



Town of Leicester PLANNING BOARD

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

RECEIVED

2023 DEC 27 AM 9:52

TOWN CLERK'S OFFICE
LEICESTER, MASS.

PLANNING BOARD AGENDA

Tuesday, January 2, 2024, 7 PM
Meeting Room 3

- **Administrative**
 - Approval of minutes from December 19, 2023
- **Old Business**
 - 3 Blueberry Lane - Status
- **New Business**
 - Appointment of Alternate to Planning Board
- **Town Planner Report/General Discussion**
 - Salvation Army – Tech Review
 - 190 Main Street - status
 - 704 Main St – Cultec system install status
 - 25a/b Pleasant St. – Cultec system install status
- **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.

MINUTES

Leicester Planning Board Meeting Minutes December 19, 2023

Location: Leicester Town Hall, Meeting Room 3

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

Members Absent:

Staff Members Present: Kristen Jacobsen, Town Planner, Lisa Westwell, Administrative Assistant to the Planning Department

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

Call to Order: Chairman Campbell called the meeting to order at 7:01 PM

1. Public Hearing – SP-2022-06 – 651 Main Street LLC

The Applicant is requesting a 13 month extension of the Special Permit to commence work on said project as described in the original Decision

Chairman Campbell opened the public hearing at 7:02 pm and read the public hearing notice into the record.

Ms. Nist recused as she is an abutter and left the meeting room.

Amit Schilgi was present on behalf of the owner of 651 Main Street. Mr. Schilgi is requesting an extension to start work from January 17, 2024 to January 17, 2025. He said they are in the process of obtaining road permits from MassDOT including discussing drainage, and it may take a few months so they can't start this January.

Mr. Reinke said this is a procedural issue, there is no change to the permit as it's only an extension to the approved permit. Mr. Campbell said that they will not be deliberating on the permit or project and will only be talking about the extension. Mr. Campbell said they will hear public comments on the extension only. The public comments were:

- John Dolan, 25 Monterey Drive: Mr. Dolan said his house was at the beginning of Main St. and asked what they were doing. Mr. Campbell said the plans were public record. Ms. Jacobsen said the plans were available on the Town website. Mr. Reinke said the plan was already approved, that the Colonial Drive extension piece was removed, and there would be 32 duplexes. Mr. Reinke said the ZBA had granted approval as well and that the Earth Removal Permit did still need to be filed as per the Leicester By-Laws. Ms. Jacobsen invited Mr. Dolan to stop by the office to review the plans.
- Richard LaFrance, 593 South Main St.: Mr. LaFrance asked about runoff from the hill once construction begins as he has a video showing a torrent of water already. Ms. Jacobsen said that the DPW had replaced a storm drain and it may need to be replaced with a larger one. Mr. Reinke said a bond would be established and paid to the Town if the developer doesn't finish the project and the Town has to complete the work.
- Paul Levesque, 567 Main St.: Mr. Levesque said he is also concerned with the water and asked where it goes once the detention basins are full. Mr. Schilgi said that it will drain to

two pipes and go under the road but that he can't promise that the basins can handle storms like yesterday.

- Kurt Parliment, 44 Henshaw St.: Mr. Parliment asked how the damage is calculated for the bond amount. Mr. Reinke said it's a percentage of the project cost. Mr. Schilgi said that it's a fixed algorithm across the project life.

Mr. Campbell said he understands the concerns about the runoff, but that the drainage systems were reviewed by Quinn Engineering for the Town and they met the standards. Mr. Campbell said that the plans have already been approved and they are discussing the extension. Mr. Reinke said he is available to meet with any of the concerned residents and go over the project.

Ms. Jan Parke, 207 Greenville St.: Ms. Parke wants to reiterate that the trees and roots are what's holding the soil on the steep hill and when they take the trees down, nothing will hold the soil. She thinks there needs to be a process to determine the number of trees that can come down.

Mr. Reinke said the Applicant requested a 13 month extension but it's a 12 month extension and asked what the new date would be. Ms. Jacobsen said the start date would be extended to January 17, 2025.

Motion by Mr. Reinke to grant the request for extension of the Special Permit SP 2022-06 for 651 Main Street LLC for 651 Main Street to January 17, 2025.

Second: Mr. Escobar

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Recused
Anthony Escobar	Aye
Lee Dykas	Aye
Four (4) in Favor. None (0) Opposed One (1) Recused Approved 4 to 0	

Mr. Reinke asked if Mr. Schilgi needed an extension for the ZBA approval, but he said no as it was good for two years.

Mr. Campbell closed the public hearing at 7:27 pm.

Old Business

3 Blueberry Lane – Patriot Storage

Request to Withdraw Application for Request for Modification of Approval of Site Plan and Special Permit without prejudice.

Mr. Justin Zuffante, Applicant/Owner, was present and requested withdrawal of his application without prejudice. Ms. Jacobsen said return of the project peer review funds will be processed through the accountant. Mr. Reinke asked if Quinn Engineering was going out to confirm compliance with the original Decision. Ms. Jacobsen said the site visit was cancelled when Mr. Zuffante requested to withdraw his application, but she can reschedule.

Ms. Nist re-entered the meeting at 7:31pm.

Mr. Zuffante said he was under the impression that if he withdrew his application, no engineering review would be needed, and this influenced his decision to withdraw. He said that he has his Occupancy Permit and signed documents and doesn't think it should be re-opened.

Mr. Reinke asked what the cost would be for the site visit by Quinn Engineering. Ms. Jacobsen estimated \$500-\$800. Mr. Reinke asked how much was left in the project peer review account and Ms. Jacobsen said \$1,272. Mr. Campbell asked Mr. Reinke what he was looking for and he said the swale. Ms. Jacobsen said Mr. Zuffante would have the option of providing an as-built plan. Mr. Zuffante said he could talk to his engineer, Jay Dubois, but doesn't think it's fair to him to have to do this now. Mr. Reinke said he wants confirmation that it's built to the plans and confirm that the southerly and westerly areas comply. Mr. Dykas said Mr. Zuffante could have his engineer confirm compliance with an as-built plan.

Motion by Ms. Nist to accept the request for withdrawal of Patriot Storage's application without prejudice.

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	

Approval of Minutes from October 17, 2023

Motion by Ms. Nist to approve the October 17, 2023 minutes.

Second: Mr. Reinke

Discussion: Ms. Nist had some minor edits and amended her motion to approve the October 17, 2023 minutes with the corrections.

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	

Approval of Minutes from December 5, 2023

Motion by Ms. Nist to approve the December 5, 2023 minutes.

Second: Mr. Reinke

Discussion: Ms. Nist had some minor edits and amended her motion to approve the December 5, 2023 minutes with the corrections.

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	

Town Planner Report/General Discussion

- Chapel Street – Concern about someone living in the trailer at the old mill. Ms. Jacobsen read an email from the Building Inspector, Harold Leaming, that he had gone out and did not see anyone living there and suggested that concerned parties can call the police department if it's after hours.
- 190 Main Street – Ms. Jacobsen said it was with the Building Inspector as it's mostly code violations and there was some back and forth about inspections. Mr. Reinke said the building may not be in their purview, but it looked like they had a contractor yard and that was in violation of the special permit. Ms. Jacobsen said that would also be a zoning violation and fall under the Building Inspector as he is the Zoning Enforcement Officer. Mr. Escobar said that the Planning Board has authority because of the type of permit. Mr. Reinke said the Planning Board can fine \$300/day. Ms. Jacobsen said they wanted to talk about future uses but were told by Fire, Building, and Planning that they had to remedy

the violations. Mr. Dykas asked if they fixed the electrical and Ms. Jacobsen said she believed so.

- 704 Main St. – Mr. Reinke said he is 99% sure they have not put in the chambers for re-charging per the Special Permit. Ms. Jacobsen said the Planning Department would follow-up and request receipts and/or photos.
- 747 Main St. – Mr. Reinke said they were required to have a 6' fence along the entire edge and it has not been installed and it's been about two years. Ms. Jacobsen said the Planning Department would follow-up.
- Associate Planner vacancy – Mr. Reinke asked if it had been posted and Ms. Jacobsen said yes, and that Mr. Clark did submit an application. She expects it to be on the January agenda.
- Ms. Nist asked about the status of the marijuana cookie place on Stafford St. Ms. Jacobsen said nothing has been received.
- Ms. Nist asked about Eastern Pearl. Ms. Jacobsen said they did get the new grease trap and that was going through the building department.

Ms. Parke asked about the Child Care Center that came for permitting as now there is a for lease sign. Mr. Reinke said he heard scuttlebutt that she was able to extend her current lease and was staying where she is now. Ms. Parke was asking because she is involved in the schools. Ms. Nist said the for lease sign has been up for a long time.

Mr. Reinke said there are five exceptions to the meeting posting rule, including training and going to an event together, as long as they don't deliberate.

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 7:55 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

3 BLUEBERRY LANE

Lisa Westwell

From: Justin zuffante <seamlesscustom@gmail.com>
Sent: Friday, December 29, 2023 9:16 AM
To: Lisa Westwell
Subject: Re: 3 Blueberry Lane

Follow Up Flag: Follow up
Flag Status: Flagged

I spoke to Jay about this, he said he will review the plans and schedule a site visit with me. I will keep you in the loop as things progress.

Thanks
Justin

On Wed, Dec 27, 2023 at 9:55 AM Lisa Westwell <westwelll@leicesterma.org> wrote:

Good morning Justin,

I am reaching out to see if you had decided whether you wanted to have Jay Dubois do an as-built plan or have Quinn Engineering come out to do a site visit/compliance report.

Sincerely,

Lisa Westwell

Administrative Assistant

to the Planning Department

Town of Leicester

3 Washburn Square

Leicester, MA 01524

508.892.7007 x 120

westwelll@leicesterma.org

APPOINTMENT OF ALTERNATE



TOWN OF LEICESTER CITIZEN VOLUNTEER FORM

From time to time vacancies/resignations occur on various town boards and committees. Should you be interested in volunteering to serve the Town in any capacity, please complete this form. Information received will be made available to boards, committees, and departments for their reference in filling vacancies.

