

## Town of Leicester PLANNING BOARD

LEICESTER, MASSACHUSETTS, 01524-1333

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LEICESTER, MASS.

### SPECIAL PERMIT/SITE PLAN REVIEW DECISION

Date: May 4, 2021

File Number: SP2021-03

Applicant: Randolph Gardner  
The WorcShop  
11 Hankey Street  
Rochdale, MA 01542

Owner: David Magnuson  
Rochdale Holdings/Worcester Tool & Stamping  
11 Hankey Street  
Rochdale, MA 01542

Location: 11 Hankey Street (Map 43 C7 & C8)

Deed Ref.: Book 3170, Page 111  
Book 3685, Page 500

Zoning: Greenville Village Neighborhood Business District (NB)  
Residential 1 (R1)  
Suburban Agriculture (SA)  
Adaptive Reuse Overlay District (AROD)

Water/Sewer: Cherry Valley & Rochdale Water District/Oxford Rochdale Sewer District

Subject: Application for Special Permit under §5.10 of the Leicester Zoning Bylaw to allow Adaptive Reuse of an existing structure as a makerspace

The decision of the Planning Board on the above-referenced application is as follows:

#### *Procedural History:*

1. On February 22, 2021, an application for a Special Permit and Site Plan Approval was submitted to the Leicester Planning Board (the Special Permit Granting Authority). All application materials are on file with the Planning Board. The Board's decision is based on the following submittals:
  - A. Application packet (Application Form, Project Narrative, and abutters list)
  - B. Code Red Consultants Fire Protection/Life Safety Chapter 34 Building Investigation & Evaluation Report, The WorcShop, 11 Hankey Street, Leicester MA, Prepared for Penn Ruderman Architects, and dated February 2, 2021.
  - C. Set of Plans (7 sheets), as follows:

Sheet #	Prepared By:	Sheet Title	Last Revision Date
A1.00	Penn Ruderman Architects, Inc.	Site Plan	5/1/2021
A1.01	Penn Ruderman Architects, Inc.	Special Permit First Floor Plan	2/12/2021
A1.02	Penn Ruderman Architects, Inc.	Special Permit Second Floor Plan	2/12/2021
LS1.01	Penn Ruderman Architects, Inc.	Special Permit First Floor Life Safety Plan	2/12/2021
LS1.02	Penn Ruderman Architects, Inc.	Special Permit Second Floor/Mezz. Life Safety Plan	2/12/2021
20-806	Jarvis Land Survey	Plan of Property	12/22/2020
EX-1	Samiotes Consultants, Inc.	Existing Conditions of Land	3/19/2021

D. Lighting Plan prepared by MaxLite and dated April 16, 2021

E. Email from Ethan DeSota to Michelle Buck dated April 14, 2021, with multiple attachments:

- External Lighting Plan
- WorcShop event Best Practices
- Fire & Safety Narrative
- Special Events Permit sample
- Noise Study
- Courteous Neighbor Policy
- Hazardous Material Storage and Handling
- Revised Site Plan

F. Fire Access Plan (Overlay on Site Plan Sheet A1.00), dated March 24, 2021

G. Email from Ethan DeSota to Michelle Buck dated May 3, 2021, with multiple attachments:

- Updated Site Plan
- Architect's notes on Mike Wilson's Fire Access requirements
- Updated Policy on outdoor storage
- Lighting details

2. The Board engaged Quinn Engineering of Paxton, Massachusetts, pursuant to G.L. c. 44, s. 53G, to review the Applicant's proposed development.
3. The Planning Board held a public hearing on the application on April 6, 2021. The hearing was continued to April 20, 2021 and May 4, 2021. At each hearing date(s) opportunity was given to all those interested to be heard in favor of or opposition to such application. The hearing was closed on May 4, 2021.
4. During the review process, the following documents, exhibits and plans were submitted to the Planning Board:
  - A. The plans and submittals referred to above;
  - B. Correspondence of Quinn Engineering, Inc. to Leicester Planning Board dated March 17, 2021;
  - C. Written comments from the following Town Boards and Departments: Police Department, and Town Planner
  - D. Several comment letters from the public.

