



# Town of Leicester PLANNING BOARD

1

3 Washburn Square  
Leicester, Massachusetts, 01524-1333  
Phone: 508-892-7007 Fax: 508-892-7070  
[www.leicesterma.org](http://www.leicesterma.org)

## PLANNING BOARD AGENDA Tuesday March 2, 2021 @ 7:00PM ONLINE MEETING ONLY

<https://global.gotomeeting.com/join/638713301>

United States (Toll Free): 1 866 899 4679  
Access Code: 638-713-301

### ORDER OF BUSINESS\*

1. 7:00PM **Continued Public Hearing, Special Permit/Site Plan Review**  
1570 Main (SP2021-01), Hank's Marine, boat showroom (Applicant: Matthew Shogren)
2. 7:15PM **Public Hearing, Zoning Bylaw Amendments**
  - A. Greenville Village Neighborhood Business (NB) district
  - B. Marijuana
  - C. Outdoor Storage
  - D. Business Residential 1 (BR-1) and Residential Industrial Business (RIB)
  - E. Highway Business Industrial (HB-1 & HB-2)
3. 7:30PM **Approval of Minutes**
  - February 16, 2021
4. 7:45PM **Town Planner Report/General Discussion:**
  - A. Miscellaneous Project Updates
  - B. Board Member Committee Updates
5. **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"



# Town of Leicester PLANNING BOARD

2

3 Washburn Square  
Leicester, Massachusetts, 01524-1333  
Phone: 508-892-7007 Fax: 508-892-7070  
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## Memorandum

**TO:** Planning Board Members  
**FROM:** Michelle R. Buck, AICP  
Town Planner/Director of Inspectional Services  
**DATE:** February 25, 2021  
**RE:** **March 2, 2021 Planning Board Meeting**

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Information to log in to the meeting is on the agenda, and a direct link is also available on the Planning Board web page where applications are posted. All votes must be **Roll Call** votes.

### **Remote Meeting – Suggested Instructions:**

1. Ask the public participating to silence cell phones and mute their device during the meeting until called upon to speak
2. Ask all members of the Board to identify themselves by name for the public at the start of the meeting
3. When time for public comment, ask everyone to identify themselves before speaking.

### **Hanks Marine/1570 Main Street (SP2021-01)**

The revised application and revised comments from Quinn Engineering are enclosed. The applicant has not yet addressed all Quinn Engineering comments, and has not submitted elevation plans, so the hearing will likely need to be continued again so that plans may be revised and reviewed again.

Although the applicant states no waiver requests, a waiver is needed from the requirement for a 50' landscaped buffer from abutting residential properties. The Zoning Bylaw (Section 5.5.02.2.D ) allows the Board to reduce this buffer to 20 feet where "where site constraints do not allow for the full required buffer and an opaque fence and/or other comparable method is provided to adequately buffer the abutting residential use or district." The applicant has provided a 60' chain link fence with vinyl inserts along the western boundary near the front of the site. I spoke with Jason DuBois this morning and he may be moving the fence further from the property line and adding additional vegetation to meet the 20' requirement. Board members should consider visiting the site to consider what you feel is adequate for screening.

### **Public Hearing, Zoning Bylaw Amendments**

Revised drafts of all amendments are enclosed, based on discussion last month (minor revisions). We sent notice to roughly 100 people related to the NB district amendments, so we may have a large number of people at the meeting.

February 17, 2021

Leicester Planning Board  
Town of Leicester  
3 Washburn Square  
Leicester, MA 01524

**Subject:       Proposed Boat Showroom  
                  1570 Main Street, MDS, LLC  
                  Special Permit/Site Plan Review**

To the Board:

Please find this response letter to Quinn Engineering, Inc. review dated February 5, 2021. Please refer to the original review letter, only our responses are shown.

1. A note has been added to the plans that wall pack lighting to have shields installed to prevent glare on adjoining properties.
2. Waste storage will be located behind the existing garage at the dumpster location as shown on the plans. The dumpster location is to remain as is.
3. Parking spaces have been dimensioned on the plan to show 10'x20' spaces.
4. A parking calculation has been added to the plan. There is anticipated to be 4 employees, of which will be parking in the rear of the property as shown on the revised plan. The 11 spaces adjacent to the building will be utilized by customers. Vehicles that enter the site with boat/trailer will be directed to the rear of the property through the gate. Signage will be posted to inform customers.
5. A note has been added to the plans to leave existing vegetation along property lines. The western abutter has been further shielded by the addition of a 6' chain link fence with vinyl inserts. The eastern side has more existing vegetation so no additional fencing has been added.
6. The landscape plan label has been updated.
7. The site line exiting the site is sufficient. The sign and landscaping has been moved back away from the traveled way slightly.
8. Noise/odor will be discussed with the board.
9. An elevation plan of the proposed building will be submitted to the board for review.
10. a. Soil testing to take place once ground thaw occurs. The stormwater basin is a 2'+ cut into the existing grade which would require a minimum seasonal groundwater depth of 48" per Massachusetts Stormwater Policy. This area may have high groundwater which would not allow for infiltration as the site is fairly flat and it would not be economically feasible to raise the entire site in order to meet the required offset.

- b. The boat display area is to have grass block “grow through” pavers. This will allow a solid surface to drive on without the possibility of muddy or rutting and still allow the area to have a green appearance from the grass.
- c. The roof of all buildings is to drain to the stormwater basin, a pipe has been shown around the perimeter of the building as well as a note for gutters.
- d. See (c) above.

Respectfully submitted,

DC Engineering & Survey, Inc.  
Jason Dubois, P.E.

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February 24, 2021

Leicester Planning Board  
Town of Leicester  
3 Washburn Square  
Leicester, Massachusetts 01524

Re: Proposed Boat Showroom  
1570 Main Street, MDS, LLC;  
Special Permit/Site Plan Review

To the Board:

We are in receipt of the following information in association with the above referenced project:

- Plans entitled “Proposed Site Plan for MDS, LLC, 1570 Main Street, Town of Leicester”, 6 sheets numbered, dated 1-4-2021 with revision date of 2/17/21, prepared by DC Engineering & Survey Inc of Charlton.
- Completed Site Plan Review & Special Permit Application Form, with project narrative letter attached, addressed to Leicester Planning Board, from DC Engineering & Survey Inc, dated January 4, 2021.
- Report entitled “STORMWATER DRAINAGE ANALYSIS, MDS, LLC, #1570 Main Street, Leicester MA”, dated January 4, 2021, prepared by DC Engineering & Survey Inc of Charlton.

The plans were submitted in response to comments of this office provided in a letter to Leicester Planning Board dated February 5, 2021. We have reviewed this submittal for responses to comments only. Any changes made not in response to our comments must be identified by the Applicant.

In the comments, items identified as “**Resolved**” have received sufficient response.

“**Comment Stands**” refers to an issue not satisfactorily resolved. “**No Further Comment**” refers to an issue requiring the attention of the Planning Board.

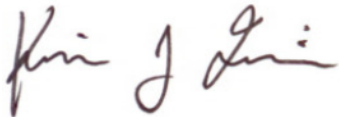
Our comments on the resubmittal follows:

1. **Resolved.** The model light specified (RAD Lighting, SLIM 18) appears to direct light down, without need for a shield. Plans should reserve the use of a shield, should it be necessary.
2. **Resolved.** In his response letter, Engineer has identified solid waste storage and removal.
3. **Resolved.** Parking spaces have been dimensioned on plan.
4. **Resolved.** Engineer has provided a breakdown of parking space requirements, as well as how customers with boats on trailers will be handled.
5. **No Further Comment.** §5.5.02.2, B requires a 50 foot landscape buffer along property lines where non-residential uses abut residential uses. Both neighboring properties appear to be in residential use. The plan proposes existing vegetation as landscape plantings, with a 6' fence with vinyl privacy slats on the first 75 feet of the west neighboring property. Leicester Planning Board must determine if this is sufficient.
6. **Resolved.** Plan sheets have been renumbered, to include Sheet L-1, Landscape Plan.
7. **Resolved.** Engineer posits that the sight line for departing traffic in the southeast direction is not impeded by the sign and landscaping around it.
8. **No Further Comment.** Applicant will address noise or odor arising from boat repairs to Leicester Planning Board.
9. **No Further Comment.** This office has not received elevations, as required under Site Plan Review Regulation II, F, 10. Engineer indicates that elevation plans of the proposed structure will be provided.
10. Pertaining to hydrology:
  - a.) **Comment Stands.** No soil test logs found in Infiltration Basin per Massachusetts Stormwater Management Policy. Engineer indicates that soil testing will be conducted another time. It remains possible that soil testing could identify a high groundwater condition, or other issue that could invalidate the basin design.

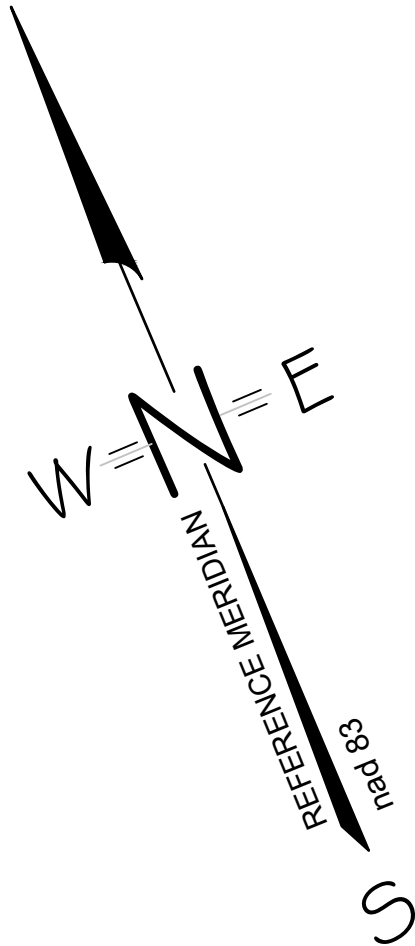
- b.) **Resolved.** Plans call out use of “grow through” pavers in the Boat Display Area, through which grass may grow, and which permit surface water to be absorbed into the ground surface (a pervious surface).
- c.) **Comment Stands.** Plans call for a 6 inch line to run from the existing building to the proposed Infiltration Basin, a length of approximately 180 feet. This line cannot pitch sufficiently to convey stormwater to the basin (a 2% pitch will slope a total of 3.6 feet: the basin is 2 feet deep).
- d.) **Comment Stands.** Site plans must explicitly require roof gutters, to collect roof runoff, which drain to the leaders. All roofs which will drain to the Infiltration Basin must call out gutters, downspouts and a drain line to the Basin.

Please contact this office should you have questions.

Respectfully Submitted,  
QUINN ENGINEERING, INC.

A handwritten signature in dark ink, appearing to read "Kevin J. Quinn". The signature is fluid and cursive, with the first name "Kevin" and last name "Quinn" clearly distinguishable.

Kevin J. Quinn, P.E.  
President

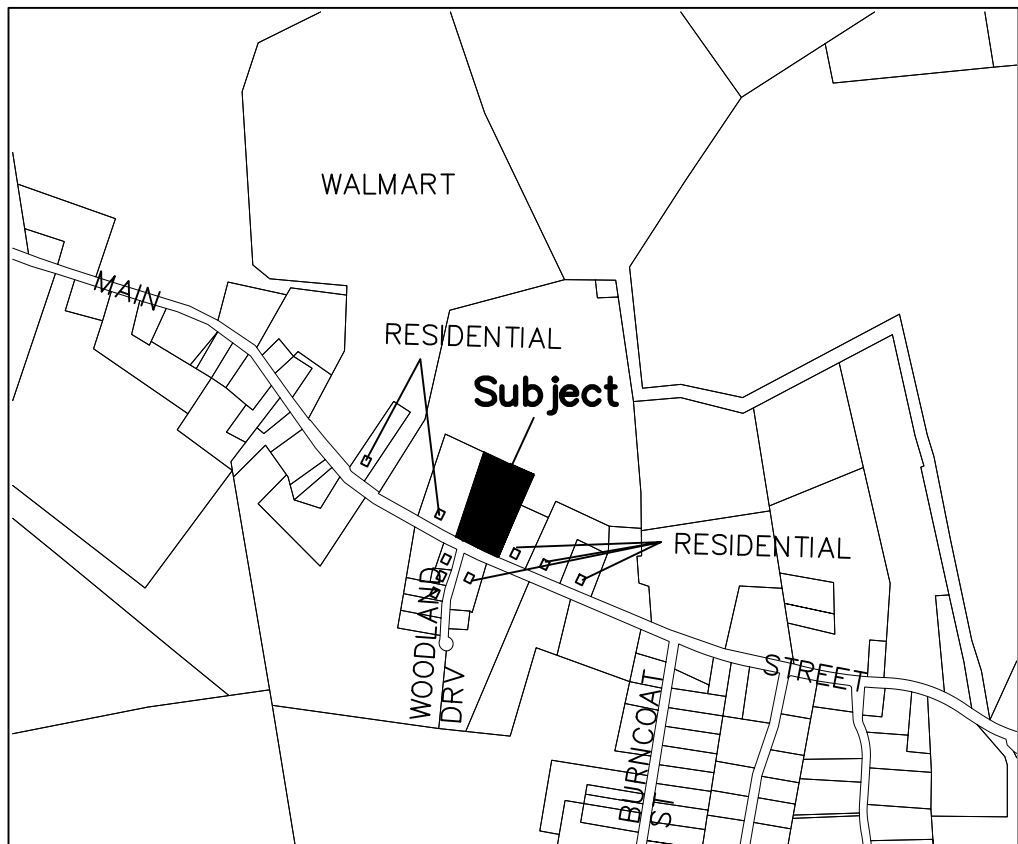


PROPOSED SITE PLAN  
FOR  
**MDS LLC**  
1570 MAIN STREET  
TOWN OF LEICESTER  
WORCESTER COUNTY, MASSACHUSETTS

**RECORD OWNERS**  
MDS LLC  
DB 59034 PG 135

**TAX MAP REFERENCES:**  
TAX MAP PARCEL ID: 18-B-3

- GENERAL NOTES:**
- BOUNDARIES SHOWN ARE THE RESULTS OF AN ACTUAL FIELD SURVEY BASED ON AVAILABLE MAPS, DEEDS OF RECORD AND PHYSICAL EVIDENCE, BUT ARE SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS, AGREEMENTS, AND RIGHTS AND ENCUMBRANCES OF RECORD THAT AN ACCURATE AND THOROUGH TITLE SEARCH MAY DISCLOSE.
  - LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND ARE BASED ON OBVIOUS ABOVE GROUND PHYSICAL UTILITY APPURTENANCES AND ACCESSIBLE MANHOLES. DIG SAFE SHALL BE NOTIFIED PRIOR TO ANY EXCAVATION OR CONSTRUCTION. ADDITIONAL UNDERGROUND UTILITIES MAY EXIST.
  - SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
  - HORIZONTAL DATUM BASED ON NAD 83 , VIA GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS). THE GEOGRAPHIC AND STATE PLANE COORDINATES CONTAINED HEREON WERE THE RESULTS OF A SURVEY USING R.T.K. DUAL FREQUENCY G.P.S./G.N.S.S. RECEIVERS AND HAVING A POSITIONAL TOLERANCE LESS THAN 2 CM AT THE 95% CONFIDENCE LEVEL. REFERENCE MONUMENTS PROVIDED BY MULTIPLE LEICA SMARTNET VIRTUAL BASE STATIONS.
  - VERTICAL DATUM BASED ON NAVD 88, GEOID 12A, ESTABLISHED VIA GNSS.
  - BY GEOGRAPHICAL PLOTTING ONLY THE SITE IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE AS PER THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NO. # 25027C0781E, WITH AN EFFECTIVE DATE OF JULY 4, 2011.
  - WETLANDS NOT CONSIDERED AS PART OF THIS SURVEY, THERE APPEARS TO ONLY BE SOME OFFSITE WETLADS AREAS.