NAME Chris Clark HOME TEL. 508-340-3531
ADDRESS: 82 Rawson St Leicester MA WORK TEL. _____

EMAIL ADDRESS: ChrisClark1986@gmail.com

Are you a citizen? ☒ Yes ☐ No Are you a registered voter? ☒ Yes ☐ No

- | | |
|--|---|
| <input type="checkbox"/> Advisory/Finance Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Agricultural Commission | <input type="checkbox"/> Historical Commission |
| <input type="checkbox"/> Arts Council | <input type="checkbox"/> Memorial Day Committee |
| <input type="checkbox"/> Bandstand Committee | <input type="checkbox"/> Parks and Recreation Committee |
| <input type="checkbox"/> Burncoat Park Planning Committee | <input type="checkbox"/> Recycling Committee |
| <input type="checkbox"/> Bylaw Committee | <input type="checkbox"/> Road Conversion Committee |
| <input checked="" type="checkbox"/> Capital Improvement Planning Comm. | <input type="checkbox"/> Stormwater Committee |
| <input type="checkbox"/> Commission on Disabilities | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Other <u>School Committee</u> |

AVAILABILITY FOR MEETINGS

How many times per month are you available for meetings?

☒ Four ☐ Two ☐ One ☐ Less than one

Are you available for evening meetings?

☒ Monday ☒ Tuesday ☒ Wednesday ☒ Thursday

Are you available throughout the year for committee meetings?

☒ Yes ☐ No

If not, when are you **NOT** available?

☐ Winter ☐ Spring ☐ Summer ☐ Autumn

EDUCATION: _____
Leicester High School - '04

(Please complete reverse side)

EMPLOYMENT EXPERIENCE:

Town of Leicester: Are you currently or have you ever been employed by the Town? ☐ Yes ☒ No

If yes, state position(s) and date(s): _____

Other Experience: Start with present or last job (include title) and military service assignments.

Exclude organizations' names which indicate race, religion, sex, or national origin.

Current: Operations Manager for Gateway Fiber

Previous: Lead Project Manager for Phoenix Communications

Previous: Owner of Recess

COMMENTS: Please tell us why you are interested in serving on the committees noted and any additional comments you may have: _____

I feel I am at a capable time of my life to give back to the community.

Sometimes there is a short-term need for special background skills.

Please indicate your field(s) of training or experience below, as appropriate. Your application will be added to the list of residents who have expressed an interest in serving in similar capacities.

I possess the following training or experience:

- | | | |
|---|--|--|
| <input type="checkbox"/> Architecture | <input checked="" type="checkbox"/> Communications | <input type="checkbox"/> Computer Technology |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Economics | <input type="checkbox"/> Education |
| <input type="checkbox"/> Engineering, Civil | <input type="checkbox"/> Engineering, Electronic | <input type="checkbox"/> Engineering, Mechanical |
| <input type="checkbox"/> Financial Administration | <input type="checkbox"/> Fine Arts | <input type="checkbox"/> Government Contracts |
| <input type="checkbox"/> Health Care | <input type="checkbox"/> Historic Activities | <input type="checkbox"/> Human Services |
| <input type="checkbox"/> Insurance | <input type="checkbox"/> Land Use Planning | <input type="checkbox"/> Grant Writing |
| <input type="checkbox"/> Law | <input checked="" type="checkbox"/> Management | <input checked="" type="checkbox"/> Personnel Administration |
| <input type="checkbox"/> Property Appraisal | <input type="checkbox"/> Public Relations | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Science | <input type="checkbox"/> Statistics | <input type="checkbox"/> Survey Research |
| <input type="checkbox"/> Systems Analysis | <input type="checkbox"/> Transportation | |

Other Skills & Interests: _____

Government or Community Volunteer Experience (Leicester or Elsewhere)

Position/Activity	Date(s)	City or Town
Leicester School Building Committee	4/19 - 9/20	Leciester
_____	_____	_____
_____	_____	_____

eSigned via SeamlessDocs.com

Christopher Clark

City Manager

12-13-2023

Date

Thank you for your interest in serving the Town of Leicester



Town of Leicester PLANNING BOARD

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

MEMORANDUM

To: Planning Board
From: Kristen Jacobsen
Town Planner
Date: December 28, 2023

New Projects

Salvation Army 1606 Main Street

Department heads from Fire, Police, DPW, and myself met with the engineers of a proposed 14,000-square foot Salvation Army retail space. The engineers anticipate having submittal materials ready by February 2024.

Overall, the plan looked good, we advised a few changes to the entries/exits of the site, as well as, supplied them with the current ladder truck dimensions, parking, and lighting regulations.

Project Updates

190 Main Street- Please see memo

704 Main Street- Was sold to Mark & Buddy Farnum- we are awaiting information from them.

25a/b Pleasant Street- It appears the Special Permit was issued by the Zoning Board of Appeals. The Planning Department has been in contact with Peter who is working on gathering the information.

190 MAIN STREET



Town of Leicester PLANNING BOARD

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

MEMORANDUM

To: Planning Board
From: Kristen Jacobsen, Town Planner
Date: January 2, 2024
Re: 190 Main Street – Special Permit 2011

Below is summary of the current known conditions at 190 Main Street.

A site visit conducted on 12/20/2023. Heavy equipment was observed in the parking area that would be consistent with use of the premises as a “contractor’s yard”, including a semi-truck, sander truck, dump truck, bobcat, backhoe, trailer, and bulldozer. (see photo).



Per Project-Specific Condition 22. “All storage shall be inside the structures on the site; there shall be no exterior storage.” **The current Special Permit does not include approval for a Contractor’s Yard and therefore this use does not comply with Decision.**

Per the Leicester Zoning By-Laws 5/11/23, a Contractor's Yard is defined as: *A lot used by an individual building contractor or sub-contractor for storage of equipment (including commercial landscaping equipment), supplies, and sub-assemblies, or parking of registered construction vehicles.* 190 Main Street is in the Business (B) Zone. Per Section 3: Use Regulations 3.2.03 Business, Contractors Yard's are not permitted in the B Zone without a Special Permit from the Planning Board.

General Condition 5. "Unauthorized deviations from the approved project 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.

Comment: Non-compliance issues have been ongoing and unresolved and several departments have sent violations and letters regarding these issues:

- 10/15/17 – Email from Michelle Buck, Town Planner/Dir. of Inspectional Services to Justin at Finish Touch, Inc. that outside storage of equipment trailer would not be allowed.
- 10/03/19 - Fire Department issued a Fire Code Violation Notice.
- 10/07/19 – Fire Dept. letter to Lynde Brook Realty LLC regarding violations.
- 10/21/19 – Email from Michelle Buck to Justin at Finish Touch Inc. and Tim at American Spot Cooling, Inc. that a contractor yard would require a special permit from the Planning Board.
- 03/05/20 – Inspector of Wiring documented wiring done by unauthorized people.
- 03/18/20 – Building Official McRae letter to Lynde Brook Realty, LLC regarding MA Building Code violations.
- 03/28/23 – Fire Dept. letter to Owner (presumably) requesting documentation for work and permits.
- 05/15/23 – Fire Dept. letter to Planning Board regarding unpermitted work, fire code violations, and unregistered businesses with a punch list of items to be corrected.
- 07/24/23 – Leicester Planning Board letter to Town Administrator David Genereux regarding potential violations of the Special Permit Decision with a request for Building and Fire Depts. to evaluate existing conditions.

The Planning Department received **“Existing Building Evaluation Report” dated November 7, 2023 from Gallant Architecture** and provide the following comments.

- **Page 2 Introduction and Scope of Work:**
Building A is currently Ellers and Building B and Building C are “currently warehouse and garages” that have both been “partially subdivided into individual tenant spaces for moderate-and low-hazard storage.”

Comment: Buildings B and C have undergone modifications and do not appear to be in compliance with the May 10, 2011 Special Permit Decision. General Condition 4. states in part “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.”

Findings 2. “The Applicant proposes to use the three vacant existing buildings for unheated storage warehouse space (41,280± total square feet). Renters may include businesses and individuals who require storage of goods, equipment, vehicles, boats and the like. Renters will have supervised access to the facility.” **The third “vacant existing” building is not mentioned in the report. Per the Special Permit, renters will only be permitted if the water/sewer deficiencies are resolved.**

- **Page 3 Building Elements and Materials:**

“...the area outside both buildings has been paved with asphalt for between 50 and 100 feet in all direction.”

Comment: **The parking area does not appear to be striped – need more info on “new signage”....** Per Findings 3. of the Special Permit Decision “The existing paved surfaced will be repaired and re-striped as necessary. In addition, new signage will be placed on the buildings.”

Per Project-Specific Condition 18. “Newly striped parking spaces shall be 10’ x 20’, in conformance with the Site Development Standards for the Business District. Parking access aisles between rows of parking spaces shall be at least 24 feet wide to provide adequate room to maneuver when backing out of parking spaces.”

- **Page 5 Plumbing and Gas:**

“The building does not have interior plumbing and is not connected to water or sewer service. The owners plan to install toilet rooms in both buildings and connect to the Town of Leicester water and sewer systems.”

Comment: **The water and sewer line deficiencies have not been addressed therefore no occupancy of the buildings are permitted.** Per Findings 4.2. of the Special Permit Decision “There are deficiencies in both water and sewer lines serving the buildings. The structures may only be used for storage, with no occupancy of the buildings, unless these deficiencies are addressed. Other utilities will be provided by the owners at the owners’ expense.”

Per Project-Specific Condition 11. “There are existing deficiencies in water and sewer service to the structures proposed for warehouse house. Use of these structures is therefore limited solely to unoccupied storage facilities. No space shall be rented out to conduct business on the premises; customers shall have storage rights only.”

/lw

Lisa Westwell

From: Lisa Westwell
Sent: Wednesday, December 20, 2023 3:55 PM
To: mwilson@leicesterfireems.org; Harold Leaming
Cc: Kristen Jacobsen (jacobsenk@leicesterma.org)
Subject: 190 Main St.
Attachments: Existing Bldg Eval Report_11-7-23.PDF

Good afternoon,

The Planning Board has asked for an update on the potential non-compliance issues at 190 Main St. Please find attached for your review and comment, Gallant Architectures "Existing Building Evaluation Report" addressing fire and building code. The Planning Department will be reviewing this project for compliance with the Site Plan and Special Permit Decision. Thanks in advance and please call with any questions.

