

SUPPLEMENTAL INFORMATION APPLICATION FOR SPECIAL PERMIT
1 BREEZY GREEN ROAD

- 1) Quitclaim Deed to David P & Alyssa J. Foy dated May 5, 2016, recorded in Worcester District Registry of Deeds Book 55289, Page 74, includes three separate parcels. -attached
- 2) Plan of Land of Leon C. & Helen F. Gould in Leicester, Mass dated January 15, 1962 recorded in Worcester District Registry of Deeds Plan Book 261, Plan 125. Note: Plan is endorsed by Planning Board under M.G.L.c. 41 Section 81 P (Approval Not Required) See Sheet 2. Note shows 163.16 feet of frontage on Breezy Green Road. - attached
- 3) Plan of Portion of Land in Leicester, Mass. Owned by Grace T. Garland, dated October 40, 1944 recorded in Worcester District Registry of Deeds Plan Book 134, Plan 96. Note: Shows 92.30 feet of frontage on roadway now known as Wesley Drive - attached.
- 4) Definition Limited Frontage Lot- attached
- 5) M.G.L.c Chapter 41 Section 81 O - attached
- 6) M.G.L.c. Chapter 41 Section 81 P- attached
- 7) By-Law Exception For Non-Conforming Lots- attached
- 8) M.G.L.c. 40A Section 6- attached
- 9) Revised Plot Plan showing separate driveways- attached.



2016 00045635

Bk: 55289 Pg: 74

Page: 1 of 4 05/05/2016 02:44 PM WD

QUITCLAIM DEED

I, Marilyn Joseph, Conservator of the property of Hanna Joseph, under License to Sell Worcester Probate Court Docket Number: WO15P3834PM of Leicester, Worcester County, Massachusetts, for consideration paid and in full consideration of Two Hundred Thousand and .00/100 (\$200,000.00) Dollars, grant to David P. Foy and Alyssa J. Foy, Husband and Wife Tenants by the Entirety, of 241 Pine Street, Leicester, Massachusetts, with ***quitclaim covenants***, the land in Leicester, Worcester County, Massachusetts, bounded and described as follows:

Three certain parcels of land in Leicester, Worcester County, Massachusetts, together with the structures thereon, said premises being together known as and numbered 2 Breezy Green Road, Leicester, Massachusetts and being more fully described in the descriptions of each of the said parcels more particularly described as follows:

PARCEL 1

BEGINNING at a point, said point being about 697.23 feet N. 89° 33' 08" E. from Pleasant Street;

THENCE N. 89° 33' 08" E. 20.39 feet to a stone wall;

THENCE S. 89° 0' 12" E. 568.33 feet along said wall to a point;

THENCE S. 19° 56' 21" W. by land now or formerly of Gould 419.30 feet to a point;

THENCE N. 78° 44' 37" W. by said land now or formerly of Gould 394.59 feet to a point;

THENCE N. 08° 53' 10" E. by land now or formerly of Bailey 68.32 feet to a point;

THENCE N. 81° 06' 50" W. by said land now or formerly of said Bailey 100 feet to a point;

THENCE N. 08° 53' 10" E. by other land now or formerly of said Gould 235.48 feet to the point of beginning.

Said Parcel 1 contains 4.2 acres, more or less, and is shown as land "To be deeded to E.P. LeVeon Jr." on "Plan of Land of Leon C. and Helen F. Gould in Leicester, Mass." Dated January 15, 1962 by William C. Taylor Associates recorded with Worcester Deeds, Plan Book 261, Plan 125.

