



Town of Leicester PLANNING BOARD

3 Washburn Square
Leicester, Massachusetts, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

PLANNING BOARD AGENDA

Tuesday, December 19, 2023, 7PM
Meeting Room 3

RECEIVED
2023 DEC 14 PM 4:26
TOWN CLERK'S OFFICE
LEICESTER, MASS.

- **Administrative**
 - Approval of minutes from October 17, 2023 and December 5, 2023

- **Public Hearing**
 - **7:00 pm: SP-2022-06 651 Main Street LLC**
651 Main Street, Leicester, MA Map 21B-5.1-0. Zones: B and WRPOD
The Applicant is requesting a 13 month extension of the Special Permit to commence work on said project as described in the original Decision.

- **Old Business**
 - 3 Blueberry Lane - Withdrawal

- **New Business**

- **Town Planner Report/General Discussion**

- **Adjourn**

**Note: Agenda times for items that are not public hearings may be taken out of order.*

"The listings of matters are those reasonably anticipated by the Chair 48 hours before said meeting, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Meeting Minutes

10/17/2023

Leicester Planning Board Meeting Minutes October 17, 2023

Location: Leicester Town Hall, Meeting Room 3

Member Present: Joshua Campbell, James Reinke, Sharon Nist, Anthony Escobar, Lee Dykas

Members Absent: Anthony Escobar

Staff Members Present: Kristen Jacobsen, Town Planner

Members of the Public in Attendance: Maria Hopkins, Hussiem Yatim, Philip Henry, P.E., Daniel Dumais, P.E., and Tarek Yatim

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

1. Public Hearing – SP-2023-03 & SPR-2023-03 HY Ventures Leicester, LLC 1621 Main St.

Chairman Campbell read the hearing notice into the record.

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). Mr. Reidy is asking for site plan with drive through allowed by Special Permit.

Mr. Henry offered a brief overview of existing and proposed conditions. The peer review letter has been received and not many changes were requested. Mr. Henry said the site is just under an acre with a vacant single family home. The slope is front to back with about a 10' grade change. Walmart is across the street and the abutters to the left is the Yatco gas station project. The structure consists of Starbucks and a nail salon with 30 parking spaces in front and on the side. Access will be from Route 9 entering with a right hand turn from Route 9 and a cross connection curb cut to connect to Yatco. Proposing landscaping and free standing sign. Peer review commented that drive through queuing is appropriate. The signal will be modified, there will be wheelchair ramps and a tie into the existing sidewalks. Grading and drainage are tied to the abutting lot. A retaining wall will run along the back and side due to slope. Stormwater basin was expanded at Yatco site to accommodate drainage from Starbucks site.

Ms. Nist asked for clarification as to the stormwater runoff into the other property. Mr. Henry said the stormwater will run through its own drainage system pipes to the stormwater basin on the other property. Ms. Nist asked if there would be timely maintenance of catch basins. Mr. Henry said yes and they submitted an Operation & Maintenance Plan. Ms. Nist asked about snow removal. Mr. Henry said it will get plowed and pushed to landscaped areas so as not to sight distance. They have note on plan, if the town wants to enforce it, that the snow will be stored in designated areas or landscaped areas. Ms. Nist asked about the "Do Not Enter" on asphalt and signs. Mr. Henry said yes to both and described additional signage. Ms. Nist asked about dumpster area. Mr. Henry said it would be in either a vinyl or cedar enclosure.

Mr. Dykas asked if the drive through can have two lanes or two lanes merging into one as he is concerned with backup onto Route 9. Mr. Henry said there is also a bypass lane and the drive through can fit 14 cars.

Ms. Nist asked if people going west can access the drive through. Mr. Henry said they will have a dedicated left turn into the drive through. Ms. Nist asked about using native species for landscaping. Mr. Henry said they typically try to use them and pointed to the schedule on the plans. Mr. Reinke said the Planning Board has a list that he can refer to for landscape plantings.