Sincerely,

Lisa Westwell

Administrative Assistant
to the Planning Department
Town of Leicester
3 Washburn Square
Leicester, MA 01524
508.892.7007 x 120
westwell@leicesterma.org

190 Main Street
Cherry Valley, MA

EXISTING BUILDING EVALUATION REPORT

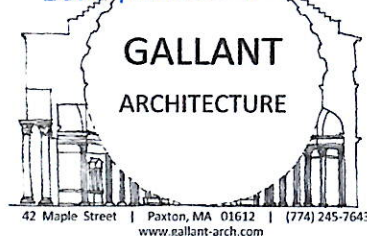


CONTENTS

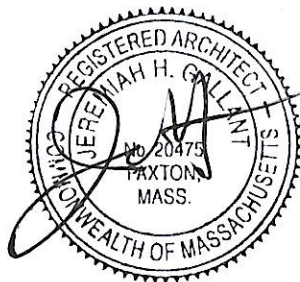
- Introduction and Scope of Work Description
- Use and Occupancy, Height and Area
- Building Elements and Materials
780 CMR CHAPTER 34 REVIEW
- Compliance Method
- Classification of Work
- Fire Protection
- Means of Egress
- Accessibility
- Structural
- Mechanical
- Plumbing
- Energy Conservation
- Hazardous Materials



Town of Leicester
Development & Inspection Services



November 7, 2023



BUILDING CODE/REGULATIONS APPLICABLE CODES:

Building Code: 780 CMR The Massachusetts State Building Code – Ninth Edition

Structural Code: 780 CMR The Massachusetts State Building Code – Ninth Edition

Fire Code: 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code

Plumbing Code: 248 CMR Massachusetts State Plumbing Code

Mechanical Code: International Mechanical Code – 2015 Edition

Electric Code: NFPA 70-2017 with 527 CMR Chapter 12 Massachusetts Electrical Code Amendments

Energy Code: 780 CMR The Massachusetts State Building Code – Ninth Edition, Chapter 13: (2021 International Energy Conservation Code with Massachusetts amendments). Leicester has adopted the Massachusetts Stretch Energy Code.

Introduction and Scope of Work Description

The property at 190 Main Street is approximately 20.1 acres and contains three steel-framed commercial buildings, a large paved parking lot and open space adjacent to Lynde Brook and the Lynde Brook Reservoir. A site plan was approved by the Leicester Planning Board in 2018 and showed the buildings labeled “Building A”, “Building B” and “Building C” and a parking layout to accommodate the uses of all buildings on the property. Building A is the commercial building containing Eller’s Restaurant and other commercial tenant units closest to Main Street and is not described in this report. The descriptions and data included are focused on the two buildings behind it, Building B and Building C, which are currently warehouses and garages. The buildings were built in 1971 according to the Town of Leicester Assessor’s records, and it appears that one or both of the buildings have been expanded and altered since they were originally constructed. Building B and Building C are depicted in the existing conditions floor plan included in this report.

Both buildings have been partially sub-divided into individual tenant spaces for moderate- and low-hazard storage as depicted in the floor plan.

Use and Occupancy, Height and Area

BUILDING B	USE GROUP	FLOOR AREA
1 ST Floor	S-1	24,860 SF
2 ND Floor	S-1	9,870 SF
BUILDING B TOTAL		34,730 SF

Total Building height (Building B) +/- 26'-0"

BUILDING C		
1 ST Floor	S-1	5,000 SF
2 ND Floor	S-1	3,880 SF
BUILDING C TOTAL		8,880 SF

Total Building height (Building C) +/- 22'-0"

Building Elements and Materials

Construction Type (per Section 602 of Massachusetts State Building Code) is Type 3B. The exterior walls are of non-combustible materials and the interior elements are of combustible materials. The walls, floors, ceilings and roof are primarily steel-framed with some CMU exterior and interior walls with dimensional lumber second floor framing and dimensional lumber interior partitions between tenant units.

The foundation and the main level slab are poured concrete, and the area outside both buildings has been paved with asphalt for between 50 and 100 feet in all directions.

Part of Building B, which appears to be the original structure in the grouping, has a timber-trussed roof and asphalt shingle roofing. The remaining areas of both buildings have metal roofing and were built as engineered steel rigid frame structures.

BEGIN CHAPTER 34 REVIEW**780 CMR CHAPTER 34 EXISTING BUILDINGS****SECTION 101 GENERAL**

101.1 Title. These regulations shall be known as the Existing Building Code of Massachusetts, hereinafter referred to as 780 CMR 34.00.

101.2 Scope. The provisions of the International Existing Building Code-2015 shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

Fire alarm system

The building has an integrated fire alarm system. Any new devices in newly created tenant spaces will be installed as summarized below.

804.4 Fire Alarm and Detection

An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances, and equipment shall be approved. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms, where products of combustion are present during normal operation in sufficient quantity to actuate a smoke detector.

Means of Egress and Conveying Systems (Section 805)

Means of Egress

Each unit currently has a minimum of two means of egress.

Stairs

The mezzanine and second floor areas are accessed by wood-framed staircases.

Elevator

The building does not currently have and has never had an elevator or a lift connecting its levels.

Accessibility (Section 806)

Some of the tenant spaces in Building B and Building C are handicapped accessible. Any proposed work will be shown in construction documents and will be in full compliance with 521 CMR.

Structural (Section 807)

The building is mostly steel-framed with wood-framed areas as summarized earlier in this report. Any future work will not impact the building's structural components or their capacity.

Electrical and Lighting (Section 808)

808.1 New installations. All newly installed electrical equipment and wiring relating to work done in any work area shall comply with all applicable requirements of NFPA 70 except as provided for in Section 808.3.

Building B currently has 3-phase 400 amp service for the tenant spaces and 3-phase 200 amp owner's service. Building C has 3-phase 200 amp service. Some of the tenant units are separately controlled with sub-panels, and there is an open electrical permit to perform system upgrades with new wiring. New electrical service will be installed as indicated in construction drawings, and all new electrical work will comply with 527 CMR and 780 CMR.

Mechanical and Ventilation (Section 809)

809.1

Reconfigured or converted spaces. All reconfigured spaces intended for occupancy and all spaces converted to habitable or occupiable space in any work area shall be provided with natural or mechanical ventilation in accordance with the International Mechanical Code.

Exception: Existing mechanical ventilation systems shall comply with the requirements of Section 809.2.

809.2

Altered existing systems. In mechanically ventilated spaces, existing mechanical ventilation systems that are altered, reconfigured, or extended shall provide not less than 5 cubic feet per minute (cfm) per person of outdoor air and not less than 15 cfm of ventilation air per person; or not less than the amount of ventilation air determined by the Indoor Air Quality Procedure of ASHRAE 62.

Most of the floor area of Building A and Building B is unconditioned warehouse and storage space. All new mechanical work, if performed, must meet the requirements of this section.

Plumbing and Gas (Section 810)

Plumbing

The building does not have interior plumbing and is not connected to water or sewer service. The owners plan to install toilet rooms in both buildings and connect to the Town of Leicester water and sewer systems. An existing sewer line is approximately 15 feet south of Building B, and connection to a nearby water line is planned.

Gas

The building is connected to natural gas service. Most of the tenant units are not connected to the service.

Energy Conservation (Section 811)

The buildings consist of primarily unconditioned warehouse and storage spaces, and any insulation that has been installed previously appears to be marginal and non-compliant with the current Massachusetts Energy Conservation Code. Any future work will comply with the Massachusetts Energy Conservation Code as applicable at the time of building permit application submittal.

811.1 Minimum Requirements

Level 2 alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the International Energy Conservation Code or International Residential Code. The alterations shall conform to the energy requirements of all applicable codes as they relate to new construction only.

C503.1 General

Alterations to any building or structure shall comply with the requirements of Section C503, and Sections C402, C403, C404, C405 of the code for new construction. Alterations shall be such that the existing building or structure is not less conforming to the provisions of this code than the existing building or structure was prior to the alteration.

Exception: The following alterations need not comply with the requirements for new construction, provided that the energy use of the building is not increased:

- 3. Existing ceiling, wall or floor cavities exposed during construction, provided that these cavities are filled with insulation.*

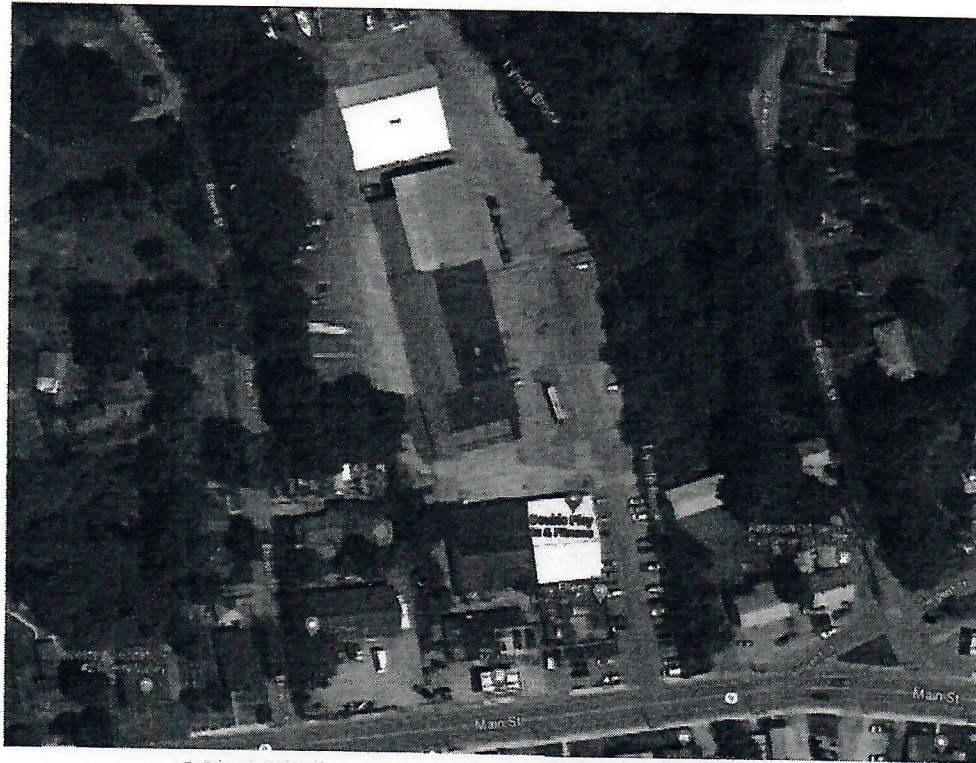
Hazardous materials

The building does not contain any known hazardous materials. Hazardous materials surveys will be conducted, the results will be documented and abatement will be performed as needed prior to the commencement of future selective demolition work.