**LOT LOCUS**  
SCALE: 1"=1000'

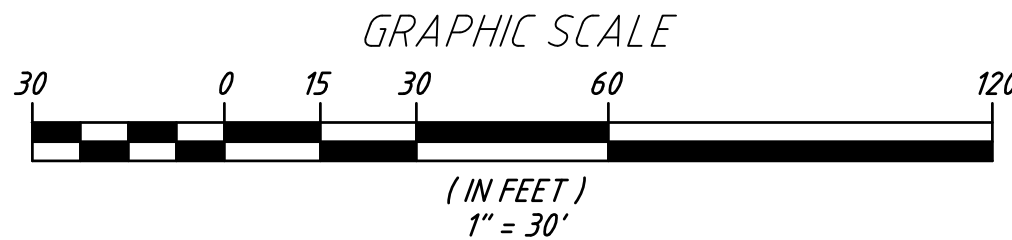
DISTRICT DIMENSIONAL REGULATIONS	
District	HB-1 HIGHWAY BUSINESS
Min. Lot Size	60,000 SQ. FT.
Min. Frontage	200 FT.
Min. Front Yard Depth	50 FT.
Min. Side Yard Depth	50 FT.
Min. Rear Yard Depth	50 FT.
Building Coverage	40%

DRAWING LIST	
C	COVER SHEET
X-1	EXISTING CONDITIONS PLAN
S-1	SITE PLAN
L-1	LANDSCAPE PLAN
EC-1	EROSION CONTROL PLAN
D-1	CONSTRUCTION DETAILS

EXISTING LAND USE: RESIDENTIAL/BOAT STORAGE & REPAIR  
PROPOSED LAND USE: BOAT SALES/STORAGE/REPAIR  
PROPOSED BUILDING COVERAGE: 9,660 S.F. / 118,179 S.F. = 8.2%

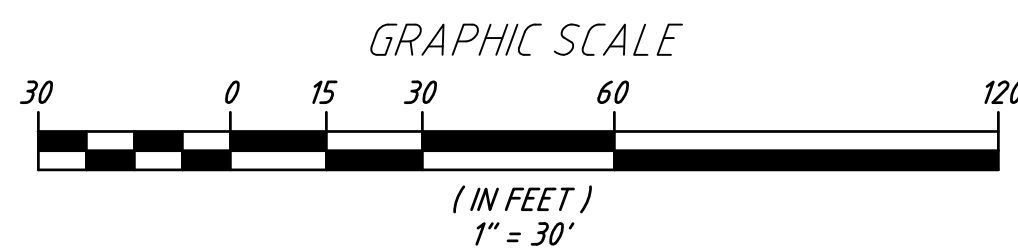
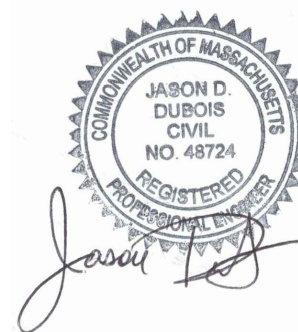
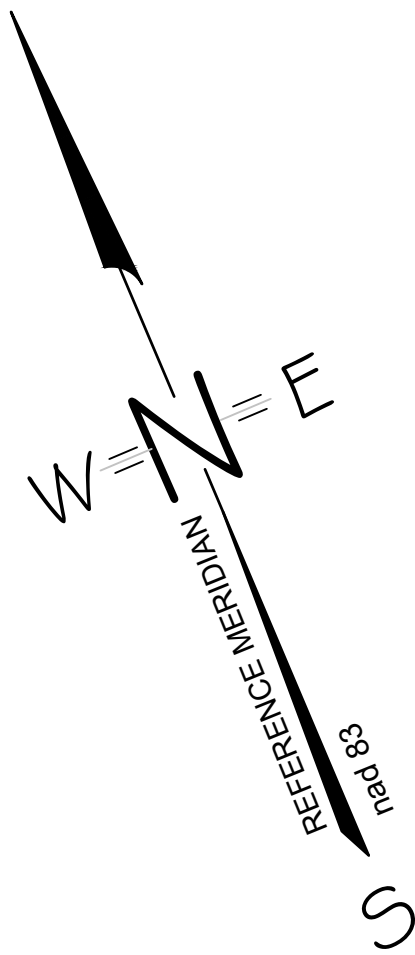
**SYMBOL KEY**

MONUMENT	□	BITUMINOUS	BIT.
IRON PIPE	●	CONCRETE	CONC.
DRAIN MANHOLE	● DMH	INVERT	INV.
ELECTRIC MANHOLE	●	REINFORCED CONCRETE PIPE	RCP
CATCH BASIN	■ CB	POLYVINYL CHLORIDE PIPE	PVC
UTILITY POLE	□ U	HIGH DENSITY PLASTIC	HDPE
GUY WIRE	— GUY	IRON PIPE	I.P.
BENCH MARK	●	FOUND	FND.
CHAIN LINK FENCE	— x —	BOLLARD	BOL.
WOOD / STOCKADE FENCE	— □ —	SEWER MANHOLE	SMH
DRAIN LINE	— D —	DRAINAGE MANHOLE	DMH
OVERHEAD WIRES	— OHW —	WATER GATE	WG
CONTOUR 5' INTERVAL	—	HYDRANT	HYD.
CONTOUR 1' INTERVAL	—	UTILITY POLE	UP
X 69.33'	SPOT GRADE	GUY WIRE	GUY



1	2/17/21	REVISED PER COMMENTS	JDD	BY	JASON D. DUBOIS, P.E. PROFESSIONAL ENGINEER MA LIC. NO.: 48724	JEREMY S. CRÔTEAU, P.L.S. PROFESSIONAL LAND SURVEYOR LIC. NO.: 48722	NORTH 	<b>COVER SHEET</b>	DRAWN BY: JSC
								SITE ADDRESS: 1570 Main Street Leicester, MA	CK'D BY: JDD REV #: 1
CLIENT: MDS LLC 1570 Main Street Leicester, MA								DATE: 1-4-2021 SCALE: 1'=30'	PROJECT #: 19-134 DWG. NO.: C-1
998 GRANBERRY STREET, WILLOW HILL, MA 01827 808-289-8889 808-341-2127									

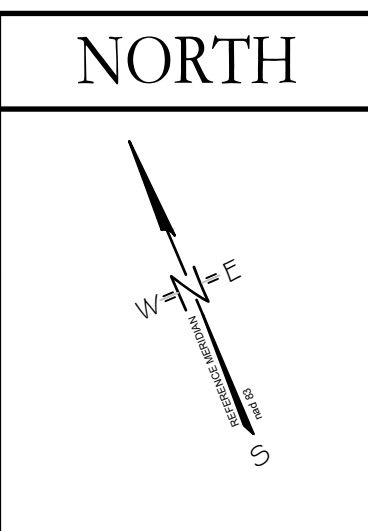




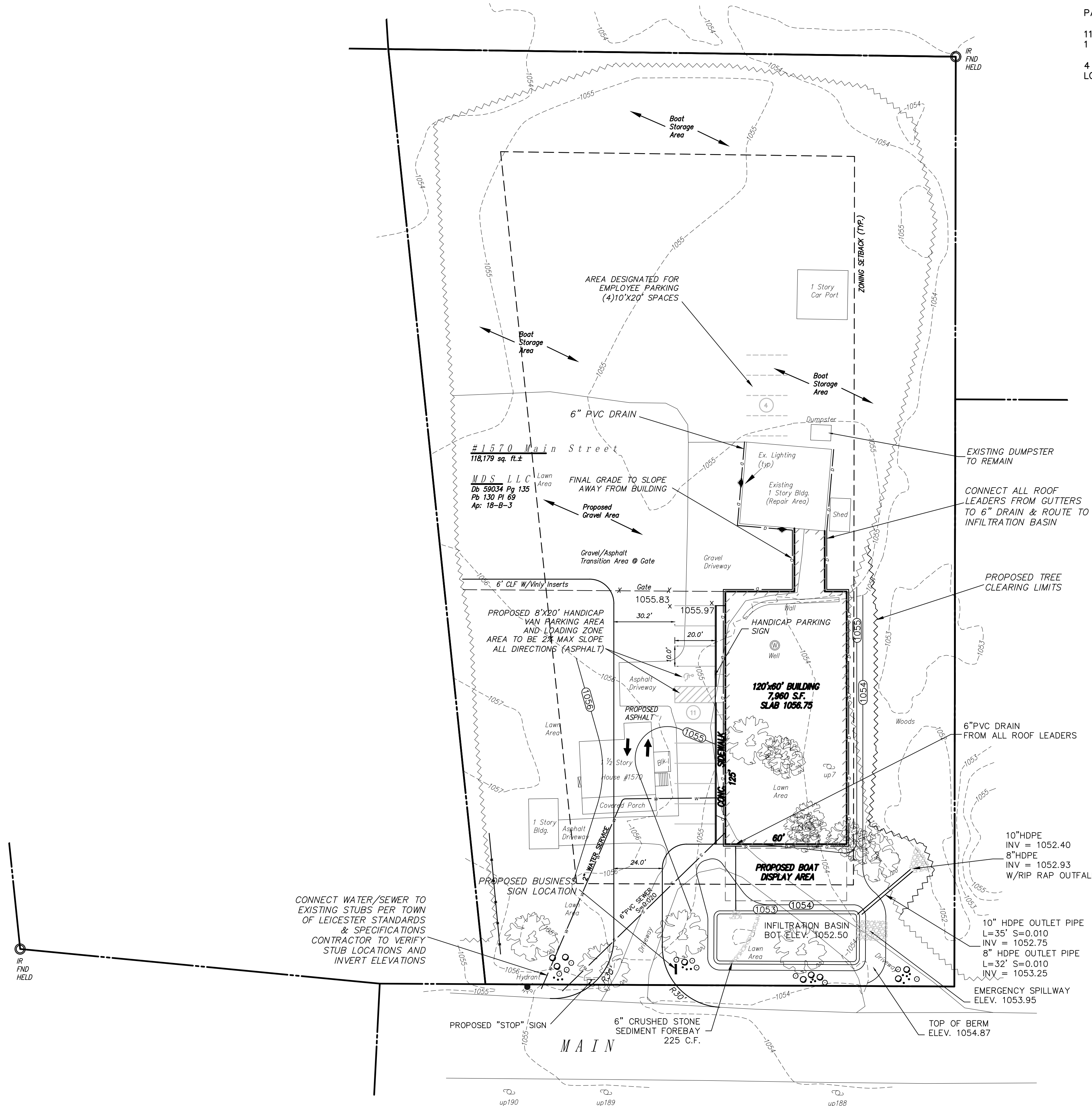
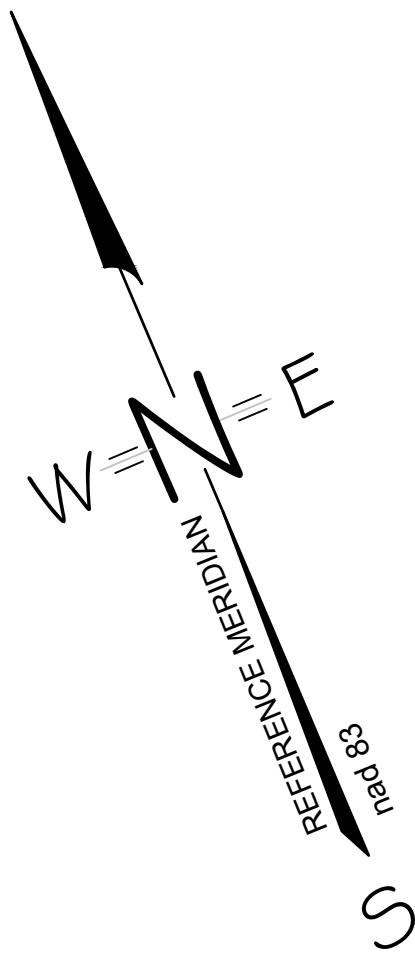
1	2/17/21	REVISED PER COMMENTS	JDD
NO.	DATE	REVISION	BY

JASON D. DUBOIS, P.E.  
PROFESSIONAL ENGINEER  
M.A.L.C. NO.: 48724

JEREMY S. CRÔTEAU, P.L.S.  
PROFESSIONAL LAND SURVEYOR  
L.C. NO.: 48722

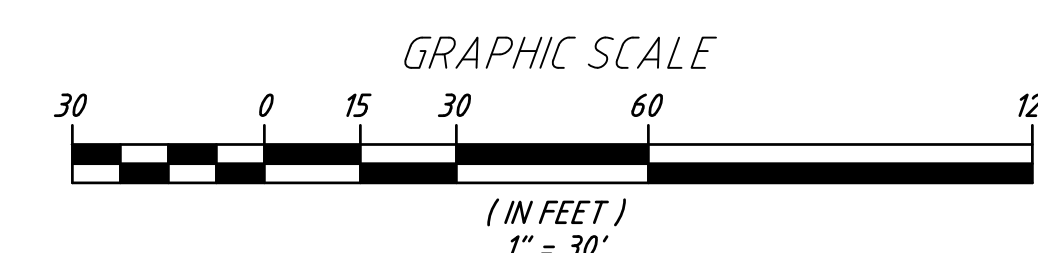


EXISTING CONDITIONS PLAN		DRAWN BY: JSC	
SITE ADDRESS: 1570 Main Street Leicester, MA		CK'D BY: JDD	REV #: 1
CLIENT: MDS LLC 1570 Main Street Leicester, MA		DATE: 1-4-2021	SCALE: 1"=30'
		PROJECT #: 19-134	DWG. NO.: X-1
3938 GRANBERRY MEADOW RD CHARLTON, MA		800-789-8889 508-341-2127	