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 001
Date: 05/05/2016 02:44 PM
Crl# 153642 24542 Doc# 00045635
Fee: \$912.00 Cons: \$200,000.00

1 Breezy Green Road, Leicester, MA 01524

4

PARCEL 2

BEGINNING at the northeasterly corner of the land described in a deed given by Raymond B. Cattell to Francis H. Bailey and Louise E. Bailey dated May 29, 1944, recorded in the Worcester District Registry of Deeds, Book 2918, Page 596, which point of beginning is in the westerly line of Strawberry (otherwise spelled Strawbury) Hill Road about 170.2 feet south of the southerly line of Rogers Road as shown on a plan of Breezy Green Estates dated May 5, 1942 by J. E. Barnes, C. E.;

THENCE in a southerly direction and along the said westerly line of said Strawberry Hill Road a distance of about 110 feet by other land now or formerly of Francis H. Bailey and Louise E. Bailey;

THENCE continuing southerly in the same course about 13 feet to land conveyed by Leon C. Gould et ux to Charles E. McMullin et al;

THENCE at about a right angle easterly about 320 feet to the westerly line of lot 51 on said plan;

THENCE at about a right angle northerly by said line of said lot 51 about 100 feet;

THENCE continuing northerly by the westerly line of lot 52 on said plan about 23 feet;

THENCE at about a right angle westerly about 100 feet;

THENCE continuing in the same course westerly by land of the Grantor about 220 feet to the point of beginning;

Being lots 33 and 38 and a strip of land about 23 feet wide from the southerly sides of lots 34 and 37 as shown on said plan, and also two strips of land, each 40 feet wide and 123 feet long, marked on said plan as Strawberry Hill Road and Cary Hill Road.

Also granting to the Grantee, his heirs and assigns a right of way for all street purposes in and over Strawberry Hill Road as shown on said plan southerly to Hillcrest Road and thence westerly in and over Hillcrest Road as shown on said plan to Pleasant Street.

Also granting all of my right, title and interest, if any, in and to a strip of land 110 feet long lying southerly of the premises conveyed by said deed recorded Book 2918, Page 596, and lying northerly of lot 21 on said plan.

PARCEL 3

BEGINNING at a point in the easterly line of Breezy Green Road at land of one Bailey;

THENCE S. 81° 15' E. by said Bailey land 440 feet to land of one Gould;

THENCE N. 8° 45' E. by said Gould land 233.75 feet;

THENCE S. 89° 55' E. 29.41 feet by said Gould land;

THENCE N. 0° 30' E. 75 feet by land now or formerly of one Garland along the center of a stone wall;

THENCE N. 89° 30' W. by said Garland land 420 feet to the easterly line of Garland Road;

THENCE S. 36° 10' W. by the easterly line of Garland Road, 92.30 feet;

THENCE S. 8° 45' W. by the easterly line of Breezy Green Road 166.4 feet to the point of beginning.

Containing about 145,536 square feet of land.

All of said courses and distances are more or less.

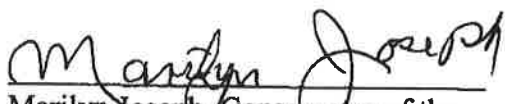
For the Grantor's title see the following deeds:

1. from Frank M. McGauley dated August 23, 1940, recorded in said Deeds, Book 2788, Page 146;
2. from Leslie H. Gale dated August 18, 1944, recorded in said Deeds, Book 2926, Page 257;
3. from Grace F. Garland, dated December 4, 1944, recorded in said Deeds, Book 2940, Page 78.

See the following plans recorded in said Deeds: Plan Book 47, Page 51; Plan Book 134, Plans 6 and 96 and 97.

All three tracts being the same premises conveyed in a deed from Edward P. LeVeen, Jr. to Hanna J. Joseph dated October 10, 1984 and recorded in the Worcester District Registry of Deeds in Book 8410, Page 149.

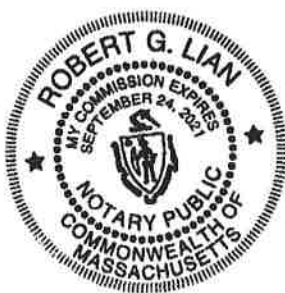
Witness my hand and seal this 5th day of May, 2016.



