

**Leicester Planning Board Meeting Minutes**  
**February 6, 2024**

RECEIVED  
2024 FEB 21 AM 8:21

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

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

**Members Absent:** Lee Dykas

**Staff Members Present:** Kristen Jacobsen, Town Planner, Harold Leaming, Building Inspector/ZEO, Lisa Westwell, Administrative Assistant to the Planning Department

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

TOWN CLERK'S OFFICE  
LEICESTER, MASS.

---

**Call to Order:** Chairman Campbell called the meeting to order at 7:02 PM

**ANR-2024-01 – 546 Stafford St. (Stafford and Auburn Streets), Map: 35, Parcels: C7.1 and C12.0, Zoning District: Business Residential (BR-1)**

**Applicant:** Southwest Holding, Ltd. (Robert W. Richard, Owner)

Brian MacEwen from Graz Engineering was present on behalf of the Applicant. Mr. MacEwen said that both parcels are owned by the same person. The Owner wants to cut out the lot that has an existing structure on it because they want to lease out the building.

**Motion** by Mr. Reinke to approve ANR-2024-01 – 546 Stafford St. (Stafford and Auburn Streets), Map: 35, Parcels: C7.1 and C12.0.

**Second:** Ms. Nist

**Discussion:** None

**Record of Vote:**

|   |        |
|---|--------|
| Joshua Campbell                             | Aye    |
| James Reinke                                | Aye    |
| Sharon Nist                                 | Aye    |
| Anthony Escobar                             | Aye    |
| Lee Dykas                                   | Absent |
| <b>Four (4) in Favor. None (0) Opposed.</b> |        |
| <b>One (1) Absent</b>                       |        |
| <b>Approved 4 to 0</b>                      |        |

**Building Inspector/ZEO, Harold Leaming, Updates:**

- Ziggy Bombs is officially permitted. The capacity was found through personal property records and the location has 5 tables good for 20 people. Ziggy Bombs is exempt from the parking requirements as it is an existing business and continued use.
- Eastern Pearl has solved its sprinkler shut off issue. Mr. Leaming said he spoke with MassDOT and then went with David Genereux, Town Administrator, and the water company, and the water company shut off the water so they can work on the sprinkler

system. Mr. Leaming said the Town is not holding them up and opening is in Eastern Pearl's court.

- Burger King is all permitted, and they are doing a steel building.

### **190 Main Street**

Lee Morse, owner, was present to provide the Board with a status update since his attendance at their meeting in August of 2023. Mr. Morse said he has met the conditions the Board wanted at the August meeting, and they are now planning fire suppression. Mr. Morse said there is not enough water pressure per National Fire Protection Association (NFPA) requirements so they plan to bring water in from Route 9 and may need a pump room. They have had a pump room designed and have a plan with a pump room and without a pump room. Mr. Morse said he expects to file a permit next week without the pump room using the Route 9 connection/town water. He said the water suppression plan should be submitted next week as well. Mr. Morse said he wants to talk about permitted uses as he's had a lot of calls from contractors who are interested in renting space and he wants to know what's allowed at 190 Main St.

Mr. Morse asked if a contractor yard is allowed in Zone B considering people are already renting space. Mr. Morse said he has an electrician renting space, and asked if that business becomes a "contractor yard" if the electrician wants to store items outside. Ms. Jacobsen said Special Permit condition #22 says all storage must be inside and no outdoor storage is allowed. Mr. Reinke said once deficiencies are corrected, they can apply for a modification for other uses. Ms. Jacobsen said that they can submit a modification for the existing Site Plan and Special Permit and since the building is over 30,000 s.f., the application fee would be \$4,800 which includes peer review, and they would need a public hearing. Mr. Leaming said the sprinkler design goes to the Building and Fire Departments for review and approval. Mr. Morse said his contractor, Colby, would be submitting that plan.

Mark Borenstein, Esq., project attorney, said they are seeking amendments and ensuring compliance with the current Special Permit. Mr. Borenstein said Mr. Morse is working on the fire suppression plan and had Gallant Architecture doing a report. Mr. Borenstein asked who can use the facility and then store vehicles or materials outside as part of the business. Mr. Reinke said leasing out small spaces is a different type of use with a different occupant load where storage is literally just storage. Mr. Reinke said public access can change the use as well and suggested talking to the Architect as each unit may be classified as a different use and require different parking requirements. Mr. Reinke also said tenant spaces would require toilets. Mr. Leaming said he wants to ensure the units comply and asked the Planning Board to set conditions that he can enforce. He also told Mr. Morse that they need to submit a new plan, and that he is looking out for the Town's best interests. Mr. Leaming said maybe the Board limits outside storage, but the plan has to be reasonable for tenants to use and be compliant. Mr. Leaming said the fire suppression plan has to be approved and the space is currently not safe, and they are not following the rules.