PARKING CALCULATION:  
11 TOTAL SPACES ALONG STOREFRONT 10'x20'  
1 HANDICAP ACCESSIBLE PARKING SPACE  
  
4 EMPLOYEE PARKING SPACES 10'x20'  
LOCATED IN THE REAR OF PROPERTY

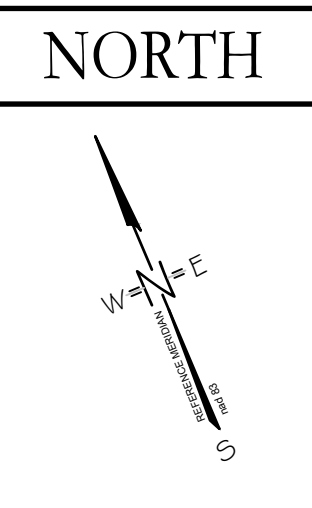
CONNECT WATER/SEWER TO  
EXISTING STUBS PER TOWN  
OF LEICESTER STANDARDS  
& SPECIFICATIONS  
CONTRACTOR TO VERIFY  
STUB LOCATIONS AND  
INVERT ELEVATIONS



1	2/17/21	REVISED PER COMMENTS	JDD
NO.	DATE	REVISION	BY

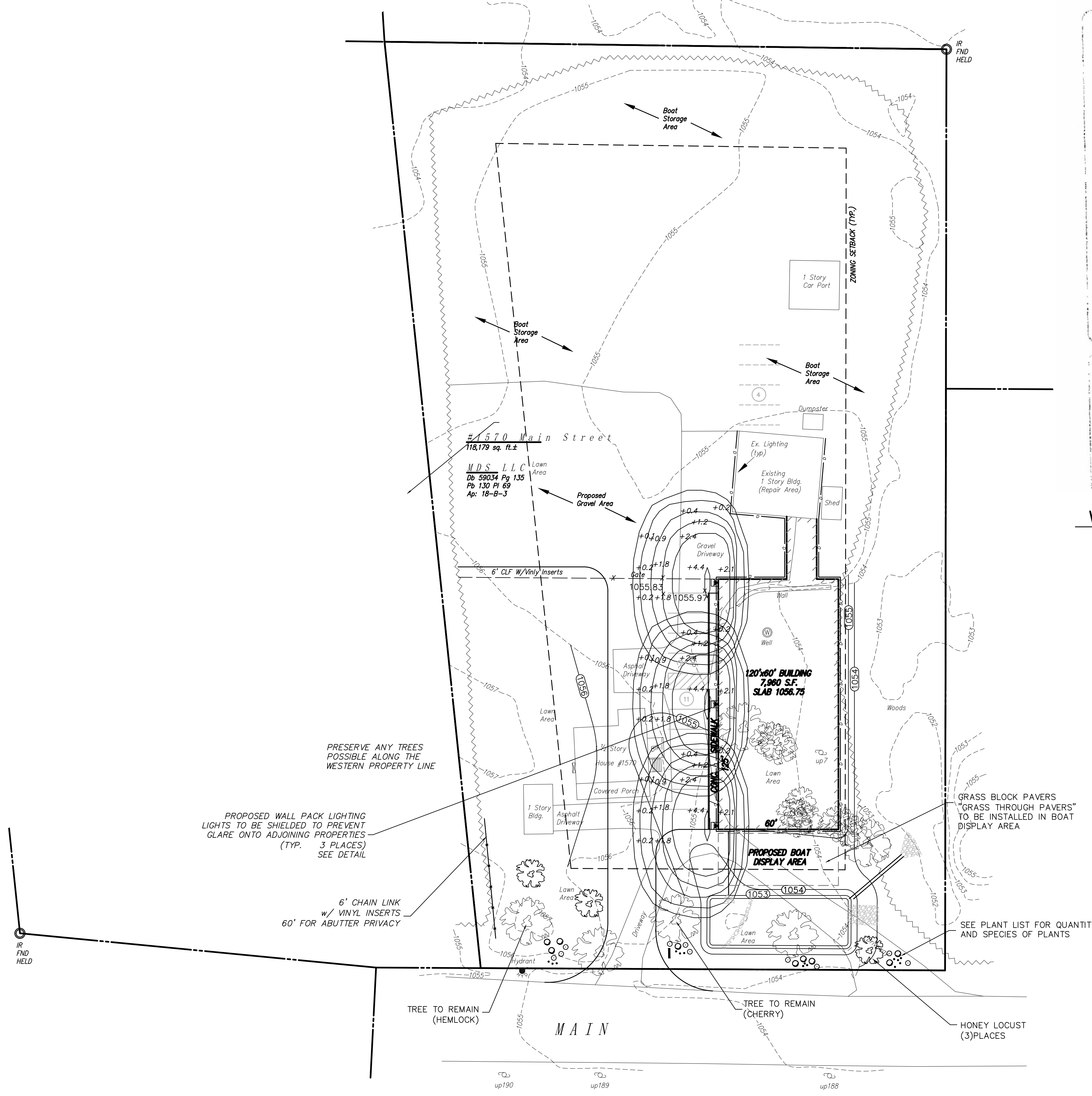
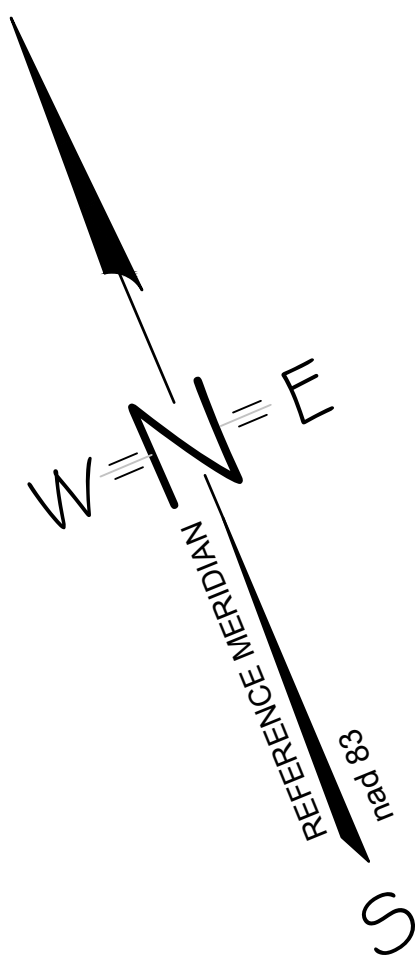
JASON D.  
DUBOIS, P.E.  
PROFESSIONAL  
ENGINEER  
MALIC.NO.: 48724

JEREMY S.  
CRÓTEAU, P.L.S.  
PROFESSIONAL  
LAND SURVEYOR  
LIC.NO.: 48722



<b>SITE PLAN</b> SITE ADDRESS: 1570 Main Street Leicester, MA		DRAWN BY: JSC CK'D BY: JDD DATE: 1-4-2021 PROJECT #: 19-134	
CLIENT: MDS LLC 1570 Main Street Leicester, MA		REV #: 1 SCALE: 1"=30' DWG. NO.: S-1	
 DCC ENGINEERING & SURVEY INC. 3938 GRANBERRY MEADOW RD CHARLTON, MA 01508 508-289-8889 508-341-2127			

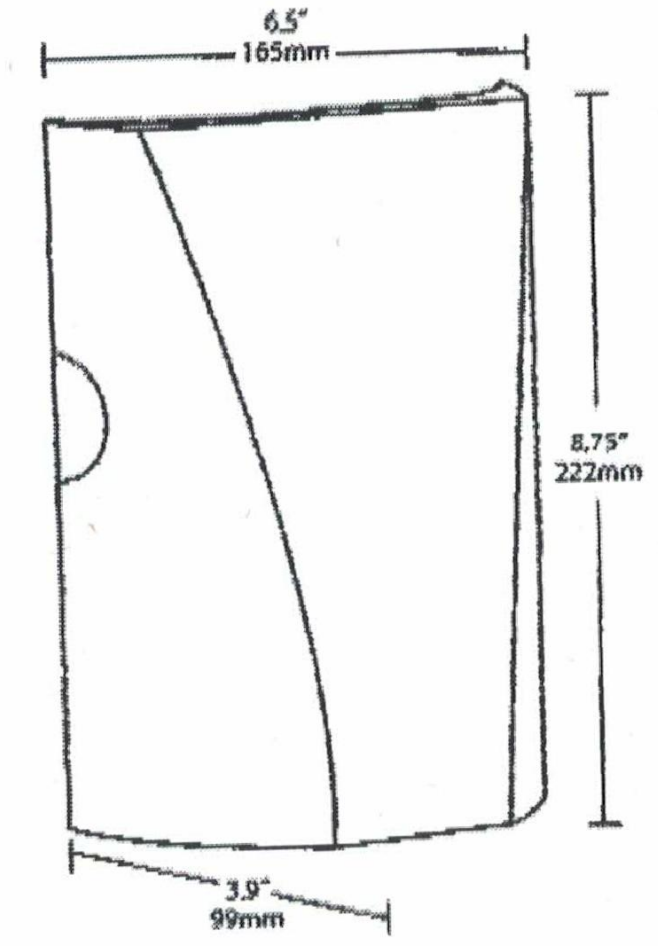




SLIM18



Dimensions



Features

- Full cutoff, fully shielded LED wallpack
- Can be used as a downlight or uplight
- Contractor friendly features for easy installation
- 100,000-hour LED Life
- 5-Year Warranty

Ordering Matrix

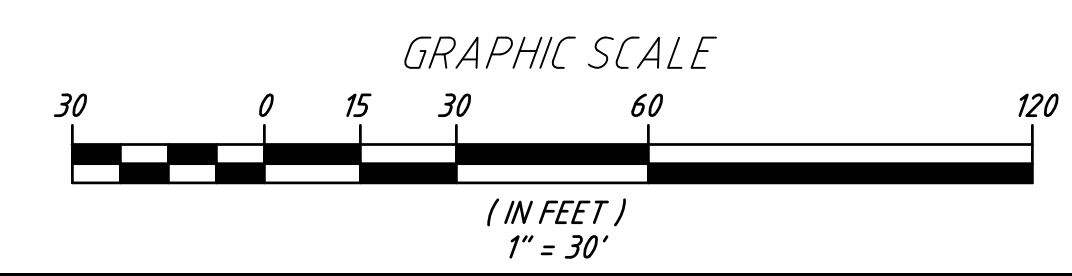
Family	Watts	Color Temp	Finish	Photocell	Dimming
SLIM	28 = 28W 18 = 18W 12 = 12W	Blank = 5000K (Cool) Y = 3000K (Warm) N = 4000K (Neutral)	Blank = Bronze W = White	Blank = No Photocell /PC = 120V Button /PC2 = 277V Button	Blank = No Dimming /D10 = Dimmable

WALL PACK LIGHTING DETAIL

NOT TO SCALE

SITE PLANT LIST

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
•	14	TIGER LILY	LILIUM LANCI-FOLIUM	1 QT
○	10	HYDRANGEA	HYDRANGEA MACROPHYLLA	2 GALLON
⊙	9	RHODODENDRON	RHODODENDRON FERRUGINEUM	2 GALLON
⊗	1	HONEY LOCUST	GLEDITSIA TRIACANTHOS	2.5\"-3\", B&B



