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Leicester Planning Board Meeting Minutes June 20, 2023

Location: Leicester Town Hall, Meeting Room 3

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

Members Absent:

Staff Members Present: Mike Silva, Building Inspector/ZEO

Members of the Public in Attendance: Stephen Balsevich, James Bernardino, Jan Parke, Randall Gardner, Jessica White, and Hannan Rhodes

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

Board Re-Organization

Mr. Reinke introduced new member, Lee Dykas.

Motion by Ms. Nist to nominate Joshua Campbell as Chair and Mr. Reinke as Vice-Chair.

Second: Mr. Escobar

Discussion: None

Record of Vote:

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

Mr. Campbell took over as Chair.

1. ANR

6 Brickyard Road, request to change lot lines and lot area

Applicant: Belmira Mendes and Susan Nuamah

Stephen Balsevich from Land Planning, Inc. was present to represent the project. ANR plan to reconfigure the Lot 3 L, 84530. The plan shows a three segment line that changes along the westerly boundary starting at the existing cul-de-sac. The portion removed will be combined and joined to a piece of property owned by the applicant. Mr. Balsevich said the Plan meets zoning and setbacks.

Mr. Reinke asked what the frontage is for the combined lot. Mr. Balsevich said the new frontage is 204.58' of the proposed lot. Mr. Balsevich circulated the record plan for the Board to review the proposed lot line changes for clarity. Mr. Escobar said that Lot 3 was not buildable before and it's not buildable now and Mr. Balsevich said that's correct. Mr. Reinke asked about centerline of potential future road. Mr. Balsevich said the applicant may want to

use that as an option but at this time it's not going to be acted upon and they are basically just reconfiguring the lot. Mr. Reinke said they would have to come back to the Board. Mr. Balsevich said they want to include it, so they don't pigeonhole themselves. Mr. Silva said the intent would be to come back with a subdivision and Mr. Balsevich said yes. Ms. Nist asked what that frontage is of the other parcel. Mr. Balsevich said it abuts Sunset Street but he doesn't have an answer for it, but it continues to Sunset and they did not survey locate any of those lines. Mr. Reinke asked Mr. Silva is it meets the criteria for an ANR and he confirmed that it does and anything coming in the future would have to be reviewed. Mr. Silva said the scope of the review by the Planning Board is hard to deny.

Mr. Campbell asked if there were any more comments. Ms. Parke said she has walked this property with the former owner and it is very long and goes down to the stream and she wanted to share that.

Motion by Mr. Reinke to approve the ANR Plan for 6 Brickyard Road.

Second: Ms. Nist

Discussion: Mr. Dykas said he abuts 3L so he is recusing himself. Mr. Dykas said that he spoke to the owner and their intent is to do a subdivision at some point.

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Recused
Four (4) in Favor. None (0) Opposed. One (1) Recused. Approved 5 to 0	

2. 7:15 PM Public Hearing, Special Permit Amendment - Continued

11 Hankey Street, request to amend special permit SP2021-03 for makerspace, Applicant: The WorcShop

Motion by Mr. Reinke to open the Public Hearing for 11 Hankey Street.

Second: Ms. Nist

Discussion: None.

Record of Vote:

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

The Public Hearing was opened at 7:17 PM.

Randal Gardner, Owner, Jessica White, Operations Director, and Hannan Rhodes, new owner, were present for the WorcShop. Mr. Gardner said they have submitted everything including the floor plan of the shop layout for the automotive area. Mr. Gardner said the WorcShop is hosting a Haunted House and is collaborating with other community groups.

Mr. Reinke wants to start from the beginning on the amendments as it's been a long time. Mr. Gardner pointed out the highlighted areas noted in the Special Permit with the boldfaced items being the changes to the Special Permit. Mr. Gardner summarized the amendment requests:

- Change of owner and addresses
- Change of parking spaces from 45 to 53 as per parking plan
- Occupancy Permit change based on the buildings current use and occupancy load to reflect what is already there
- Hours are 24/7 which was already approved by the first Special Permit
- Some new uses: automotive repair in Building 3, electric hybrids. New Certificate of Occupancy will be issued for each building and they will work that out with the building inspector.

