

Leicester Planning Board Meeting Minutes January 2, 2024

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TOWN CLERK'S OFFICE
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: 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 7:03 PM

Approval of Minutes from December 19, 2023

Motion by Ms. Nist to approve the December 19, 2023 minutes.

Second: Mr. Reinke

Discussion: None

Record of Vote:

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

Old Business

3 Blueberry Lane – Patriot Storage

Mr. Campbell confirmed with Ms. Westwell that Mr. Zuffante, owner, was working with his engineer, Jay Dubois, and would get back to the Board. Mr. Reinke said he took a call from Jay Dubois on Friday, December 29, 2023. Mr. Dubois wanted to clarify what the Board was looking for. Mr. Reinke told Mr. Dubois to clarify that the storage project was built correctly and send a stamped engineering letter itemizing any issues and that he did not need to do an as-built. Mr. Reinke also asked Mr. Dubois to look at the southerly and westerly swale. Mr. Reinke said the letter would be less expensive for the owner than an as-built but wants to see a letter and as-built as a condition of projects moving forward.

New Business

Appointment of Alternate to Planning Board

Chris Clark was present as the applicant to be appointed. Mr. Campbell said Mr. Clark has applied for the Alternate member position. Ms. Nist noted that the application should say “Associate Member” of the Planning Board. Mr. Clark said he applied for the position because he wants to

help the town. Ms. Nist noted that the application did not have a spot for Associate Member and he should let the Town Administrator's office know what position is correct for the appointment.

Motion by Ms. Nist to recommend to the Selectboard to appoint Mr. Clark as Associate Member to the Planning Board.

Second: Mr. Reinke

Discussion: None

Record of Vote:

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

Mr. Clark asked about his responsibilities as far as attending meetings and voting. Mr. Reinke explained to Mr. Clark that the associate member can only vote on Special Permits. Ms. Westwell will contact the Selectmen's office about the appointment and put together guidelines for Mr. Clark to pick up and review and get familiar with the various types of projects heard by the Planning Board.

Town Planner Report/General Discussion

- Salvation Army, 1606 Main Street – Ms. Westwell said that this is a new project located to the right of Walmart if you are looking at Walmart's driveway. She said they are proposing to build a Salvation Army retail space, 14,000 s.f., and plan to submit February time frame. Mr. Dykas asked what happened to the one in Spencer. Ms. Nist said she heard that the Salvation Army didn't want to sign a five year lease so they left and she doesn't know what's going in there.
- 190 Main Street – Ms. Westwell said they reached out to the Fire Department and Building Inspector with Jay Gallant's (architect) report and asked them to review and comment. Ms. Jacobsen did a site visit on 12/20/23 and the Planning Department comments are in the memo. The Fire Department comments are included with all past correspondence from the Fire Dept. The Building Inspector is waiting for direction from the Planning Board for enforcement action. Ms. Westwell suggested putting this on the next agenda so the Board has time to review the information and consider options for enforcement.

Ms. Westwell said that M.G.L. allows a \$300 per day fine, but Town bylaws allow for \$100 for each offense and each day if the Board was considering a monetary fine. Mr. Campbell asked if M.G.L. was per offense and Ms. Westwell said the Town couldn't fine more than \$300 per violation per day. Mr. Reinke said the Building Inspector has his way to do things. Mr. Reinke said, for him, fining someone is always a last resort if they aren't

being communicative. He would like to see the owner or their attorney come before the Board again and tell them where they stand, particularly in regard to safety. They have gotten notices since 2017 that they are not in compliance, so they need to come before the Board on a regular basis. Mr. Reinke said it's great that they've hired an architect, but wants to know what has been done because they still have safety and building code violations.

Ms. Nist noted the site visit photograph shows they are back to using the area for outside storage. Mr. Reinke said he has spoken with them and said the registered commercial vehicles could remain, but the un-registered vehicles had to be removed and they are still not in compliance. Mr. Campbell asked if they could come to one of the next two meetings as they have attended with their attorney before and tried to work with the Board. Mr. Reinke suggested they attend within 30 days.

