Zoning Board of Appeals
Meeting Minutes

Minutes of June 4, 2014
Members present: David Orth, Chairman; Jim Buckley, Clerk; David Kirwan, Vaughn Hathaway
Alternate members present: Jim Reinke
In Attendance: Attorney Joseph Cove
Continued Hearing from May 19, 2014 on the petition of Matthew Schold of 77 Chickering Road, Spencer, Ma. for an Appeal of Decision by Inspector of Buildings to construct one (1) of three (3) multi-family dwellings as originally approved under a 1972 Variance on property located at 503 Stafford Street, Cherry Valley, Ma.
Meeting called to order at 7PM
The hearing was continued in order to get Attorney Joseph Cove, Town Counsel's opinion and that has been received.
Mr. Orth said the question and the reason the Building Inspector rejected the building permit was for abandonment of the existing permit, since nothing had been built in 27 years.
Mr. Orth asked if the applicant received a copy of Attorney Cove's opinion.
Mr. George Kiritsy, Attorney representing the applicant, said yes they received a copy. He noted he was submitting a Memorandum to the Board tonight.
Mr. Orth said the Board had not had the chance to read the memorandum.
Mr. Kiritsy understood that and explained the memorandum was his presentation put in writing. He asked, before turning discussion over to Attorney Cove, to recap from the previous hearing.
Mr. Orth agreed.

Mr. Kiritsy continued. On May 19th, they presented their appeal on the denial of the Building Inspector's building permit application for property located on Stafford Street.
In 1972, the Leicester ZBA issued a variance under the old zoning-enabling act. The variance, by its terms, contains no expiration or had automatic lapse.
The statute, in effect at the time, also did not provide an automatic lapse or termination by way of statute.

In the 1970s, the property owner then was granted a variance for construction of 4 multi-family buildings on the site. At that time, the rights under the variance were effectively exercised. The exercise of those rights in the 1970s permanently altered the use of the property and since then the property owners have had limited rights relative to the use of the land because they effectively sold the property under the original granting of the variance. The property can no longer now be used for industrial or commercial purposes, which is available under the Zoning Bylaws with Special Permit and the property also can't be used for commercial subdivision.

Mr. Kiritsy continued. In the mid 1980s, the property owner wanted to do additional work under the 1972 Variance for construction of a commercial building on the site. There was a question as to whether or not the variance was still valid and could be the basis of a building permit.

At that time, Attorney Cove was Town Counsel and claimed use of the property in the 1970s constituted an irrevocable exercise of their rights under the variance and that the permit should be granted. It concluded that the changes in the Zoning Law in the 1975 did not apply retroactively to the 1972 variance.

In 1987, the letter concluded that the rights under the variance had not been abandoned and that there was neither an act of abandonment nor intent to abandon. The letter also discusses the Hogan v. Hayes case, in which the court raises the issue as to whether or not a variance pre-1975 lapses after one year and whether or not the property owner, under a pre-1975 variance, still had rights years after the variance had been granted.

Mr. Cove concluded and the courts concluded, in that case, their rights had not expired and the courts did not specifically state whether or not the Zoning Act applied retroactively for variances issued prior to the Zoning Enabling Act.

Mr. Cove's letter went on to say, "The new statute destroyed wholesale by a retroactive application of Section 10 would appear quite drastic and hardly matches the text of that provision." The letter goes on to say "The court in the above case further held that filing a plan dividing the property was a sufficient exercise of rights under the variance to exempt the landowner from the one year limitation. The court did not choose to define what the term "exercised" means, but if the division of a parcel of land on a plan qualifies as an exercise of rights, then certainly the construction of half a multi-million dollar development is an adequate exercise of rights so as to exempt the property from the time limitations in Section 10."

Mr. Kiritsy felt what Mr. Cove letter stated in 1987 was that because they built half of a multi-million dollar project, it was sufficient exercise to render the exercise of rights irrevocable. The letter also stated the intention of abandonment, "something more than the suspension of business or cessation of activity on the property was required to find that the rights under the variance have been abandoned."

That rule was backed up with reference to a law article out of the University of Pennsylvania, where it talks about needing two things in order for abandonment. First, a voluntary completed affirmative act on the part of the owner of the nonconforming use, and second, the concurrence of an intent to abandon and some overt act or failure to act which implies abandonment.

The courts in 1990, almost word for word, adopted that standard Mr. Cove stated in his 1987 letter. In that case the courts said, first, to show the intent to abandon and two, the voluntary conduct which carries the implication of abandonment, which means there needs to be an attempt to abandon. There's never been an attempt to abandon here.