Ms. Nist asked the applicant to identify Buildings 1, 2, and 3. Mr. Gardner pointed these out on the plan. Building 3 and 4 are listed together on the Certificate of Occupancy as F1 storage and business but it will be split out on the new Certificate of Occupancy. Mr. Dykas said he is familiar with the building and asked about the 18 10'x20' yard spaces. Mr. Gardner said they are exterior yard spaces. Mr. Dykas asked what types of businesses they will be used for. Mr. Gardner referred to the WorcShop policy 27.2 regarding their goals to operate as a makerspace. Outside yard space would be for such things as shipping containers, large vehicle modifications, pre-fab buildings, tiny houses, high energy processes, and fire art testing. Mr. Gardner said there is no camping or living on premises, outside storage needs pre-authorization, area must be kept clean, no fluid storage outside, members must adhere to WorcShop approvals. Leicester Fire Dept. will do regular inspections to ensure no one is living on the premise and if found, a cease and desist will be ordered.

Mr. Gardner wants to amend their Special Permit to utilize the makerspace category under zoning. Mr. Campbell asked about marijuana, but Mr. Gardner said that was in the bylaw they were using and that nothing to do with marijuana is being requested. Ms. Nist asked if they planned to develop housing on the property and Mr. Gardner said yes, they are trying to determine if it's feasible and this Special Permit amendment makes it more palatable to investors. Ms. Nist asked if the zoning allows for residency and Mr. Gardner said yes it does as they are Greenville District, CB and R-2 zones and Hankey St., is already residential. Mr. Reinke wants to circle back to each of the special permit amendment requests.

Mr. Gardner said a new parking area would need to be reviewed by the Planning Board. Mr. Gardner said they want their occupancy number to be based upon their occupancy permit and not the 200 members called out in the original Special Permit so if they have 1,000 members their occupancy is based on the spaces. Mr. Silva is concerned about the parking to make sure there is enough parking for what is being proposed. Mr. Silva said the existing special permit

allows 42 parking spaces and asked how the occupancy permit allows 53 spaces. Mr. Gardner said he did not realize there was a parking discrepancy so they just used the paved spaces. Mr. Reinke said that is not the WorcShop's property and Mr. Gardner said they were just using what was existing since 1997 and no one has objected to its use as parking. Mr. Reinke said that they can't legally approve parking on someone else's property. Mr. Reinke said they would have to file an adverse possession claim and win to retain that right. Mr. Reinke and Mr. Silva suggested Mr. Gardner consider getting a land use attorney.

Mr. Silva said he met with Mr. Gardner and advised him to put forward a site plan showing the parking to go along with the request to amend the Special Permit. Mr. Silva said a site plan would show stormwater, landscaping, lighting, drainage, residential housing, etc. Mr. Gardner would like to work with Conservation to add trails and community spaces along the river. Mr. Reinke said again that they need to put forth a plan. Mr. Gardner said he would be happy to bring drawings. Mr. Silva said they are asking to add a lot of items to the Special Permit and he is concerned that it's becoming a brand new plan and not just an amendment to the Special Permit. Mr. Reinke said they asked them before to come in front of the Board with a set of site plans for all the proposed changes.

Mr. Gardner said they have an in ground holding tank installed for automotive waste or spills and they want the change of use for automotive. Mr. Silva asked about the 24/7 hours and Mr. Gardner said that was already approved by the Board. Mr. Dykas asked about the square footage and Mr. Gardner responded 54,000 s.f. Mr. Dykas asked about income and Mr. Gardner said they have members and 150 students. Ms. Nist asked what would prevent someone from doing a side business to do their own car repair or some other business. Mr. Gardner said it's far too expensive and no one would be able to do that as it's makerspace and they share tools and space and have to set aside a time to use the space, but they could start a business and then start their own shop somewhere else with dedicated tools.

Mr. Campbell said they have been through the list of amendments and wants to go through one by one. Mr. Reinke said he wants a plan first. Mr. Gardner said he wants to get through some of the amendments and then come back with a plan. Mr. Reinke wants to hear from police and fire first to see if they have any comments. Mr. Gardner said they already had technical review and Mr. Silva came down and has no problem and will enforce Planning Board decisions. Mr. Gardner said they replaced the roof and want to utilize the space for automotive which doesn't require any additional buildout. Mr. Silva wants to know which of these amendments does the Board want comments from police and fire. Mr. Reinke said if he has comments, they don't need them. Ms. Nist asked what the police and fire comments are on the amendments. Mr. Gardner said the comments were with regard to these proposed amendments. Ms. Nist asked about #21 regarding tree removal as they would have to go to Conservation. Mr. Gardner asked if he could remove the tree that fell in the French River and the Board said no, he'd have to go through Conservation. Mr. Silva said that the Board would be looking at amendments #12, #13, and #14. Mr. Silva suggested that Mr. Gardner have a land use attorney draft something up regarding the parking so the Board knows it's legal.