Motion by Mr. Reinke that a representative come to the February 6, 2024 Planning Board meeting at 7pm to update the Board on property with existing conditions and timeline to correct.

Second: Ms. Nist

Discussion:

- Mr. Campbell asked if we wanted a list. Mr. Reinke said no, they have a list and know what they are supposed to do.
- Mr. Dykas said they were very compliant, and they needed fixes won't happen overnight, like the sprinklers, but agreed it would be good to find out where they are at.
- Mr. Reinke said the Board has standards that need to be met and they are still not in compliance.
- Mr. Nist said the last correspondence was July 24, 2023 and they were on the August and September agendas continued to September 19th but then not on that agenda. Ms. Nist said they haven't had any updates since then.
- Mr. Campbell said safety issues need to be addressed.
- Mr. Reinke's biggest concern is the heavy trucks and pedestrian traffic danger.
- Mr. Campbell agreed that they need to come back before the Board so they can get reacquainted with the project.

Record of Vote:

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

- 704 Main St. – Ms. Westwell informed the Board that that property was sold to Mark Farnham and she emailed him 12/21/23 asking for install information and photos but had not heard back. Mr. Reinke asked if it was sent any other way than email and Ms. Westwell said no, but she would follow up. Mr. Reinke wants to add this project to the next agenda if we have not received a response within 30 days.

Motion by Mr. Reinke to put the properties purchased and build up by Mark and Buddy Farnham on the February 6, 2024 meeting agenda for further deliberation and possible enforcement.

Second: Ms. Nist

Discussion: None

Record of Vote:

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

- 25 a/b Pleasant Street – Ms. Westwell said she emailed Peter DiGioia and got a response on 12/27/23 that he was working on sending info on the Cultec system and test pit data as the Board requested. Mr. Reinek said this was actually within the ZBA purview as it was a ZBA Special Permit and that Board should follow up.
- HB1 Memo and Zoning Map

The Board reviewed the current HB1 Zoning Map put together by Ms. Jacobsen, Town Planner. Comments:

- Mr. Campbell said the biggest one would be the mixed use.
- Mr. Reinke said he didn't want to change the entire HB1 zone, but just change it westerly from Cumberland Farms west possibly to Town line for mixed use development. There are some small single families until you get to Cumbies then it has the potential to turn over to more mixed use. There is also the Water Resources Protection Overlay District and its restrictive. Mr. Reinke said he and Ms. Jacobsen would like to see the zone stay with the property lines instead of a random wide swath of land.
- Mr. Dykas said the zone line vs width would depend on how taxes were being paid as HB1 pays higher taxes.
- Mr. Reinke would make Cumbies west mixed use district and leave the HB1 Cumbies east the way it is now.
- Jan Parke, attendee, asked how far down Burncoat Street the HB1 zone goes as it becomes residential. She said there was some conversations between the owner of one of the parcels and the Common Ground Land Trust to possibly create a pocket park and connected trails to Burncoat Park so she would like to see the potential revisions to HB1 zone not as deep in width.
- Mr. Reinke said to Jan's point, he wants to look at the properties, so it meshes well and consider how the individual properties relate to Route 9. He wants to consider zone changes in a meaningful way and have something for Spring Town Meeting.

Mr. Dykas left the meeting at 7:45 pm for an appointment.

- Mr. Reinke said this is important for business development and preserving open space so there is a balance. He also said they need to consider the MBTA component. Mr. Campbell concurred. Mr. Reinke said single family homes in the zone wouldn't have to change but the zone would be there for them for future use. Mr. Campbell hopes this will have a positive impact for the Town.

Main St. - Ms. Nist asked about pile of lumber at Laney's property across from Cumberland Farms. Mr. Reinke said he thinks they are staging materials for the gas station parcel. Ms. Nist asked if it had something to do with the red house they are tearing down.