Mr. Dumais, P.E., MDM Transportation Consultants, said they conducted the traffic study. Mr. Dumay said they used the highest trip generator for the report. Highest trips expected to be Mondays and Saturdays mornings. There will be a new traffic plan through MassDOT with bike lanes. Mr. Dumais does not expect a backup on Route 9 as people can get around the drive through to park.

Mr. Reinke asked what Starbucks will offer that may slow line down and cause a backup. Mr. Dumais said he thinks it's similar to Dunkins. Mr. Yatim said Starbucks menu predominantly coffee with breakfast foods. Mr. Dykas asked about the 57 cars. Mr. Dumais said that's how many cars are expected to go through the drive through at high peaks. Mr. Dumais showed the MassDOT plan for the Yatco property and will provide a copy to the Board.

Mr. Reinke if this went to Tech Review. Ms. Jacobsen said it went to all departments. Mr. Reinke asked her to schedule a Tech Review meeting.

Mr. Reinke offered the following comments:

- Snow storage areas - be added to the plan
- Fencing - his preference is for a solid vinyl fence and not chain link
- 50' buffer - research the 50' buffer as it might need a waiver. Mr. Henry said they can ask for a waiver.
- Earth removal - to see if they hit the threshold for earth removal permit. Mr. Henry said he would check.
- Fire Dept. - To make sure Fire Dept. is ok with new plan
- Retaining wall - that an engineer will engineer the retaining wall. Mr. Henry said yes.
- Delivery hours at receiving area - Mr. Henry said deliveries are in the bylaw lane and can be controlled. Mr. Reinke asked if it can move further back. Mr. Henry said there is a bump-out near the trash area for the delivery trucks, mostly box trucks and not semi-trailers. Mr. Reinke's concern is a car that breaks down and there is a fire, the fire apparatus can't get through.
- Max impervious surface - per zoning and he thinks they may be exceeding it. Mr. Henry said it's 26%. Mr. Reinke asked that be shown on the plan.
- Lighting - Mr. Henry explained the site lighting as shown on Sheet 13.
- Sign - check square footage on the sign which appears to be below the threshold for a special permit.
- Hours of Operation – Mr. Henry said Starbucks not before 5am and not after 11pm, 7 days a week and nail salon Monday – Saturday.
- Speaker Volume – as it relates to abutters. Mr. Henry said volume can be adjusted.

Mr. Dykas asked if there are trash barrels as well as dumpster. Mr. Henry said they aren't usually shown on site plan but there are receptacles there. Mr. Dykas wants to see them on the plan. Mr. Reinke concurred.

Ms. Nist offered the following comments:

- Parking - asked about the 30 proposed parking spaces, 2 of which are handicapped and wanted to know if that is enough. Mr. Henry said yes.
- Employee Number and Parking - how many employees and where do they park. Mr. Henry said there will be 6-8 at Starbucks and 2-4 at nail salon and they will park on site.
- Access/Egress – question about safely entering/exiting Starbucks and Walmart. Mr. Henry said driveway is 24' and for two-way traffic. Ms. Nist asked if addition of speed bumps would help. Mr. Henry said they hinder plowing and drainage. Mr. Henry said driveway will go under MassDOT approval.

Ms. Maria Hopkins owns the property on the west side. Ms. Hopkins asked how high the retaining wall is on that side. Mr. Henry said it goes from 0 at the road to 8' at the curve and about 6' will be visible at her house. Ms. Hopkins asked what material it will be. Mr. Henry said manufactured concrete. Mr. Reinke asked for a spec sheet. Mr. Henry said there will be a 6' fence on top of the wall. Ms. Hopkins is supportive of the project.

Ms. Nist asked if the storage project was going to be built and Mr. Henry said no but it has been approved.

Mr. Campbell closed public comment.

Motion by Ms. Nist to continue the public hearing for 1621 Main Street, SP-2023-03 & SPR-2023-03 HY Ventures Leicester, LLC, to November 21, 2023 to 7pm.