190 MAIN STREET
Fire Dept. Comments

190 Main Street
Cherry Valley, MA

EXISTING BUILDING EVALUATION REPORT



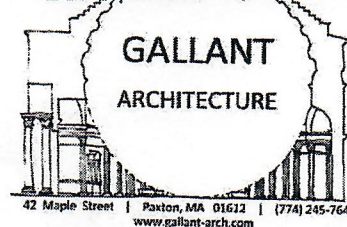
CONTENTS

- Introduction and Scope of Work Description
- Use and Occupancy, Height and Area
- Building Elements and Materials
780 CMR CHAPTER 34 REVIEW
- Compliance Method
- Classification of Work
- Fire Protection
- Means of Egress
- Accessibility
- Structural
- Mechanical
- Plumbing
- Energy Conservation
- Hazardous Materials

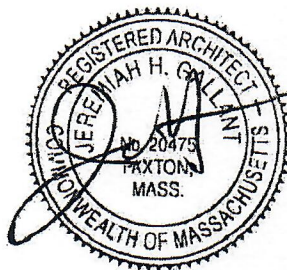
RECEIVED

NOV 08 2023

Town of Leicester
Development & Inspection Services



November 7, 2023



BUILDING CODE/REGULATIONS APPLICABLE CODES:

Building Code: 780 CMR The Massachusetts State Building Code – Ninth Edition
Structural Code: 780 CMR The Massachusetts State Building Code – Ninth Edition
Fire Code: 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code
Plumbing Code: 248 CMR Massachusetts State Plumbing Code
Mechanical Code: International Mechanical Code – 2015 Edition
Electric Code: NFPA 70-2017 with 527 CMR Chapter 12 Massachusetts Electrical Code Amendments
Energy Code: 780 CMR The Massachusetts State Building Code – Ninth Edition, Chapter 13: (2021 International Energy Conservation Code with Massachusetts amendments). Leicester has adopted the Massachusetts Stretch Energy Code.

Introduction and Scope of Work Description

The property at 190 Main Street is approximately 20.1 acres and contains three steel-framed commercial buildings, a large paved parking lot and open space adjacent to Lynde Brook and the Lynde Brook Reservoir. A site plan was approved by the Leicester Planning Board in 2018 and showed the buildings labeled "Building A", "Building B" and "Building C" and a parking layout to accommodate the uses of all buildings on the property. Building A is the commercial building containing Eller's Restaurant and other commercial tenant units closest to Main Street and is not described in this report. The descriptions and data included are focused on the two buildings behind it, Building B and Building C, which are currently warehouses and garages. The buildings were built in 1971 according to the Town of Leicester Assessor's records, and it appears that one or both of the buildings have been expanded and altered since they were originally constructed. Building B and Building C are depicted in the existing conditions floor plan included in this report.

Both buildings have been partially sub-divided into individual tenant spaces for moderate- and low-hazard storage as depicted in the floor plan.

Permits ?

Special Permit is for Storage only

Tenants registered with the Town ?

Garages were built roughly 6 years ago (no permits)

Use and Occupancy, Height and Area

BUILDING B	USE GROUP	FLOOR AREA
1 ST Floor	S-1	24,860 SF
2 ND Floor	S-1	9,870 SF
BUILDING B TOTAL		34,730 SF

Total Building height (Building B) +/- 26'-0"

BUILDING C		
1 ST Floor	S-1	5,000 SF
2 ND Floor	S-1	3,880 SF
BUILDING C TOTAL		8,880 SF

Total Building height (Building C) +/- 22'-0"

Building Elements and Materials

Construction Type (per Section 602 of Massachusetts State Building Code) is Type 3B. The exterior walls are of non-combustible materials and the interior elements are of combustible materials. The walls, floors, ceilings and roof are primarily steel-framed with some CMU exterior and interior walls with dimensional lumber second floor framing and dimensional lumber interior partitions between tenant units.

The foundation and the main level slab are poured concrete, and the area outside both buildings has been paved with asphalt for between 50 and 100 feet in all directions.

Part of Building B, which appears to be the original structure in the grouping, has a timber-trussed roof and asphalt shingle roofing. The remaining areas of both buildings have metal roofing and were built as engineered steel rigid frame structures.

BEGIN CHAPTER 34 REVIEW**780 CMR CHAPTER 34 EXISTING BUILDINGS****SECTION 101 GENERAL**

101.1 Title. These regulations shall be known as the Existing Building Code of Massachusetts, hereinafter referred to as 780 CMR 34.00.

101.2 Scope. The provisions of the International Existing Building Code-2015 shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

Fire alarm system

The building has an integrated fire alarm system. Any new devices in newly created tenant spaces will be installed as summarized below.

804.4 Fire Alarm and Detection

An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances, and equipment shall be approved. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms, where products of combustion are present during normal operation in sufficient quantity to actuate a smoke detector.

Missing annual test report (NFPA 72 14.4)

Means of Egress and Conveying Systems (Section 805)

Means of Egress

Each unit currently has a minimum of two means of egress.

Stairs

The mezzanine and second floor areas are accessed by wood-framed staircases.

Elevator

The building does not currently have and has never had an elevator or a lift connecting its levels.

Accessibility (Section 806)

Some of the tenant spaces in Building B and Building C are handicapped accessible. Any proposed work will be shown in construction documents and will be in full compliance with 521 CMR.

Structural (Section 807)

The building is mostly steel-framed with wood-framed areas as summarized earlier in this report. Any future work will not impact the building's structural components or their capacity.

Electrical and Lighting (Section 808)

808.1 New installations. All newly installed electrical equipment and wiring relating to work done in any work area shall comply with all applicable requirements of NFPA 70 except as provided for in Section 808.3.

Two Means of Egress?

Electrical Permits?

Refer to John Markleey's Letter

Emergency lighting through out the building

Need certificate from their alarm company & sprinkler company

Building B currently has 3-phase 400 amp service for the tenant spaces and 3-phase 200 amp owner's service. Building C has 3-phase 200 amp service. Some of the tenant units are separately controlled with sub-panels, and there is an open electrical permit to perform system upgrades with new wiring. New electrical service will be installed as indicated in construction drawings, and all new electrical work will comply with 527 CMR and 780 CMR.

Mechanical and Ventilation (Section 809)

809.1

Reconfigured or converted spaces. All reconfigured spaces intended for occupancy and all spaces converted to habitable or occupiable space in any work area shall be provided with natural or mechanical ventilation in accordance with the International Mechanical Code.

Exception: Existing mechanical ventilation systems shall comply with the requirements of Section 809.2.

809.2

Altered existing systems. In mechanically ventilated spaces, existing mechanical ventilation systems that are altered, reconfigured, or extended shall provide not less than 5 cubic feet per minute (cfm) per person of outdoor air and not less than 15 cfm of ventilation air per person; or not less than the amount of ventilation air determined by the Indoor Air Quality Procedure of ASHRAE 62.

Most of the floor area of Building A and Building B is unconditioned warehouse and storage space. All new mechanical work, if performed, must meet the requirements of this section.

Plumbing and Gas (Section 810)

Plumbing

The building does not have interior plumbing and is not connected to water or sewer service. The owners plan to install toilet rooms in both buildings and connect to the Town of Leicester water and sewer systems. An existing sewer line is approximately 15 feet south of Building B, and connection to a nearby water line is planned.

Gas

The building is connected to natural gas service. Most of the tenant units are not connected to the service.

Energy Conservation (Section 811)

The buildings consist of primarily unconditioned warehouse and storage spaces, and any insulation that has been installed previously appears to be marginal and non-compliant with the current Massachusetts Energy Conservation Code. Any future work will comply with the Massachusetts Energy Conservation Code as applicable at the time of building permit application submittal.

811.1 Minimum Requirements

Level 2 alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the International Energy Conservation Code or International Residential Code. The alterations shall conform to the energy requirements of all applicable codes as they relate to new construction only.

C503.1 General

Alterations to any building or structure shall comply with the requirements of Section C503, and Sections C402, C403, C404, C405 of the code for new construction. Alterations shall be such that the existing building or structure is not less conforming to the provisions of this code than the existing building or structure was prior to the alteration.

Exception: The following alterations need not comply with the requirements for new construction, provided that the energy use of the building is not increased:

3. Existing ceiling, wall or floor cavities exposed during construction, provided that these cavities are filled with insulation.

Blocked Sprinkler Heads?

Hazardous materials

The building does not contain any known hazardous materials. Hazardous materials surveys will be conducted, the results will be documented and abatement will be performed as needed prior to the commencement of future selective demolition work.

A list the Town needs to look at:

780 CMR

101.5.4.0 Investigation and Evaluation

102.2.1.3 Change in Commodity or Storage arrangement

102.2.2.1 Existing Non Conforming Means of Egress

102.2.2.2 Exit Order for Hazardous Means of Egress



CHIEF
MICHAEL R. DUPUIS

TOWN OF LEICESTER FIRE DEPARTMENT

3 PAXTON STREET
LEICESTER, MASSACHUSETTS 01524



OFFICE (508) 892-7022

Planning Board
3 Washburn Sq.
Leicester, Ma 01524

May 15, 2023

Re: 190 Main St. Back Buildings

To whom it concern,

This document is based on the property of 190 Main St. the two rear buildings, with the concerns of the existing special permit for usage. The May 2011 approval granted by the Leicester Planning Board states the 2 buildings are used for non-hazardous storage only do to no domestic water or sewage. I believe that the current owner is in violation and the previous owner was in violation of the special permit. Both the previous owner and the existing owner disregarded all the code enforcement representatives in assisting them. The fire department had no knowledge of the special permit or the conditions of the permit. The special permit states that unauthorized deviations from the approved project may result in the Planning Board seeking the issuance of a Cease and Desist Order.

Violations:

1. Unpermitted construction modifications to the buildings,(subdivided the west side of the building and installed 4 bays doors and a man door, also with this construction it restricts the sprinkler heads in those bays.)
2. Unpermitted electrical work from the main building to the back building
3. No documentation on sprinkler and fire alarm certification.
4. Unregistered businesses doing business other than storage.

The fire department is for the following items to be completed.

1. Complete inspection of the property and any non-permitted alterations.
2. Certificate of compliance on the sprinkler system. (NFPA 25).
3. Certificate of compliance on the fire alarm system (NFPA 72).
4. All required permits from (building, fire, electrical, and plumbing).
5. Town business certificates for all tenants.

Attached are all the documents pertaining to this location .

If you have any questions you can reach me at 508-892-7022 ext. 1104 or
mwilson@leicesterfireems.org

Sincerely,

Captain Mike Wilson

A handwritten signature in black ink, appearing to read 'Mike Wilson', with a stylized flourish at the end.

