



September 13, 2022

Jim Buckley, ZBA Chair  
3 Washburn Square  
Leicester, MA 01524

RE: Application of Stephen and Ryann Fontaine for Special Permit and Variance  
0 Pleasant Street, Leicester MA/ Assessor's Map Parcel ID 43-A6-0

**MEMORANDUM OF APPLICATION IN SUPPORT OF APPLICATION FOR  
SPECIAL PERMIT AND VARIANCE**

Dear Chair and Members of the Board:

Stephen and Ryann Fontaine (the "Applicants") are proposing to construct a single-family home (the "Project") at their 24.1769 acre property located at Pleasant Street, Leicester Massachusetts, identified as Assessor's Map Parcel ID 43-A6-0 (the "Property"). The Project is proposed with a gravel driveway extending from an existing driveway off Pleasant Street to the proposed home site toward the rear of the Property.

The Applicants are requesting the following: (1) a special permit for a Limited Frontage Lot, pursuant to Section 1.3, Limited Frontage Lot, of the Town of Leicester Zoning Bylaw ("Bylaw") and (2) a variance of 250ft of relief from the driveway length requirement of 500ft set forth in Section 1.3, Limited Frontage Lot of the Bylaw.

The reasons for the Applicants' appeal for relief relate to topography of their Property that limits the area which may be built upon. The Property has a steep slope, and the Applicants intend to site the proposed home towards the rear portion of the Property having a lower gradient. Accordingly, this would require a driveway longer than 500ft to access the structure. The Applicants seek to access the house by extending the existing driveway by 600ft. The existing driveway, which is 150ft in length currently, is along the portion of the Property containing 58.91ft of frontage along Pleasant Street, which has a significantly lower gradient and provides a safer access point onto Pleasant Street because of more favorable sight lines.

Additionally, the Property has an additional 125ft of frontage along Pleasant Street, but the topography of the Property does not allow the Applicant to access the Property along that section of frontage because it would not meet the grading requirements of the Fire Department, as the Property has a steep slope in that section. There is an existing utility pole, a fire hydrant and a curve in Pleasant Street that make turning onto Pleasant Street along that section of frontage

unsafe because of sight lines and would require relocating utilities and the fire hydrant to access the site at that location.

**SPECIAL PERMIT CRITERIA:**

Applicants are seeking a Limited Frontage Lot special permit, which allows a lot to be considered buildable if it has the minimum frontage of fifty (50) in the residential zones R1, R2, BR1 and SA, provided the lot area is at least equal to or greater than the required amount of area for said zone.

The Property has two sections of frontage along Pleasant Street: one containing 125ft and the other containing 58.91ft. The Applicants intend to access the house via the existing driveway located on the portion of the Property having 58.91ft of frontage and extending it an additional 600ft to reach the proposed site for the home. As shown on the plan, the Property contains 1,053,144 square feet of area, which is significantly greater than the required 80,000 square feet for the SA zone and exceeds the minimum frontage requirement of fifty (50) for Limited Frontage Lot.

In furtherance of the application for Special Permit, the Applicants state the following:

**A. APPROPRIATE LOCATION FOR THE USE.**

The residential use is allowed in both the SA and NB zoning districts. The Property is split zoned. A portion of the lot having frontage along Pleasant Street is zoned NB, while the remainder of the lot is zoned SA. The Applicants intend to site the home entirely within the SA district, which is keeping in harmony with the purpose and intent of the Bylaw. The site is appropriate for a residential use and is abutted by other single-family homes.

**B. ADEQUACY OF PUBLIC SEWERAGE AND WATER FACILITIES OR SUITABILITY OF SOILS FOR ON-LOT SEWAGE AND WATER SYSTEMS.**

Applicants are proposing a private well and septic system that will be sited based off soil analysis and percolation rates. The preliminary locations are shown on the attached plan. The Applicant does not intend to use public sewerage and water facilities.

**C. USE DEVELOPED AS POSSIBLE ADVERSE EFFECT ON THE NEIGHBORHOOD, UNDUE NUISANCE OR SERIOUS HAZARD TO VEHICLES OR PEDESTRIANS.**

The Property consists of approximately 24 acres. The SA zoning district requires a minimum lot area of 80,000 square feet and the Property lot area is 1,053,144 square feet. Additionally, the Project will meet all other dimensional requirements of the SA district. The Property is abutted by other residential uses. The home is designed to be sited to the rear of the Property away from immediate abutters. The Applicants intend to maintain existing, natural vegetative buffer where feasible. Further, the Applicants are proposing to access the Property from Pleasant Street at the existing curb cut and driveway and do not anticipate any traffic or pedestrian impacts along Pleasant Street.

**D. ADEQUATE FACILITIES TO ENSURE PROPER OPERATION OF THE PROPOSED USE, STRUCTURE OR CONDITION.**

The private sewerage, utilities and water facilities will be appropriately designed, including size and location, to service the residential use and proposed single-family home.

**STANDARD FOR VARIANCE**

The Applicants are seeking a variance of 250ft in relief from the driveway length requirement set forth in Section 1.3, Limited Frontage Lot of the Leicester Zoning Bylaw (“Bylaw”) to construct a driveway totaling 750ft in length. In support of their Application for Variance, the Applicants submit the following:

1. What is the hardship that would justify the granting of a variance?

Although the Property contains over 24 acres of land, the topography of the Property limits the amount of developable area of the Property. The Applicants are proposing to construct the house on the portion of the Property with a significantly lower gradient. The Property has a significant slope from the proposed house site towards Pleasant Street. The topography of the Property makes accessing the buildable portion of the lot from Pleasant Street across the 125ft of frontage impracticable and inconsistent with the Fire Department’s requirements for driveway grading. There is also a curve to the roadway that would make exiting onto Pleasant Street at that location unsafe because of unfavorable sight lines. The buildable portion of the Property is accessed in a safe manner and at lower gradient by extending the existing driveway to the buildable portion of the Property. These factors are therefore directly related to the topography of the Property and limit the potential feasible areas for the Project to rear of the Property where there is a lower gradient.

2. Describe how the literal enforcement of the provisions of the zoning bylaw would involve substantial hardship, financial or otherwise.

The Applicants seek to keep the residential structure as far up the slope as possible to minimize the effects of the slope and minimize the need for earth removal. They further desire to site the house to the rear of the Property to minimize any impact to immediate abutters and maintain the existing, natural vegetative buffer where feasible. A literal enforcement of the provisions of the Bylaw would prevent the construction of a driveway to access the residential home, resulting in a hardship to the Applicants.

3. Describe how a variance may be granted without substantial detriment to the public good and how a variance may be granted with respect to the intent or purpose of the zoning bylaw of the Town of Leicester.

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The Project is consistent with uses allowed in both SA and NB zoning districts. The Property is a large undeveloped parcel containing 1,053,144 square feet of area, which is significantly greater than the required 80,000 square feet for the SA zone. There are no homes abutting the rear lot line and there is a large water body close to the rear of the Property. The proposed home will be set well back from abutting homes and Pleasant Street with a large portion of the Property being left in an undeveloped, natural state. As a result, the Project is not detrimental to the public good and granting the requested relief for the driveway will not derogate from the intent or purpose of the Bylaw.

Thank you for attention and consideration of the requested relief.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer Beaton". The signature is fluid and cursive, written in a professional style.

Stephen and Ryann Fontaine  
By their Attorney, Jennifer Beaton