Marilyn Joseph, Conservator of the
Property of Hanna Joseph

COMMONWEALTH OF MASSACHUSETTS

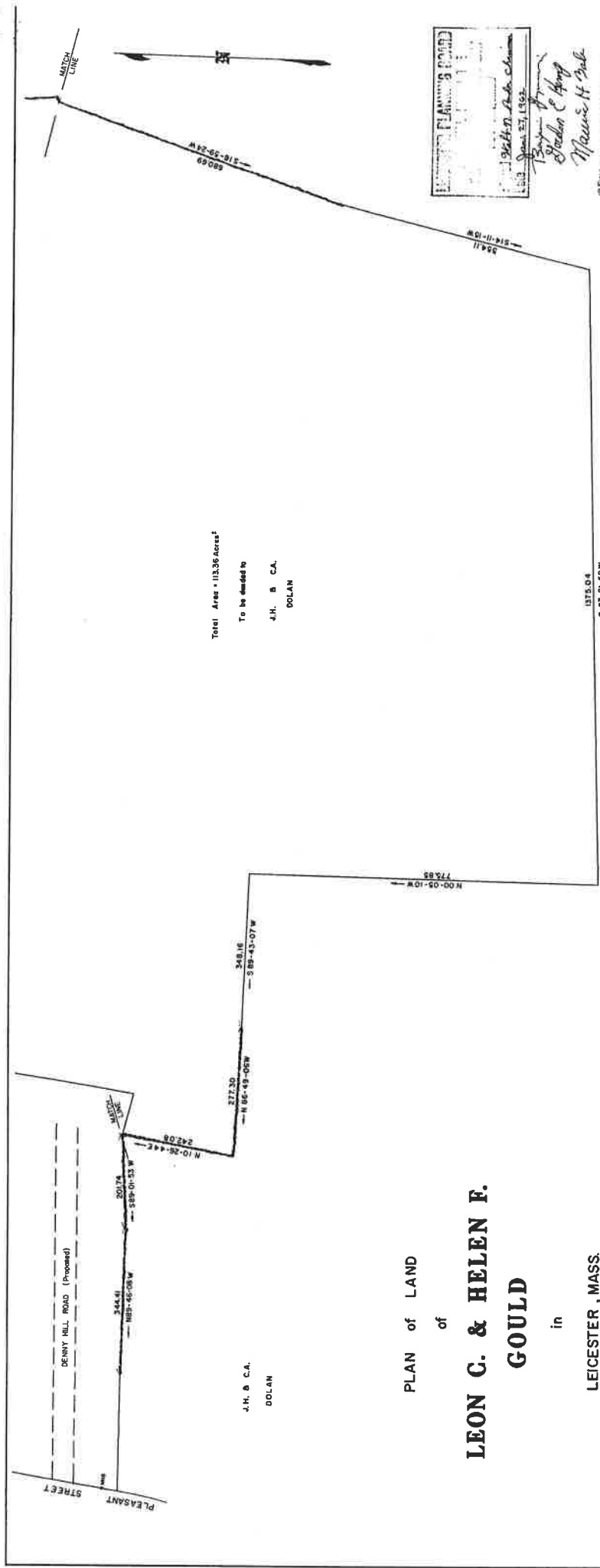
Worcester, ss.

On this 5th day of May, 2016, before me, the undersigned notary public, personally appeared Marilyn Joseph, Conservator of the property of Hanna Joseph, proved to me through satisfactory evidence of identification, which was personally known to me to be the person whose name is signed on the preceding, and acknowledged to me that she signed it voluntarily for its stated purpose.




Notary Public, Robert G. Lian
My Commission Expires: 9/24/21

ATTEST: WORC. Anthony J. Vigliotti, Register



Total Area = 113.36 Acres?
To be divided to
J.H. & C.A.
DOLAN

J.H. & C.A.
DOLAN

PLAN of LAND
of
**LEON C. & HELEN F.
GOULD**
in
LEICESTER, MASS.