Second: Mr. Reinke

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Absent
Lee Dykas	Aye
Four (4) in Favor. None (0) Opposed Approved 4 to 0	

Mr. Dykas left the meeting at 8:13 pm.

Old Business

- Discussion with Prospect Hill Estates, LLC regarding their request for release of performance bond for Oakridge Estates Senior Village

Ms. Jacobsen said she researched with the Town accounting department and Prospect Hill Estates was paid out their surety in the amount of \$292,816.10 to Hometown Bank in 2012 so they are not owed anything.

New Business

Elect CMRPC Delegate and Alternate

Motion by Ms. Nist to table the election of CMRPC delegate and alternate to the November 21, 2023 meeting

Second: Mr. Reinke

Discussion: None

Record of Vote:

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

2. Approval of 10/3/2023 Minutes

Motion by Ms. Nist to table the approval of 10/3/23 minutes to November 21, 2023.

Second: Mr. Reinke

Discussion: None

Record of Vote:

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

Town Planner Report/General Discussion

- Bylaws – Ms. Jacobsen printed them out for review to mark up for a future meeting
- Mr. Reinke – 112 Huntoon status. Ms. Jacobsen sent Mr. Daige an email asking for an application.
- Mr. Reinke – 190 Main Street – needs inspection. Ms. Jacobsen said she, the Building Inspector, and the Fire Chief met with Mark Borenstein, Esq. yesterday to discuss concerns and violations mainly due to wanting to expand the use. They are going to send in writing the remedies for the violation and intermittent reports on remedies. She was informed that they are removing the millings. Ms. Jacobsen suggested they take care of their existing issues before modifying plans. Ms. Nist has concerns of drainage on the west side as it drains out onto the asphalt, and they may need stormwater control. Ms. Jacobsen said she was unable to find the violation/timeline letter. Mr. Campbell said he may have a copy of it. Mr. Reinke said he also has copies he can email to Ms. Jacobsen.
- 700 and 704 Main St. and 747 Main St, 25a/b Pleasant St. – Ms. Jacobsen is meeting with the Building Inspector to review.
- Mr. Reinke would like building department to check underground structures before they are buried. Ms. Jacobsen said maybe DPW but Mr. Reinke said there is no town engineer so they will ask Kevin Quinn, the Town peer review engineer.

Motion by Ms. Nist to adjourn.

Second: Mr. Reinke

Discussion: None

Record of Vote:

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

Meeting adjourned at 8:31 p.m.

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

Date Approved: _____

Planning Board Signatures

Joshua Campbell, Chair

Anthony Escobar

James Reinke, Vice Chair

Lee Dykas

Sharon Nist

Meeting Minutes

12/05/2023

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: Anthony Escobar

Staff Members Present: Kristen Jacobsen, Town Planner

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

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
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

2024 Meeting Dates

Motion by Mr. Reinke to approve the 2024 meeting dates except for November 5th.

Second: Ms. Nist

Discussion: None

Record of Vote:

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

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 1st 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
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

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
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

**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
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

- 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 with be 1' off the property line.

Record of Vote:

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

- 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
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

- 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
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

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
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

- 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
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

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
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

- 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
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

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
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

Meeting adjourned at 8:59 p.m.

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

Date Approved: _____

Planning Board Signatures

Joshua Campbell, Chair

Anthony Escobar

James Reinke, Vice Chair

Lee Dykas

Sharon Nist

651 Main Street
Special Permit Extension
SP2022-06



Town of Leicester PLANNING BOARD

LEICESTER, MASSACHUSETTS, 01524-1333

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

www.leicesterma.org

RECEIVED
2023 NOV 22 AM 10:44
TOWN CLERK'S OFFICE
LEICESTER, MASS.

