



**Town of Leicester
PLANNING BOARD**

3 Washburn Square
Leicester, Massachusetts, 01524-1333
508-892-7007
www.leicesterma.org

[Project Name: Zoning Amendments]

**LEICESTER PLANNING BOARD
PUBLIC HEARING NOTICE**

Pursuant to MGL Ch. 40A, Sec. 5, the Leicester Planning Board will hold a public hearing to discuss proposed amendments to the Leicester Zoning Bylaws on Tuesday, October 4, 2022, starting at 7:00PM or as soon thereafter as may be heard in Meeting Room 3, Leicester Town Hall, 3 Washburn Square, Leicester, MA. The subject matter of proposed amendments is as follows:

Marijuana: Amend Section 1.3 (Definitions) by inserting new definition and amending existing definitions, and Section 3.2.03 (Schedule of Use, Business) by inserting new use #23 “Marijuana Delivery Operator” and renumbering later uses.

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.

Jason Grimshaw, Chair
Leicester Planning Board

**To be published in the Worcester Telegram & Gazette on Tuesday, September 20, 2022
and Tuesday, September 27, 2022.**

**Zoning Bylaw Amendments:
Marijuana Establishments
7/29/2021, revised 9/7/2022**

Explanation: The purpose of these amendments is to address updated regulations of the Cannabis Control Commission (CCC), 935 CMR 500.000 “Adult Use of Marijuana,” effective January 8, 2021. The new CCC regulations amend definitions and establish new requirements for the delivery of marijuana. The changes below ensure compliance with applicable statutes and regulations.

A. Amend Section 1.3 (Definitions), by inserting new definitions and amending existing definitions, as follows (new texts is underlined, ~~text to be deleted is stricken through~~):

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 DELIVERY LICENSEE: either a Marijuana Courier or a Marijuana Delivery Operator 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 or 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 Transporter, Delivery Licensee 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.~~

B. 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
23.	<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>

Or take any action relative thereto



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LEICESTER PLANNING BOARD
PUBLIC HEARING NOTICE

Pursuant to MGL Ch. 40A, Sec. 5, the Leicester Planning Board will hold a public hearing to discuss proposed amendments to the Leicester Zoning Bylaws on **Tuesday, October 25, 2022**, starting at 7:00PM, or as soon thereafter as may be heard, in Meeting Room 3, Leicester Town Hall, 3 Washburn Sq., Leicester, MA. The subject matter of proposed amendments is as follows:

Amend Section 5.10 (Adaptive Reuse Overlay District) to clarify the purpose of the bylaw (section A), modify eligibility for conversion (section B), modify uses permitted by right and special permit (section D), and modify parking, dimensional, and other requirements (section E and F).

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.

Jason Grimshaw, Chair
Leicester Planning Board

To be published in the Worcester Telegram & Gazette on Tuesday, October 11, 2022 and Tuesday, October 18, 2022.

5.10. Adaptive Reuse Overlay District (AROD).

[Amended ATM 5/5/2008 and ATM 6/2/2020]

A. The purpose of the Adaptive Reuse Overlay District (AROD) is to:

- (1) Provide specific regulations allowing for the reuse of municipal, religious, and historic buildings and mill buildings in a way that promotes public health, safety and welfare and is in keeping with the adjacent character of the neighborhood.
- (2) Provide regulatory flexibility and intensification of use in municipal, religious, and historic buildings and mill buildings to prevent disinvestment or deterioration of buildings that have become obsolete for their original purposes.
- (3) Allow for the reuse of municipal, religious, and historic buildings and mill buildings as a means to increase the town's overall tax base, create employment opportunities and ensure efficient use of municipal services so as to not create a burden on these services.
- (4) Encourage the adaptive reuse of historic buildings where such reuse would more effectively promote, preserve, and enhance the architectural character of the surrounding neighborhood than would the redevelopment of the site following the demolition of these landmark structures.

B. Eligibility for Conversion

The following shall be eligible for conversion to those uses listed in Section D of this bylaw:

- (1) A municipal building located in any zoning district constructed more than sixty (60) years ago, if it was used for not less than fifteen (15) years for municipal use.
- (2) Any existing structure having not less than 10,000 square feet constructed more than sixty (60) years ago and historically part of a mill complex.
- (3) Any existing structure used for one or more of the following religious uses for not less than fifteen (15) years for religious use: churches, convents, schools, rectories, and parish halls.
- (4) Any existing structure of not less than 5,000 gross square feet constructed more than sixty (60) years ago and located within Leicester's Architectural Conservation District.

C. Scope of Authority

The AROD is superimposed over all the underlying zoning districts in the Town. Except as specified in this Section 5.10, the provisions of the underlying zoning districts shall remain in effect. The regulations of this overlay district shall govern reuse, reconstruction or expansion of those buildings eligible for conversion as described in Subsection B above. The Special Permit Granting Authority for an Adaptive Reuse Development (ARD) under this section shall be the Planning Board. ARDs Adaptive Reuse Developments which utilize any of the provisions of this Section 5.10 relative to use, parking, and/or dimensional controls shall require a Special Permit from the Planning Board. Applicants for Special Permits under this section shall submit plans in compliance with the Leicester Planning Board Rules & Regulations for Special Permit Applications.

D. Uses Permitted

(1) Uses allowed by right

The following uses ~~are~~ allowed by-right:

- a) Any uses permitted by right in the underlying zoning district in which the structure is located.
- b) Conversion of former municipal buildings to private medical or professional offices.