SCALE: 1" = 100'
JANUARY 15, 1962



WILLIAM C. GOULD
HELEN F. GOULD
REGISTERED ENGINEERS & LAND SURVEYORS
COMMONWEALTH OF MASSACHUSETTS

WORCESTER DISTRICT REGISTRY
OF DEEDS-WORCESTER, MA
PLANBOOK 26 PLAN 125
RECORDED 11/15/62
SHEET 1 OF 1
ATTEST: *[Signature]*

This plan is not a Subdivision, but a certification of a plan titled "PLAN OF BREEZY GREEN ESTATES LEICESTER, MASS. by J.E. BARNES - MAY 5, 1945."

SEAL IN PRESENCE OF THE BUREAU

Plan of ⁱⁿ Portion of Land

Leicester, Mass.

Owned by

Grace F. Garland

Scale - One inch = 50 Ft.

October 30, 1944

Joseph Swartz Civil Engr.
37 Derby St Worcester, Mass.

31 Derby St Worcester, Mass.

WILSON DISTRICT PRECINCT
OF NEWPORT, MA

OF BUREAU OF POSTS AND TELEGRAPHS

139 96

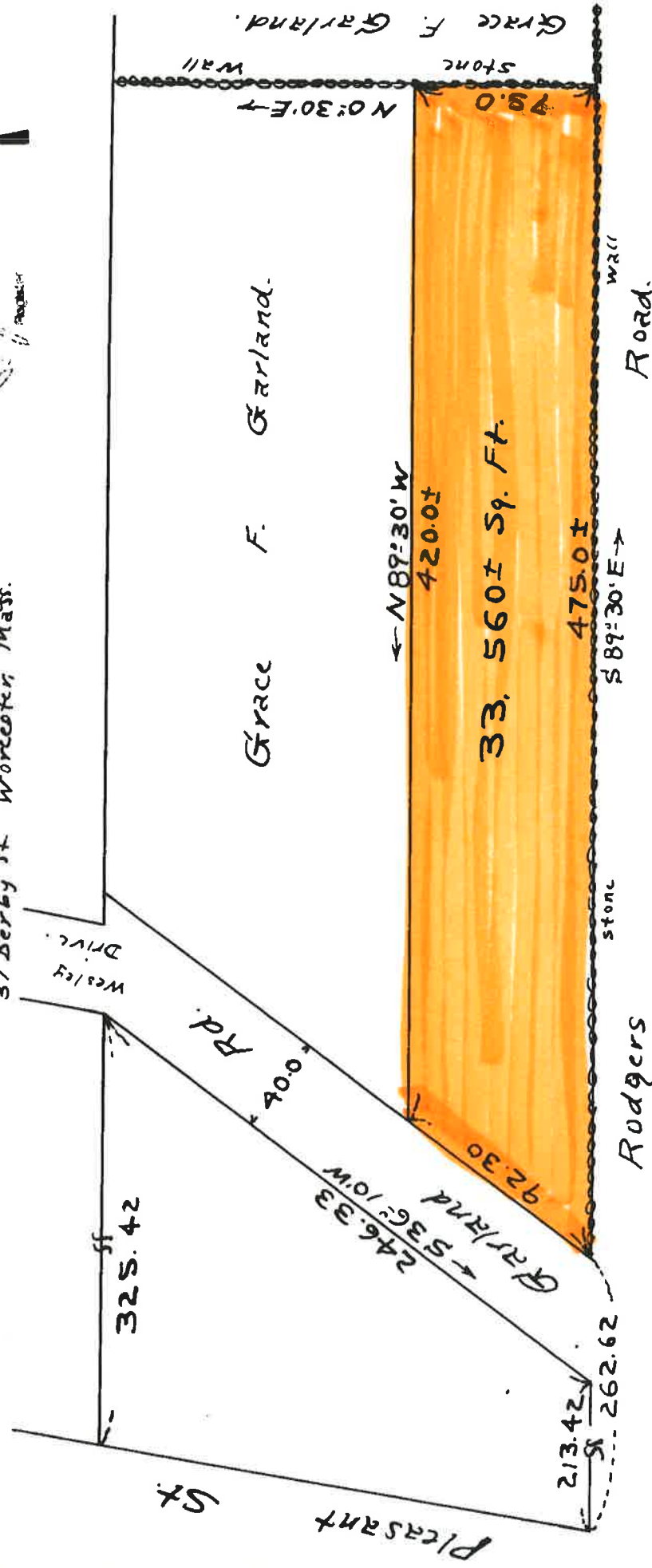
Dec. 9, 1994

11 256 2 A

1997

Arthur H. Hays

11-2000



CLEAN FILL- Clean fill shall be friable soil containing no stumps or roots greater than 4" in diameter and shall not contain concrete, brick, asphalt, metal or other trash or debris and shall be free of contamination as defined by the Massachusetts Department of Environmental Protection (DEP).

