Cover	C
Existing Conditions	V-101
Typical Building Key Plans	C-001
Vegetation Management Plan	C-002
Phase 1A Site Preparation Plan	C-100
Phase 1B Site Preparation Plan	C-100A
Phase 1C Site Preparation Plan	C-100B
Phase 2 Site Preparation Plan	C-100C
Overall Site Layout Key Plan	C-101
Enlarged Site Layout Plan	C-101A
Enlarged Site Layout Plan	C-101B
Enlarged Site Layout Plan	C-101C
Overall Grading & Drainage Plan	C-102
Grading & Drainage Plan	C-102A
Grading & Drainage Plan	C-102B
Grading & Drainage Plan	C-102C
Earth Moving Summary Plan	C-102D
Test Pit Summary Plan	C-102E
Overall Utilities Plan	C-103
Utility Plan	C-103A
Utility Plan	C-103B
Utility Plan	C-103C
Roadway Profile Skyview Drive	C-201
Roadway Profiles Kettle Lane & Emergency Access	C-202
Details	C-501
Details	C-502
Details	C-503
Details	C-504
Details	C-505
Details	C-506
Details	C-507

2. On October 25, 2022, the Planning Board opened its public hearings on the Major Site Plan Review and Special Permit applications. The following Board members were present: Jason Grimshaw (Chair), James Reinke (Vice-Chair), Sharon Nist, Joshua Campbell, Anthony

Escobar, and Rigoberto Alfonso (Associate). The hearing was continued to November 1, 2022*, November 15, 2022*, December 20, 2022*, January 4, 2023*, and January 17, 2023. Board member Sharon Nist recused herself from each hearing. At each hearing date(s) opportunity was given to all those interested to be heard in favor of or opposition to such application. (*no discussion, request to continue).

3. The Board engaged Quinn Engineering of Paxton, Massachusetts, pursuant to G.L. c. 44, §55G, to review the Applicant's proposed development.
4. During the review process, the following documents, exhibits, and plans were submitted to the Planning Board:
 - A. Letters from Quinn Engineering Inc. to the Leicester Planning Board, dated 9/20/2022 and 12/30/2022.
 - B. Communication from Michael A. Malynowski, PE of Allen & Major Associates Inc., dated 5/2/2022, 10/5/2022, 10/26/2022, 12/2/2022, and 1/10/2023.
 - C. Communication from Attorney Todd E. Brodeur of Fletcher Tilton PC, dated 11/18/2022 and 12/8/2022.
 - D. Comments from the following Boards and Departments: Police Department (9/9/2022 and 10/14/2022), School Department (10/27/2022), Fire Department (11/1/2022), and Building Commissioner/Zoning Enforcement Officer (undated).
 - E. Letters from the Leicester Water Supply District, Cherry Valley and Rochdale Water District, Cherry Valley Sewer District, dated 10/26/2022.
 - F. Newsletter of the Leicester Water Supply District submitted by Board member James Reinke on 10/25/2022.
 - G. Letter from WarmUp Inc., prepared by Scott Kohn, New England Sales Manager, stamped received on 10/31/2022 and 11/2/2022. Design Layout for Warmup system dated 1/11/2022.
 - H. Letters of opposition and comments from abutters, including Lee Weber (10/26/2022), Patti Matos (10/28/2022), Kathleen Gaucher (10/31/2022), and Dianna Hayes (11/1/2022).

FINDINGS:

1. The subject property known and numbered 651 Main Street and identified on the Town of Leicester's Assessors Map as 21, Parcel B5.1-0 contains approximately 29.78 acres and is located along the southwestern side of Main Street.
2. The subject property is located in the Business (B) zoning district, which allows two-family dwellings (§3.2.02) and multi-family (§3.2.02-A) by Special Permit from the Planning Board.
3. The proposed project configures the subject property into five lots to be created in accordance with the M.G.L. c. 41, § 81L through the Approval Not Required (ANR) process. It is proposed that four of the lots (Lots 1 through 4) will have frontage and access to Main Street, and one (Lot 5) to be as a separate multi-family project. Lots 1 through 5 will be governed by a homeowners' association.