Mr. Kiritsy continued. At the last meeting, Mr. Richards explained to the Board as to what his efforts were on the site and how for the last decade, he has been trying to sewer the property. The site was originally assessed to be in a sewer district and the assessment funds were paid towards the design of public sewer and to provide sewer to the property. After they paid the assessment and the design was completed, they were voted out of the district.

Mr. Richards submitted an application to DEP for an onsite sewer treatment facility and DEP said they needed to exhaust all other possibilities in Town. He began talking with two other developers to consider and plan a pump station and force main for the transport of sewage to accommodate all the properties. That failed because the two other developers ended up abandoning their sites.
Mr. Richards revisited the request for an onsite sewer treatment facility with DEP and at that point, it was approved.

There's been no sitting on this because there have been applications before DEP for onsite sewer dating back to 2000. This site was always going to be developed, but the condition for a building permit was the ability to handle onsite sewers.

They felt the denial of the building permit by the Building Inspector was inappropriate and has to be reversed and that the variance in question, being a pre-1975 variance, did not lapse under the controlling statute. It did not lapse or expire according to its own terms. The rights under that variance were substantially and irrevocable exercised by the owners of the property in the 1970s and 1980s. That's their position today and exactly Mr. Cove's opinion in 1987 and there's nothing that's happened to change that.

The property owner, Mr. Richards, has been working on the sewer design and has never expressed an attempt to abandon this project. There's never been an act of abandonment and every application made to the State, the Sewer District and Building Inspector has been for an advancement of the rights under the original 1972 variance.

Mr. Kiritsy asked what the date was the variance lapsed or expired, or the expiration date of when the variance expired. In the reading of Mr. Cove's letter today, it didn't give a certain date that the variance lapsed. The reason for that was because the controlling statute didn't have those conditions or that language. What act was the Mr. Richards demonstrated or where he expressed the intent he was not building that site out?

Mr. Kiritsy felt to suggest the property owner had abandoned his rights by inaction was not based upon the facts before the Board.

In Mr. Cove's letter to the Board and in Mr. Kiritsy's Memorandum submitted tonight, a couple of issues were raised. One dealt with the Cornell v. Board of appeals of Dracut. That case was on a post-1975 variance and the court said it was lapsed, because Section 10 said it was lapsed. Cornell's argument was the courts have to equitably toll them and allow the variance. The courts said no, it has lapsed because Section 10 was clear on that.
The legislative history in Section 10 was designed to clear up the confusions on variances and after here, when passed, if not exercised, they lapse.

Mr. Kiritsy noted that the Board questioned at the last hearing, if pre 1972 variances ever expired. He explained there was a case that dealt with a pre-1975 Special Permit that had not been exercised for decades. The courts noted in that case that not only did they want to build under that permit; they wanted to change the original plan. The courts said no, and did not speculate whether or not, had the property owner come with identical plans that it still would have been rejected.

Mr. Kirwan said Mr. Richards purchased the property in 1992, and asked when was there an indication that the sewer system was failing?
Mr. Wayne Richards said he felt the system had always been in some state of failure from day 1. The property was previously owned by a corporation, Staffordshire Corporation and the original developers and owners were shareholders in that property. After he purchased the property, he continued with the development plans the previous owners were involved with, which was a remedy to replacing the septic system.

Mr. Kirwan asked when Mr. Richards obtained ownership did he know that he would be facing some type of septic issue. Mr. Richards said yes.
Mr. Kirwan asked if this problem had been worked on since Mr. Richards became the owner or was it in the works prior to ownership.
Mr. Richards said he took an active role in looking for remedies for the existing property and for the future development once he retained ownership.

Mr. Orth asked what type of system is currently being used. Mr. Richards said a septic system.
Mr. Hathaway said he keeps hearing that the septic system was always being worked on.
Mr. Richards said he knew it was in failure and there was work always being done on that system.
Mr. Hathaway asked if the work being done was to do with the existing problem or was the work being done in anticipation of constructing the additional buildings.

Mr. Kiritsy said all the applications applied for were to increase the capacity and was necessary for the existing structure. In Mr. Cove's most recent letter it says, "from the record facts, no further building permits were applied for since 1987". He felt that was not the case, because the original property owner applied for and received building permits in 1989. Whether or not they could have sewered the property or have built with the sewer being in some degree of failure, or could be built sufficiently and safely, is not known, because those permits were never acted upon.