PUBLIC HEARING NOTICE LEICESTER PLANNING BOARD 651 Main Street (Skyview Estates) SP-2022-06

In accordance with MGL Ch.40A Section 9 the Leicester Planning Board will hold a public hearing on **Tuesday, December 19, 2023 at 7:00 PM** in Meeting Room 3 at the Leicester Town Hall, 3 Washburn Sq., Leicester, MA 01524 to review a Request for Extension of Special Permit application submitted by Amit Schilgi, 651 Main St. LLC for a 13 month extension to commence work on said project as described in the original Decision.

Site Location: 651 Main Street, Leicester MA 01524. Said premises being further described in Worcester County Registry of Deeds Book 66845 Page 224. Assessor Parcel 21B-5.1-0, Zone: Business (B) and Water Resources Protection Overlay District (WRPOD).

A copy of the application may be inspected in the Town Clerk's Office during regular business hours or online at leicesterma.org/pb. Any person interested or wishing to be heard on this application should appear at the time and place designated or submit written comments on or before the hearing date by mail or email.

Joshua Campbell, Chair
Leicester Planning Board

To be published in the Worcester Telegram & Gazette on:
Tuesday, December 5, 2023 and Tuesday, December 12, 2023

**Town of Leicester
Planning &
Community Development**



*Planning Board &
Zoning Board of Appeals*

*Kristen Jacobsen
Town Planner*

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

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

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.