4. The Applicant originally proposed to construct 46 two-family dwelling units (duplexes) to create 86 units on Lot 5, each consisting of approximately 2,188 square feet of gross area. Six units, i.e., three duplexes will have direct access on Main Street with standard residential driveways. Each dwelling unit will include a two-car garage and paved driveway to accommodate two additional vehicles. On December 2, 2022, the Applicant submitted revised plans showing a reduction in the number of dwelling units to 34 duplex units consisting of two single family residential dwellings, for a total of 68 units.
5. Three interconnected private roadways are proposed to provide access to the individual dwelling units within Lot 5. The private roads are proposed to be 26-feet wide, including one sidewalk. Primary access to Lots 1, 2, 3 and 4 the will be situated along Main Street approximately 500 feet southeast of Waite Street intersection.
6. Gated emergency access is proposed via an existing residential driveway to 747 Main Street on the westerly end of the property.
7. Trash removal will be provided to the residents through the homeowners' association agreement and handled by a private trash removal company.
8. Electrical utility lines and a tower are proposed to be located along the southwestern portion of the parcel. The existing electrical utility line will be separated from the development and protected by a 250-foot electric easement.
9. Stormwater requirements are proposed to be addressed through the construction of a closed drainage system which includes catch basins and drainage manholes to capture surface runoff. Using hydrodynamic separator treatment devices, the collected stormwater will be directed to one of several detention systems for peak rate mitigation and stormwater treatment.
10. A portion of the site is in the Water Resources Protection Overlay District (WRPOD). The Special Permit Granting Authority for permits related to the WRPOD is the Leicester Zoning Board of Appeals (ZBA).
11. The proposed project indicates moving more than 1,000 cubic yards of material. A Special Permit for Earth Filing and Removal, pursuant to Section 5.16 of the Zoning Bylaw, is required. The Applicant has not applied for this Special Permit.
12. The property contains several areas subject to the Wetland Protection Act, some of the proposed work is located within the buffer zone. A Notice of Intent was filed with the Conservation Commission on 9/23/2021 and approved on 11/24/2021.

REVIEW CRITERIA:

Massachusetts General Laws, chapter 40A, §9 provides that special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safeguards and limitations on time or use.

A. Zoning Bylaw Section 5.8.04 (B) Special Permit Criteria:

1. **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 Board finds that the proposed project meets this standard. Traffic increases from this project are anticipated to be minimal.

2. **The proposed use shall not overload the capacity of water and sewer systems, storm water drainage, solid waste disposal facilities, and other public facilities;**
The Board finds that the project meets this standard. The site is served by Leicester Water Supply District (water) and the Cherry Valley Sewer District (sewer). Other utilities will be provided by the owners at the owners' expense.
3. **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 that the proposed project meets this standard as described and conditioned in this Decision.
4. **The project shall comply with all applicable environmental laws and regulations;**
The Board finds that the proposed project meets this standard as conditioned herein.
5. **The proposed project shall be consistent with Leicester's Master Plan; and,**
The project is consistent with Leicester's Master Plan, which encourages a variety of housing types, especially where public water and sewer are available.
6. **The project shall comply with all of the above B and CB District Site Development Standards.**
The Board finds that the proposed project meets this standard as conditioned herein.

B. Zoning Bylaw Section 5.2.05 Standards for Site Plan Approval

The Planning Board shall approve a site plan when the following standards are met:

- A. **The use complies with all the provisions of the Leicester Zoning By-Law;**
The Board finds that the proposed project will not alter the general character of the surrounding area nor impair the intent or purpose of said bylaw because the proposed use conforms to the existing residential dwellings in the area.
- B. **The use will not materially endanger or constitute a hazard to the public health and safety;**
The Board finds that the proposed project will not constitute a nuisance or hazard to the surrounding area or public health.
- C. **The use will not create undue traffic congestion or unduly impair pedestrian safety;**
The Board finds that the project will not create undue traffic congestion or unduly impair pedestrian safety as conditioned herein.
- D. **Sufficient off-street parking exists or will be provided to serve the use;**
The Board finds that the project meets this standard. The proposed homes have been developed with a two-stall garage and a driveway which could feasibly accommodate up to two additional vehicles for a total of four per units.

- 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; and,**

The Board finds that the project meets this standard. The site is served by Leicester Water Supply District (water) and the Cherry Valley Sewer District (sewer). Other utilities will be provided by the owners at the owners' 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 groundwater;**

Based on the review by the Board's consulting engineer, Quinn Engineering, Inc. and as conditioned herein, 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.**

The Board finds that this project, as conditioned herein, meets this standard.

C. Stormwater Management

Zoning Bylaws Section 5.9.01 requires that all drainage systems shall be designed in compliance with Massachusetts DEP Stormwater Management policy.