**Findings:**

1. The subject property is located in the following Zoning Districts: Greenville Village Neighborhood Business District (NB), Residential 1 (R1), Suburban Agriculture (SA), and Adaptive Reuse Overlay District (AROD). A portion of the site (approximately 150' from the eastern boundary of parcel 43-C7) and only a small portion of the existing building is in the NB district; the remainder of the building is in the R1 district. The rear (west) portion of the site (some of the paved area and vacant land) is in the SA district. The AROD is applicable as the structure meets the eligibility requirement of §5.10.B.2 ("an existing structure having not less than 10,000 square feet constructed more than sixty (60) years ago and historically part of a mill complex.").
2. Much of the parcel is within wetland buffers and the Riverfront Area of the French River. No work is currently proposed in these areas.
3. The Adaptive Reuse Overlay District allows a makerspace (§5.10.D.2.o) by Special Permit. Site Plan Review is required as a portion of the site is in the NB district.
4. Specifically, the applicants have requested the following activities to be included in the makerspace use: blacksmithing, glass & jewelry making, metal fabrication, machine shop, wood shop, conference room, electronics, 2D/3D Print Shop, CNC Shop, as well as associated office and storage space. Future planned uses are an automotive innovation shop as well as sandblasting and finishes (not part of the current application).
5. The project site has 43 parking spaces, including 1 van-accessible and 2 handicap spaces. The current parking expectations for 200 members is as follows: staff parking (6 spaces), daily member use (10%-20 spaces), up to two concurrent classes on any given day with 6-8 individuals per class (16 spaces). Total anticipated spaces needed at any time up to an including 200 members = 42 spaces.
6. The applicant has identified an area for storage containers on site; existing outside storage will be cleaned up within six months.
7. Section 5.2.05 of the Zoning By-law contains Standards for Site Plan Approval (standards A-G). With regard to the Applicant's development proposal, the Planning Board makes the following findings pursuant to Section 5.2.05:
  - A. **The use complies with all the provisions of the Leicester Zoning By-Law;**  
The Board finds that this standard has been met as conditioned herein.
  - B. **The use will not materially endanger or constitute a hazard to the public health;**  
The Board finds that this standard has been met as conditioned herein.
  - C. **The use will not create undue traffic congestion or unduly impair pedestrian safety;**  
The Board finds that this standard has been met as conditioned herein.
  - D. **Sufficient off-street parking exists or will be provided to serve the use;**  
The Board finds that this standard has been met as conditioned herein.
  - E. **The use can be adequately served by water, sewer, and other necessary utilities, or if these are unavailable, that they will be brought to the site at the owner's expense; or, the Planning Board is satisfied that the proposed alternatives will comply with all applicable regulations;**

- (5) The proposed ARD does not cause substantial detriment to the neighborhood after considering the following potential consequences
- a) noise, during the construction and operational phases
  - b) pedestrian and vehicular traffic
  - c) environmental harm
  - d) visual impact caused by the character and scale of the proposed structure(s)
- The Board finds the project meets this standard as conditioned herein.

***Waivers:***

In accordance with the Planning Board's Regulations and the Zoning Bylaw, after finding that it is in the public interest and not inconsistent with the Leicester Zoning Bylaw, the Planning Board agrees to accept the plans and related materials as is and to waive applicable provisions of Planning Board requirements including the following:

- Site Plan Review Regulations II.G. (Locus Plan).
- Zoning Bylaw §5.6.05.2.B (NB district landscape buffer), as the building and parking are almost entirely outside of the district and no exterior site changes are proposed.