JASON D. DUBOIS, P.E.  
PROFESSIONAL ENGINEER  
MALIC.NO.: 48724

JEREMY S. CROTEAU, P.L.S.  
PROFESSIONAL LAND SURVEYOR  
LIC.NO.: 48722

NORTH

LANDSCAPE PLAN

SITE ADDRESS:  
1570 Main Street  
Leicester, MA

CLIENT:  
MDS LLC  
1570 Main Street  
Leicester, MA

DATE: 1-4-2021  
PROJECT #: 19-134

DRAWN BY: JSC  
CK'D BY: JDD  
REV # 1

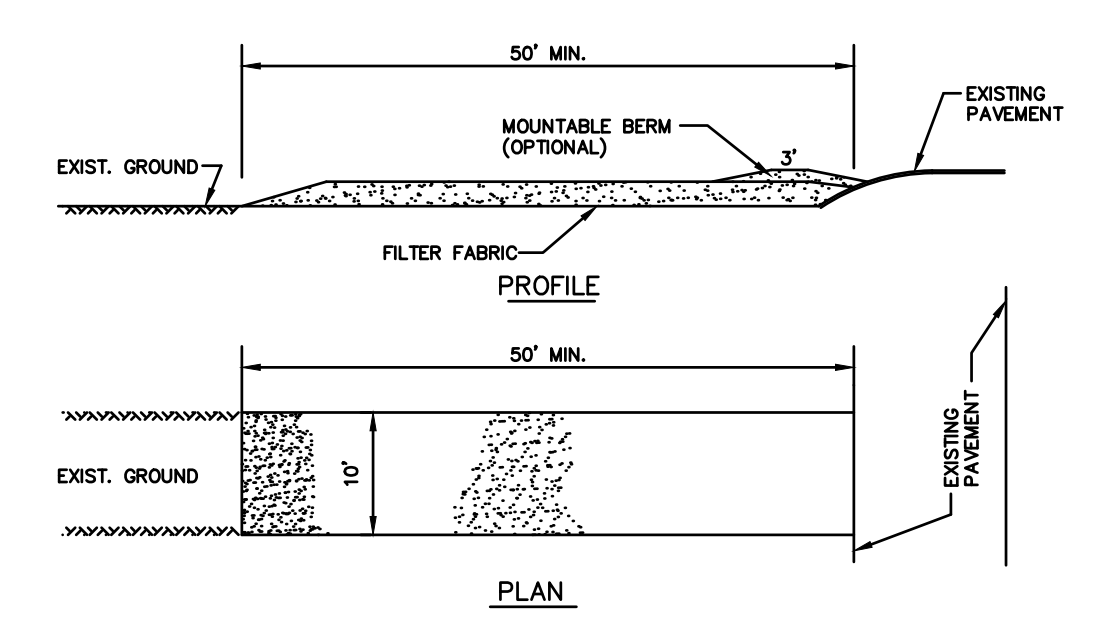
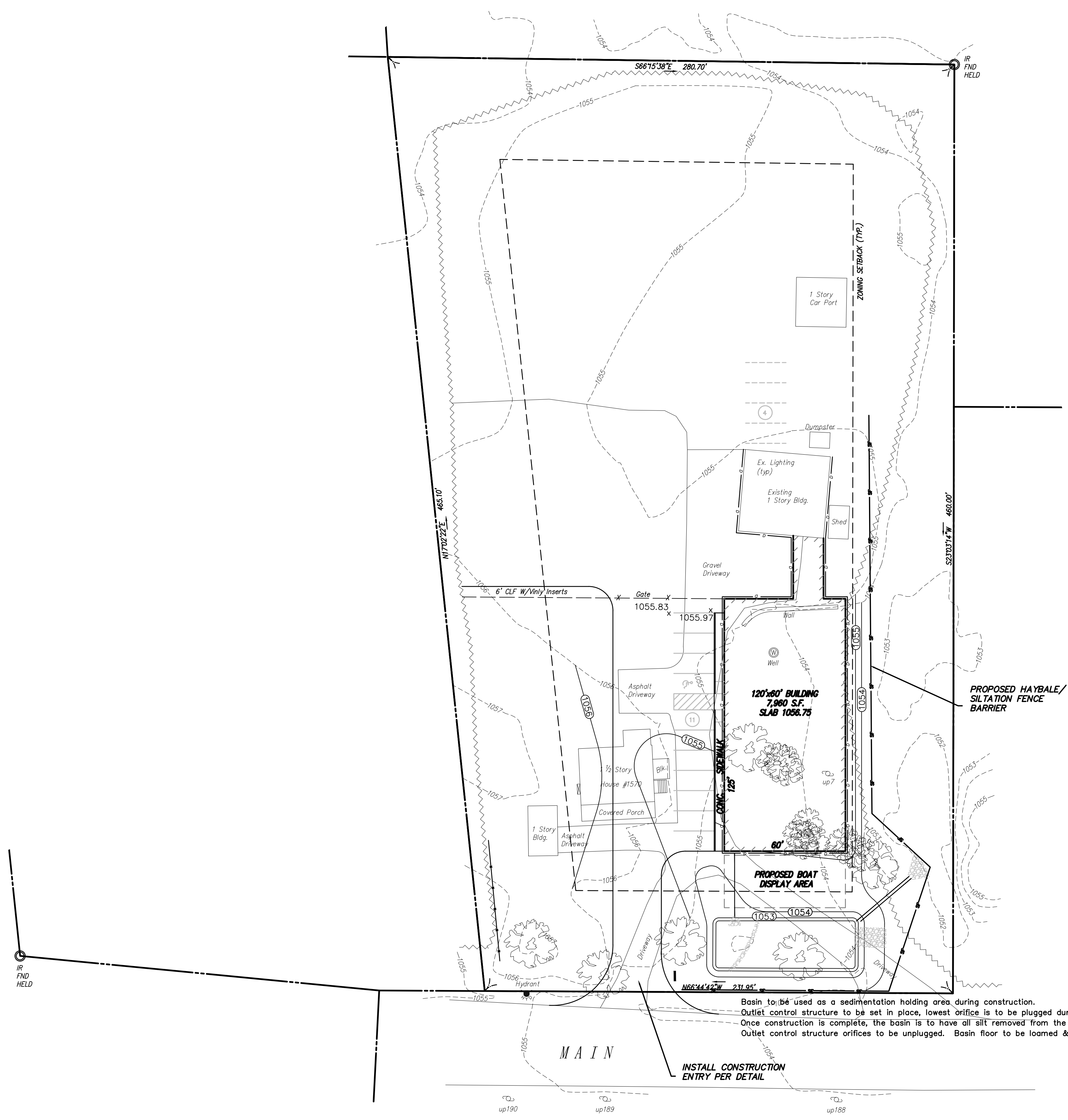
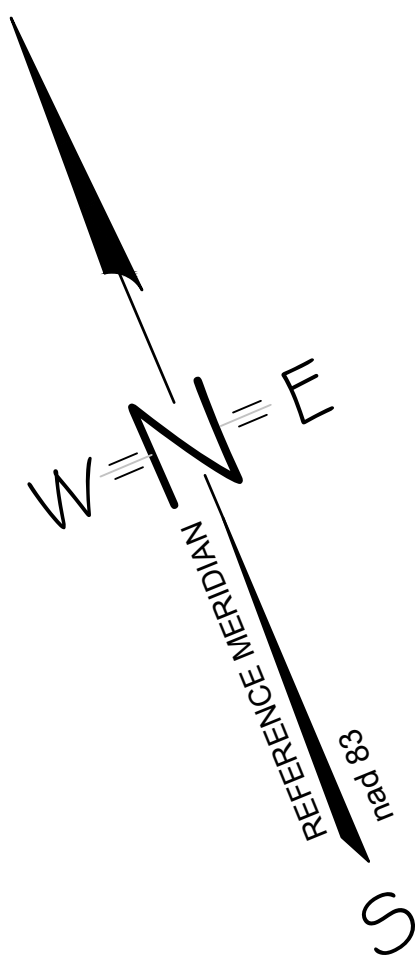
SCALE: 1\"=30'  
DWG. NO.: L-1

**DOC ENGINEERING & SURVEY INC.**

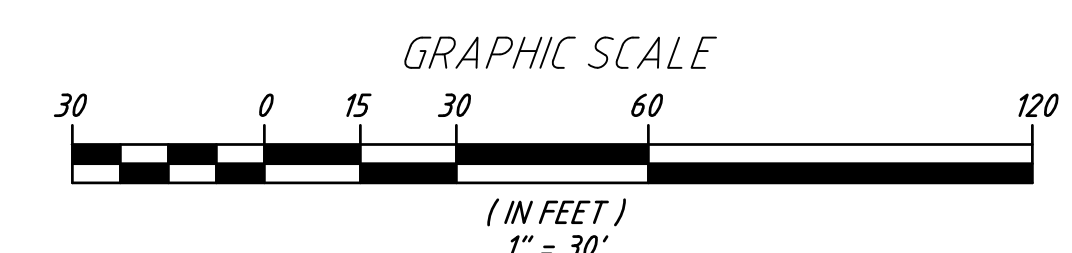
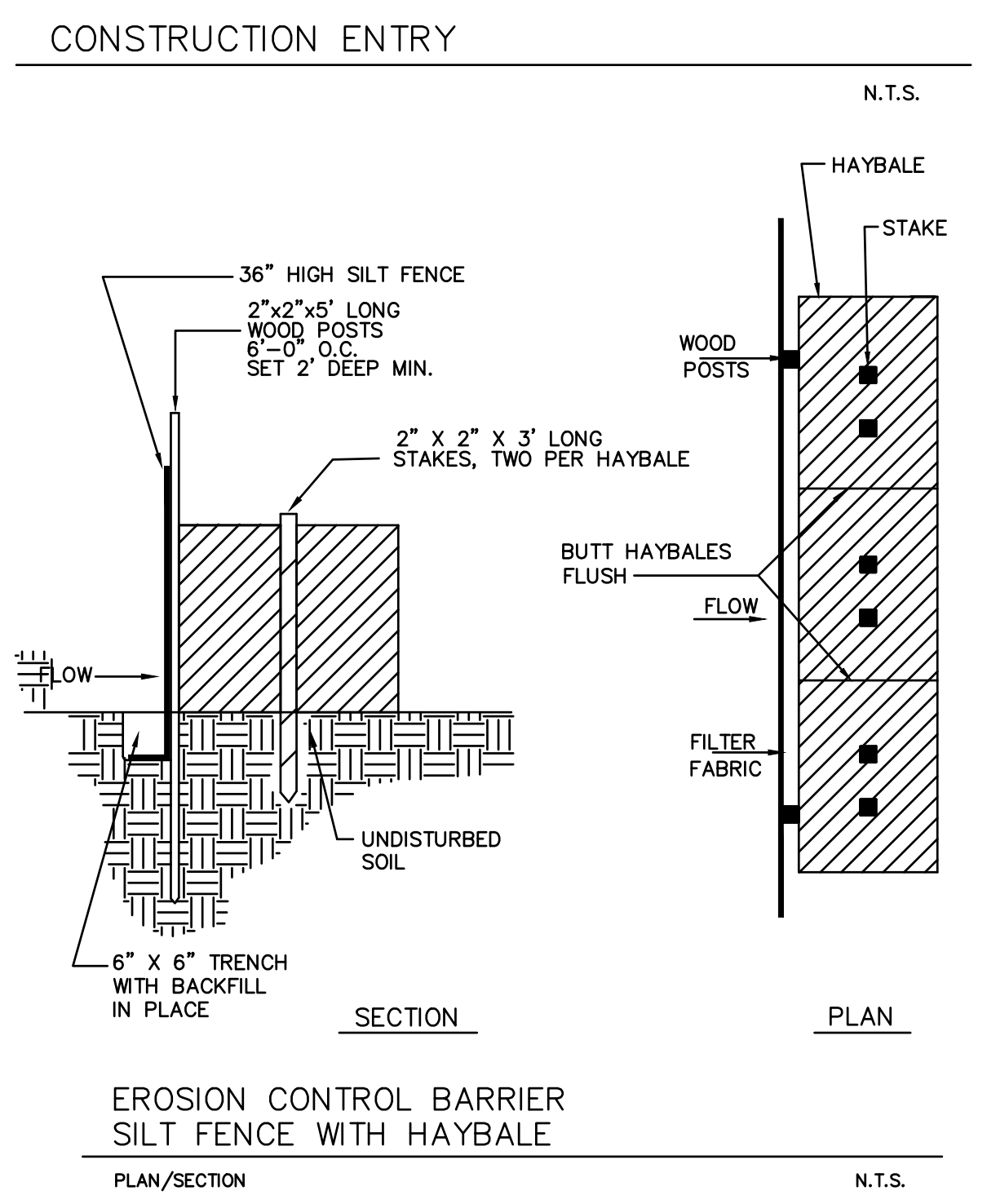
3988 GRANBERRY MEADOW RD  
CHARLTON, MA 01508  
508-289-8889  
508-341-2127

1	2/17/21	REVISED PER COMMENTS	JDD
NO.	DATE	REVISION	BY





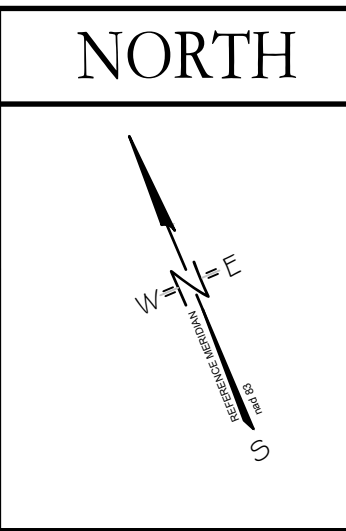
- CONSTRUCTION SPECIFICATIONS**
1. Stone size – Use 2" stone, or reclaimed or recycled concrete equivalent.
  2. Length – As required, but not less than 50 feet.
  3. Thickness – Not less than six (6) inches.
  4. Width – Ten (10) foot minimum, but not less than the full width at points where ingress or egress occurs.
  5. Filter fabric – Will be placed over the entire area prior to placing of stone.
  6. Surface water – All surface water flowing or diverted toward construction entrances shall be placed across the entrance. If piping is impractical, a mountable berm with 5:1 slopes will be permitted.
  7. Maintenance – The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanout of any measures used to trap sediment. All sediment spilled, dropped, washed, or tracked onto public rights-of-way must be cleaned and or swept by the end of the working day.
  8. Washing – Wheels shall be cleaned to remove sediment prior to entrance onto public right-of-way. When washing is required, it shall be done on an area stabilized with stone and which drains into an approved sediment trapping enclosure.
  9. Periodic inspection and needed maintenance shall be provided after each rain.



1	2/17/21	REVISED PER COMMENTS	JDD		
NO.	DATE	REVISION	BY		

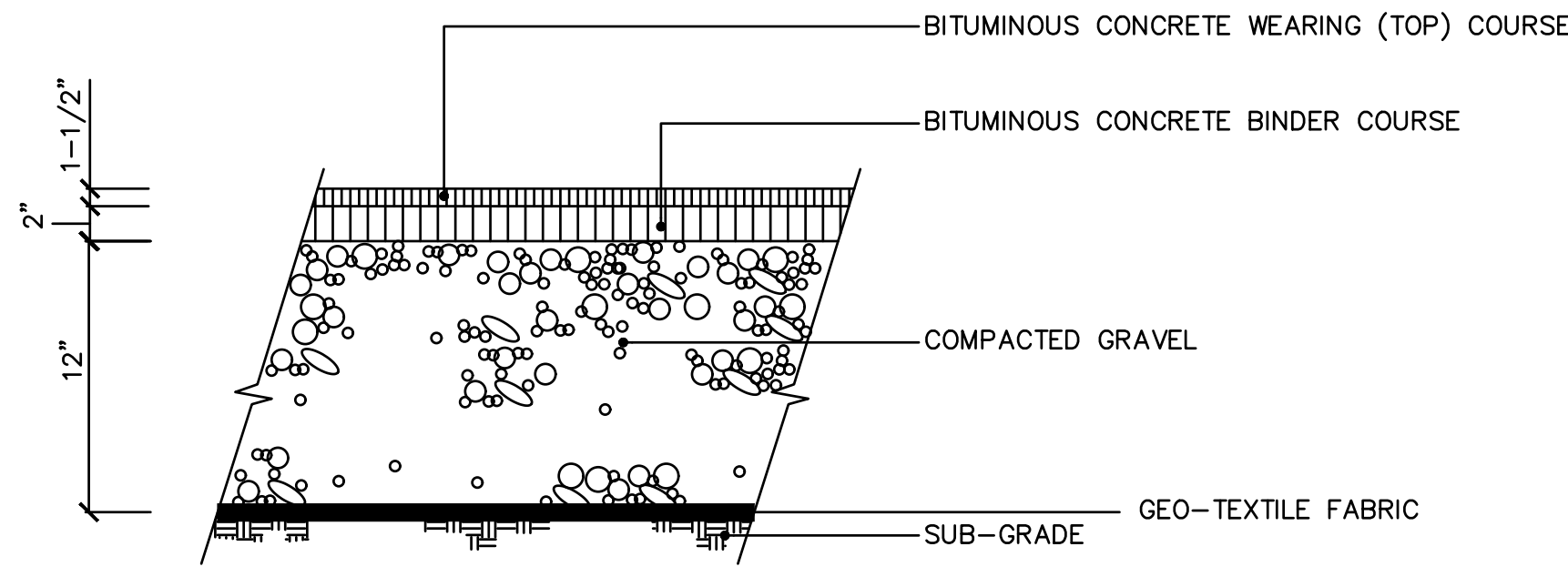
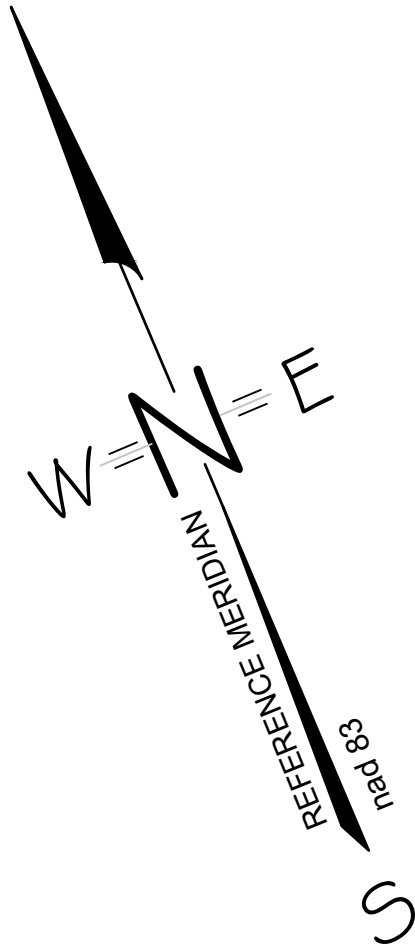
JASON D. DUBOIS, P.E.  
PROFESSIONAL ENGINEER  
MALIC NO.: 48724