It is known that since Mr. Richards has owned the property, there's been septic issues he has been trying to remedy in every attempt and to increase capacity. Not just for the site as it is, but for the site as it is permitted under the variance.

Mr. Reinke asked if the 1989 permit was for the three buildings. Mr. Kiritsy said yes, but right now, they were only applying for one of the three and in 1989 they applied and were approved for all three.

Mr. Orth asked if it was because of the septic system those three buildings were never built in 1989.
Mr. Kiritsy said that was not known and had to do with the prior owner.
He added that if Mr. Cove is suggesting that 1987 is the date the variance lapsed and 1989 the building inspector was still giving permits.
They are not saying to the Board, we have to be allowed to build, because we have been. They are saying to the Board, they know they have to apply for a new building permit, and the rights under the variance have not lapsed.

At this point, Mr. Orth informed the audience, who were present for the other Public Hearings schedule that, they will take place after the 7:00 hearing had concluded and subsequent ones after that.

Mr. Joseph Cove, Town Counsel asked if the property, at any time, had been under an Order of Compliance from DEP. Mr. Richards said yes.
Mr. Cove asked when that Order was issued.
Mr. Richards said it is pro-actively under an Order of Compliance because he pro-actively approached DEP. He didn't wait for DEP to approach him to tell him that the system had failed. He has been pro-actively maintaining the existing system to the best degree possible with the current technology that's there.
He pro-actively approached DEP to replace and expand the conventional system. He has pro-actively approached DEP for an onsite treatment plant.

Mr. Richards explained that they were stalled by the process of the Cherry Valley Sewer District, whose intentions were to install public sewers. So they waited through that process for 4 to 5 years, with the inability to do anything further. Then they were stalled by the fact that there were two other developments and DEP suggested they exhaust all options and combine municipal remedies.

Mr. Cove asked Mr. Richards if he could supply the Board with the history regarding the set of Orders on that property. Mr. Richards said it's all public record.
Mr. Cove asked Mr. Richards if he could supply a history, a synopsis of the Orders on the property. Mr. Richards said it's all public record.
Mr. Cove asked Mr. Kiritsy if he could provide a written summary.
Mr. Kiritsy said he was sure he could, but was also sure a Town Board would have a copy of those Orders. He asked Mr. Cove if he would provide him with a copy, being Town Counsel.
Mr. Cove said that's inefficient, the burden was on the applicant to provide that.

Mr. Cove continued. He asked if they could provide a copy of the current deed and DEP's authorization. Mr. Richards said yes he has copies of that. The only Administrative Order from DEP that's been given was just over a year ago. He has a permit from 2000 that was for essentially the same thing.
Mr. Cove asked if Mr. Richards was saying he was never notified of the system failure by DEP or the Board of Health.
Mr Kiritsy said Mr. Richards notified them.
Mr Cove asked when Mr. Richards notified DEP, was it in 1992.
Mr. Richards said he acquired the property in 1992.
Mr. Cove asked when Mr. Richards made the voluntary administrative finding with DEP on the Title 5. Who was notified and what was said?

Mr. Richards said they looked for replacing and expanding the current system. They have been maintaining the current system to the best of their ability, which has sufficed for the Board of Health and DEP. DEP has suggested that they no longer want the property on a septic system.
Mr. Cove said the existing system has an Order of Compliance against it by DEP. Were there any previous orders prior to that Order? Mr. Richard said no.

Mr. Cove asked if there were any administrative orders from the Board of Health.
Mr. Richard said no.
Mr. Cove asked if it were fair to say that they were able to apply for a building permit prior to that addition. Mr. Richard said no.
Mr. Kiritsy said they couldn't sewer the site and when applying for a building permit, the design of the system has to work. They have to propose an effective vehicle to deal with these sewers.

Mr. Richards said it has to be more than effective, it has to be financially feasible. They paid a lot of money in betterments that were levied against the property with the intension on providing sewer to the property.
Mr. Kiritsy said that was 15 years ago and Mr. Richards knew in order for him to build; he had to deal with the sewer issue.
The onsite sewer facility was just granted by DEP and expiration date is 2016. Once that got granted, Mr. Richards applied for a building permit.
The Building Inspector denies the permit and in his denial letter, in quotation marks, "it's abandoned", out of blue, no rationale, no date of abandonment, no date of lapse, it just says he can't build. After doing all the work getting the property sewered, he's told he can't build.