DECISION:

A. Approval:

In view of the foregoing, at the meeting of January 17, 2023, the Planning Board voted to approve the Special Permit, Major Site Plan Review and Stormwater Permit application for the above-described project. As used in this decision, the term "Applicant" shall mean the Applicant, its heirs, successors and assigns. Unless otherwise specified, the Board may designate an agent or agents to review and approve matters set forth in this decision.

B. Waivers:

In accordance with the Planning Board's Regulations and the Zoning Bylaw, after finding that it is in the public interest and not inconsistent with the Leicester Zoning Bylaw, the Planning Board agrees to accept the plans and related materials as is and to waive applicable provisions of Planning Board requirements including the following:

- **Section V.A. 1.f:** To allow center line radius of 120-feet and 135-feet (minimum center line radius is 200-feet). The Board voted to approve the requested waiver.
- **Section V.A.3.a:** to allow a roadway grade of 11.65% on Skyview Drive and 12% grade on the Emergency Access Road (maximum road slope is 10%). The Board voted to approve the requested waiver.
- **Section VI.B.1a:** to permit HDPE drainpipe (reinforced concrete storm drainage pipe (RCP) drains are required). The Board voted to approve the requested waiver, specific to double wall HDPE pipe with smooth interior.

- **Section VI.C.4:** to permit flow velocities in drains of 11.92 and 14.0 feet per second (required storm flow velocity is between 2 and 10 feet per second). The Board voted to approve the requested waiver.
- **Section VI.E.3:** to permit coach lamps at the end of each driveway in lieu of streetlights (streetlights required at specific locations). The Board voted to approve the requested waiver. Each lot shall be provided with a standard lamp post light on the lot near the intersection of the driveway with the street right-of-way line. Each lot light shall be placed on a dusk till dawn timer and shall be maintained by the individual property owner in perpetuity as stated in the proposed Homeowners Association covenants.
- **Section VI.G.1:** to permit sidewalks on one side of the roadway (sidewalks required on both sides of proposed roads). The Board voted to approve a reduction of the sidewalk requirement, so that sidewalks will be required only on one side of the proposed roadway.

C. Conditions of Approval:

The Planning Board's decision is subject to the following conditions and modifications:

General:

- a) Prior to the commencement of authorized site activity, the Applicant and the general contractor shall meet with the Town Planner, Building Commissioner, and the Town Engineer to review this approval.
- b) The project shall be constructed in accordance with all applicable provisions of the Leicester Zoning By-Laws and Rules and Regulations.
- c) Pursuant to Zoning Bylaw Section 5.2.07, the Special Permit shall lapse in two years from the date of this Decision unless construction has lawfully commenced by such date, unless for good cause shown a written request for an extension of time is made to the Planning Board. Such construction, once begun, shall be actively and continuously pursued to completion. This two-year period does not include time as required to pursue or await the determination of an appeal from the granting of this special permit.
- d) Any future expansion or modification of the project (including but not limited to changes in roadway location, type or number of dwelling units, and location of dwelling units) shall be subject to an amendment of the Special Permit, following the same procedure as for an original grant of a Special Permit.
- e) The granting of this 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.
- f) Final design and construction and use of the site and structure shall be in substantial conformance to the plans submitted to the Planning Board (referenced above) 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.

- g) Unauthorized deviations from the approved plan and all related application materials 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.
- h) **Construction on the site must be started or substantial activity commenced by January 17, 2024 (one year from the date of approval).** Construction, once begun, shall be actively and continuously pursued to completion by January 17, 2025 (two years from the date of approval). Such deadlines may be extended for good cause upon the written request of the applicant prior to the specified deadline. If the time period for commencement or completion has elapsed, the rights granted by this approval shall expire and may be reestablished only after another application. The Applicant shall be solely responsible for meeting all deadlines and/or requesting extensions to such deadlines as specified in this Decision.
- i) Litter and debris on-site shall be removed regularly to maintain a neat and orderly appearance.
- j) The use shall 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.
- k) 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.
- l) All signs shall comply with §3.2.07 of the Zoning By-law unless a Special Permit or Variance is granted by the Zoning Board of Appeals.