JEREMY S. CROTEAU, P.L.S.  
PROFESSIONAL LAND SURVEYOR  
LIC. NO.: 48722



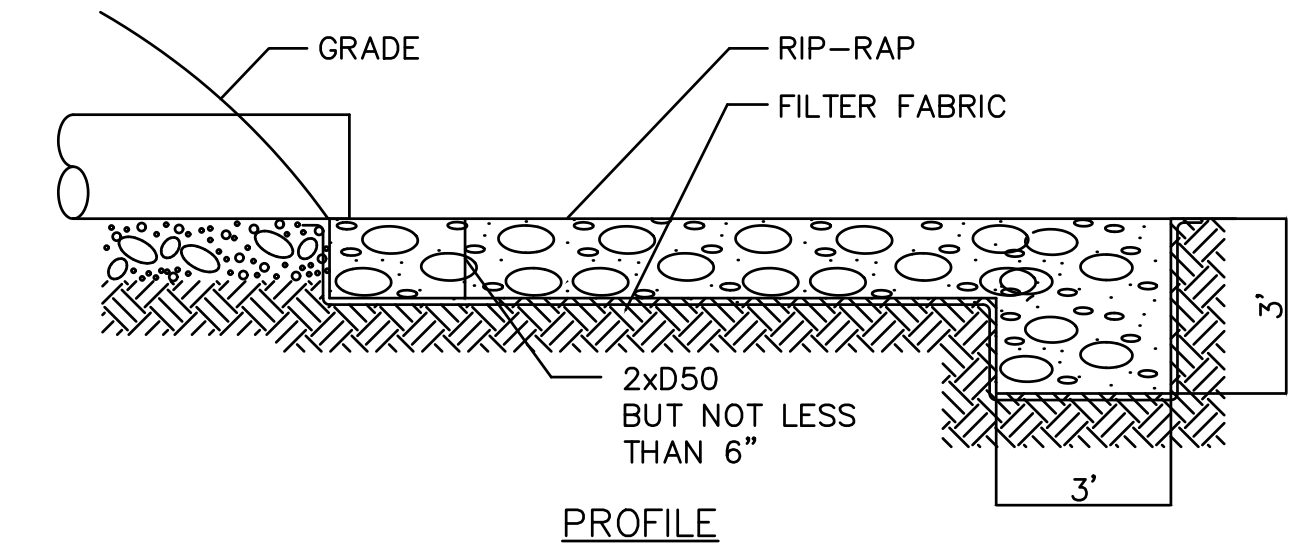
<b>EROSION CONTROL PLAN</b>		DRAWN BY: JSC	
SITE ADDRESS: 1570 Main Street Leicester, MA		CK'D BY: JDD	REV #: 1
CLIENT: MDS LLC 1570 Main Street Leicester, MA		DATE: 1-4-2021	SCALE: 1"=30'
		PROJECT #: 19-134	DWG. NO.: EC-1
300 GRANBERRY MEADOW RD CHARLTON, MA		800-789-8889 508-341-2127	





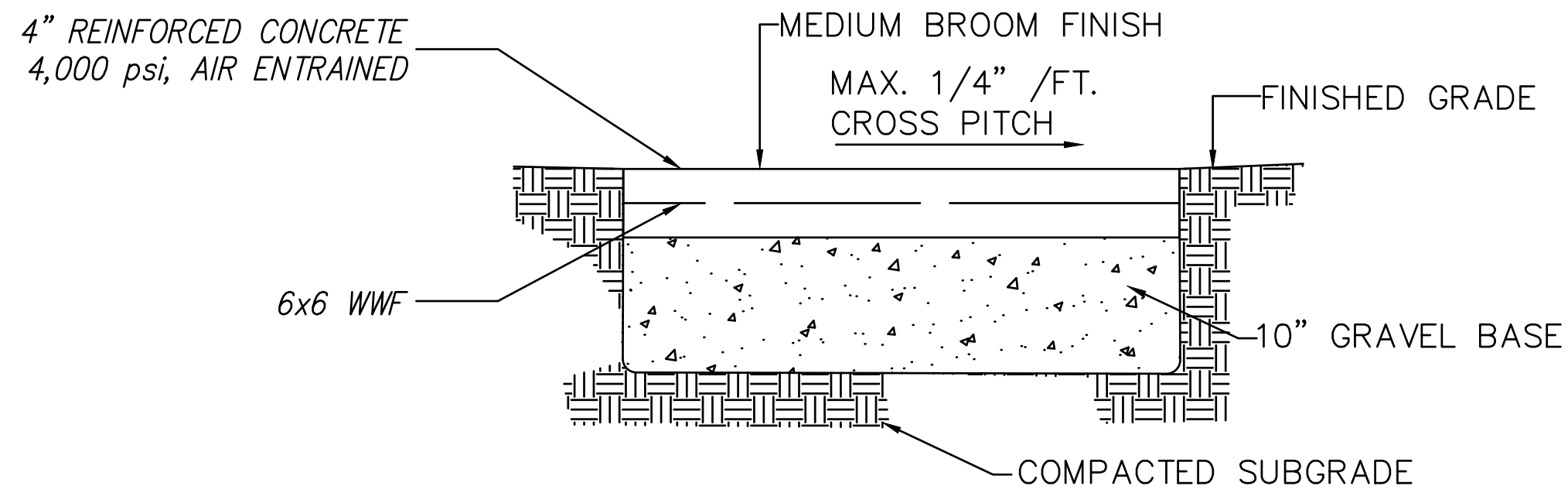
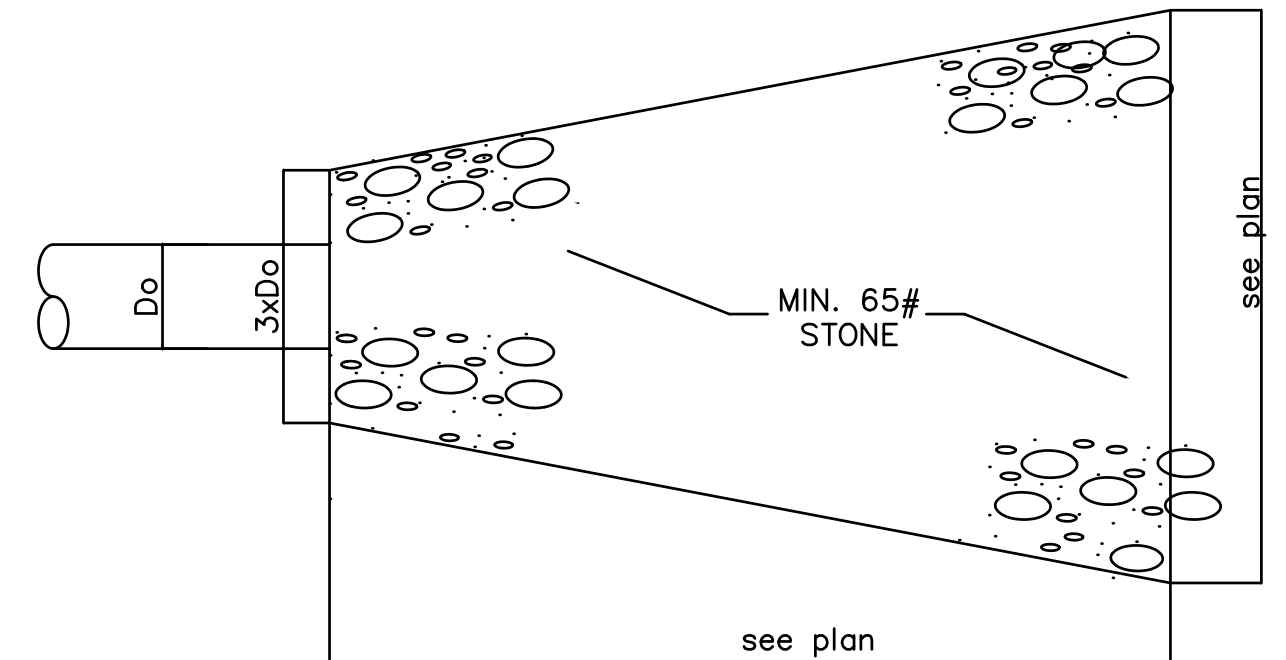
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NOT TO SCALE



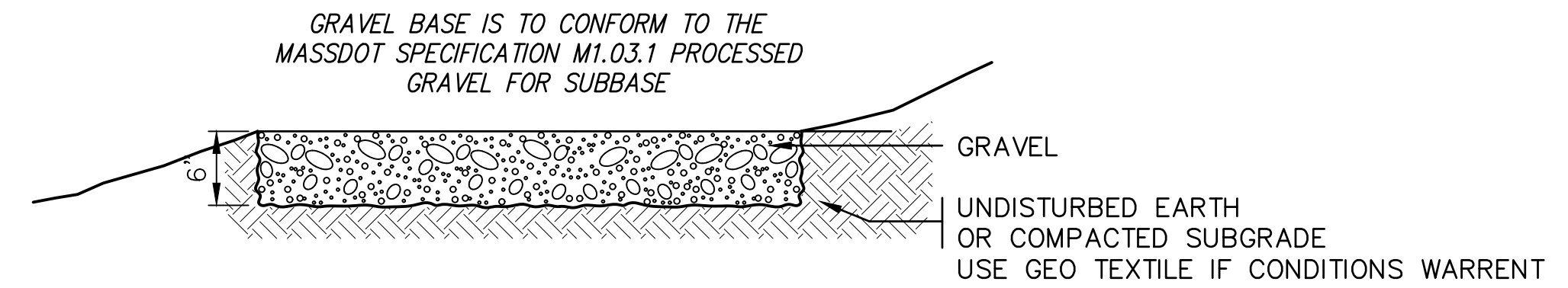
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NOT TO SCALE



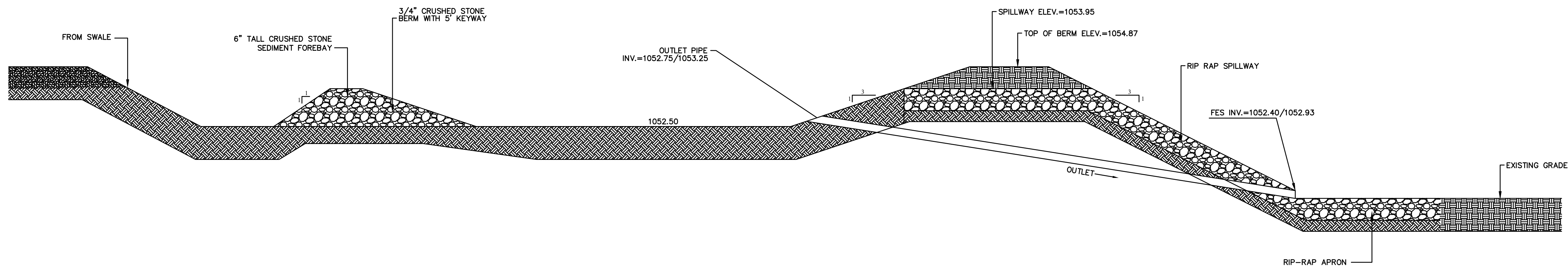
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NOT TO SCALE



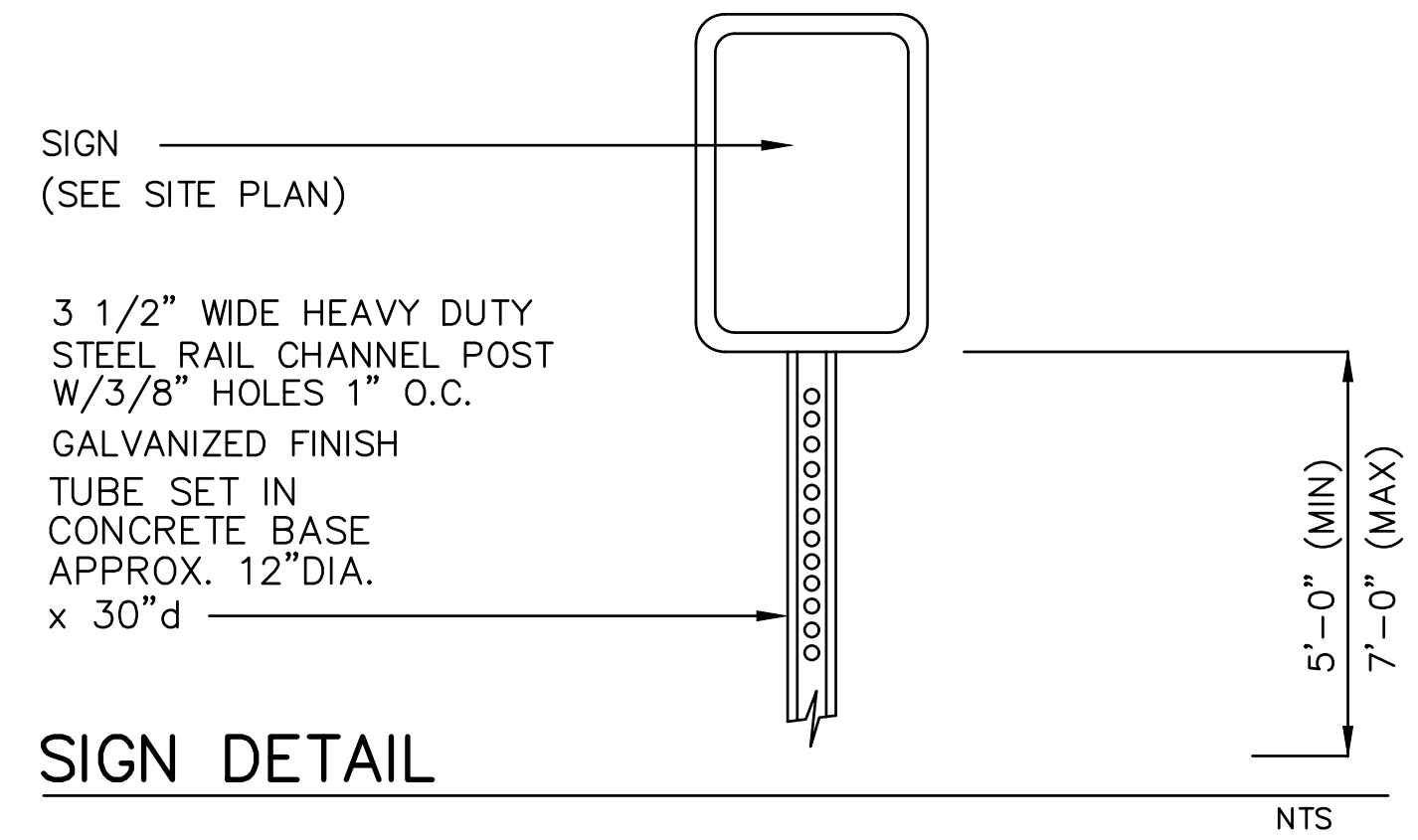
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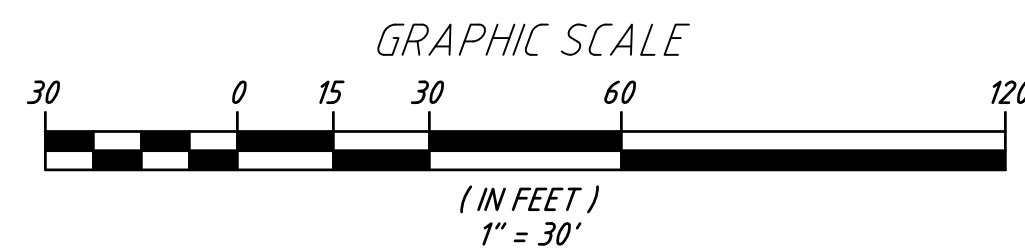
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NOT TO SCALE



