

occupancy permits for any construction of any use designated “SP” (Special Permit) under the HB-1 District 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.
- 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.

#### **5.5.03.2 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 comply with all applicable environmental laws and regulations;
- E. The proposed project shall be consistent with Leicester's Master Plan;
- F. The project shall comply with all Site Development Standards required in the HB-1 District.

#### **5.5.04 Allowed Uses**

Uses shall be allowed and regulated as specified in Section 3.2 and Section 3.33. Signs shall be allowed and regulated as specified in Section 3.2.07 for the Business (B) District.

#### **5.5.05 Severability**

If any provision of this Section 5.5 of Leicester's Zoning By-Law is held invalid by a court of competent jurisdiction, the validity of the remainder of the bylaw shall not be affected thereby.

### **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 Neighbor-

hood Business (NB) district. 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, 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.

### **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.).

### **5.6.05 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 AND UNLOADING SPACE, 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. Parking 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 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).
- 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.
- 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.
- F. Parking shall not be located within required buffer areas.
- 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.
- H. Appropriate water management procedures shall be followed to serve all landscaped areas, including irrigation systems if warranted.
- 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.
- 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.

### **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 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.
- 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.

## **5.7 Senior Village Developments**

### **5.7.01 Intent and Applicability**

The purpose of this section is to encourage development of master-planned residential communities for persons fifty-five (55) years of age and older, by allowing a greater variety of uses and building types at a higher density than would normally be allowed to promote affordable housing and the preservation of open space within the development. It is intended that this section provide a mechanism for development of a range of housing types and facilities that are responsive to the socio-cultural, health care, and recreational needs of senior residents; to achieve land development that is responsive to an analysis of the environmental assets and constraints of a site; and to encourage well-integrated development in terms of land use and major design elements such as buildings, roads, utilities, drainage systems and open space.

### **5.7.02 Senior Village Developments:**

As used in this bylaw, a Senior Village Development shall mean a master-planned development (“planned unit development”) of land, as a unified, self contained, residential community, constructed expressly for use and