***Decision:***

In view of the foregoing, at the meeting of May 4, 2021, the Planning Board voted to approve the Special Permit application for the above-described project. As used in this decision, the term "Applicant" shall mean the Applicant, its heirs, successors and assigns. Unless otherwise specified, the Board may designate an agent or agents to review and approve matters set forth in this decision. The Planning Board's approval is subject to the following conditions:

**Pre-Construction/Use**

1. The Special Permit shall not take effect until it has been recorded at the Worcester District Registry of Deeds and evidence of such recording is delivered to the Planning Board.
2. Prior to issuance of an occupancy permit or business license to allow commencement of activities and uses authorized by this special permit, the Applicant shall demonstrate conformance with the conditions of this approval.
3. Prior to the issuance of any required building permits, all required federal, state, and local permits and licenses for the construction of the proposed project which is the subject matter of the building permit shall be obtained and presented to the Building Inspector.
4. Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address, email, and business phone number of the individual who shall be responsible for all construction activities on site.

**General**

5. Final design and construction and use of the site and structure shall be in substantial conformance to the plans submitted to the Planning Board and this Order of Conditions. No substantial corrections, field modifications, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board, which in its sole discretion, may determine such substantiality. Any requests for substantial modifications shall be made to the Planning Board for review and approval and shall include a description of the proposed modification, reasons the modification is necessary and supporting documentation.

6. Unauthorized deviations from the approved plan and all related application materials may result in the Planning Board seeking the issuance of a Cease and Desist Order until the deviation is addressed. Violation of any condition contained herein or failure to comply with the approved plan shall subject the Applicant to a zoning enforcement action in accordance with the remedies set forth in M.G.L. c. 40A.
7. Construction on the site must be started or substantial activity commenced by May 4, 2022 (one year from the date of approval). Construction, once begun, shall be actively and continuously pursued to completion within by May 4, 2023 (two years from the date of approval). Such deadlines may be extended for good cause upon the written request of the applicant prior to the specified deadline. If the time period for commencement or completion has elapsed, the rights granted by this approval shall expire and may be reestablished only after another application.
8. Litter and debris on-site shall be removed regularly to maintain a neat and orderly appearance.
9. The use shall not result in any undue disturbance to adjoining property owners or to the Town caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, glare, etc.
10. All travel lanes and parking areas shall remain accessible and clear of snow year-round. In such instances where snow storage areas are not sufficient to accommodate heavy snow, the Applicant shall remove snow off site to ensure that all travel lanes and parking areas are accessible.
11. All signs shall comply with §3.2.07 of the Zoning By-law, unless a special permit or variance is granted by the Zoning Board of Appeals.

**Project-Specific Conditions:**

12. Hours of operation shall be limited to 6AM – midnight (12:00AM) for a period of 6 months, after which 24 hour operation is allowed with Planning Board approval at regular meeting of the Board provided the applicant is not in violation of the terms of this permit.
13. This special permit is limited to the activities described above. Future planned uses, such as an automotive innovation shop are not authorized by this special permit. Changes shall require an amendment to this special permit.
14. Activities authorized by this special permit are limited to the interior of the building. Outside activity (e.g. repair, manufacturing, construction) is prohibited.
15. Up to 12 storage containers are allowed in the area designated on the plans. No hazardous materials shall be stored in storage containers. Clean-up of the existing outside storage shall be completed within six (6) months from the date of this approval.
16. Storage in the building shall be limited to storage associated with uses in the building. Rental self-storage is not permitted by this special permit.
17. Residential occupancy on the site or in the building (i.e. members, staff, or anyone else living on the premises) is strictly prohibited. The Leicester Fire Department will conduct regular (no less than every 6 months) unannounced inspections. If evidence of residency is found; and immediate cease & desist order will be issued.