(2) Uses allowed by Special Permit

The following uses are allowed by Special Permit and subject to Site Plan Review:

- a) Senior Village Development residential uses, Adult Day Care ~~Facilities~~ Facilities, and Senior Village Community Centers as defined under Section 5.7.03
- b) Multi-family
- c) Professional or administrative offices
- d) Community recreational center or personal training centers
- e) Medical Clinic, Dental Office, Veterinarian Office, and Ancillary Offices and Facilities
- f) Community center or conference center with meeting rooms
- g) Studios for art, drama, speech, dance, or music
- h) Retail
- i) Indoor commercial recreation or health club
- j) Research and Development uses including ancillary office use and electronic and computer laboratories, but not including ancillary manufacturing, assembly, sale or resale or storage for sale or resale of any goods, items, or material
- k) Mixed-Use Development, Vertical Mix
- l) Mixed-Use Development, Horizontal Mix
- m) Brewery, Distillery, Winery
- n) Brew Pub
- o) Makerspace
- (p) Restaurant

(g) Bed and Breakfast

(3) Multiple or Mixed Uses: Any combination of uses allowed by right in Section D.(1), and uses allowed by Special Permit in Section D.(2), may be allowed provided they are compatible with each other and maintain the public health, safety and welfare of the community.

(4) Uses required by MGL c409A, Section 3, such as public and private non-profit religious and educational institutions are allowed in the AROD by right subject to Site Plan Review.

E. Parking Requirements

(1) For all new buildings and structures and for reuse or substantial restoration of existing buildings or structures within the AROD Adaptive Reuse Overlay District, the parking requirement of Section 5.1 of the Zoning Bylaw shall apply.

(2) The Planning Board shall be authorized to modify parking, loading requirements, dimensional requirements for off-street parking and loading areas; layout requirements and the number of required spaces in conjunction with the grant of a Special Permit pursuant to this Section 5.10. This provision shall only apply to uses in the AROD Adaptive Reuse Overlay District which are located in buildings or structures in existence as of the date of the adoption of this Section of the Leicester Zoning Bylaw. In determining the appropriate reduction, the Planning Board may give consideration to the hours of operation and/or usage of the proposed uses within the development, the opinions of merchants, residents and municipal officials as to the adequacy or inadequacy of parking spaces within the surrounding area, as well as other relevant information. The decrease in number of required spaces shall not create undue congestion, traffic hazards, or a substantial detriment to the neighborhood, and shall not derogate the intent and purpose of this bBylaw.

F. Dimensional and Other Requirements

(1) The Planning Board, by Special Permit, shall have the authority to waive or modify dimensional controls set forth in Section 4 of the Zoning Bylaw.

(2) The Site Development Standards for the underlying district are applicable. Where the underlying district does not have Site Development Standards, the standards for the Business (B) District shall apply. The Planning Board, through the ARD Special Permit, may allow for modifications of Site Development Standards where not feasible due to existing site constraints.

(3) For multi-family projects, the maximum number of dwelling units shall be established by the Planning Board after reviewing the following criteria:

- a) Existing structures
- b) Proposed method and efficacy of stormwater disposal
- c) Availability of water and sewer
- d) Trip generation, traffic safety and internal site traffic
- e) Character of the proposed ARDP and its relation to the surrounding neighborhood(s)

- f) Character of the existing buildings and the potential for reuse thereof
 - g) Applicability of the Water Resource Protection Overlay District
 - h) Reports of the technical consultants of the Planning Board and all other reviewing boards
- (4) Existing Buildings may be expanded provided that such expansion is consistent with the building's historic character and scale and does not cause substantial detriment. Additions shall only be constructed on the side and/or rear of any historic building.
- (5) New Buildings may be constructed on the ARD site provided that the number, type, scale, architectural scale, and uses within such new buildings shall be subject to Planning Board approval. For all new structures or buildings, the dimensional requirements of the underlying zoning district shall apply and, if applicable, to the extent that the dimensional requirements vary ~~depending~~dependent upon the use of the building, the pre- dominant use based upon gross floor area utilized shall govern.
- (6) All proposed signs shall comply with Section 3.2.07 of the Zoning Bylaw, except that if the building and land on which situated are located in a single family district (SA, R1, R2), the Planning Board may permit a sign of no larger than 10 square feet which identifies only the building and its occupants.
- (7) Proposed projects are encouraged to provide shared parking, bicycle and pedestrian accommodations, Low Impact Development and Best Management Practices as it pertains to Stormwater Management, consolidation of curbs cuts and driveways, and pervious surfaces/green space as much as may be practicable while also retaining the historic character of the site.

G. Standards for Approval

- (1) As a condition of any ~~Special P~~ permit for ~~the an ARD Adaptive Reuse Project~~ that proposes 10 or more multi-family dwelling units, a minimum of ten (10%) of the total number of dwelling units shall be required, in perpetuity, to be restricted to persons qualifying as moderate income in accordance with the Massachusetts Department of Housing and Community Development definitions of low and moderate incomes. This affordability requirement is recommended but not required for live-work spaces associated with makerspaces.
- (2) The proposed project preserves or enhances the historic significance of existing buildings on or eligible to be on the State or National Register of Historic Places and, where applicable, the eligibility of the same for listing on the State or National Register of Historic Places as an individual property or a contributing property to an area.
- (3) Any expansion of existing buildings on or eligible to be on the State or National Register of Historic Places is consistent with the U.S. Secretary of the Interior's Standards for Rehabilitation, as determined by the Leicester Historical Commission.
- (4) The project shall have sufficient local infrastructure to accommodate the proposed development.
- (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), ~~and~~

The Planning Board ~~SPGA~~ may attach such additional conditions and limitations to a Special Permit granted under this Section as may be necessary to protect the neighborhood surrounding the property, and as may be necessary to encourage the most appropriate use of the land and building to be converted.

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