CONTRACTOR'S YARD- A lot used by an individual building contractor or sub-contractor for storage of equipment (including commercial landscaping equipment), supplies, and sub-assemblies, or parking of registered construction vehicles.

DRIVE-IN ESTABLISHMENT- The term "drive-in" includes drive in eating establishments where food is purchased from a building on the lot but is consumed in the vehicle or off the lot; and drive in service establishments such as banks, a car wash, or similar business establishments where patrons conduct business without getting out of their vehicle.

DWELLING- A building erected for occupancy as a place of continuous residence for an individual or family, or designed for such occupancy on a site intended as the permanent location of such a building.

FAMILY CHILD CARE HOME- a family childcare home or large family childcare home, as defined in MGL Chapter 15D, Section 1A and regulated by MGL Chapter 40A, Section 3.

FARMERS' MARKET- A temporary market, usually held out-of-doors, where farmers can sell their produce, other edible farm products, flowers, preserves and similar products to the public. Products at such markets should be locally and/or regionally grown. Farmers' Markets shall not include the construction of permanent structures and are limited to no more than 52 total days per calendar year. Written approval of the property owner is required. All signs, trash and debris shall be removed from the site upon the termination of the activity. Farmers' Markets must be located on a site with adequate ingress and egress and sufficient parking as determined by the Zoning Enforcement Officer. Farmers' Markets are subject to regulation by the Board of Health. The Board of Selectmen may adopt Farmers' Market Rules and Regulations.

GASOLINE STATION – a commercial gas station providing fuel to primarily passenger vehicles, not to include vehicle service or repair.

HEN – An egg-bearing chicken or female chicken beyond 16 weeks of age

HOME OCCUPATION- An accessory use which by custom has been carried on entirely within a dwelling or accessory building unit and is incidental and subordinate to the dwelling use. Such use shall not in any manner change the residential character of the building or premises, except as provided under Section 6.4.02 of this By-Law.

INTENSITY REGULATIONS- Regulations relating to the size of a lot and to the spacing of buildings upon the lot.

KENNEL, COMMERCIAL- The owning, boarding or housing of dogs three months old or over for the purpose of breeding, grooming, boarding, sale, training, or any other use which is considered to be part of a commercial business, whether or not operating for profit. Any kennel or other structure used by dogs shall be no closer than 50 feet to any lot line and no closer than 75 feet to any existing dwelling located beyond any lot line. A commercial kennel shall be located in a separate structure not used for human habitation. In accordance with Leicester's General By-laws and Massachusetts General Law, a kennel license is required for this use. Disposal of animal waste must comply with state and local board of health regulations as applicable.

KENNEL, PRIVATE- The keeping of more than three (3) dogs three months old or over owned or kept by a person on a single premise for the private use of the owner for show, hunting, or domestic pets and not for the purpose of breeding, grooming or any other use which is considered to be part of a commercial business. The keeping of more than six (6) dogs for any purpose shall be considered a commercial kennel for the purposes of this zoning bylaw, except that a separate structure is not required. In accordance with Leicester's General Bylaws and Massachusetts General Law, a kennel license is required for this use. Disposal of animal waste must comply with state and local board of health regulations as applicable.

LIVESTOCK - animals raised for domestic use including horses, cattle, goats, sheep, llamas, donkeys, chickens, geese, ducks, turkeys, rabbits, and other similar animals kept for food or labor excluding swine and fur-bearing animals.