Hammond St. - Ms. Nist asked about Hammond St. and if Ms. Jacobsen was able to find out anything. Ms. Westwell said she hadn't heard anything since last week. Ms. Nist said that if Hammond St. was accepted as a public way it should be on one of the town meetings as the town would have had to accept it, maybe around 2008 or 2017. She thinks they compromised by doing a cul-de-sac and it also came up as a lawsuit against the Planning Board. Ms. Nist did not remember the applicant.

Smuggler's Cove - Ms. Nist asked about Smugglers Cove as it's for sale and asked what was going to happen to the open space. Mr. Reinke said the open space was never recorded. Ms. Parke said the land trust, lake association, and landowner have all had informal conversations. She said Smugglers Cove open space was to be gifted to the town, but it didn't happen and now it's on the market. Mr. Reinke said it's for sale for two separate lots. Ms. Parke said the land trust has reached out to the owner and asked to walk the property to come up with a plan or decisions for the future, but the owner has asked them to wait as he wants to build a house. Mr. Reinke said the open space residential subdivision was not built so there is no way to convey the open space and the subdivision plan expires in 7 years. Ms. Westwell said that Charlton Heritage Preservation Trust in Charlton does a lot of flexible open space subdivisions in Charlton and they require the open space to be conveyed before any work starts, and they work very closely with the Charlton Planning Board. Ms. Westwell said historically that has happened with older subdivisions where open space hasn't been conveyed so they have specific criteria. Mr. Reinke said Leicester hasn't had an open space flexible subdivision that's been built yet. Ms. Westwell also mentioned that Charlton has a flexible business development bylaw where businesses can set aside open space and Tree House was once such project. Mr. Reinke asked if Ms. Westwell would send the Business Flexible bylaw to the Board so they can look at it. Mr. Reinke said his vision of the drive-in property and others like it, such as Burncoat Park, would be nice to tie in with open space and TIF mechanisms. Ms. Parke said Burncoat Park connects to the Mid-State trail and that developers have done some great projects that set aside open space.

Mr. Reinke would like to put accessory dwelling units on the February 6th meeting. He said that right now we have accessory apartments that go through the ZBA. Mr. Reinke would like to take away the requirements that it be attached to the structure and that it can be a separate unit. Mr. Reinke said he would like to see it allowed with Special Permit in R-2 and allowed by right in the SA, R-1 zones as long as there is a connection to sewer. Mr. Reinke said that the reality is that many families are living together, kids are coming back home, and this might be a steppingstone where

kids can have their own place or a benefit to homeowners to rent out an accessory structure as long as the owner lives in primary residence on property. Ms. Nist asked how that would affect the driveway bylaw as the bylaw doesn't allow for shared driveways. Mr. Reinke said it would not be a shared driveway as it's on the same parcel.

Motion by Ms. Nist to adjourn.

Second: Mr. Reinke

Discussion: None

Record of Vote:

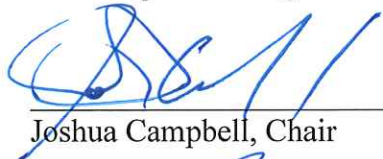
Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Absent
Lee Dykas	Absent
Three (3) in Favor. None (0) Opposed	
Approved 3 to 0	

Meeting adjourned at 8:05 p.m.

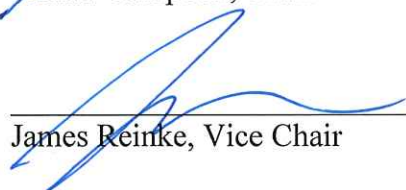
Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: 2/6/24

Planning Board Signatures


Joshua Campbell, Chair


Anthony Escobar


James Reinke, Vice Chair

Lee Dykas


Sharon Nist



**Town of Leicester
Planning Board
Planning Department
3 Washburn Square, Leicester MA, 01524
508-892-7007**

Tuesday, January 2, 2024 7:00pm

Please Sign In with your **FULL NAME**- Please Print Clearly

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