Mr. Borenstein said they will submit a full application for a contractor's yard but they want to understand the allowed uses before they apply. Mr. Borenstein asked for clarification as to the use as "service" and whether that would be considered an electrician or plumber. Mr. Reinke said he

does think those types of contractors who provide a service are permitted by right. Mr. Borenstein said they may want offices as well. Mr. Leaming said it all has to meet code. Mr. Borenstein said they will continue to compile the application and work with the building inspector to make sure it meets code.

Mr. Reinke said that access to the site is difficult if it has to go through Eller's, but offered the idea that Mr. Morse consider a residential component and suggested he come to an Economic Development meeting. Mr. Reinke said there are grants available for infrastructure and residential development and he suggested they explore that with the Town Planner. Mr. Reinke said there is a housing crisis, and the Town needs more housing. Mr. Reinke mentioned the MassWorks plan and community block development grants. Mr. Morse told the building inspector that they will be submitting a new electrical permit this week for the service. Mr. Leaming said time is of the essence for them to come into compliance. Mr. Reinke asked if the Board wanted to set a follow update. Mr. Morse said they are waiting for MassDOT permit to cut into road for water supply and probably can't start until April. Mr. Leaming said that 780 CMR Chapter 9 Sections 903-908 addresses the sprinkler system requirements.

There was general discussion about the proposed uses listed in the packet supplied by 190 Main St. *(packet available on the Planning Board webpage under Meeting Packets)*.

There was discussion about the vacancy of the old Alpine restaurant building near the Cherry Valley Fire Station and there is no longer a business there.

#### **AT&T Signage and Starbucks signage:**

Mr. Leaming said that signage would usually be addressed under the Site Plan review. Mr. Reinke said it is unless it's out of the norm in which case it goes to the ZBA. Ms. Jacobsen said it was on the architectural plans for Starbucks but she has not heard from AT&T. Ms. Jacobsen last she heard they wanted to have two signs, one for the gas station and one for the retail. Mr. Reinke said the sign for Starbucks came before the ZBA around 2023 but the sign bylaw is archaic.

#### **700 and 704 Main St. – Cultec System Install Status**

Mr. Reinke asked Mr. Leaming about 700 and 704 Main St. Mr. Leaming said he has heard nothing from the owner. Ms. Westwell informed the Board that she received an email from Mark Farnham and he said the gutters were not connected to the Cultec system but he would do that. He also said he didn't have any photos of the system installation. Ms. Westwell suggested he call Cultec or the installer for paperwork.

Harold Leaming left the meeting at 7:55 pm.

#### **Approval of Minutes from June 20, 2023**

**Motion** by Ms. Nist to approve the June 20, 2023 minutes with correction of minor typos.

**Second:** Mr. Reinke

**Discussion:** None

**Record of Vote:**

|  |        |
|--|--------|
| Joshua Campbell  | Aye    |
| James Reinke   | Aye    |
| Sharon Nist  | Aye    |
| Anthony Escobar  | Aye    |
| Lee Dykas  | Absent |
| <b>Four (4) in Favor. None (0) Opposed.<br/>One (1) Absent<br/>Approved 4 to 0</b> |        |

**Approval of Minutes from August 15, 2023**

**Motion** by Ms. Nist to approve the August 15, 2023 minutes with correction of minor typos.

**Second:** Mr. Reinke

**Discussion:** None

**Record of Vote:**

|  |        |
|--|--------|
| Joshua Campbell  | Aye    |
| James Reinke   | Aye    |
| Sharon Nist  | Aye    |
| Anthony Escobar  | Aye    |
| Lee Dykas  | Absent |
| <b>Four (4) in Favor. None (0) Opposed.<br/>One (1) Absent<br/>Approved 4 to 0</b> |        |

**Approval of Minutes from September 5, 2023**

**Motion** by Ms. Nist to approve the September 5, 2023 minutes with correction of minor typos.

**Second:** Mr. Reinke

**Discussion:** None

**Record of Vote:**

|  |        |
|--|--------|
| Joshua Campbell  | Aye    |
| James Reinke   | Aye    |
| Sharon Nist  | Aye    |
| Anthony Escobar  | Aye    |
| Lee Dykas  | Absent |
| <b>Four (4) in Favor. None (0) Opposed.<br/>One (1) Absent<br/>Approved 4 to 0</b> |        |

## Approval of Minutes from January 2, 2024

**Motion** by Ms. Nist to approve the January 2, 2024 minutes with correction of minor typos.

**Second:** Mr. Reinke

**Discussion:** None

**Record of Vote:**

|  |        |
|--|--------|
| Joshua Campbell  | Aye    |
| James Reinke   | Aye    |
| Sharon Nist  | Aye    |
| Anthony Escobar  | Aye    |
| Lee Dykas  | Absent |
| <b>Four (4) in Favor. None (0) Opposed.<br/>One (1) Absent<br/>Approved 4 to 0</b> |        |

## Town Planner Report/General Discussion

### Zoning Bylaws

Ms. Jacobsen said she prepared a re-organization of the current zoning bylaws for easier navigation. All definitions within the other sections have been moved into the definition section as opposed to within the use sections which makes the information hard to find. Ms. Jacobsen said the Board should consider breaking out the uses to make them clear, ie, restaurant vs drive through restaurant, hotel vs motel, as they are separate types of establishments. Green highlighted areas are new. Yellow highlighted areas are items that have been moved from one part of the bylaws to another. Ms. Jacobsen suggested considering adjusting the zoning and use table to open up flexibility for the Town to decide what can be allowed in each zone. Ms. Jacobsen said the other major change is that under Districts in 2.4, a purpose needs to be added for districts that have no description and have consistency throughout the by-law.