Mr. Dykas said the parking has been with the building and they have been operating there for a long time so there is a lot going on in a small space. Mr. Dykas said there used to be a WRTA bus stop near Hankey Street and since there is limited parking, they should see if WRTA would

put a stop there again. Mr. Gardner said he'd like to do that and asked if the Board would help facilitate a stop. Mr. Dykas asked if there was a ratio of parking spaces to membership. Mr. Silva said it's usually all the combined uses added up and that's where you get the minimum parking based on each use and parking needed for each use. Mr. Gardner said there is contamination on the property and he wants to add parking in that area. Mr. Dykas said that anyone wanting to invest would like 200 members and enough parking and he is trying to find a way to make that work. Mr. Gardner would like to see amendments for owner name, and #13, and #14 get approved today.

Motion by Ms. Nist to continue the public hearing for the special permit amendment at 11 Hankey St. to July 18th at 7pm.

Second: Mr. Reinke

Discussion:

- Mr. Reinke - wants Mr. Gardner to leave with a clear list of what they need for the next meeting including a write up by a qualified individual on the tank
- Mr. Silva – consult with a land use attorney
- Mr. Gardner said he would attend any other tech review if necessary and amendments would be for change of owner, #12, #13, and #14, and rest of amendments will need a plan.

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	

3. Public Hearing, Special Permit, Site Plan Review, & Stormwater Permit

778 Main Street (SP2022-07), 25-unit multi-family residential development, Applicant: Charlton Road Realty, LLC

Motion by Mr. Reinke to open the public hearing for Special Permit, Site Plan Review and Stormwater Permit for 778 Main Street.

Second: Ms. Nist

Discussion: None

Record of Vote:

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

The public hearing was opened at 8:23 pm

Mr. Silva said Mr. Bernardino is before the Planning Board first for the revised project and then will go to Conservation and ZBA. Mr. Bernardino, P.E. from CMG is present for 778 Main Street. Mr. Bernardino said they were in front of the Planning Board, Conservation, and ZBA for a 25 unit development located in 3 buildings, but the ZBA did not vote in favor of the development as proposed as the property is located in the Water Resource Overlay District. The new plan has been reduced and is more in line with a town house style and not an apartment style building. It has 6 buildings, 5 duplexes and 1 triplex, with a total of 13 units. They removed the connection to Waite Street due to abutter concerns, maintained the primary access drive to Route 9, and addressed fire department comments regarding site lines. Mr. Bernardino said it's less building, less traffic, and less development overall. He said they are still working with Conservation as well. Mr. Bernardino said they have also improved the stormwater design. All units will be two bedrooms and there will be more parking than is required by zoning.

Mr. Bernardino said they were asked about the impact of children for the school system and he estimated about 8 children. He also addressed the salts to be used for snow melt and said those impacts have been reduced as there are less impervious area. They also have a stormwater collection system that will collect all the snow melt and drainage so there will be no discharge to wetlands. Mr. Bernardino said there were questions about weed control in the pond. He said that there are no regulatory requirements for the owner to do that but the owner said he will participate in any program initiated by the lake association to assist with the pond. He said the modified site layout allowed them to get further out of the flood plain and Conservation will take a closer look at that.

The Board had the following comments:

- Mr. Escobar asked what material would be used for the fence to provide visual buffer for the abutters. Mr. Bernardino said opaque 6ft high wood fence will run across the entire back perimeter, the rest is tree line, and they will also plant scrub brush. Mr. Escobar asked what height the trees would be on purchase. Mr. Bernardino said 6-8 ft tall at the time of planting and would grow a couple feet a year. Mr. Silva asked who would be responsible for watering the trees the first year and half to make sure they are growing. Mr. Bernardino said the owner would do the watering or possibly hire a property manager, and eventually it would be turned over to the homeowner's association or individual unit owner.
- Mr. Bernardino said they are waiting on comments from Graves but expects them to be minor. Mr. Silva said fire and police have no comments.
- Mr. Reinke asked where the fire hydrant was located and if it had to be moved. Mr. Bernardino said no it didn't need to be moved. Mr. Reinke asked if overflow could be directed away from abutting property. Mr. Bernardino said they looked at that but it was not practical.
- Mr. Reinke asked about sidewalks, trash receptacles accessible by the roadway only. Mr. Bernardino said sidewalks would go to the doors and he will talk to the applicant as trash cans would be in the unit garages as its private trash pickup.