Pre-Construction:

- a) The Decision shall not take effect, and no construction activity at the site may commence until it has been recorded at the Worcester District Registry of Deeds, and evidence of such recording is delivered to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.
- b) The Applicant shall seek approval of a plan pursuant to M.G.L. c. 41, § 81L through the Approval Not Required (ANR) process to create four of the lots with frontage and access to Main Street, and fifth lot with frontage and access on Main Street.
- c) Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office:
 - i. the name, address, email, and business phone number of the individual who shall be responsible for all construction activities on site;

- ii. a final letter of approval from the Leicester Water Supply District providing for the supply of water adequate for the proposed 34 units without conditions other than technical engineering conditions;
- iii. a final letter from the Cherry Valley Sewer District providing for the sewer service to the proposed 34 units without conditions other than technical engineering conditions;
- d) Applicant shall have obtained Special Permit from the Leicester Zoning Board of Appeals for work within the Water Resources Protection Overlay District.
- e) Applicant shall have obtained a Special Permit for Earth Filing and Removal, from the Leicester Zoning Board of Appeals pursuant to Section 5.16 of the Zoning Bylaw.
- f) Applicant shall have obtained either a Negative Determination of Applicability or an amended Order of Conditions from the Conservation Commission. The Applicant shall notify the Conservation Commission as changes have been made since the Notice of Intent was issued on 11/24/2021. This approval shall not be treated as, nor deemed to be, assurance of compliance with wetlands laws regulated by the Conservation Commission. If there is any inconsistency between the approved plans as may be approved by the Conservation Commission, the applicant shall submit an amended plan to the Planning Board for approval.

Construction:

- a) During construction, the Applicant shall comply 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 7:00 a.m. and shall not continue beyond 7:00 p.m.; provided, however, that such construction shall not commence on Saturday before 8:00 a.m. and shall end at 3:00 p.m. There shall be no construction on any Sunday or state or federal legal holiday.
- b) 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.
- c) The Applicant and/or property owner shall provide at least forty-eight (48) hour notice to the Town Planner and the Planning Board's engineer, prior to commencing any work on the site that requires inspection or review.
- d) The Applicant shall promptly pay the reasonable fee of the consulting engineers for review of plans or field inspections during the construction phase.
- e) 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.
- f) Construction debris and trash generated during construction shall be removed from the site quickly. At no time shall debris be allowed to become windblown throughout the site or

adjacent properties. Dumpsters or similar structures will be emptied and maintained appropriately and not show evidence of overflowing their capacity.

4. Project-Specific Conditions:

- a) The applicant shall be required to construct and install fire protection in each dwelling unit, specifically residential sprinkler systems under NFPA 13D, to the satisfaction of the Leicester Fire Department. No occupancy permit shall be issued until this requirement is met.
- b) **No building or structure shall be placed until** the base coat of pavement has been installed and inspected to the satisfaction of the Town Engineer.
- c) **No building or structure shall be placed until** water connection to the first hydrant is completed to the satisfaction of the Leicester Fire Department.
- d) Streetlights for individual lots shall be installed prior to occupancy for each lot.
- e) No building or structure shall be placed on any lot without the consent of the Board of Health. Approval by the Planning Board of this plan shall not be treated as, nor deemed to be, approval by the Board of Health for a permit for construction and use on any lot.
- f) **No foundation permit shall be issued until** the Applicant has filed with the Planning Board, and Town Counsel has reviewed and approved:
 - i. proposed declaration of homeowners' association and the by-laws and rules and regulations therefore, together with a model deed which shall include express statements that:
 - a. all property maintenance, including but not limited to trash removal, road maintenance, snow removal, and maintenance of drainage structures shall be the responsibility of the Applicant and its successors in title, and that such services shall be provided by private contractor, not the Town of Leicester;
 - b. that the Applicant or its successors in title shall maintain the site in such a manner as to prevent runoff to abutting properties;
 - c. all roadways shall remain private ways and all maintenance responsibilities shall be the responsibility of the Applicant and its successors in title;
 - d. the Applicant or its successors in title shall be responsible for maintenance;
 - e. recitations to all encumbrances on title, including this Decision and all other decisions of state and local districts, commissions, and boards; and
 - f. that any homeowners' association shall not be dissolved or otherwise changed in form without the consent of the Leicester Planning Board, and then only with provisions made for a replacement entity acceptable to the Board.