18. Membership is limited to 200 members. The applicant shall provide an annual written report to the Planning Board including current membership numbers and an updated membership utilization percentage study based on front-desk sign-in data. This report shall be reviewed by the Planning Board at a regular meeting of the Board. Memberships beyond 200 are prohibited until an updated parking plan has been approved by the Planning Board through an amendment to this Special Permit and the new parking area is installed at the site.
19. Parking areas and fire lanes shall be striped (painted). To maintain safe emergency access to the building, parking is prohibited in areas not designated for parking.
20. A General Entertainment License from the Select Board is required for Annual Open House events or other special events with anticipated total attendance of 50 or more. The applicant shall include detailed planning for off-site parking and shall require the approval of the Fire & Police Departments.
21. Existing wooded areas on the site shall remain undisturbed except to remove dead or diseased trees that would pose a safety hazard.
22. The Applicant shall provide paper copies of all plans not previously submitted on paper within 30 days of this approval.

#### **Construction**

23. During construction, the Applicant shall comply with all local, state and federal laws regarding noise, vibration, dust and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction on exterior features shall not commence on any day before 7:00AM and shall not continue beyond 7:00PM; provided, however, that such construction shall not commence on Saturday before 8:00AM and shall end at 3:00PM. There shall be no construction on any Sunday or state or federal legal holiday.
24. Members or agents of the Planning Board shall have the right to enter the site at reasonable times to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
25. The Applicant and/or property owner shall provide at least forty-eight (48) hour notice to the Town Planner and the Planning Board's engineer, prior to commencing any work on the site that requires inspection or review.
26. The Applicant shall promptly pay the reasonable fee of the consulting engineers for review of plans or field inspections during the construction phase.
27. Sediment tracked onto abutting public or private ways from construction activities shall be swept at the conclusion of each construction day, until all work areas have been properly stabilized.

#### **Occupancy**

28. The Applicant shall notify the Planning Board when work is complete and ready for inspection.
29. No final certificate of occupancy shall be issued until site work is complete and all conditions of approval have been addressed. Prior to the issuance of a certificate of occupancy, all site

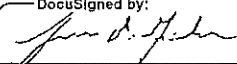
improvements, landscaping, and infrastructure specified on the plans shall be constructed and installed to adequately serve said Facility, unless adequate security has been provided, reasonably acceptable to the Board, to ensure such completion. Any such performance guarantee shall be approved as to form by the Board's designee.

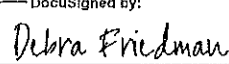
30. If there are field changes from the approved site plans referenced above, the Applicant shall submit as-built plans (3 full-size copies, 1 11" x 17" and a .pdf version) showing such changes prior to the final certificate of occupancy. No final certificate of occupancy shall be issued until the Planning Board or its agent confirms that all improvements or alterations substantially comply with the approved Site Plan.
31. Approval by the Planning Board shall not be construed as approval from any other board, official or regulation that is needed regarding permitting for this project.

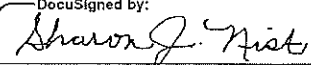
## RECORD OF VOTE

The Board vote was 4 in favor of approval 0 opposed. *[Jaymi-Lyn Souza was absent.]*

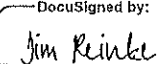
*The signatures below are made in accordance with MGL Ch. 110G and pursuant to the Planning Board's electronic signature authorization vote recorded on May 11, 2020 in Book 62374 Page 135 at the Worcester District Registry of Deeds.*

DocuSigned by:  
  
Jason Grimshaw, Chair

DocuSigned by:  
  
Debra Friedman, Vice Chair

DocuSigned by:  
  
Sharon Nist

Jaymi-Lyn Souza

DocuSigned by:  
  
James Renke, Associate Member

### *Copy of Decision sent to:*

-Town Clerk	-Building Inspector	-Assessors Office
-Applicant*	-Applicant Engineer**	-Applicant's Attorney**
-Owner*	-Town Administrator	-Quinn Engineering**

\* by certified mail

\*\* where applicable

Notice of Decision delivered to "Parties in Interest" (abutters & Planning Boards of abutting Towns)