Leicester Fire Prevention



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

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

SPECIAL PERMIT & SITE PLAN
APPROVAL

Date: May 10, 2011
File Number: SP2011-01
Applicant: Lynde Brook Plaza, LLC
4 Old English Road
Worcester, MA 01609
Owner: Same as Applicant
Location: 190 Main Street/Assessors Map 23B, Parcel A51
Deed Ref.: Book 43282, Page 270
Zoning: Business (B)
Water/Sewer: Cherry Valley & Rochdale Water District/Cherry Valley Sewer District
Subject: Application for a Special Permit and Site Plan Approval under §3.2.04 (Industrial), #3 (Storage Warehouse) to allow use of existing structures for warehouse use

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

PROCEDURAL HISTORY:

1. On March 29, 2011, an application for a Special Permit and Site Plan Review in accordance with Sections §3.2.04.3 and 5.2 of the Leicester Zoning Bylaw respectively, was submitted to the Leicester Planning Board. This written Decision encompasses both the Special Permit and Site Plan Review requests. All application materials are on file with the Planning Board. The Board's Decision is based on the following submittal(s):
 - Copy of Assessors Map 23B
 - Plan of Property in Leicester, Mass., owned by Cherry Valley Builders Supply, Co., prepared by Thompson-Liston Associates, Inc., and dated September 29, 1971
 - Project Narrative (Memo from Paul J. O'Brien, Attorney for Lynde Brook, LLC to the Leicester Planning Board), dated March 28, 2011.
 - Letters from Paul J. O'Brien dated May 2, 2011, regarding Fire Department and Water and Sewer District issues.
2. The Planning Board held a public hearing on the application on May 10, 2010. At the hearing, opportunity was given to all those interested to be heard in favor or opposition to such application. The hearing was closed on May 10, 2010.
3. During the public hearing, the Planning Board received comments from the following Town Boards and Departments: Board of Health (4/13/11), Police Department (4/25/11), Cherry

Valley and Rochdale Water District (4/13/11), Cherry Valley Sewer District (4/13/11), Code Enforcement Officer (4/11/11), and Highway Department (3/29/11). All comments are on file with the Planning Board.

FINDINGS:

1. Pursuant to the Leicester Zoning By-law 3.2.04.3, a storage warehouse is allowed by Special Permit from the Planning Board in the Business (B) zoning district.
2. The project is located on a 21.3± acre lot in the Business (B) zoning district. There are four existing structures on the site (the front two structures are attached). Currently, the structure closest to Route 9 is occupied by a restaurant (Eller's). The attached rear structure and two additional structures have been used in the past as a warehouse. The Applicant proposes to use the three vacant existing buildings for unheated storage warehouse space (41,280± total square feet). Renters may include businesses and individuals who require storage of goods, equipment, vehicles, boats and the like. Renters will have supervised access to the facility.
3. The Applicant proposes no additional building or pavement and no increase in impervious surface. There is an existing parking lot and interior driveways around the buildings. The parking field includes parking in front of the property adjacent to the restaurant as well as parking along both sidelines. There are approximately 90 parking spaces. The existing paved surfaced will be repaired and re-striped as necessary. In addition, new signage will be placed on the buildings.
4. In accordance with Section 5.8.04.B of the Leicester Zoning Bylaw [Special Permit Review Criteria (for the Business District)], the Planning Board may grant a special permit if the following conditions are met:
 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 use as storage will not impact traffic and that safe vehicular and pedestrian traffic has been addressed as conditioned in this approval.
 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;**
There are deficiencies in both water and sewer lines serving the buildings. The structures may only be used for storage, with no occupancy of the buildings, unless these deficiencies are addressed. 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;**
See comments under #2 above regarding sewer. Trash will be picked up by private contractor.
 4. **The project shall comply with all applicable environmental laws and regulations;**
Board finds that the Applicant has complied with this requirement as conditioned in this approval.

5. **The proposed project shall be consistent with Leicester's Master Plan; and,**
The project is consistent with Leicester's Master Plan, which encourages the reuse of existing structures.
6. **The project shall comply with all Site Development Standards required in the "B" district.**
The Board finds that the Site Development Standards in required in the "B" district are generally not applicable because no new exterior construction is proposed.
5. Section 5.2.05 of the Zoning By-law contains standards for Site Plan Approval. With regard to the Applicant's development proposal, the Planning Board makes the following findings pursuant to Section 5.2.05:
 - A. **The use complies with all the provisions of the Leicester Zoning By-Law**
The Board finds that the proposed use complies with the Leicester Zoning Bylaw.
 - B. **The use will not materially endanger or constitute a hazard to the public health**
The Board finds that the proposed project, subject to the conditions set forth in this decision, will not constitute a hazard to public health or safety.
 - C. **The use will not create undue traffic congestion or unduly impair pedestrian safety**
The Board finds that the project, subject to the conditions set forth in this decision, will not create undue traffic congestion or unduly impair pedestrian safety.
 - D. **Sufficient off-street parking exists or will be provided to serve the use**
The Board finds that the proposed parking is sufficient for the proposed use.
 - E. **The use can be adequately served by water, sewer, and other necessary utilities, or if these are unavailable, that they will be brought to the site at the owner's expense; or, the Planning Board is satisfied that the proposed alternatives will comply with all applicable regulations;**
The Board finds that this standard has been met as conditioned in this decision.
 - F. **The use will not result in a substantial increase of volume or rate of surface water runoff to neighboring properties and streets, nor will result in pollution or degradation to surface water or ground water;**
The proposed project does not involve any new exterior construction or increase in impervious area.
 - 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 standard has been met.

DECISION:

At its meeting of May 10, 2011 the Planning Board voted to approve the Special Permit and Site Plan for this project. As used in this decision, the term "Applicant" as set forth herein shall mean the Applicant, its heirs, successors and assigns. The term "Board" as set forth herein shall mean the Planning Board. The term "Town" shall mean the Town of Leicester, Massachusetts. Unless otherwise indicated herein, the Board may designate an agent or agents to review and approve matters set forth herein. The Planning Board's approval is subject to the conditions and waivers described below.

WAIVERS:

This vote includes a waiver of the submittal of technical information customarily submitted with Special Permit applications for the following reasons: 1) the proposed use will be located in existing structures, 2) there will be no new construction or increase in impervious area, 3) the

relationship of the structures and site and the abutting properties will be unchanged, and 4) the plan submitted provides sufficient detail in combination with evaluation of the site to adequately evaluate the proposed use.

CONDITIONS:

Pre-Construction

1. This Special Permit shall not take effect until it has been recorded at the Worcester District Registry of Deeds and evidence of such recording is delivered to the Planning Board.
2. Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address and business phone number of the individual who shall be responsible for all construction activities on site.
3. Prior to the issuance of a building permit, all required federal, state, and local permits and licenses for the construction of the building which is the subject matter of the building permit shall be obtained and presented to the Building Inspector.

General

4. All improvements shall be constructed in accordance with the approved plans of record. This approval is dependent upon, and limited to the proposals and plans contained in the application (as revised through the course of the review process) and supporting documents submitted and affirmed by the Applicant. 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. Such modifications may require formal amendment of the Special Permit following the same procedure as for the original grant of a Special Permit.
5. Unauthorized deviations from the approved project 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.
6. In accordance with Section 5.2.08 of the Zoning By-laws, construction on the site must be started or substantial activity commenced within one (1) year of the date of Site Plan Approval. This time may be extended for one additional year at the discretion of the Planning Board, for good cause, and upon a written request from the Applicant prior to the expiration of the original one-year period. If this time period has elapsed and construction has not started, the rights granted by the Site Plan Approval shall expire and may be reestablished only after another site plan review under Section 5.2. Construction, once begun, shall be actively and continuously pursued to completion within a reasonable time.

7. The Special Permit shall lapse in two years unless construction has 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 within a reasonable time. 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.
8. Litter and debris in the parking lots, landscaped and buffer areas shall be removed regularly to maintain a neat and orderly appearance.
9. The use will not result in any undue disturbance to adjoining property owners or to the Town caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, glare, etc.
10. All parking spaces 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 parking spaces are available.

Project –Specific Conditions:

11. There are existing deficiencies in water and sewer service to the structures proposed for warehouse house. Use of these structures is therefore limited solely to unoccupied storage facilities. No space shall be rented out to conduct business on the premises; customers shall have storage rights only.
12. The sprinkler system will be up to code and certification of same will be presented to the Fire Department by the owner or his designee.
13. Emergency vehicle access around all of the buildings shall be maintained year round.
14. The Applicant shall install a key storage “KNOX-BOX®” on the building per the specifications and requirements of the Leicester Fire Department.
15. There shall be no storage of hazardous materials in the buildings.
16. In the event of a change in use, the owner shall notify the Fire Department 30 days prior thereto.
17. The Applicant shall comply with the provisions of §3.2.07 (SIGNS) of the Leicester Zoning Bylaws, and apply for the appropriate permits for the proposed signage.
18. Newly striped parking spaces shall be 10' x 20', in conformance with the Site Development Standards for the Business District. Parking access aisles between rows of parking spaces shall be at least 24 feet wide to provide adequate room to maneuver when backing out of parking spaces.
19. The Applicant shall provide a sign near the transformer behind Eller's Restaurant that reads “Caution Pedestrians” or similar, to the satisfaction of the Planning Board.
20. The Applicant shall provide a stop sign on the sidewalk to the right of the curb cut (when exiting), subject to Mass DOT approval.

21. Hours of operation shall be limited to 7:00AM – 7:00PM, Monday through Saturday.
22. All storage shall be inside the structures on the site; there shall be no exterior storage.
23. Additional exterior lighting is subject to review and approval by the Planning Board and may be approved by majority vote of the Board at a regular meeting of the Board.

Construction

24. During repair/re-stripping of the parking lot and other authorized site work, the Applicant shall conform to all local, state and federal laws regarding noise, vibration, dust, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction on exterior features shall not commence on any day before 7:00AM and shall not continue beyond 7:00PM; provided, however, that such construction shall not commence on Saturday before 8:00AM and shall end at 3:00PM. There shall be no construction on any Sunday or state or federal legal holiday.
25. Sediment tracked onto Route 9/Main Street from construction activities shall be swept at the conclusion of each construction day, until all work areas have been properly stabilized.
26. 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.

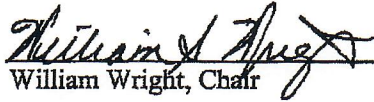
Occupancy

27. Prior to occupancy, the owner shall contact the Fire Department to arrange an inspection of the fire suppressant system. The sprinkler system shall be approved by the Fire Department prior to occupancy.
28. No final certificate of occupancy for the buildings shall be issued until authorized site improvements have been completed.