✓ **LIMITED FRONTAGE LOT-** By Special Permit from the Zoning Board of Appeals, a lot may be considered a build-able lot if it has a minimum frontage of fifty (50) feet in the residential zones R1, R2, BR1 and SA, provided that the lot area is at least equal to or greater than the required amount of area for said zone. No part of the lot between the front line of the building and the street line may be less than fifty (50) feet in width. All other dimensional requirements of the district on which the lot is located shall be met. Any additional division of said

parcel of land would be subject to the subdivision regulations in existence at the time. Access must be across the front of the lot and in accordance with the Zoning By Laws of the Town of Leicester. The driveway to the dwelling on the lot shall not be more than 500 feet in length and must be gravel if not paved and installed in accordance with the Town of Leicester Zoning Bylaws. The provisions of this Section shall not apply to any lot shown on a definitive subdivision plan under M.G.L. c41, sec 81(O) or to a lot which being owned in common with other lots could be configured to conform to the dimensional requirements of the zoning district.

LOT- A single or continuous parcel of land held in the same ownership throughout.

LOT, CORNER- A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines, or in the case of a curved street, extended lot lines, being not more than 135 degrees.

LOT, DEPTH- The mean horizontal distance between the front lot line and the rear lot line.

LOT, FRONTAGE: The continuous distance measured along the front lot line between the points of intersection of the side lot lines with the front lot line.

LOT, FRONTAGE, STREET- A street which provides the required lot frontage for a building and the primary access to the lot. The principal permitted building on the lot shall be numbered on such frontage street. When a lot is bounded by more than one street, any one of them, but only one, may be designated as the frontage street by the owner, provided that the street meets the frontage requirement. When a lot is bounded by another municipality, the principal permitted building in Leicester must be numbered on a street within Leicester and gain access from said street. (See definitions of ACCESS and STREET)

LOT, NONCONFORMING- A lot lawfully existing at the effective date of this by-law, or any subsequent amendment thereto, which is not in accordance with all provisions of this by-law.

LOT, WIDTH- The width measured along a straight line so placed as to constitute the minimum distance between the side lot lines and upon which no point shall be closer than the required setback to the street.

LOT LINE, FRONT- The property line dividing a lot from a street (right of way). On the corner lot the owner shall designate one street line as the front lot line.

LOT LINE, REAR: The lot line opposite from the front lot line.

LOT LINE, SIDE: Any lot line not a front or rear lot line.

MAKERSPACE: a collaborative incubator workspace for making, learning, exploring in a variety of artistic, industrial, or light industrial activities such as machining, plasma cutting, sandblasting, ventilated painting, forging, casting, ceramics, and various other industrial processes. Such workspace may include a variety of low-tech and high-tech tools and equipment including but not limited to 3D printers, laser cutters, cnc machines, soldering irons, blacksmith equipment, and woodworking machinery. Makerspaces may include training and educational activities, including training related to vehicle repair, and may also include live-work spaces. *[new ATM 6/2/2020]*

MAXIMUM BUILDING COVERAGE- Maximum building coverage shall be computed as the percentage of the total lot area which may be covered by all principal and accessory buildings and structures.

MARIJUANA: Marijuana or Marihuana means all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided that "Marijuana" shall not include: (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) hemp; or (3) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes marijuana products except where the context clearly indicates otherwise.

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. [October 26, 2021]

Part I	ADMINISTRATION OF THE GOVERNMENT
Title VII	CITIES, TOWNS AND DISTRICTS
Chapter 41	OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS
Section 81O	REGULATION OF NEW SUBDIVISIONS

Section 81O. No person shall make a subdivision of any land in any city or town in which the subdivision control law is in effect unless he has first submitted to the planning board of such city or town for its approval a plan of such proposed subdivision, showing the lots into which such land is to be divided and the ways already existing or which are to be provided by him for furnishing access to such lots, and the planning board has approved such plan in the manner hereinafter provided. After the approval of a plan the location and width of ways shown thereon shall not be changed unless the plan is amended accordingly as provided in section eighty-one W; but the number, shape and size of the lots shown on a plan so approved may, from time to time, be changed without action by the board, provided every lot so changed still has frontage on a public way or way shown on a plan approved in accordance with the subdivision control law of at least such distance, if any, as is then required by ordinance or by-law of said city or town for erection of a building on such lot, and if no distance is so required, has such frontage of at least twenty feet.