Mr. Orth asked as it stands today, would the existing system be able to support one more building. Mr. Kiritsy said no, but would be able to on the new permitted system.
Mr. Orth said if the Board was to reverse the Building Inspector's opinion, would Mr. Richards apply for a building permit tomorrow? Mr. Kiritsy said yes.

Mr. Orth noted building wouldn't be able to start until the onsite system is complete.
Mr. Kiritsy said they wouldn't start building until they got approval for a building permit.
Mr. Orth asked if they didn't get the building permit, would they keep the system as it is today.
Mr. Richards said the onsite system was nearly complete.
Mr. Cove asked for conformation that they had to have the new system for the existing buildings on the property. Mr. Kiritsy agreed it would service the existing buildings and the new building.

Mr. Cove felt it was important to understand the differences in degree and the differences in time. He explained that it was now 42 years away from the initial variance and 27 years away from last plan and 25 years away from the last building permit, which was never acted on.
It is the law a variance is to do with a land relation, as opposed to special permits, which are considered to be consistent with the zoning scheme and are built into the zoning system, subject to conditions issued by the permit granting authority.
When the rights of a variance, not pre-1972, are not acted upon, the rest of the neighborhood grows up as a Business-Residential 1 Zone without the presence of multi-family buildings.

Being twenty-seven years away from the last plan, the question has to be asked, what's been going on in the last 27 years with the septic system.
He would like to see the history of what's been going on with this property because a lot has happened in 27 years.

This is considered a case with a lapse in time following the original approval by 27 years, which is so significant that abandonment exists as a matter of law.

In a 2009 case the courts talked about equitable tolling. Mr. Cove explained that if a variance can't be exercised within the 1-year period, under Section 10 in the New Zoning Act effective January 1, 1976, the courts will listen to the reasonable explanation of why the variance was not acted upon within that 1-year period. That is what the courts call equitable tolling.

With this application, it's been 27-years and there have been some engineering difficulties and issues with the sewers, but in the course of 27 years, couldn't the developer have given a more reasonable explanation?

Mr. Cove continued. The big picture is that there's a zoning scheme in Leicester and in 1972, the Zoning Board at that time, chose to change and give special treatment to the property at Staffordshire Village and that was the rights the Zoning Board had at that time. Part of the development was built out, but for the last 27-years, nothing has happened, therefore, the zoning scheme went back to its status quo, to what it was in the beginning.

Today, acting upon this application, if the Board votes to affirm the denial, the property goes back to prior 1972 variance. If the Board reverses the Building Inspector, essentially it would be in violation of the zoning scheme. The neighborhood has grown up without 3 additional multi-family units and to reverse the Building Inspector today, what the Board would be saying is that the BR1 Zone does not merit continuity. There are numerous court cases which state that the primary object to zoning is consistency.

There is no clear law that says a pre-1976 variance had lapsed or once the variance has been met, the zoning is forever altered to that location, variances are not grandfathered.

Mr. Kirwan asked Mr. Cove the purpose for asking Mr. Richards to provide a history of what had been going on with the sewer system since 1992; and if the documentation could be provided showing that every 6 months this was done and that was done, up through a month ago; would that constitute not having abandoned the project and therefore, the view might be a bit different?
Mr. Cove said the issue here is the septic design and redesign needed to sustain the existing system that is currently serving the existing multi-families on the locus, had failed.
There is now a design to factor in an additional 3 buildings. If the impediment is because the existing system requires compliance, he wasn't sure if that qualifies.

Mr. Orth disagreed, because he did feel the developer attempted to do different things. He felt the reason the other three buildings weren't built was because there was no sub-structure to support the buildings.
Mr. Hathaway said the Building Inspector stated in his letter that the developer was only applying for one of those three other buildings.
Mr. Hathaway disagreed with that and felt they are essentially applying for all three.

Mr. Hathaway noted it wasn't said that they were only building one unit because the other two can't be supported by the enhanced septic system. He didn't think the Board could project and say the reason why the three weren't built was because the septic didn't allow it.

Mr. Hathaway continued. The abandonment was not the abandonment of the property, but the abandonment of the intent to build out the property as laid out in 1972 variance.
He understood now that the developer was saying one of three, being one of three additional. If there was a phasing plan from the beginning showing what the plan was and that it was held up because the septic wouldn't allow it, then he would have an easier time with this. But now we're here about one unit, 27 years later and if someone comes before the Board 100 years from now, will that 1972 variance still uphold.
Mr. Richards said the other two units will follow close behind.
Mr. Hathaway said that is not what is before the Board.