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

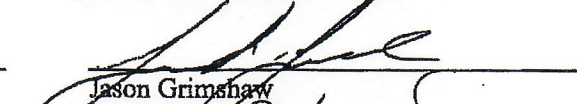
RECORD OF VOTE

The following members of the Planning Board vote to approve a Special Permit and Site Plan to allow construction of a veterinary clinic as described above, subject to the above-stated terms and conditions:

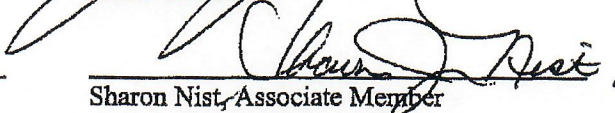

William Wright, Chair


Debra Friedman, Vice-Chair

Absent
John McNaboe


Jason Grimshaw

Absent
Patricia Dykas-Gonet


Sharon Nist, Associate Member

Date of Decision: May 10, 2011

APPEALS

Appeals, if any, shall be made pursuant to M.G.L., Ch. 40A, §17 and notice of appeal shall be filed within 20 days after the date of filing of this notice in the office of the Town Clerk.

Copy of Decision delivered to:

Applicant*	Zoning Board of Appeals
Owner*	Highway Department
Town Administrator	Building Inspector
Assessors Office	Quinn Engineering

* by certified mail

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

SUMMARY REGARDING 190 MAIN STREET, LEICESTER, MASSACHUSETTS, PROPERTY

This Summary is intended to provide the Planning Board with a recent history of the use of the Premises located at 190 Main Street, Leicester (Cherry Valley), Massachusetts from 2008 to present.

In 2008, the owner of the Premises, Lynde Brook Plaza, LLC created a condominium using a portion of the property for the purpose of establishing three commercial condominium units. The portion of the land area initially committed to condominium use is known as Phase 1A which included the three condominium units. A document referred to as a Site Plan was recorded at the Worcester District Registry of Deeds delineating a phase of the condominium known as Phase 1A and leaving the balance of the property located to the rear of 190 Main Street as Phase 1, not included as part of the condominium at that time. On the Site Plan, Phase 1A was not specifically delineated with a square footage and complete metes and bounds description.

The business known as Eller's Restaurant began operation in Unit 1 of the condominium by a condominium transfer which occurred in September of 2008.

In October of 2011, a Special Permit was granted to operate an indoor batting cage facility. Since the issuance of the Special Permit, an indoor batting cage facility in Unit 3 has continuously operated in Unit 3.

In May of 2012, a Special Permit was granted to operate a fitness center in Unit 2 of the condominium. Since the issuance of this Special Permit, a fitness center has continuously operated in Unit 2.

In June of 2011, a Special Permit and Site Plan Approval was granted by the Planning Board for Lynde Brook Plaza, LLC to operate a storage warehouse in the area of the property known as Phase 1, that being a portion of the remaining property located to the rear of the three condominium units. This storage facility has operated continuously since the issuance of the Special Permit and Site Plan Approval.

There is now a planned use of the second floor of Unit 2 which is located above the fitness center. The use of this area is intended to be a continued use of the fitness center as used on the first floor for a total area of approximately 2,800 square feet, and the remaining area of the second floor to be used for administrative office, bathrooms and storage.

Presented for the Planning Board's review and consideration is an ANR Plan which delineates the condominium with its three existing units, from the balance of the land area which is not part of the condominium unit located to the rear of the boundary line set forth on the ANR Plan.

The plan also delineates a total of 185 parking spaces, a number of them to be used by the units/commercial businesses of the condominium, located on condominium property, that being a total of 53 spaces and additional parking spaces for which a permanent easement is being granted by the property owner of Lot ____ to the condominium. This area totals 66 spaces. This will provide a total of 119 parking spaces for the three commercial businesses operating in the three condominium units.

It is important to note that at the time of the issuance of the three Special Permits by the Planning Board (between June 1, 2011 and May 3, 2012), the parking regulations of the Planning Board had not yet been adopted.

Since the adoption of the Parking Regulations, there is a distinct number of spaces for the commercial use of Unit 1, that is Eller's Restaurant. The seating capacity of Eller's Restaurant is 200, and the maximum employees for the largest shift at the restaurant is 15. As a result, according to the current parking regulations, 82 spaces are necessary for Eller's Restaurant use, although the restaurant has been in existence prior to parking regulations.

Under the indoor batting cage facility permit, a total of 15 spaces were considered. It is important to note that the batting cage facility, which is Unit 3 of the condominium, consists of five batting cages only and not six as referenced in the Special Permit approval.

The third Special Permit was granted for the fitness center which is Unit 2 of the condominium. At the time of this Special Permit approval, the proposal submitted by the Applicant showed a total of 44 parking spaces with a continuation along the easterly property boundary for a total of 55 spaces. This was not a requirement of the Planning Board but merely a proposal by the Applicant of the batting cage facility and fitness center to combine both facilities in one parking summary.

While there is a category for the restaurant designated in the Parking Regulations adopted in 2013 by the Planning Board, there does not appear to be a category for the use of the property for a batting cage facility, fitness center and proposed expansion of the fitness center to the second floor.

As a result, it appears as though these uses fall into the category use of "all other permitted uses". Therefore, it is the purview of the permitting authority to determine the adequacy of the parking spaces for these two uses.

Given the fact that the restaurant use existed in 2008 and the batting cage facility and fitness center (on the first floor) existed in 2011 and 2012, it is important to consider that with the exception of the proposed second floor use of the fitness center, the operation of all three businesses remains unchanged. Once the condominium is granted a permanent easement for the 66 spaces on the adjoining property to the rear of the condominium at 190 Main Street, the total number of spaces to share among the three commercial businesses in the condominium will be 119 parking spaces. Based upon the prior Special Permits issued, the continued use of the three commercial businesses which pre-dated the parking regulations, this number of spaces is expected to be adequate.

The parking spaces earmarked for the storage warehouse are 65 and are located on the northeast and west portion of the lot to the rear of the condominium.

Lynde Brook Realty, LLC
190 Main St.
Cherry Valley, Ma 01611

October 7, 2019

Re: Code Violations- New Business change of use

To Mr. McCracken and Mr. Johnson,

Mr. McCracken per our conversation on Friday October 4, 2019 about your business failing to complete the town's new business sign-off sheet for each department to inspect the property and to register the business with the town. Mr. McCracken pulled the application On February 20, 2018 with the town. On December 11, 2018 while on an inspection with the building inspector we visited 190 Main St. and saw a new fence and remodeling had occurred on that site. That day we met with Mr. Tim Johnson and told him our concerns and a need for a full inspection. I called Mr. Tim Johnson again in the spring and was told his partner was out of town and would reschedule when he returned. On October 2, 2019 the building inspector and I visited the site and did a quick walk threw in which a worker on site notified Mr. McCracken which I spoke with him about our concerns. Attached is a checklist with the requirements needed to be completed in a reasonable time. I expect the minimum of the permits pulled and drawings submitted by December 1, 2019. Failure to do so will be subject to additional fines.

Captain Mike Wilson

Fire Inspector

Damien Berthiaume

From: Taylor, Jeffrey <TaylorJ@leicesterma.org>
Sent: Wednesday, December 20, 2017 9:55 AM
To: Damien Berthiaume
Subject: RE: [Leicester MA] Lynde Brook Plaza (Sent by Damien Berthiaume, db@berthiaumelegal.com)

Good morning Damien,

I have reviewed all of this and have also run this by Michelle Buck, town planner. I agree a variance will be in order and I also have one comment to make. Exhibit C does not have any measurements at all so we couldn't make heads nor tails from that print..

As I stated and agree with you, you will need to apply for a variance with the ZBA...

Any further questions please direct them to me or Michelle if one of us is out of the office...

Jeff Taylor
Inspector of Buildings,
Building Commissioner
Zoning Enforcement Officer
Leicester, Ma 01524
508-892-7003

-----Original Message-----

From: vtsgmailer@vt-s.net [mailto:vtsgmailer@vt-s.net]
Sent: Monday, December 18, 2017 12:07 PM
To: Taylor, Jeffrey <TaylorJ@leicesterma.org>
Subject: [Leicester MA] Lynde Brook Plaza (Sent by Damien Berthiaume, db@berthiaumelegal.com)

Hello jtaylor,

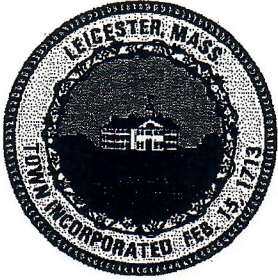
Damien Berthiaume (db@berthiaumelegal.com) has sent you a message via your contact form (<https://www.leicesterma.org/user/15726/contact>) at Leicester MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.leicesterma.org/user/15726/edit>.

Message:

Jeff:

Attached please find a letter confirming our conversation last week regarding Lynde Brook Plaza. Please contact me with any questions or in the alternative simply confirm that a variance is required and I will file the application. -Damien



TOWN OF LEICESTER

3 Washburn Square

Leicester, MA 01524

Phone: (508)892-7003 Fax: (508)892-1163

Building & Zoning Enforcement

March 18, 2020

Certified Receipt # 7017 2400 0000 2831 7356
& Regular Mail

Att. Mr. McCracken
Lynde Brook Realty, LLC
219 Ludlow Street
Worcester, MA 01603

RE: 190 Main Street, Cherry Valley MA 01611

Follow up:

On March 4, 2020 your visit to the Leicester building department was brought about by the unlawful building and electrical work discovered at 190 Main St. on December 11, 2018, a violation of Massachusetts Building Code 780 CMR, Section 105. A site visit conducted on February 24, 2020 headed by the fire department because of your failure to correct a list of violations and requirements noted in 2018 is the reason for this letter. I am strongly requesting, as we talked about on March 4, 2020 that a licensed contractor and licensed electrician pull the proper permits to correct and inspect the work done for safety, along with the fire suppression system corrections required by the fire department. My main concern is the collapsing roof in the loft area that is pulling the sprinkler system down with it. I want to see serious action taken to correct these violations by April 14, 2020, with licensed contractors. Also, all businesses must be registered with the town clerk.

If you are aggravated by this notice, you may appeal to the Board of Building Regulations and Standards, Building Code Appeals Board (BCAB) in accordance 780 CMR, Section 113.

David McRae, Building Official
3 Washburn Square
Leicester, MA 01524



John A. Markley

Inspector of Wiring

Town of Leicester

3 Washburn Square

Leicester, MA 01524-1333

Phone (508) 769-7670

Fax (508) 892-1163

3-5-2020

On February 26th we met with owners of 190 main st. property and found wiring was done on premises by unauthorized people.

All occupied spaces along electrical service side of building must be re-wired by a licensed electrician under permit from building dept.

All romex wiring in these spaces must be discontinued.