SIGN DETAIL

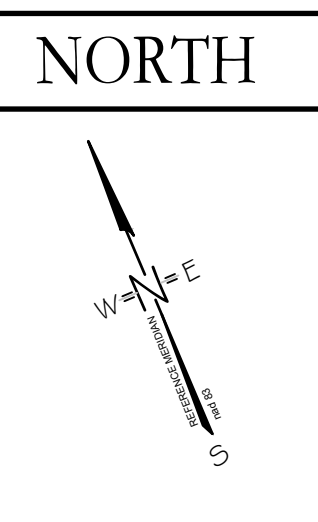
NTS



NO.	DATE	REVISION	BY
1	2/17/21	REVISED PER COMMENTS	JDD

JASON D. DUBOIS, P.E.  
PROFESSIONAL ENGINEER  
MALIC NO.: 48724

JEREMY S. CROTEAU, P.L.S.  
PROFESSIONAL LAND SURVEYOR  
LIC. NO.: 48722



**DETAILS**

SITE ADDRESS:  
1570 Main Street  
Leicester, MA

CLIENT:  
MDS LLC  
1570 Main Street  
Leicester, MA

DRAWN BY: JSC

CK'D BY: JDD

DATE: 1-4-2021

PROJECT #: 19-134

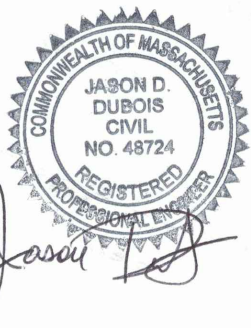
SCALE: 1"=30'

DWG. NO.: D-1

**DOC ENGINEERING & SURVEY INC.**

3988 GRANBERRY WILLOW RD  
CHARLTON, MA

800-289-8889  
508-341-2127





## Town of Leicester PLANNING BOARD

3 Washburn Square  
Leicester, Massachusetts, 01524-1333  
508-892-7007  
[www.leicesterma.org](http://www.leicesterma.org)

### [Project Name: Zoning Bylaw Amendments]

#### LEICESTER PLANNING BOARD PUBLIC HEARING NOTICE

Pursuant to MGL Ch. 40A, Sec. 5, the Leicester Planning Board will hold a public hearing on Tuesday, March 2, 2021, starting at 7:15PM or as soon thereafter as may be heard to discuss proposed amendments to the Leicester Zoning Bylaws. The hearing will be held virtually using GoToMeeting. Members of the public can attend virtually by visiting <https://global.gotomeeting.com/join/595413325> or by phone at 1-877-309-2073 by using access code 595-413-325. The subject matter of proposed amendments is as follows:

- A. NB District: Amend Section 5.6 [Greenville Village Neighborhood Business District (NB)] to simplify development and redevelopment in the district, particularly for reuse of existing structures
- B. Marijuana: Amend Sections 1.3 (Definitions), 3.2.03 (Schedule of Use, Business), and Section 5.15 (Medical Marijuana Treatment Centers and Marijuana Establishments) to allow for marijuana delivery and to increase the cap on marijuana retailers from 1 to 2 establishments.
- C. Outdoor Storage: Amend Sections 1.3 (Definitions), 3.2.03 (Schedule of Use, Business), Section 3.30 (BR-1 Zone), Section 3.32 (RIB Zone), Section 3.2.08 (Parking of Commercial Vehicles), and add a new Section 5.18 (Outdoor Storage) to address rental self-storage facilities, other outdoor storage, and related issues including parking of commercial vehicles.
- D. HB-1 District: Amend Section 5.5 (Highway Business-Industrial District) to modify thresholds for meeting site development standards and to correct outdated references.
- E. BR-1 & RIB Districts: Amend Sections 3.30 [Business-Residential 1 (BR-1) Zone] and 3.32 [Residential Industrial Business (RIB) Zone] by re-numbering and re-organizing subsections.

The complete text relative to the proposed amendments is available for inspection at the Town Clerk's Office during regular business hours and on the Planning Board's web page on the Town of Leicester's website at [www.leicesterma.org](http://www.leicesterma.org).

Jason Grimshaw, Chair  
Leicester Planning Board

To be published in the Worcester Telegram & Gazette on Tuesday, February 16, 2021 and Tuesday, February 23, 2021.

**Zoning Bylaw Amendments  
Outside Storage  
2/10/2021**

**A. Insert the following definitions in Section 1.3, Definitions:**

**RENTAL SELF-STORAGE FACILITY** – A building or buildings consisting of individual self-contained units that are leased for the storage of vehicles or business and household goods. Storage of hazardous materials or substances, hazardous waste, gas, oil or any substances or materials which pose a threat to human health or safety or a threat to the environment is prohibited. No activity other than storage shall occur in such facilities. Such facilities may have associated outdoor storage by special permit in certain Zoning Districts (See Sections 3.2.03. and 5.2.18).

**B. Amend the Zoning Bylaw, Section 3.2, Schedule of Use, Subsection 3.2.03, Business, as shown below:**

<b>3.2.03 BUSINESS</b>		<b>SA</b>	<b>R1</b>	<b>R2</b>	<b>B</b>	<b>CB</b>	<b>I</b>	<b>BI-A</b>	<b>HB-1 &amp;</b>
13a.	<del>Rental Enclosed Self-Storage Facility (outdoor storage prohibited)</del> Rental Self-Storage Facility with no outdoor storage (Special Permits issued by Planning Board)	N	N	N	SP	SP	SP	SP	SP Y
13b.	Rental Self-Storage Facility with outdoor storage (Special Permits issued by the Planning Board)	N	N	N	SP	N	SP	SP	SP
26.	Land and water recreational vehicle (including boats) sales, rental, service, and storage yards. <sup>3</sup>	N	N	N	SP	N	SP	SP	SP

<sup>3</sup>. Land and water recreational vehicle storage yards shall meet the requirements for Rental Self-Storage Facility with outdoor storage

**C. Amend Section 3.30, Business Residential-1 (BR-1) Zone, by amending subsection aa, as follows:**

~~aa. Enclosed storage facilities excepting hazardous materials or substances, hazardous waste, gas, oil or any substances or materials which poses a threat to human health or safety or a threat to the environment by Special Permit from the Planning Board.~~

aa. Rental Self-Storage Facilities (with or without outdoor storage) by special permit from the Planning Board.

**D. Amend Section 3.32, RESIDENTIAL INDUSTRIAL BUSINESS ZONE (RIB) ZONE, by modifying subsection h., as follows:**

~~h. Rental enclosed storage facilities by special permit issued by Planning Board.~~

h. Rental Self-Storage Facilities (with or without outdoor storage) by special permit from the Planning Board.

## **E. Amend Section 3.2.08, Parking of Commercial Vehicles, subsection B, as shown below:**

### **B. Other Parking of Commercial Vehicles**

1. Outdoor storage of commercial vehicles as a primary use is allowed by right in the **HB-1 and HB-2 district, and requires a special permit in HB-1, I, BI-A, RIB, and BR-1 districts**. This use is prohibited in all other zoning districts.
2. The continued and regular parking of commercial vehicles, tractor trailers, and construction vehicles (including but not limited to tractors, backhoes, bulldozers, dump trucks, etc.), where accessory to a lawfully **per-mitted permitted** commercial use, is allowed by right in all commercial zoning districts (B, CB, I, BI-A, HB-1, HB-2, BR-1, and RIB).
3. Parking of commercial and construction vehicles (including but not limited to tractors, backhoes, bulldozers, dump trucks, etc) related to a Contractor's Yard where a special permit is required is subject to the requirement that such vehicles be stored in a garage in the Suburban Agriculture (SA) district, or screened by fencing or landscaping in the Business (B) district. The Planning Board may impose other conditions to protect abutting residential uses and the surrounding neighborhood.
4. The continued and regular parking of commercial vehicles, tractor trailers, or construction vehicles (including but not limited to tractors, backhoes, bulldozers, dump trucks, etc) accessory to a special-permitted commercial use in residential districts (SA, RA, and RB) will be addressed through the special permit process for the primary use. The **Special Permit Granting Authority Zoning Board of Appeals** may impose reasonable conditions to protect abutting residential uses and the surrounding neighborhood.

## **F. Add a new Section 5.18, Outdoor Storage**

### **5.18 Outdoor Storage**

#### **5.18.01 Rental Self-Storage Facility with Outdoor Storage**

All Rental Self-Storage Facilities with outdoor storage shall be required to meet the following standards:

- A. Outdoor storage areas shall be screened from view from roadways and abutting property owners by an opaque fence at least 6 feet in height.
- B. Storage areas shall not be located in required setbacks from property lines
- C. Outdoor storage areas shall not impede emergency access to the site or structures on the site.
- D. Appropriate provisions shall be made to ensure vehicle fuel or other contaminants are appropriately controlled and don't infiltrate the ground.
- E. No commercial activity other than storage shall occur in indoor or outdoor areas, including vehicle maintenance, fueling, or repair work.

#### **5.18.01 Other Outdoor Storage**

- A. For parking of commercial vehicles, see Section 3.2.08 (Parking of Commercial Vehicles)
- B. Storage of large equipment or storage containers outside where accessory to a lawfully permitted commercial use on the same site is allowed by right in HB-1, HB-2, B, and I, and by special permit from the Planning Board in CB, RIB, BI-A, and BR-1. Emergency access to structures shall be maintained at all times. Parking sufficient for the uses on site in conformance with the Planning Board's Parking Regulations must remain unobstructed.



**G. Amend Section 5.6 [Greenville Village Neighborhood Business (NB) District], subsection 5.6.04, Prohibited Uses, by inserting a new section 5.6.04.3, as follows:**

**5.6.04 Prohibited Uses:**

**5.6.04.4 Rental Self-Storage Facilities (indoor or outdoor), except that Rental Self-Storage Facilities (indoor storage only) may be permitted by special permit in in commercial structures in existence prior to the creation of the NB district (ATM 5/6/2002, Article 34)**

[Note: the above paragraph G is only necessary if the separate article amending the NB district is disapproved at Town Meeting.]

**Zoning Bylaw Amendments:  
HB-1 District Amendments  
2/10/2021**

**Amend Sub-Section 5.5.02 and 5.5.03.1.B., as follows:**

**5.5.02 Site Development Standards**

All non-residential use, or conversion to a non-residential use, within the HB-1 district shall comply with all Site Development Standards in Sections 5.5.02.1 through 5.5.02.3 described below:  
The following site development standards shall apply to all new construction of non-residential uses, expansions of more than 25% of the existing non-residential uses, and increases of more than 10 parking spaces.

**5.5.02.1 Parking, Loading Areas, and Access**

Non-residential uses within the HB-1 Zone shall provide parking and loading facilities in compliance with Section 5.1, PARKING AND LOADING ~~REQUIREMENTS AND UNLOADING SPACE~~, and the following additional requirements:

**5.5.03.1 Requirements and Procedures**

**B.** Applicants for Special Permits under this section shall submit plans in compliance with the Leicester Planning Board ~~Special Permit Regulations Rules & Regulations for Special Permit Applications~~.

**Zoning Bylaw Amendments:  
BR-1 & RIB District Re-Numbering Amendments  
2/10/2021**

**Amend Sections 3.30 and 3.32, as shown below:**

**Section 3.30: BUSINESS RESIDENTIAL-1(BR-1)ZONE**

Single family residential uses permitted within this zone. Dimensional requirements per Section 4.2 Table 1.

The Special Permit Granting Authority in the BR-1 District shall be the Planning Board.

