

**Zoning Board of Appeals
Meeting Minutes**

Minutes of September 20, 2017

Hearing on the petition of Peter & Sharon Fischer of 71 Burncoat Lane, Leicester, MA for a Special Permit to extend a pre-existing nonconforming structure.

Members present: Vaughn Hathaway, Chair; Jim Buckley, Clerk; David Kirwan, David Orth

Alternate members present: Jim Reinke, Dick Johnston

In Attendance: Brian Green & Sandra Wilson, Board of Selectmen Liaison

Meeting called to order at 7:30PM

Instructions given on hearing procedures

Voting at tonight's meeting: Vaughn Hathaway, Jim Buckley, David Kirwan, David Orth and Jim Reinke

Mr. Buckley read the Notice, Application and letter from the Building Inspector into the record.

Submitted into evidence: Registered Plot plan, return receipts from the Certified Mailing to abutters

Correspondence received: None

Mr. Hathaway opened the hearing to the applicants to present their petition.

Peter & Sharon Fischer, property owners in attendance.

Mr. Fischer explained his engineer, Jay Dubois of DC Engineering, would be arriving late and he had the copies of the proposed plan, as well as, the return receipts from the Certified Mailing to abutters.

Mr. Fischer said they want to extend the house that would end up being 10-feet closer to the roadway boundary, but would remain within the setback.

Where the house currently sits on the property, the addition originally was going to be 4-inches closer on one side. They moved the addition in on each side to make it conform.

The addition would become a mudroom and an expansion of the kitchen.

Mr. Hathaway questioned the concern with the addition further encroaching and why there wasn't a request for a variance.

Mr. Fischer said the variance was for 4-inches, so they moved the addition in on each side to meet the setbacks and not need a variance.

Mr. Reinke asked if they measured from the gutter line or from the outside plane of the exterior wall.

Mr. Fischer thought it was the outside plane of the wall.

Mr. Buckley asked if the lot was on Town water & sewer.

Mr. Fischer said no, it was well and septic.

Mr. Hathaway explained the Board would not be making a motion until the Certified Mailing receipts were submitted.

Mr. Jason Dubois, DC Engineering arrived at 7:45PM.

He submitted the Certified Mailing receipts and copies of the proposed plot plan.

He reviewed the plan and explained cutting off 2-inches on each side of the new addition to avoid having to go for a variance and only having to request a special permit for the extension of a nonconformity.

Hearing no further discussion, Mr. Hathaway asked for a motion.

MOTION: Mr. Reinke moved to approve the petition of Peter & Sharon Fischer of 71 Burncoat Lane, Leicester, MA for a Special Permit to extend a pre-existing nonconforming structure.

SECONDED: Mr. Orth – Discussion: The Finding made was the proposed use is in harmony with the general purpose and intent of the Zoning Bylaw – VOTE: All in Favor

Instructions given on the appeal process and the filing of this Decision with the Registry of Deeds.

MOTION: Mr. Reinke moved to close the hearing.

SECONDED: Mr. Buckley – Discussion: None – VOTE: All in Favor

Meeting adjourned at 7:55PM

Respectfully submitted:

Barbara Knox

Barbara Knox

General Minutes

Approval of Minutes

July 19, 2017 – 40 Lake Sargent Drive

MOTION: Mr. Buckley moved to approve the minutes of July 19, 2017 with minor typo corrections

SECONDED: Mr. Kirwan – Discussion: None – VOTE: All in Favor

August 19, 2017 – 40 Lake Sargent Drive CONT

MOTION: Mr. Kirwan to approve the minutes of August 19, 2017 with minor typo corrections

SECONDED: Mr. Orth – Discussion: None – VOTE: All in Favor

Discussion

Ms. Sandra Wilson and Mr. Brian Green introduced themselves as the ZBA Liaisons to Board of Selectmen and the contact people for concerns or questions.

Mr. Hathaway expressed disappointment on the Board not being kept informed regarding Supreme Court results on appealed Decisions.

For example, the Board was never informed on the results to the appeal regarding 22 Pleasant Street front porch.

Ms. Wilson said she would check into that.

Board Appointment

MOTION: Mr. Kirwan moved to recommend appointing Jim Reinke as full member to the Zoning Board of Appeals

SECONDED: Mr. Orth – Discussion: None – VOTE: All in Favor

Hearing no further discussion, Mr. Hathaway asked for a motion to adjourn.

MOTION: Mr. Buckley moved to adjourn

SECONDED: Mr. Kirwan – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:05PM

Respectfully submitted:

Barbara Knox

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