Ms. Jacobsen explained that the revised use table combines everything listed in different places in the bylaw into the use table. Items in red were added to the use table from other areas of the bylaw. Ms. Jacobsen suggested adding some new uses such as accessory uses, riding stables, common areas – community centers, non-profits, museums, and breaking out uses in the table. Ms. Jacobsen asked the Board to review the revisions and give thought to what the Town wants to see in the revised Zoning Bylaw. She also asked them to consider what is allowed by right vs special permit in each zone, and to find a zone that would allow multi-family uses by right to comply with the MBTA. These changes will require public hearings in March for the spring Town Meeting.

Mr. Reinke said that the HB1 residential component is what the Economic Development Committee discusses as it's a problematic zone and there needs to be a caveat that it can't just be residential but a percentage of residential vs business. Mr. Reinke passed out a couple of marked up zoning maps that he had come up with for Board consideration. Mr. Reinke said the zones follow lot lines instead of just being a swath and he thinks it's critical to keep a new zone from Burncoat St. west to the Town line to take current residential homes into consideration. Ms.

Jacobsen asked Mr. Reinke how they would reincorporate the current HB-1 zone changes as she doesn't want to add another zone. Mr. Reinke said if they can change the zone boundaries without adding a new zone, that's fine. Ms. Jacobsen asked the Board to consider expanding existing zones instead of creating new zones as that might be more palatable for residents living in that zone. Ms. Jacobsen said they don't want to make an existing business pre-existing non-conforming, so they need to consider the existing uses in each zone. Mr. Reinke concurred.

Mr. Reinke wants to protect residents around Burncoat St. and Lakeside Dr. with a 50' buffer zone, consider mixed use by right and open space development in this zone, and offer a density bonus for business developments with open space. Mr. Reinke said that he agrees with Ms. Jacobsen's idea of design standards, so the businesses are visually appealing. Mr. Reinke thinks they need to consider a commercial hub with walkability. Ms. Jacobsen would also like to see more green spaces with the new businesses and developments.

Mr. Reinke passed out another map with his ideas for Cherry Valley and suggested a Cherry Valley Economic Development Overlay District to allow for mixed use development. Mr. Reinke would take away the Special Permit and make mixed use by right as they would still have to come to the Board for Site Plan Review. Mr. Reinke used the parking lot across from Giguere's as an example of a parcel with a nice water view where a first floor business with apartments on second floor would be a good mixed use development project. Ms. Jacobsen would like to see more diverse small businesses. Mr. Reinke reiterated that all changes would have to go through Town meeting. Ms. Jacobsen said the Town needs the ability to have 219 units at a density of 15 units per acre to meet MBTA requirements. Ms. Jacobsen said this does not mean they are going to build them. It just means the Town needs to have the availability and Cherry Valley might be a good area for this.

Ms. Jacobsen said each change will require a public hearing – the use table, bylaw re-organization, alteration of HB-1, anything they do with Cherry Valley, and a new zoning map – can have all public hearings on one night and then they can present at Town meeting.

Ms. Jacobsen said the Leicester Zoning By-Laws do not currently allow Accessory Dwelling Units (ADUs) within an existing residence but it is allowed as a detached structure. The Board concurred that ADUs should be addressed in the bylaw and that ADUs include such things as in-law apartments, offices in the residence, etc. with zone and size requirements with the idea that the Town makes living arrangements easier for Leicester families.

Jan Parke asked questions about whether an accessory unit needs its own entrance and Ms. Jacobsen said yes, they need separate living units with separate entrances. Ms. Parke would like to see AirBnBs, and short term furnished rental units for workers such as visiting nurses who are on contract, addressed in the bylaws. Ms. Jacobsen suggested Ms. Parke stop by the office to go over the bylaws.

Ms. Jacobsen will put the bylaw revisions on the next meeting for further discussion with the idea that some changes will get put forth at the spring town meeting and some at the fall town meeting. Ms. Jacobsen would like to do public outreach to get residents input into the changes.

## Flexible Business Development Bylaw

The Board will review to see if this is something that might work for Leicester.

**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  | Absent |
| <b>Four (4) in Favor. None (0) Opposed.<br/>One (1) Absent<br/>Approved 4 to 0</b> |        |

Meeting adjourned at 8:47 p.m.

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

**Date Approved:** 2/20/2024

### Planning Board Signatures

  
Joshua Campbell, Chair

\_\_\_\_\_  
Anthony Escobar

  
James Reinke, Vice Chair

\_\_\_\_\_  
Lee Dykas

  
Sharon Nist, Clerk





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

Tuesday, February 6, 2024 7:00pm

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

[illegible]