**The Business uses permitted in this Zone are as follows:**

- ~~a-~~ 1. Legal, accounting, consulting, architectural, engineering, surveying, real estate, insurance or similar professional office.
- ~~b-~~ 2. Offices for agents for industrial, distributing and wholesale companies.
- ~~c-~~ 3. Travel agency or office.
- ~~d-~~ 4. Secretarial services, telephone answering service.
- ~~e-~~ 5. Photocopying service.
- ~~f-~~ 6. Photo studio; artist's, craftsman, locksmith's, or other artisan's studio.
- ~~g-~~ 7. Florist, gift, stationery, or antiques shop.
- ~~h-~~ 8. Repair and alteration of wearing apparel and accessories.
- ~~i-~~ 9. Repair shop for musical instruments.
- ~~j-~~ 10. Medical or dental office.
- ~~k-~~ 11. Barber or beauty shop.
- ~~l-~~ 12. Repair of household furnishings, including appliances and upholstery.
- ~~m-~~ 13. Repair and rental of non-motorized bicycles.
- ~~n-~~ 14. An inn or bed and breakfast establishment in a pre-existing building.
- ~~o-~~ 15. Collection agency for utilities; pickup for laundry or dry cleaning.
- ~~p-~~ 16. Child Care Facility and Family Child Care Home
- ~~q-~~ 17. Store, showroom, salesroom for the conduct of retail business, including a grocery, hardware, clothing, drug, or general store, not including auto sales.
- ~~r-~~ 18. Sales and distribution facilities. but not storage of toxic or virulent substances.
- ~~s-~~ 19. Catering service, delicatessen or other food market or a permitted eating establishment.
- ~~t-~~ 20. Farm stand for sales of natural produce and commercial greenhouse.
- ~~u-~~ 21. Bank or equivalent financial institution, or automated teller facility.
- ~~v-~~ 22. Restaurant.
- ~~w-~~ 23. Shop and sales of supplies for plumbing, electrical, carpentry, cabinet making, plastering, masonry, glass, and similar work.
- ~~x-~~ 24. Light manufacturing or light assembly (By Special Permit).
- ~~y-~~ 25. A group of four or more commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property.
- ~~z-~~ 26. Sales or Rental, up to 30 vehicles (30 or more by special permit).
- ~~aa-~~ 27. Enclosed storage facilities excepting hazardous materials or substances, hazardous waste, gas, oil or any substances or materials which poses a threat to human health or safety or a threat to the environment by Special Permit from the Planning Board.
- ~~bb-~~ 28. Athletic/recreation facilities.
- ~~cc-~~ 29. Establishments serving alcoholic beverages, including brew pubs, by special permit
- ~~dd-~~ 30. Senior Village Developments by special permit from the Planning Board.
- ~~ee-~~ 31. Accessory Apartment
- ~~ff-~~ 32. Large Wind Facilities by Special Permit from the Planning Board.
- ~~gg-~~ 33. Small Wind Facilities by Special Permit from the Planning Board

- ~~hh.~~ 34. Veterinary Clinic by Special Permit from the Planning Board
- ~~ii.~~ 35. Farmers' Market
- ~~jj.~~ 36. Private Kennel by Special Permit from the Planning Board (Commercial Kennels prohibited).
- ~~kk.~~ 37. Ground-Mounted Solar Energy Systems
- ~~ll.~~ 38. Medical Marijuana Treatment Center, (Planning Board Site Plan Review Required, see Section 5.15).
- ~~mm.~~ 39. Marijuana Establishment by special permit (See Section 5.15)
- ~~nn.~~ 40. Backyard Chickens
- ~~oo.~~ 41. Brewery, Distillery, Winery by special permit
- ~~pp.~~ 42. Earth Removal Operation or Earth Filling Operation by special permit from the Planning Board (See Section 5.16)

### SECTION 3.32: RESIDENTIAL INDUSTRIAL BUSINESS ZONE (RIB) ZONE

Dimensional requirements per Section 4.2 Table 1. The Special Permit Granting Authority in the RIB District shall be the Planning Board.

#### A. Intent:

It is the intent of this section to provide for residential uses in somewhat higher density than in other residential zones and to provide and increase the value of residential property situated in the vicinity of operating businesses, to protect the community from the detrimental effects of development not suited to location near residences, to protect persons and property against the hazards of pollution; to conserve natural conditions and open spaces; to separate and otherwise divide potentially conflicting property uses and to provide a harmonious relationship between residential and commercial development.

#### B. Permitted Residential Uses Within This Zone Are:

1. Detached one-family dwelling ~~subject to dimensional requirements set forth in Section 4.2 Table 1.~~
2. Two-family dwelling by Special Permit. ~~Subject to dimensional requirements set forth in Section 4.2 Table 1.~~
3. Multi-family (more than 2 family dwelling) ~~by Special Permit. Dimensions for residential use are set forth in Section 4.2 Table 1.~~
4. ~~Permitted Business uses within this Zone are as follows:~~

#### C. Permitted Business Uses:

~~The dimensional requirements for the business uses in this zone shall be the same as the BR-I Zone Section 4.2 Table 1.~~

- ~~a.~~ 1. Light manufacturing or light assembly facility limited to small scale assembly and manufacturing industries which are not injurious, noxious or offensive, or tend to reduce residential property values in the same or adjoining districts by reason of emission of odor, fumes, dust, smoke, vibration, sewerage, and/or industrial waste, noise, danger of explosion, fire or otherwise. Manufacturing allowed in this paragraph shall not include heavy industrial operations such as steel manufacturing, heavy forging presses and the like and shall be for utilizing hand labor or quiet machinery and process.
- ~~b.~~ 2. Landscaping services involving equipment purchasing.
- ~~c.~~ 3. Nursing home; extended or intermediate care facility licensed or approved to provide full time convalescent or chronic care.
- ~~d.~~ 4. Child Care Facility and Family Child Care Home.
- ~~e.~~ ~~The dimensional requirements for the business uses in this zone shall be the same as the BR-I Zone Section 4.2 Table 1.~~
- ~~f.~~ 5. Senior Village Developments are allowed by special permit from the Planning Board.
- ~~g.~~ 6. Accessory Apartment
- ~~h.~~ 7. Rental enclosed storage facilities by special permit issued by Planning Board.
- ~~i.~~ 8. Uses allowed in the HB-1 district under sections 3.2.03, 3.2.04, 3.2.05, 3.2.06, and 3.33, only by special permit issued by the Planning Board. Uses prohibited under Section 3.33.3 are also prohibited in the RIB district.

- ~~j.~~ **9.** Small Wind Facilities by Special Permit from the Planning Board.
  - ~~k.~~ **10.** Farmers' Market
  - ~~l.~~ **11.** Small-Scale and Medium-Scale Ground-Mounted Solar Energy Systems
  - ~~m.~~ **12.** Large-Scale Ground-Mounted Solar Energy Systems by Special permit from the Planning Board
  - ~~n.~~ **13.** Backyard Chickens
  - ~~o.~~ **14.** Vehicle Sales or Rental, up to 30 vehicles (30 or more by special permit)
  - ~~p.~~ **15.** Taxi or Limousine Service
- C.D.** **Development within the RIB District** shall comply with Sections 5.5.02 through 5.5.04, except that the landscaped buffer specified in Section 5.5.02.2.C shall be 50 feet, rather than 100 feet. At the discretion of the Planning Board, the width of the required fifty (50) foot landscaped buffers from an abutting residential use or district may be reduced to a minimum of twenty (20) feet where site constraints do not allow for the 50-foot buffer and an opaque fence is provided to provide screening from the abutting residential use or district.

**Zoning Bylaw Amendments  
Greenville Village Neighborhood Business District (NB)  
2/10/2021**

***Amend Section 5.6 of the Zoning Bylaw (Greenville Village Neighborhood Business District), as shown below:***

**5.6 Greenville Village Neighborhood Business District (NB)**

**5.6.01 Purpose and Intent**

To enable the development and redevelopment of Leicester's Greenville area in keeping with the historic development pattern including the size and spacing of structures by allowing, in addition to residential uses, convenient small-scale retail, service and other small-scale commercial uses compatible with nearby residential areas, which minimize traffic, parking visibility, late hour operations, destruction of historic buildings or architectural features, or other characteristics not compatible with the existing character of the surrounding residential neighborhood, and further providing that no such use shall be permitted which would be detrimental or offensive by reason of odor, noise, excessive vibration or danger of explosion or fire.

**5.6.02 Permitted Uses**

No building or structure shall be used and no change shall be made in the use of land or premises, except for one or more of the following purposes:

**5.6.02.1** All uses that are permitted in the Residential 1 District (R1), under Section 3.2, Schedule of Use Regulation, except that the Planning Board shall be the Special Permit Granting Authority for all uses listed as requiring a special permit, and unless otherwise regulated in this Section 5.6.

**5.6.02.2** All non-residential projects, of any size, shall require site plan review (See Section 5.2) in the Neighborhood Business (NB) district, except for reuse of existing structures (with no parking lot expansion) for uses not requiring a special permit. The following uses are allowed with site plan review by the Planning Board, provided that no individual establishment shall exceed 3,000 square feet in gross floor area, except as regulated under Section 5.6.03.4 below.

- A.** Retail services, including but not limited to a drug or package store; grocery, variety, clothing or shoe store; hardware or household appliance sales and services; music store; computer store; book, card, or stationery store; news dealer.
- B.** Professional or administrative offices.
- C.** Office or clinic for medical or dental examination or treatment of persons as outpatients, including laboratories incidental thereto.
- D.** Financial institution, such as bank or credit union.
- E.** Personal services, including but not limited to a barber or beautician; pickup or self-service laundry or dry cleaning; garment or shoe makers and repairers; florist; printing, publishing or photocopying; or photographer's studio
- F.** Artisans, Jewelry Makers, Handicrafts, Artists Studios
- G.** Mortuary, undertaker, or funeral establishment.
- H.** Shop of a plumber, carpenter, electrician, upholsterer or similar workshop or repair establishment conducted entirely within an enclosed structure.
- I.** Restaurant, lunchroom, or other eating establishment primarily for on-premises consumption, not to include fast food establishment.

- J. Delicatessen, traditional bakery, confectionery, caterer, and other similar establishments, which incidentally sell retail food and beverages in disposable containers for off-site consumption.
- K. Small-Scale Ground-Mounted Solar Energy Systems (Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems are prohibited.)

#### 5.6.03 Special Permit Allowed Uses

The following uses shall require a special permit for use from the Planning Board:

**5.6.03.1** Business uses as listed in Section 3.2.03 except where prohibited under Section 5.6.04 or where said use is prohibited in all other districts, which are not listed above in Section 5.6.02.2, provided that no individual establishment shall exceed 3,000 square feet in gross floor area, except as regulated under Section 5.6.03.4.

**5.6.03.2** Drive-through facility.

**5.6.03.3** Take-out establishments primarily engaged in the sale, dispensing or serving of food, refreshments or beverages for consumption off the premises or consumption in vehicles temporarily parked on the premises, or at tables, benches or counters, the majority of which are out of doors, not to include establishments commonly known as fast food establishments.

**5.6.03.4** Establishments that exceed 3,000 square feet in gross floor area per establishment, provided that in no event may a special permit be issued for individual establishments in excess of 6,000 square feet in gross floor area. Commercial structures in existence prior to the creation of the NB district (ATM 5/6/2002, Article 34) are exempt from the above size limitations, except that any expansions shall require a special permit.

**5.6.03.5** Additional uses allowed by special permit in commercial structures in existence prior to the creation of the NB district (ATM 5/6/2002, Article 34)

A. Makerspaces

B. Outdoor storage and parking of commercial vehicles and construction vehicles associated with uses in the existing building (i.e. not rental storage)

C. Rental self-storage facility (outdoor storage prohibited)

#### 5.6.04 Prohibited Uses:

5.6.04.1 Any use not expressly permitted above.

5.6.04.2 Vehicle-related uses (sales, service and repair of all vehicle types including but not limited to trucks, boats and recreational vehicles, towing companies, taxi or limousine service, etc.)

5.6.04.3. All types of Marijuana Establishments regulated by Section 5.15.

**5.6.04.4** Rental Self-Storage Facilities (indoor or outdoor)

#### 5.6.05 Site Development Standards

All non-residential use, or conversion to a non-residential use, within the NB district shall comply with all Site Development Standards in Section 5.6.05.1 through 5.6.05.3 described below:

##### 5.6.05.1 Parking & Loading

Non-residential uses within a NB district shall provide parking and loading facilities in compliance with Section 5.1, PARKING AND LOADING REQUIREMENTS AND UNLOADING SPACE, the Planning Board's Parking Regulations, and the following additional requirements:

- A. Parking facilities sufficient to accommodate the motor vehicles of all employees, customers and other persons normally visiting the site at any time shall be provided on the lot and off the street.
- B. In determining the appropriate number of parking spaces required, the Planning Board may give consideration to the hours of usage of the proposed use/structure, the opinion of municipal officials or consultants as to the adequacy or inadequacy of parking spaces within the specific area of the proposed use/structure, as well as other relevant information to assist the Planning Board in determining the need for additional parking for motor vehicles.

C. All parking shall be provided on the same lot with the principal use or on a contiguous lot within the same zoning district, provided that no space is counted as meeting the requirements of more than one building or use.

**D. New parking areas shall be located to the side or rear of the primary structure.**

E. Parking areas serving all non-residential structures shall be hard-paved.

F. Parking areas shall include handicap accessible parking spaces as required by 521 CMR, Architectural Access Board Code, as may be amended from time to time.

G. To the maximum extent feasible, loading areas shall be located at the rear of the building, off the street right-of-way.

H. Adequate turning and maneuvering space shall be provided for loading areas, without encroachment into parking areas.

I. Parking area lighting may not shine beyond the property lines, except for driveway entrances where light may shine onto the immediate area of the street right-of-way.

#### **5.6.05.2 Landscaping**

A. A landscaped buffer zone, of at least the width of the required setback, continuous except for approved driveways, shall be established along any side of the lot with road frontage to visually separate the building and ~~it's~~ its parking areas from the road.

B. A landscaped buffer zone along the side and rear of each lot, of at least the width of the required side and rear setback, shall be provided where a proposed non-residential use abuts a residential use.

**~~C. A landscaped buffer zone of at least 50 feet shall be provided where a NB district boundary abuts a Residential District (R1, R2, and SA).~~**

**~~C.D.~~** The buffer zones shall be planted with grass, ground cover, medium height shrubs, and shade trees planted at least every fifty (50) feet. The buffer zone shall include both deciduous and evergreen shrubs and trees. Trees and shrubs at driveway intersections shall be set back a sufficient distance from such intersections so as not to obstruct traffic visibility.

**~~D.E.~~** An opaque buffer shall be provided to screen exposed storage areas, machinery, garbage "dumpsters", service areas, truck loading areas, utility buildings and structures from the view of abutting properties and streets, using plantings, fences and other methods compatible with the goals of this regulation.

**~~E.F.~~** Parking shall not be located within required buffer areas.

**~~F.G.~~** All landscaped areas and buffers shall be maintained in good condition and shall be kept free of refuse and debris. Shrubs or trees that die shall be replaced within one growing season.

**~~G.H.~~** Appropriate water management procedures shall be followed to serve all landscaped areas, including irrigation systems if warranted.

**~~H.I.~~** The Planning Board may require a bond to ensure that required landscaping improvements are maintained and survive for at least one growing season following the completion of planting.

**~~I.J.~~** The Planning Board shall have the authority to adopt from time to time suitable landscaping regulations, which may include the required height and spread of trees and shrubs in buffer zones and parking areas.

**~~J. The landscaped buffer requirements in paragraphs A & B shall not apply to reuse of existing structures and associated parking areas. The Planning Board may require a landscape buffer for uses requiring a special permit.~~**

#### **5.6.05.3 Design**

The Planning Board shall have the authority to adopt from time to time suitable regulations to specify design standards within the Greenville Village Neighborhood Business District. Such standards may include regulation of building form and features, architectural details, and historic buildings.