All ser cables on outside rake board of building and underground to other buildings must be removed

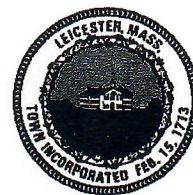
Timeline for completion of this work to be determined by Building Inspector



CHIEF
MICHAEL R. DUPUIS

TOWN OF LEICESTER FIRE DEPARTMENT

3 PAXTON STREET
LEICESTER, MASSACHUSETTS 01524



OFFICE (508) 892-7022

March 28, 2023

To whom it may concern,

This document is based on the property of 190 Main St. the two rear buildings, with the concerns of the existing special permit for usage. The May 2011 approval granted by the Leicester Planning Board states the 2 buildings are used for non-hazardous storage only do to no domestic water or sewage. At this time the Fire Department is looking for this documentation from the property owner.

1. Complete inspection of the property and any non-permitted alterations.
2. Certificate of compliance on the sprinkler system. (NFPA 25)
3. Certificate of compliance on the fire alarm system (NFPA 72)
4. All required permits from (building, fire, electrical, and plumbing)
5. Town business certificates for all tenants

Leicester Fire Prevention

Captain Mike Wilson

Fire Inspector

Checklist

1. Apply for all needed permits. (building, fire, Electrical, etc.)
2. Needs to check with planning board for any restrictions or usage for that property.
3. Needs fire alarm system to monitor the sprinkler system and any pull stations for the man door. Attached checklist
4. Sprinkler system updated for the changes which has been done to the building. Stamped drawings, cut sheet with application is needed.
5. Knoxbox for the west side of the building. If gates will be locked they will require a knoxbox padlock.
6. Each door numbered.
7. Fire lanes must be kept clear at all times.
8. All tenants must registers with the town clerk's office



Michael Wilson <mwilson@leicesterfireems.org>

190 Main St

2 messages

Matthew Tebo <mtebo@leicesterfireems.org>

Sun, Feb 16, 2020 at 3:48 PM

To: Mike Dupuis <mdupuis@leicesterfireems.org>, Mike Wilson <mwilson@leicesterfireems.org>, Robert Wilson <rwilson@leicesterfireems.org>

Mike, we responded to 190 Main St out back for a report of water flowing from the building. The pipe between the 2 storage building last froze and broke. We were able to gain access to the sprinkler valve and shut it down(barely). They had a car parked in front of the control room, luckily Kev Clark was skinny enough to get in. I did have them move the car.

We did not receive any alarm. It appeared that the panel wasn't even turned on.

Also it looks like they have done a lot of work on the back side of the building g with new businesses in there. We don't have keys to any of them. In the second building in the back corner it looks like they are doing auto repairs in there. A few cars and also a car lift are in there.

They are in telephone alert for now but could you stop in there and check on the alarm system.

--

Matthew S. Tebo

Assistant Chief

Leicester Fire Department

3 Paxton St

Leicester, MA 01524

508-892-7022

Cell: 774-836-0886

Michael Wilson <mwilson@leicesterfireems.org>

Sun, Feb 16, 2020 at 6:46 PM

To: Matthew Tebo <mtebo@leicesterfireems.org>

Ok I spoke to them a while they have a list of things to get done. I wrote them a 500 ticket but held it if the finished there list. I will go see them

[Quoted text hidden]

Rybak Engineering Inc.

Fire Protection Consultants

132 Forest Avenue

Warren, MA 01083-0709

(413) 436-5500 • Fax: (413) 436-5563

Date: 12/27/2019

To: American Spot Cooling

,

Project: American Spot Cooling

Route 9

Leicester, MA

Quote: \$6,000.00

Scope: Phase 1 Fire Sprinkler System Engineering Services

- Water supply evaluation and investigation with hydrant flow test
- Single remote area hydraulic calculation
- (1) Site Review Meetings for Existing Conditions

Phase 2 corrective action plan will be offered under a separate proposal. Phase 2 will evaluate installation upgrades and corrections required once the water supply limits are understood.

Inclusions: Water Flow Test

Hydraulic Analysis of Existing Fire Sprinkler System

Commodity Classification and Determination of Required Design Criteria

Exclusions: Meetings in excess of those listed above

Construction Control, with rough inspection, final inspection, punch list, and affidavit

Fire Sprinkler Contract Drawings, Stamped by Professional Engineer

Final Installation Plans, Construction Documents, or Bid Plans

System Compliance Report

Fees including; permits, plan review, water flow test

From: Buck, Michelle
To: "Justin@finishtouchinc.com"; American Spot Cooling Inc. (tim@americanspotcooling.com); "bart@americanspotcooling.com"
Subject: 190 Main Street
Date: Monday, October 21, 2019 5:51:00 PM
Attachments: Site Plan Review & Special Permit_6-2017 form fillable.pdf
SP Regulations, 2019-05-21 Copy.pdf

I apologize for the delay in getting back you.

In any case, regarding the Contractor's Yard for Finish Touch, Inc. – as we discussed it requires a special permit from the Planning Board. You asked about plan requirements. While the Planning Board wouldn't necessarily be looking for as much detail as would be required for new construction, they do want something that accurately portrays the site and where the Contractor's Yard storage would be located. The special permit application and related Special Permit Regulations are attached.

Regarding American Spot Cooling, though it's somewhat of a stretch to call the outside storage a Contractor's Yard, you could try to convince the Planning Board through a special permit application. The easiest route would be to move the equipment inside, consistent with the 2011 special permit and my email to you on 5/15/2007, which stated that "outside storage of your equipment trailers wouldn't be allowed..." Unfortunately, you mis-interpreted the follow-up sentence that talks about vehicle parking associated with a business on site. There is no approved business on the site other than inside storage, and in the B district, using or renting outdoor space for stand-alone vehicle storage isn't allowed (it's allowed in some of our other districts). See page 20 of the Zoning Bylaw here:

https://www.leicesterma.org/sites/leicesterma/files/uploads/2019-05_leicester_zoning_bylaw_final.pdf

As I mentioned in our meeting, the Planning Board is working on amendments related to outside storage, though that can't be voted on until the May 2020 Town Meeting. It's also likely that they will loosen the requirements more in the more intense Highway Business districts than the Business (B) District. Though 190 Main is a large site (much of which isn't visible from the road) a lot of the B district is comprised of small lots with direct frontage on Route 9, Stafford Street, and Pleasant Street. Any amendment that affects the B district would affect the entire district, not just a single site.

If you have further questions, please let me know.

Michelle R. Buck, AICP
Leicester Town Planner/Director of Inspectional Services
508-892-7007
buckm@leicesterma.org

Please note that Leicester Town Hall is closed on Fridays.

From: Buck, Michelle
To: "tim@americanspotcooling.com"
Cc: Taylor, Jeffrey
Subject: 190 Main Street
Date: Monday, May 15, 2017 10:04:11 AM

I spoke with Jeff this morning, and he said that he had told you that outside storage of your equipment trailers wouldn't be allowed at 190 Main (which is what I suspected). Unless associated with a business on site, this district doesn't allow vehicle storage.

Michelle R. Buck, AICP
Town Planner/Director of Inspectional Services
3 Washburn Square
Leicester, MA 01524
buckm@leicesterma.org
508-892-7007

MASSACHUSETTS NON-CRIMINAL FIRE CODE VIOLATION NOTICE

(Issued pursuant to M.G.L. c. 148A and 527 CMR 1.00)

TICKET #

F051-067405

DATE ISSUED 10/13/15	DEPARTMENT ISSUING NOTICE Leicester Fire Dept.	ISSUED BY: <input checked="" type="checkbox"/> HEAD OF FIRE DEPARTMENT (OR DESIGNEE) Captain Mike Williams	FIRE CODE ENFORCEMENT OFFICER (PRINT NAME) Mike Williams	OFFICER I.D. NUMBER 00055
NAME OF OFFENDER (LAST) Johnson-Gonzalez	(FIRST) Thomas	CITY/TOWN Cherry Valley	STATE MA	ZIP CODE 01521
ADDRESS 190 Main St	LOCATION OF VIOLATION (INCLUDE #, ST, CITY, TOWN) 190 Main St, Cherry Valley, MA 01521	DATE OF VIOLATION 10/13/15		

VIOLATIONS(s): Fire Code, 527 CMR 1.00 (Code of Massachusetts Regulations Only) Check One:

☐ A. Warnings of violation(s) only
☒ B. Violation(s) 527 CMR 1.00

Description	Assessment
Sec. 10.01(8) Failure to obtain necessary permit from Fire Dept.	\$ 100.00
Sec. 10.02(2) Failure to maintain a fire protection	\$ 100.00
Sec. 10.03(2) Failure to maintain emergency lighting and exits	\$ 100.00
Sec. 10.03(10) Failure to maintain fire lanes	\$ 100.00
Sec. 10.03(4) Improper storage of combustible or flammable	\$ 100.00
Total Amount Due:	\$ 500.00

Report Attached ☐ Yes ☐ No

☐ This is a 2nd or subsequent offense Date(s) of prior Offense(s) _____

OFFICER CERTIFICATION: I certify that I am authorized to issue this Massachusetts Fire Code Violation Notice in accordance with the provisions of M.G.L. c. 148A. I further certify that (check one):

☐ I have delivered a copy of this violation to the offender, or the offender's agent at the time and place of the violation

Signature of offender or agent of the offender upon receipt: _____

Name: Bob Gomez Date: 10/13/15

☐ Check here if offender refused delivery (Note: Whoever upon the request of any local or state code enforcement officer refuses to state his/her name and address shall be punished by a fine of not more than \$200.00 (M.G.L. c. 148A))

☐ I have mailed a copy of this violation notice to the offender at the offender's last known address.

☐ I have delivered a copy of this violation at the offender's last known address.

☐ Address of mailing or delivery: _____

Officer Signature: _____

MAKE PAYMENT OR REQUEST AN APPEAL TO:

(PLACE LABEL HERE)

SEE REVERSE SIDE FOR
IMPORTANT INSTRUCTIONS

OFFICERS COPY

704 MAIN STREET

Lisa Westwell

From: Lisa Westwell
Sent: Thursday, December 21, 2023 10:09 AM
To: 'buddyfarnham@gmail.com'
Cc: Kristen Jacobsen (jacobsenk@leicesterma.org)
Subject: 704 Main St., Leicester
Attachments: 704 Main St Certificate and Decision Recording.pdf

Good morning Mark,

The Planning Board issued a Special Permit Decision and Stormwater Permit for 704 Main St. on April 20, 2021. Findings: 3. refers to stormwater requirements that include “using a cultic {Cultec} roof infiltration system for each proposed building as well as gravel 1’ x 1’ drip edge around the entire perimeter of the driveway...” I have attached the Decision for your reference.