- Mr. Escobar asked about signage for traffic flow. Mr. Bernardino pointed out the signage and said traffic will flow to the right and allow for fire department access. Mr. Silva asked about adding an apron. Mr. Bernardino said it wasn't necessary as the trash and fire trucks can access.
- Mr. Dykas asked about the double dumpster enclosure. Mr. Bernardino said he's talk to the Applicant about dumpsters versus individual cannisters and it would mean less impervious as the dumpsters would be removed.
- Mr. Reinke wants something in writing saying the homeowner's association documents, if one is formed, are provided to the Town.
- Mr. Bernardino is working the MassDOT on the entrance to Route 9 through the Access Permit process. Mr. Reinke wants that called out on the plan. Ms. Nist asked if they had received MassDOT permit approval. Mr. Bernardino said that MassDOT won't issue approval until town has issued their approvals.
- Mr. Silva asked that the Building Elevations plan be added to the Site Plans. Mr. Silva asked if the roadway was going to remain private in perpetuity and Mr. Bernardino said yes. Mr. Silva suggested that as a condition of approval. Mr. Silva asked that a condition of approval be that the dumpsters won't be over 6 feet so they will stay screened.
- Mr. Reinke confirmed with Mr. Silva and Mr. Bernardino that police and fire had no comments or concerns.

Motion by Ms. Nist to continue the public hearing for Special Permit, Site Plan Review and Stormwater Permit for 778 Main Street, SP2022-07 to July 18th at 7 pm.

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	

4. Approval of Minutes

- 04/26/2022
- 03/07/2023
- 04/18/2023
- 06/12/2023

Motion by Ms. Nist to approve the minutes of 4/26/22.

Second: Mr. Reinke

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Abstain
Lee Dykas	Abstain
Three (3) in Favor. Two (2) Abstained. None (0) Opposed Approved 3 to 0	

Motion by Ms. Nist to approve the minutes of 3/7/23.

Second: Mr. Reinke

Discussion: None

Record of Vote:

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

Motion by Ms. Nist to approve the minutes of 4/18/23.

Second: Mr. Reinke

Discussion: None

Record of Vote:

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

Motion by Ms. Nist to approve the minutes of 6/12/23.

Second: Mr. Escobar

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Abstain
Sharon Nist	Aye
Anthony Escobar	Aye
Lee Dykas	Abstain
Three (3) in Favor. Two (2) Abstained. None (0) Opposed Approved 3 to 0	

General Discussion

Mr. Silva said that because tonight's two public hearing were continued and Mr. Dykas had missed meetings, he was not eligible to vote on the two special permits so those projects would need unanimous votes by the rest of the members. Mr. Campbell asked if the Board had an associate member. Mr. Reinke said Duke Martin may be interested. Mr. Silva said that Mr. Dykas would be able to vote on new projects.

Ms. Nist said the property next to St. Joe's on Main Street was supposed to put up a fence and nothing has been done. Mr. Silva said he'd look into it.

Ms. Nist asked about 190 Main St. She would like all parties including fire, police, building inspector, tenant, and owner all come to a meeting. Mr. Silva suggested July 18th. Mr. Silva said there are violations there that fire and building are aware of. Ms. Nist suggested giving them an ultimatum and then a cease and desist or fine.

Mr. Reinke asked if the Board wants to set an end time for meetings. Mr. Silva asked if the Board would consider meeting at 6pm or 6:30pm. There was general discussion about streamlining and limiting the agenda, public comments, and meeting length that might be better managed.

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 9:13 p.m.

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

Date Approved: 2/6/24

Planning Board Signatures



Joshua Campbell, Chair



Anthony Escobar



James Reinke, Vice Chair

Lee Dykas



Sharon Nist