## 5.6.06 Special Permits – NB District

### 5.6.06.1 Requirements and Procedures

- A. The special permit granting authority for all special permits in the NB District shall be the Planning Board except where such authority is specifically delegated to the Zoning Board of Appeals. No building, use or occupancy permits for any ~~construction of any use designated "SP" (Special Permit) under the NB District use requiring a special permit shall be issued~~ except in accordance with the terms of a special permit as set forth herein. This shall apply to new construction, change in use to a use requiring a special permit, and resumption of any use requiring a special permit where the use has been discontinued or abandoned for more than two (2) years.
- B. Applicants for Special Permits under this section shall submit plans in compliance with the Leicester Planning Board ~~Rules & Regulations for Special Permit Applications~~ Special Permit Regulations.
- C. Procedures for Special Permits (filing, hearing notification, and decision timelines) shall follow MGL Ch.40A, Section 9, Special Permits, and Section 11, Notice for Public Hearing.

### 5.6.06.2 Special Permit Review Criteria

The Planning Board shall grant a special permit only after finding that the proposed use will be consistent with the purpose and intent of this bylaw, and that the proposed use or structure is in conformance with the following criteria:

- A. 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;
- B. The proposed use shall not overload the capacity of water and sewer systems, stormwater drainage, solid waste disposal facilities, and other public facilities;
- C. The design of the project shall provide for adequate methods of disposal of sewage, refuse, or other wastes generated by the proposed use;
- D. The project shall be compatible in character and scale with existing uses and other uses allowed by right in the district.
- E. The project shall comply with all applicable environmental laws and regulations;
- F. The proposed project shall be consistent with Leicester's Master Plan;
- G. The project shall comply with all Site Development Standards required in the NB district where applicable.

## Zoning Bylaw Amendments Marijuana Establishments 2/10/2021

### Amend Section 1.3 (Definitions), by inserting new definitions and amending existing definitions, as follows:

**MARIJUANA:** Marijuana or Marihuana means all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided that “Marijuana” shall not include: (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) hemp; or (3) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes marijuana products except where the context clearly indicates otherwise.

**MARIJUANA COURIER:** an entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from a Medical Marijuana Treatment Center, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: Definitions or 935 CMR 500.050: Marijuana Establishments and shall be subject to 935 CMR 500.050(1)(b): Control Limitations.

**MARIJUANA CULTIVATOR:** an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

**MARIJUANA DELIVERY LICENSEE:** an entity that is authorized to deliver marijuana and marijuana products directly to consumers and as permitted, Marijuana Couriers to patients and caregivers

**MARIJUANA DELIVERY OPERATOR:** an entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: Definitions or 935 CMR 500.050: Marijuana Establishments and shall be subject to 935 CMR 500.050(1)(b): Control Limitations.

**MARIJUANA ESTABLISHMENT:** a licensed Marijuana Cultivator, Marijuana Testing Facility, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Delivery Operator or any other type of licensed marijuana-related business or businesses at a single location except a medical marijuana treatment center.

**MARIJUANA ESTABLISHMENT, NON-RETAIL:** a marijuana establishment that does not involve on-site retail sales to consumers, including Marijuana Cultivators, Marijuana Product Manufacturers that only sell to Marijuana Establishments but not consumers, Marijuana Testing Facilities, and Marijuana Transportation or Distribution Facilities. Not to include Marijuana Outdoor Cultivator or Marijuana Delivery Operator. [amended ATM 6/2/2020]

**MARIJUANA RETAILER, CONSUMER SALES ONLY:** a marijuana establishment that involves on-site retail sales to consumers and may also involve delivery to consumers by Marijuana Courier, excluding Marijuana Social Consumption Operators.

**MARIJUANA OUTDOOR CULTIVATOR:** a marijuana establishment that involves the cultivation of mature Cannabis outdoors without the use of artificial lighting in the canopy area, except to maintain immature or vegetative Mother Plants, including but limited to open air, hot house, or cold frame greenhouse production, which is not (a) for personal use or (b) conducted by a licensed caregiver, in amounts not to exceed the state imposed limits for individuals or caregivers. *[new ATM 6/2/2020]*

**MARIJUANA PRODUCT MANUFACTURER:** an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

**MARIJUANA PRODUCTS:** products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

**MARIJUANA SOCIAL CONSUMPTION FACILITY:** a “Marijuana Social Consumption Establishment” that is licensed by the Cannabis Control Commission where single servings of marijuana may be sold for consumption on the premises.

**MARIJUANA SOCIAL CONSUMPTION OPERATOR:** a marijuana retailer licensed to purchase marijuana and marijuana products from marijuana establishment and to sell marijuana and marijuana products on its premises only to consumers or allow consumers to consume marijuana and marijuana products on its premises only.

**MARIJUANA TESTING FACILITY:** An Independent Testing Laboratory as defined in 935CMR 500.002 licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

**MARIJUANA RETAILER:** an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

**MARIJUANA TRANSPORTATION OR DISTRIBUTION FACILITY:** an entity with a fixed location not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain and possess cannabis or marijuana products solely for the purpose of transporting and temporarily storing the same on the premises for sale and distribution to Marijuana Establishments, but not consumers.

**MEDICAL MARIJUANA TREATMENT CENTER:** a not-for-profit entity registered under 105 CMR 725.100, also known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana for medical use.

**Amend Section 3.2.03, by inserting new use #23 (and renumbering later uses), as follows:**

3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
18.	Medical Marijuana Treatment Center (Planning Board Site Plan Review Required)	N	N	N	Y	N	Y	Y	Y

3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
19.	Marijuana Retailer, Consumer Sales Only (Special Permits issued by the Planning Board)	N	N	N	SP	N	SP	SP	SP
20.	Marijuana Establishment, Non-Retail (Planning Board Site Plan Review Required)	N	N	N	Y	N	Y	Y	Y
21.	Marijuana Social Consumption Facility	N	N	N	N	N	N	N	N
22.	Marijuana Outdoor Cultivator	SP	N	N	N	N	N	N	N
<u>23.</u>	<u>Marijuana Delivery Operator</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>Y</u>

### Amend Section 5.1.5.02.I, as follows:

#### I. Limitations

Marijuana Retailers, Consumer Sales Only shall be limited to ~~1 establishment~~ 2 establishments in the Town of Leicester.

## Town of Leicester Planning Board

**February 16, 2021**

**MEMBERS PRESENT:** Jason Grimshaw (Chair), Deb Friedman, Jaymi-Lyn Souza, Sharon Nist

**MEMBERS ABSENT:** Andrew Kularski

**ASSOCIATE MEMBERS PRESENT:** James Reinke

**STAFF:** Michelle Buck, Town Planner; Brooke Hammond, Department Assistant

**TIME:** 7:00 PM

### **ORDER OF BUSINESS\***

1. 7:00PM      **Approval of Minutes**  
February 2, 2021
2. 7:15PM      **Public Hearing, Special Permit/Site Plan Review**  
1570 Main, Hank's Marine, boat showroom (Applicant: Matthew Shogren)
3. 7:45PM      **Town Planner Report/General Discussion:**  
A. Miscellaneous Project Updates  
B. Board Member Committee Updates
4. **Adjourn**

Mr. Grimshaw calls the meeting to order at 7:05 PM.

#### **1. Approval of Minutes**

Minutes - February 2, 2021

**Motion:** Ms. Nist moved to approve the minutes of February 2, 2021

**Second:** Ms. Friedman

**Discussion:** Ms. Nist requests the wording on page 8, paragraph 5 be changed.

**Roll-Call Vote:** (4-0-0)

#### **2. Town Planner Report**

A. Miscellaneous Project Updates

*11 Hankey Street*

Ms. Buck says she is expecting a special permit application for the WorcShop at 11 Hankey St.

*124 Green Street/Town Meadow Farm*

The hearing for the proposed outdoor marijuana cultivation facility at 124 Green Street special permit is scheduled for March 16, 2021.

*Zoning Bylaw Amendments*

The Zoning Amendment Hearing will be held March 2, 2021. The public hearing notice has been distributed.

### *15 Water Street*

The building owner has not yet met Fire Department and Leicester Water Supply District (LWSD) concerns. Ms. Buck said that after she receives clarification from LWSD district on their concerns, she'll send out a letter.

### *1323 Main Street*

Conservation Commission did a site visit Wednesday February 10, 2021 but were unable to evaluate the wetland issues due to snow. Ms. Buck will work on a letter to the property owner regarding conditions of multiple old decisions such as limitations on hours, lighting, and the LED sign.

## **B. Board Member Committee Updates**

Capital Improvement Committee met on February 3, 2021 to discuss reserve fund transfer requests for a fire sprinkler pump control panel for the High School for \$12,000, which was approved. The Committee also met on February 9, 2021 to discuss requests from the library, highway department, and schools. (IT and Maintenance) Next meeting is scheduled for February 25, 2021 to discuss police, fire, and town administrator requests.

## **3. Public Hearing, Hanks Marine (1570 Main St.)**

[Mr. Grimshaw reads public hearing notice.]

Mr. Shogren, owner of Hanks Marine, explains he is applying for a Special Permit to expand his current shop and add a showroom to accommodate his growing business. Hank's Marine has operated on the same site for 50 years. Mr. Shogren says he would like to continue to grow his business in Leicester.

Mr. Dubois of DC Engineering says the property is located on the north side of Route 9. The property currently has an existing house, two separate driveways, and a garage at the back of the property used for boat repair. A Special Permit was approved in 2019 to utilize the site for boat storage and repair. The site layout includes the proposed 7,200 square foot boat showroom, and office space which will tie the new structures to the existing garage. There will be one paved 2-way driveway on the south side of the property with an adjacent outdoor boat display area. The east side of the property where the second driveway was located will now be a stormwater recharge area. There will be a sidewalk adjacent to the proposed boat showroom, eleven 10 ft by 20 ft parking spaces, including two handicap parking spaces. The existing house is to be demolished, and there will be a fence at the end of the parking lot that opens to lead to the boat storage area.

Ms. Friedman asks what type of lighting they will be using on the exterior and where the sign will be. Mr. Dubois states they plan on using wall pack lighting. He says Quinn Engineering also had comments about the lighting. Lighting and illumination details are included in the plan. The sign will be on the east side of the new entrance/exit.

Ms. Friedman asks about the new hours of operation. Mr. Shogren says he will be open 8 am-6 pm Monday through Friday, and from 8 am-3 pm on Saturdays.

Ms. Friedman asks how wide the new combined entrance/exit will be. Mr. Dubois says it will be 24 feet wide. Ms. Nist asks if there will be a stop sign at the end of the driveway. Mr. Dubois says there will be. Mr. Reinke asks if the driveway will be wide enough to accommodate the

boats coming in and out. Mr. Dubois states there will be 30-foot radiuses on both sides from east and west. Mr. Shogren confirms it is a suitable size for trailers to come in safely. Mr. Reinke asks if the staging area will cause any traffic disruptions on Route 9. Mr. Dubois says vehicles with boats will drive to the back and turn around if their boat is going to be displayed in front. Mr. Shogren says almost all boats will be stored in back. Mr. Reinke asks if this will be indicated with directional signage. Mr. Dubois says he can add directional signage to their plans.

Mr. Reinke asks how the existing garage will be incorporated into the new showroom. Mr. Shogren says the two buildings will only be connected by an overhang. Mr. Reinke asks them to provide elevation drawings. Mr. Shogren says they are working on elevation drawings; the south and west sides of the building will be all glass, on the east side of the building it will just be a solid wall, and the north side is where the existing garage is. Mr. Reinke asks the applicant and engineer to verify that the proposed building complies to the plumbing code.

Ms. Friedman asks if the property is in a water overlay district. Ms. Buck says it is not.

Ms. Buck requests that Mr. Dubois submit revised plans to address Quinn Engineering's comments, wall pack lighting concerns, and elevation plans. Ms. Buck says there have been complaints about wall pack lighting in the past regarding light visible from abutting properties. Ms. Buck also notes the need for additional plants in the buffer area and street trees, all of which must be species that are not susceptible to Asian Longhorn beetles. Ms. Buck states the hearing will need to be continued until revised materials are submitted. Mr. Shogren offers to have his electrician test different exterior lighting styles and get neighbor feedback.

Ms. Nist asks Mr. Shogren if his Cherry Valley location will remain open. Mr. Shogren says the boat sales business will be moving to 1570 Main Street, but that he is planning on keeping the Cherry Valley location to potentially rent out.

Mr. Dubois presents an aerial photo of the property and asks how many more trees need to be added since the buffer area is already wooded.

Ms. Buck says the Board previously granted a reduction to 20 feet of vegetated buffer at the back of the lot in order to accommodate boat storage. The bylaw allows 50 feet to be reduced to 20 feet "where site constraints do not allow for the full required buffer and an opaque fence or comparable method is used to adequately buffer the abutting district." The project will not meet the 50' requirement, so a waiver will be required. Existing vegetation should not be cut, and new vegetation or fencing should be added where the existing trees are sparse. Mr. Dubois says the tree line will stay, only a few trees in the front will be removed. Ms. Friedman and Mr. Grimshaw plan to visit the site to inspect the existing level of vegetation. Ms. Buck says the hearing should be continued to the March 2<sup>nd</sup> meeting.

**Motion:** Ms. Friedman moves to continue the hearing to the March 2, 2021 meeting.

**Second:** Ms. Nist

**Discussion:** None

**Roll-Call Vote:** (5-0-0)

Upcoming Meeting Dates:

March 2, 2021, 7 PM

March 16, 2021, 7 PM

**Motion:** Ms. Nist makes a motion to adjourn the meeting.

**Second:** Ms. Friedman

**Discussion:** None

**Roll-Call Vote:** (4-0-0)

Meeting adjourned at 7:47 PM.

Respectfully submitted,  
Brooke Hammond, Department Assistant

Documents included in meeting packet:

- Town Planner Memo
- February 2, 2021 Planning Board Minutes
- Hanks Marine Special Permit Application & Plans
- Comments on Hanks Marine Application



**From:** [drewpopo](#)  
**To:** [Davis, Debbie](#)  
**Cc:** [Buck, Michelle](#)  
**Subject:** Resignation from planning board  
**Date:** Monday, February 22, 2021 3:40:29 PM

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Deb,

I hope you are doing well, It is with deep regret that I write to inform you that I am forced to resign from my position on the planning board without finishing my term which is set to expire during this election cycle. I have had a change in work assignments which will no longer give me the availability of attending evening meetings. My resignation will be effective on March 18, 2021 as my new schedule will begin in March 22, 2021. I have enjoyed my time as an elected member of this board and have learned so much from my involvement with town government. I hope in the future to be able to take on a position once again when my work schedule allows.

Respectfully,

Andrew S. Kularski