Mr. Kiritsy noted for the record that the developer was not abandoning the other buildings. This wasn't a give and take and then we'll go away.
Mr. Hathaway said he's hearing that now, after 27 years have elapsed, no one has ever heard that the project wasn't abandon.

Mr. Cove said this was what he was trying to get at, what was the excusable delay and can there be a detailed summary.
Mr. Kiritsy said the application is for one building now. The infrastructure or substructure is now in place to support this application and this application is right. It's right for construction because the facilities are appropriate for this structure and that's the reason the application was made now. It wasn't right until now.
As far as there was no evidence this was ever phased, in Mr. Cove's 1987 letter it states, "the development in general was contemplated as a phased-in development." This is a complete flip-flop with no rational basis, with nothing in writing saying the site was abandoned. It's simply time has passed and now you're done.

Mr. Cove said it's been 42-years; did the developer contemplate a 42-year phasing?
Mr. Kiritsy said it was contemplated as a phasing development when the infrastructure was available. That is what's been governing this and controlling this. In 2000, was this abandoned and if so, what was the date.

In 2000, Mr. Richards' applied to the State for an onsite treatment plant. Had the permit been granted then, they would have been in front of the building inspector applying to build then, but it wasn't available.

If any of the sewer solutions Mr. Richards tried pursuing in the last 27 years provided the remedy necessary to support the project, the application for the building permit would have been in place.
Mr. Richards said Mr. Cove has suggested the Variance would be degradation to the area. They have a 100-acre campus with about 1 unit per acre, which is totally consistent with the neighborhood. In 27 years, there have been zero changes in that neighborhood.
Mr. Cove explained that Massachusetts Case Law says that all variances from the Zoning Law are considered a degradation of the zoning scheme.

Mr. Kiritsy agreed with Mr. Cove's statement, but the law contemplates variances for situations of hardship, because the property needs a certain relief. Had there been no variance mechanisms, there would have been draconian results on the property owners.

Mr. Richards said what is allowed there now, is not consistent to the neighborhood, which is commercial, industrial, business. Something will be built on that property and that will be degradation to the neighborhood.
Mr. Kiritsy said if this property was abandoned, does that mean the rest of the property is opened up to put in a residential subdivision or will Mr. Cove say nothing can be done on that land because there's a variance.

Mr. Cove said there is no law that says a variance property can't be used for something else.
Mr. Richards said should he put commercial and industrial buildings there then? That would be degradation to the neighborhood.

Mr. Reinke asked under the Zoning Enabling Act that this was granted under, when the variance would have expired.
Mr. Cove said in his opinion, the variance had expired by abandonment.
Mr. Richards said not by the original letter.

Mr. Reinke said under Section 10 now, there is a clear definitive date from the time a decision is filed, and it's a year to start. Mr. Cove agreed.
Mr. Reinke said that is not afforded under the variance the developer has, under the controlling law his was granted under.
Mr. Hathaway said absence of a deadline date doesn't mean there never was one, it just means that there was an absence of one. The reason a deadline date is added now was to make it absolutely clear that there is a deadline.

Mr. Cove said variances prior to 1975 were built on an act of approval. Here there is something that is 42 years old and was degradation from the zoning scheme that was adopted by the Town.

When you get special treatment like that, you're given the rights to have a change of use for a period of time.
Over that period of time, lapse of 27 years, the entire neighborhood grows up around it without those multi-family buildings. In fairness to the existing neighborhood, the resources over a period of time and that special treatment, at some point in time stops.

Mr. Orth said he went onto Google Maps and took an aerial view of the area and he didn't see it was built up any more than it was in the 80s.
One question was, why ask for just one building and not all three if the septic system was going to be available.
Mr. Richards said a building permit technically expires in 6 months to construct. They are ready to build one building now and they have capacity for this building and all their buildings.

Mr. Orth said the next question was what will prevent someone coming back in 10-years asking for the second building and then in another 10 years ask for the third building.
Mr. Richards said they have all the infrastructure and technology in place and available now.

Mr. Richards noted Mr. Cove claiming that nothing has happened in 27-years. He'll say that Mr. Cove hasn't followed him around the last 27-years, while he's been working with DEP, Cherry Valley Sewer District and perk tests, and engineering and re-engineering again to the toon of hundreds of thousands of dollars, in addition to paying taxes

Mr. Cove said that would be interesting information put in a summary and given to the Board.
Mr. Kiritsy said the testimony was presented to the Board tonight.
Mr. Cove said it would be nice for the Board to have documentary evidence before them so they can use that in their deliberation.
Mr. Kiritsy said he has it written down since 1998.
Mr. Matt Schold said he had a lot of documented material.
Mr. Cove asked if he would provide copies to the Board. Mr. Schold said he would provide copies to the Board.