A plan shall be submitted under this section when delivered at a meeting of the board or when sent by registered mail to the planning board. If so mailed, the date of receipt shall be the date of submission of the plan.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title VII	CITIES, TOWNS AND DISTRICTS
Chapter 41	OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS
Section 81P	APPROVAL OF PLANS NOT SUBJECT TO CONTROL LAW; PROCEDURE

Section 81P. Any person wishing to cause to be recorded a plan of land situated in a city or town in which the subdivision control law is in effect, who believes that his plan does not require approval under the subdivision control law, may submit his plan to the planning board of such city or town in the manner prescribed in section eighty-one T, and, if the board finds that the plan does not require such approval, it shall forthwith, without a public hearing, endorse thereon or cause to be endorsed thereon by a person authorized by it the words "approval under the subdivision control law not required" or words of similar import with appropriate name or names signed thereto, and such endorsement shall be conclusive on all persons. Such endorsement shall not be withheld unless such plan shows a subdivision. If the board shall determine that in its opinion the plan requires approval, it shall within twenty-one days of such submittal, give written notice of its determination to the clerk of the city or town and the person submitting the plan, and such person may submit his plan for approval as provided by law and the rules and

regulations of the board, or he may appeal from the determination of the board in the manner provided in section eighty-one BB. If the board fails to act upon a plan submitted under this section or fails to notify the clerk of the city or town and the person submitting the plan of its action within twenty-one days after its submission, it shall be deemed to have determined that approval under the subdivision control law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith the city or town clerk shall issue a certificate to the same effect. The plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the planning board, or in case of the certificate, by the city or town clerk, to the person submitting such plan. The planning board of a city or town which has authorized any person, other than a majority of the board, to endorse on a plan the approval of the board or to make any other certificate under the subdivision control law, shall transmit a written statement to the register of deeds and the recorder of the land court, signed by a majority of the board, giving the name of the person so authorized.

The endorsement under this section may include a statement of the reason approval is not required.

operation would cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics from the existing nonconforming use or from any permitted use in the district under question.

1.4.02 ALTERATION AND EXTENSION OF NONCONFORMING STRUCTURES OR USES:

1.4.02.1 General

Except where alteration, reconstruction, or extension of a single-family or two-family residential structure would not increase the nonconforming nature of said structure (see Section 1.4.02.2), a nonconforming structure or use shall be altered, extended, or reconstructed only upon issuance of a special permit by the Zoning Board of Appeals. No such alteration, reconstruction, or extension shall be permitted unless the Zoning Board of Appeals finds after a public hearing that such alteration, reconstruction, or extension would not be substantially more detrimental to the neighborhood than the existing nonconformity.

1.4.02.2 One Family & Two Family Dwellings

Notwithstanding any other provisions of these Bylaws, alteration, reconstruction, extension or structural change (collectively "alteration") of a pre-existing, nonconforming single-family or two-family residential structure will be deemed not to increase the nonconforming nature of such a structure, and shall be permitted as of right, if:

- a.) the structure is located on a conforming lot, and the proposed alteration will comply in all respects with the By-laws, specifically the requirements for front setback, side and rear setbacks, building coverage, lot coverage, maximum floors and maximum heights; or
- b.) the structure is located on a legally nonconforming lot, and the proposed alteration will retain the structure's existing footprint; or
- c.) the structure is nonconforming solely because of insufficient lot frontage or lot area, or both, and the proposed change shall meet all dimensional requirements for front setback, side and rear setbacks, building coverage, lot coverage, maximum floors and maximum height.

1.4.03 RESTORATION-

If any nonconforming structure is damaged by fire or other causes to the extent of more than fifty percent of its replacement value, it shall not be repaired or rebuilt unless such restoration is begun within one year from the time of the damage or destruction.

