

## Leicester Planning Board Meeting Minutes October 17, 2023

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LEICESTER, MASS.

**Location:** Leicester Town Hall, Meeting Room 3

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

**Members Absent:** Anthony Escobar

**Staff Members Present:** Kristen Jacobsen, Town Planner

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

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

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

Chairman Campbell read the hearing notice into the record.

Mr. Tom Reidy, Esq. was present representing HY Ventures. Also present for the project is Phil Henry, P.E. (civil engineer), Daniel Dumais, P.E. (MDM traffic engineer), and Hussein Yatim (project engineer). Mr. Reidy is asking for site plan with drive through allowed by Special Permit.

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

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

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

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

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

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

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

Mr. Reinke offered the following comments:

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

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

Ms. Nist offered the following comments:

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

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

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

Mr. Campbell closed public comment.

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

**Second:** Mr. Reinke

**Discussion:** None

**Record of Vote:**

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

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

## Old Business

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

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

## New Business

Elect CMRPC Delegate and Alternate

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

**Second:** Mr. Reinke

**Discussion:** None

### Record of Vote:

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

## 2. Approval of 10/3/2023 Minutes

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

**Second:** Mr. Reinke

**Discussion:** None

### Record of Vote:

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

## **Town Planner Report/General Discussion**

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

**Motion** by Ms. Nist to adjourn.

**Second:** Mr. Reinke

**Discussion:** None

### **Record of Vote:**


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

Meeting adjourned at 8:31 p.m.

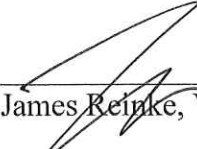
Respectfully Submitted by:  
Lisa Westwell, Administrative Assistant  
to the Planning Department

**Date Approved: December 19, 2023**

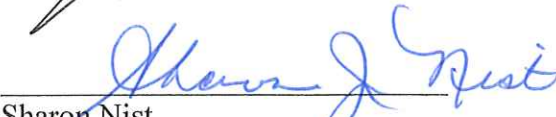
## Planning Board Signatures

  
Joshua Campbell, Chair

  
Anthony Eseobar

  
James Reinke, Vice Chair

  
Lee Dykas

  
Sharon Nist