Mr. Hathaway said it would need to be evidence that would show the improvements and expansion of the system and the capacity of the system.
Mr. Kiritsy questioned who the engineer would be to decide whether or not the capacity is adequate and what was required was done. Mr. Richards has already testified that this has been applied for and was done.
Mr. Cove asked if they were afraid to submit that information.
Mr. Kiritsy said no they weren't. Mr. Cove felt it was something the Board should have.
Mr. Kiritsy felt it was dilatory.

Mr. Cove said it's been 27-years, what can be more dilatory than that. Mr. Kiritsy said they are desperate to get it into the ground. Mr. Cove said submit the information then.
Mr. Kiritsy said they already did. Is there really any doubt or, is it a matter of being dilatory saying fill my file full of 450 pages of sewer applications or does the Board truly doubt the applications were made.

Mr. Hathaway said he found it hard distinguishing the limiting of the existing problem versus the intent to continue the original building plan and separating out the two.
Mr. Richard said there is 100-acres of property there, does the Board feel that it should just stay vacant forever as a preserve. He didn't buy 100-acres to sit on it and do nothing, it's an incomprehensible thought.

Mr. Hathaway said he must be missing something, because even after these three buildings go in, there still will be 88-acres and felt that was not related to what was being discussed tonight.
Mr. Schold felt it was related and he has evidence that shows the expansion and the work done with DEP.
Mr. Cove felt that was information the Board should know.

At this point, Mr. Orth asked if there was anything new to be discussed or questioned.
Mr. Buckley said the variance from 1972 seems to be about time. Mr. Hathaway felt that it didn't mean it would last forever, it just meant there was no time limit put on it.
Now Town Counsel contention is that 27 years is too long and now becomes abandoned. Let's say the Board agrees that 27 years is too long. The owner now says he's been working on the septic issue for 15 years. He questions what the Board should do with that information. Is that time too long?

Mr. Hathaway was not sure if he can see the abandonment here, maybe if they never even started the project or built anything, because the variance was for this whole complex. They did start the complex and they built another strip mall. He's not saying what's been said is right or wrong, he's saying if there isn't anything concrete to go by, how does the Board say it's abandoned.
Mr. Orth agreed, at what point is something abandoned and what was the definition of abandonment. He was still not sure what abandonment meant other than total none use.

When the system failed, they were unable to build the remaining 3 units. He felt there was an effort to increase the capacity through 3 different sewer systems that all fell through. Even without the documentation, which he felt wasn't needed, there was a lot of time involved dealing with the State.
In his personal opinion, he felt this property was not abandoned and when he looks at the property and surrounding area, there was nothing that showed the area had changed.

Mr. Reinke agreed.
Mr. Orth said if there was nothing further to add, he would like to entertain a motion.
MOTION: Mr. Reinke moved to reverse the decision of the Building Inspector's denial of a building permit to construct one (1) of three (3) multi-family dwellings as originally approved under a 1972 variance on property located at 503 Stafford Street, Cherry Valley, Ma.
SECONDED: Mr. Buckley – Discussion: None
VOTE: 4 – In Favor / 1 Opposed (Mr. Hathaway)
The Building Inspector's Denial has been reversed.
Mr. Orth explained the Appeal process and the filing of this decision with the Registry of Deeds.

MOTION: Mr. Reinke moved to close the hearing
SECONDED: Mr. Kirwan – Discussion: None
VOTE: All in Favor

Meeting adjourned at 8:25PM
Respectfully submitted:
Barbara Knox
Barbara Knox

General Minutes

Mail / Correspondence received:

- Budget Reports from 9/30/2013 thru 3/31/2014
- Copy of a letter sent from the Leicester Historical Commission to EBI Consulting regarding Invitation to Comment regarding cell antennas on the steeple of First Congregational Church
- Planning Board Minutes of October 22, November 5 & December 3, 2013 and February 4, 2014.
- Building Inspector Monthly Reports from November 2013 thru April 2014
- Copies of the Agreements for Judgment in the matter of Brundige v Bourassa
- Request to comment from the Planning Board regarding Site Plan Review Application for Central Mass Crane Service.