Please submit the diagrams/plans, specification sheets, receipts, and photos of the installation of this Cultec infiltration system(s) for each building. Thank you and please call the office with any questions.

Sincerely,

Lisa Westwell

Administrative Assistant
to the Planning Department
Town of Leicester
3 Washburn Square
Leicester, MA 01524
508.892.7007 x 120
westwelll@leicesterma.org

25 A/B PLEASANT STREET

Lisa Westwell

From: peter linvestproperties.com <peter@linvestproperties.com>
Sent: Wednesday, December 27, 2023 10:16 AM
To: Lisa Westwell
Cc: Kristen Jacobsen
Subject: Re: 25a/b Pleasant Street, Leicester

Good morning,

Yes I can. I will be working on gathering the information together.

Thank you,

Peter

Get [Outlook for Android](#)

From: Lisa Westwell <westwell@leicesterma.org>
Sent: Wednesday, December 27, 2023 9:26:18 AM
To: peter linvestproperties.com <peter@linvestproperties.com>
Cc: Kristen Jacobsen <jacobsenk@leicesterma.org>
Subject: 25a/b Pleasant Street, Leicester

Good morning Peter,

The Zoning Board of Appeals issued a Special Permit-Amendment Decision for 25 Pleasant St. on November 17, 2021. The amendment included "...an increase in impervious area, and an increase in the CULTEC Drywell Storage Calculation". The Decision was conditioned upon meeting the requirements of Quinn Engineering's review. I have attached the Decision and Quinn Engineering's letter dated 2/3/2022 for your reference.

Please submit the diagrams/plans, specification sheets, receipts, and photos of the installation of this Cultec infiltration system(s) for each building showing conveyance of the roof runoff to the chamber. Please also submit the test pit data regarding the water table elevation.

Thank you and please call the office with any questions.

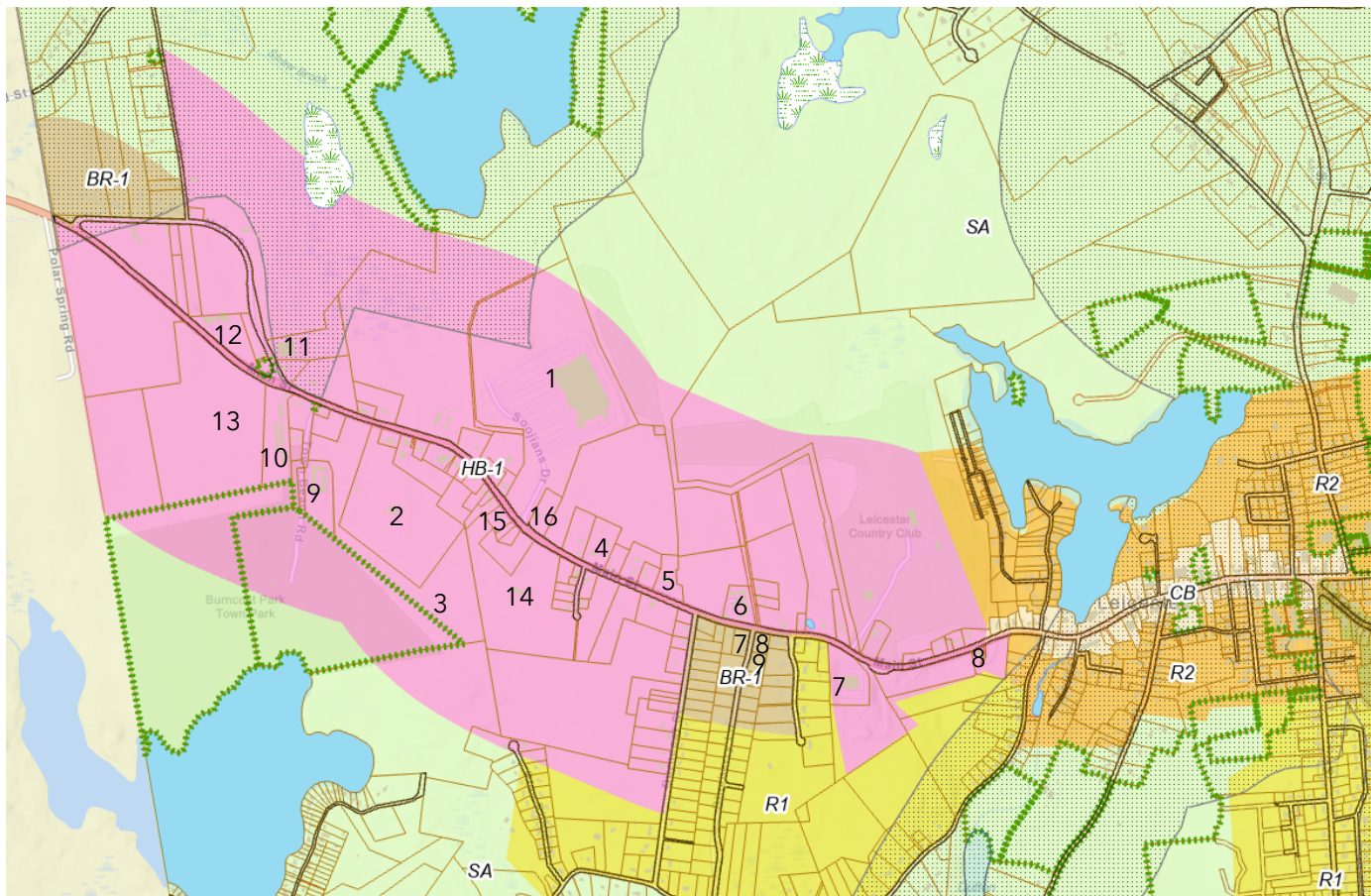
Sincerely,

Lisa Westwell

Administrative Assistant
to the Planning Department
Town of Leicester
3 Washburn Square
Leicester, MA 01524
508.892.7007 x 120
westwell@leicesterma.org

HB-1 Zoning District Map

Approximately 765 Acres



Key*

- | | | |
|--------------------------------------|--|--|
| 1. Walmart | 9. DJ Home Health Care Agency/
Westland Meadows | 14. Families Together Adult Day
Center |
| 2,3. Leicester Drive-In/Maria Joseph | 10. CubeSmart Self Storage/RT. 9
Storage | 15. Starbucks, Nail Salon, Gas
Station, Retail, Fast Food |
| 4. Hank's Marine | 11. Sunnyside | 16. Preliminary location of
Salvation Army Retail |
| 5. Cumberland Farms | 12. Breezy Gardens | |
| 6. Pepin's Autowash | 13. Antanavica Solar | |
| 7. Tractor Supply | | |
| 8. Classic Automotive | | |

*Please note: This is not a complete listing of businesses in the HB1 Zone

Uses:

By Right	Special Permit	Not Allowed
Agriculture	Raising of Livestock for domestic use	Raising of swine and fur-bearing animals
Greenhouse	Gasoline station(prohibited in Water-shed Overlay District	Detached one-family dwelling
Backyard Chickens	Kennel, Commercial – Special Permits issued by the Planning Board.	Two-family dwelling
Renting of Rooms/Board	Drive-through facility (Special Permits issued by Planning Board)	Multi-family
Accessory Uses/Home Occupations	Car Wash (Special Permits issued by Planning Board)	Limited Frontage Lot in accordance with Section 1.3
Residential Trade	Rental Self-Storage Facility with outdoor storage (Special Permits issued by the Planning Board)	Senior Village Development
Accessory Buildings	Marijuana Retailer, Consumer Sales Only (Special Permits issued by the Planning Board)	Accessory Apartment
Retail/Wholesale	Vehicle Sales or Rental/Auto Dealership, 30 or more vehicles	Mixed-Use Development, Vertical Mix, 1-3 Units
Antique/Gift Shop	Land and water recreational vehicle (including boats) sales, rental, service, and storage yards	Mixed-Use Development, Vertical Mix, 4 Units or more
Place of Amusement	Towing Company	Mixed-Use Development, Horizontal Mix
Office, bank, newspaper or job printing establishment.	Earth Filling Operation	Veterinary Clinic
Hotel or motel	Radio or TV broadcasting and re-lay station	Marijuana Social Consumption Facility
Restaurant	Trucking depot	Marijuana Outdoor Cultivator
Kennel, Private	Wireless Communication	Vehicle Salvage Yard
Bed & Breakfast *in a pre-existing building	Large & Small Wind Facility	Earth Removal Operation
Rental Self-Storage Facility with no outdoor storage	Hospital, sanitarium, convalescent home	Aviation field
Contractor's Yard	Sporting and recreational camps	Country club, golf course, boat livery, riding stable, or ski tow
Pet Grooming	Private club not conducted for profit	Cemeteries
Medical Marijuana Treatment Center (Planning Board Site Plan Review Required	Movie Theatres	Tanneries
Marijuana Establishment, Non-Retail (Planning Board Site Plan Review Required)	Veterinary Hospitals	Meatpacking
Marijuana Delivery Operator		Slaughterhouses
Vehicle Sales or Rental, up to 30 vehicles ²		Hazardous material processing

Uses Continued...

By Right	Special Permit	Not Allowed
Vehicle Sales or Rental, up to 30 vehicles		
Any manufacturing or industrial use		
Research laboratory		
Construction headquarters		
Storage warehouse		
Brewery, Distillery, Winery		
Brew Pub		
Small, Medium, & Large Ground Mounted Solar Energy System		
Taxi or Limousine Service		
Religious, educational or municipal use.		
Business and Professional Offices		
Medical Offices		
Consumer service establishments		
Lumber and building material establishments		
Miniature golf establishments		

The Planning Department and Planning Board are exploring the addition of mixed-use development to the HB-1 zone. The addition of mixed-use development can offer a range of benefits that contribute to the livability, sustainability, and economic vitality of the community. By allowing for a diverse mix of businesses offices and residences we could increase the range of services and amenities provided while providing more housing opportunities and choices.

The 2009 Master Plan mentions the encouragement of mixed-use development with small scale retail toward the town center while promoting large-scale retail and businesses away from the town center. The addition of the residential component to the larger scaled businesses would be in keeping with the Master Plan ensuring that large developments do not infringe on the historic structures and areas of the town center. For example the square footage of recently developed mixed-use construction Edgemere in Shrewsbury is approximately 145,000 square feet of retail space and 250 multi-family residential units, spread over 67 acres of land.

We will begin discussions in early 2024 with hopes of having materials prepared for the spring 2024 Town Meeting.