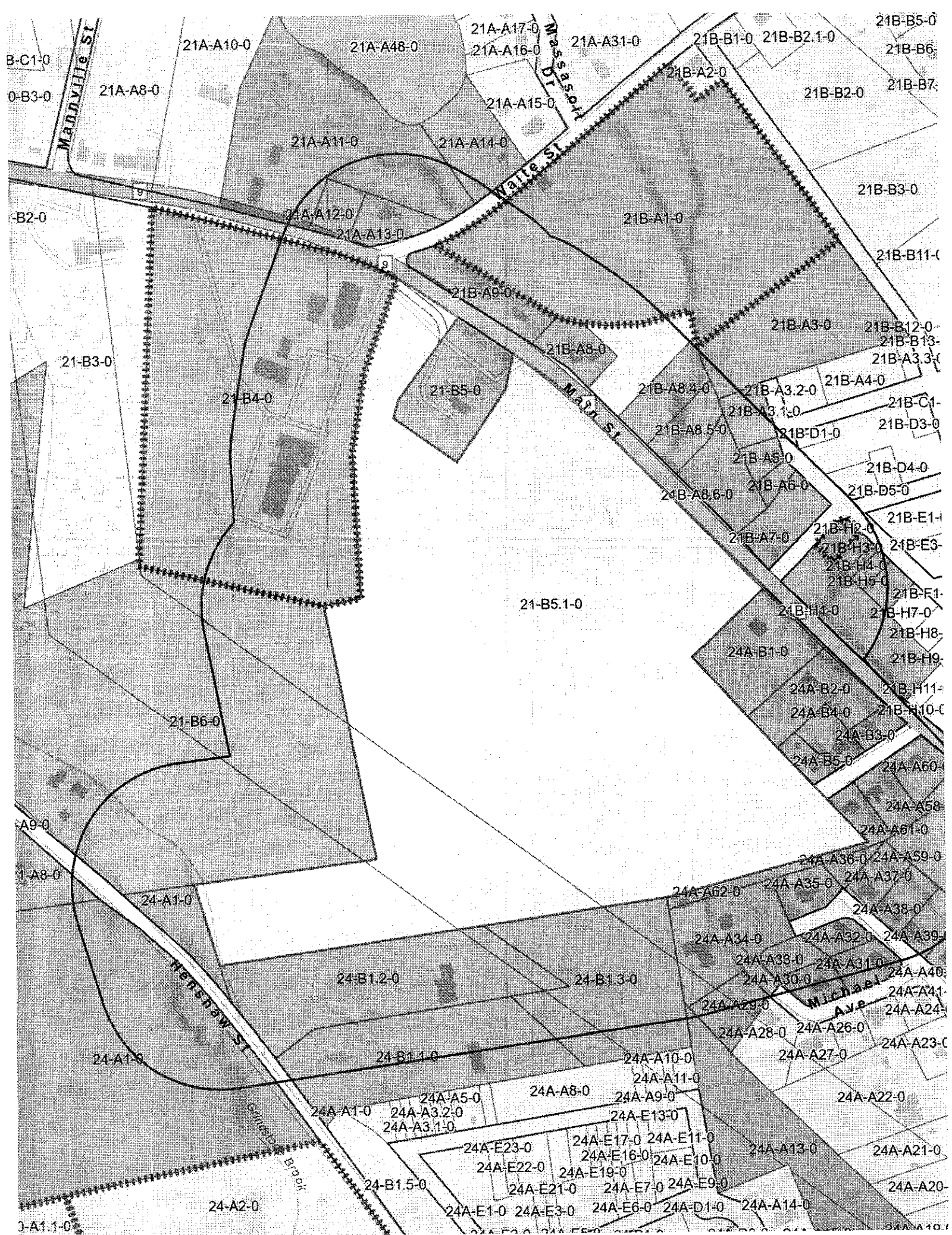
Signature

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





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

11/16/23
Date

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.

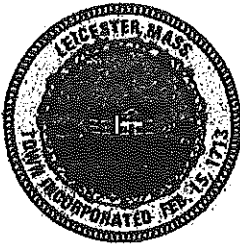
Deed Reference: Book: 16761 Page: 78
Map: 21 Parcel: B5.1-0

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 17 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:

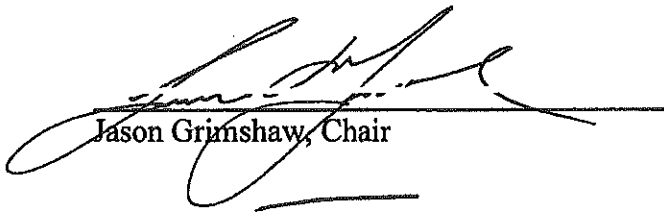
- a) The Applicant shall notify the Planning Board when work is complete and ready for inspection.
- b) No final certificate of occupancy shall be issued until site work is complete and all conditions of approval have been addressed. Prior to the issuance of a certificate of occupancy, all site improvements, 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

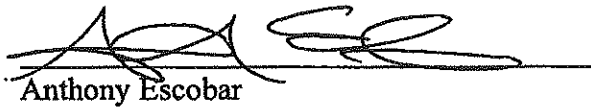
The Planning Board should be notified immediately of any appeals made to the Superior or Land Court about this decision within the statutory twenty (20) day appeal period, which is counted from the date of filing of this decision with the Leicester Town Clerk's office.

RECORD OF VOTE

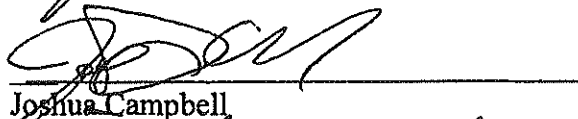
The Board vote was 4 in favor of approval 1 opposed.

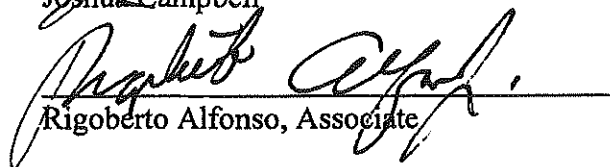

Jason Grimshaw, Chair

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)

3 Blueberry Lane - Withdrawal

From Email received 12/12/2023 at 1:30pm

To Whom It May Concern:

I would like to officially withdraw my plan without prejudice to explore other options. I appreciate the board's time and effort with this matter. I would like to request the return of funds that were being held in escrow for the original site plan review. Please reach out with any questions or concerns.

--

Justin Zuffante
Patriot Storage LLC
3 Blueberry Lane
508 221 5447