- ii. a copy of the proposed easement for access via an existing residential driveway to 747 Main Street on the westerly end of the property together with a proposed easement plan.
- iii. a copy of the proposed easement for electrical utility lines and a tower to be located along the southwestern portion of the parcel together with a proposed easement plan.
- iv. performance security in a form acceptable to the Planning Board to ensure the completion of private ways and stormwater requirements are proposed to be addressed through the construction of a closed drainage system which includes catch basins and drainage manholes to capture surface runoff. Using hydrodynamic separator treatment devices, the collected stormwater will be directed to one of several detention systems for peak rate mitigation and stormwater treatment.
- g) **Prior to the issuance of any required building permits**, all required federal, state, and local permits and licenses for the construction of the proposed project which is the subject matter of the building permit shall be obtained and presented to the Planning Department and the Building Inspector. This shall specifically include MassDOT permit approvals.
- h) **Prior to issuance of a building permit for any unit shown on the approved plan**, the required Approval Not Required (ANR) plan shall be endorsed by the Planning Board and recorded at the Registry of Deeds. Evidence of such recording shall be delivered to the Planning Board.
- i) The emergency access road shall be paved, used, and maintained exclusively for emergency access. A gate shall be provided at the entrance to the site with a Knox Box for emergency personnel access. Use of the road for parking, storage, recreation, or construction access is prohibited.
- j) The Applicant shall be responsible for maintaining the emergency access drive, including clearing of snow and ice, to maintain the roadway as open and passable year-round. There shall be no lighting of the emergency access roadway. The Applicant shall provide a sign at each end of the emergency access drive indicating that such drive is not a through street and is for emergency access only. The emergency egress shall be restricted by a locked gate accessible only by public safety officials for emergency access and contractors for snow control. Said emergency access shall be equipped with a key box and suitable to Fire and Police Departments specifications.
- k) The Applicant shall protect the property at 747 Main Street against undermining or other damage resulting from construction of the proposed retaining wall which abuts the property.
- l) The dwelling unit addresses shall include odd numbers on the left and even numbers on the right (coming in from Main Street).
- m) The sidewalk and walkways shall be cleared of snow, leaves, and other litter throughout the year. In the event of snow, the sidewalks and walkways shall be cleared within 48 hours of a snow event. Snow shall not be stored on or impede access/use of sidewalks and walkways.

- n) The Applicant shall provide the Board with eight (8) copies of the full size (24" x 36"), complete set of plans. Such plans shall be submitted within 2 months, and in no event shall any construction activity at the site be commenced until such plans are provided to the Planning Board.

5. Occupancy:

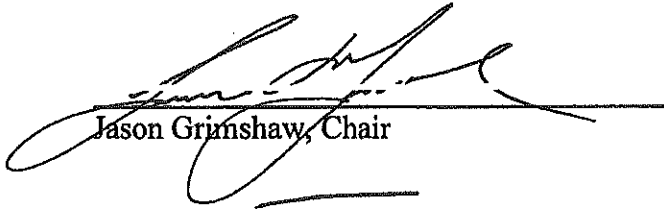
- a) The Applicant shall notify the Planning Board when work is complete and ready for inspection.
- b) No final certificate of occupancy shall be issued until site work is complete and all conditions of approval have been addressed. Prior to the issuance of a certificate of occupancy, all site improvements, landscaping, and infrastructure specified on the plans shall be constructed and installed to adequately serve said Facility, 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's designee.
- c) If there are field changes from the approved site plans referenced above, the Applicant shall submit as-built plans (3 full-size copies, 1 11" x 17" and a .pdf version) 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.
- d) 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.

APPEALS

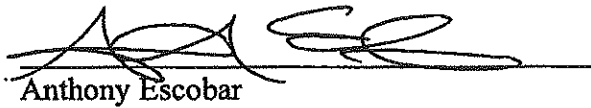
The Planning Board should be notified immediately of any appeals made to the Superior or Land Court about this decision within the statutory twenty (20) day appeal period, which is counted from the date of filing of this decision with the Leicester Town Clerk's office.

RECORD OF VOTE

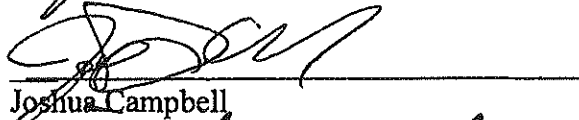
The Board vote was 4 in favor of approval 1 opposed.

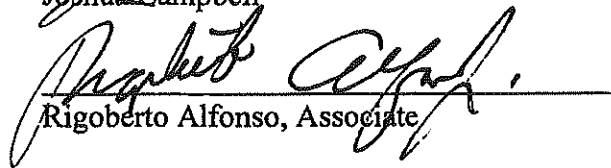

Jason Grimshaw, Chair

Sharon Nist


Anthony Escobar

 - *opposed*
James Reinke, Vice Chair


Joshua Campbell


Rigoberto Alfonso, Associate

Copy of Decision sent to:

-Town Clerk	-Building Inspector	-Assessors Office
-Applicant*	-Applicant Engineer**	-Applicant's Attorney**
-Owner*	-Town Administrator	-Quinn Engineering**

* by certified mail

** where applicable

Notice of Decision delivered to "Parties in Interest" (abutters & Planning Boards of abutting Towns)