1.4.04 ABANDONMENT-

Any nonconforming use of a structure or lot which has been discontinued abandoned or not used for a continuous period of two or more years shall not be used again except for a conforming use.

1.4.05 OTHER-

Where not addressed in this section 1.4 or elsewhere in Leicester's Zoning Bylaw, non conforming lots, uses, and structures shall be regulated as provided in Massachusetts General Laws, Chapter 40A, Section 6.

1.5. ACCESSORY BUILDINGS

1.5.01

No accessory building or structure shall be located in the space extending for the full width of the lot between the front line of the nearest building wall and the front lot line unless otherwise provided for under Sec.6.4.02 of this by-law. No accessory building shall be located in any side yard area nearer to the side lot line than ten (10) feet, or in a rear yard area nearer the rear lot line than ten (10) feet, or nearer to another principal or accessory building than ten (10) feet.

1.5.02 SWIMMING POOLS-

Swimming pools will be considered as an accessory use for the purpose of this by- law and all dimensional requirements will come under this section.

1.6 CORNER CLEARANCE

Within the area formed by the lines intersecting streets and a line joining points on such lines twenty-five (25) feet distant from their point of intersection or, in the case of a rounded corner, the point of intersection of their tangents, no structure and no foliage shall be maintained between a height of three (3) feet and a height of eight (8) feet above the plane through their curb grades.

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40A** ZONING**Section 6** EXISTING STRUCTURES, USES, OR PERMITS; CERTAIN
SUBDIVISION PLANS; APPLICATION OF CHAPTER

Section 6. Except as hereinafter provided, a zoning ordinance or by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or by-law required by section five, but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the nonconforming nature of said structure. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by

ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. This section shall not apply to establishments which display live nudity for their patrons, as defined in section nine A, adult bookstores, adult motion picture theaters, adult paraphernalia shops, or adult video stores subject to the provisions of section nine A.

A zoning ordinance or by-law shall provide that construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not more than 12 months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

A zoning ordinance or by-law may define and regulate nonconforming uses and structures abandoned or not used for a period of two years or more.



Any increase in area, frontage, width, yard, or depth requirements of a zoning ordinance or by-law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand square feet of area and fifty feet of frontage. Any increase in area, frontage, width, yard or depth requirement of a zoning ordinance or by-law shall not apply for a period of five years from its effective date or for five years after January first, nineteen hundred and seventy-six, whichever is later, to a lot for single and two family residential use, provided the plan for such lot was

recorded or endorsed and such lot was held in common ownership with any adjoining land and conformed to the existing zoning requirements as of January first, nineteen hundred and seventy-six, and had less area, frontage, width, yard or depth requirements than the newly effective zoning requirements but contained at least seven thousand five hundred square feet of area and seventy-five feet of frontage, and provided that said five year period does not commence prior to January first, nineteen hundred and seventy-six, and provided further that the provisions of this sentence shall not apply to more than three of such adjoining lots held in common ownership. The provisions of this paragraph shall not be construed to prohibit a lot being built upon, if at the time of the building, building upon such lot is not prohibited by the zoning ordinances or by-laws in effect in a city or town.

If a definitive plan, or a preliminary plan followed within seven months by a definitive plan, is submitted to a planning board for approval under the subdivision control law, and written notice of such submission has been given to the city or town clerk before the effective date of ordinance or by-law, the land shown on such plan shall be governed by the applicable provisions of the zoning ordinance or by-law, if any, in effect at the time of the first such submission while such plan or plans are being processed under the subdivision control law, and, if such definitive plan or an amendment thereof is finally approved, for eight years from the date of the endorsement of such approval, except in the case where such plan was submitted or submitted and approved before January first, nineteen hundred and seventy-six, for seven years from the date of the endorsement of such approval. Whether such period is eight years or seven years, it shall be extended by a period equal to the time which a

city or town imposes or has imposed upon it by a state, a federal agency or a court, a moratorium on construction, the issuance of permits or utility connections.

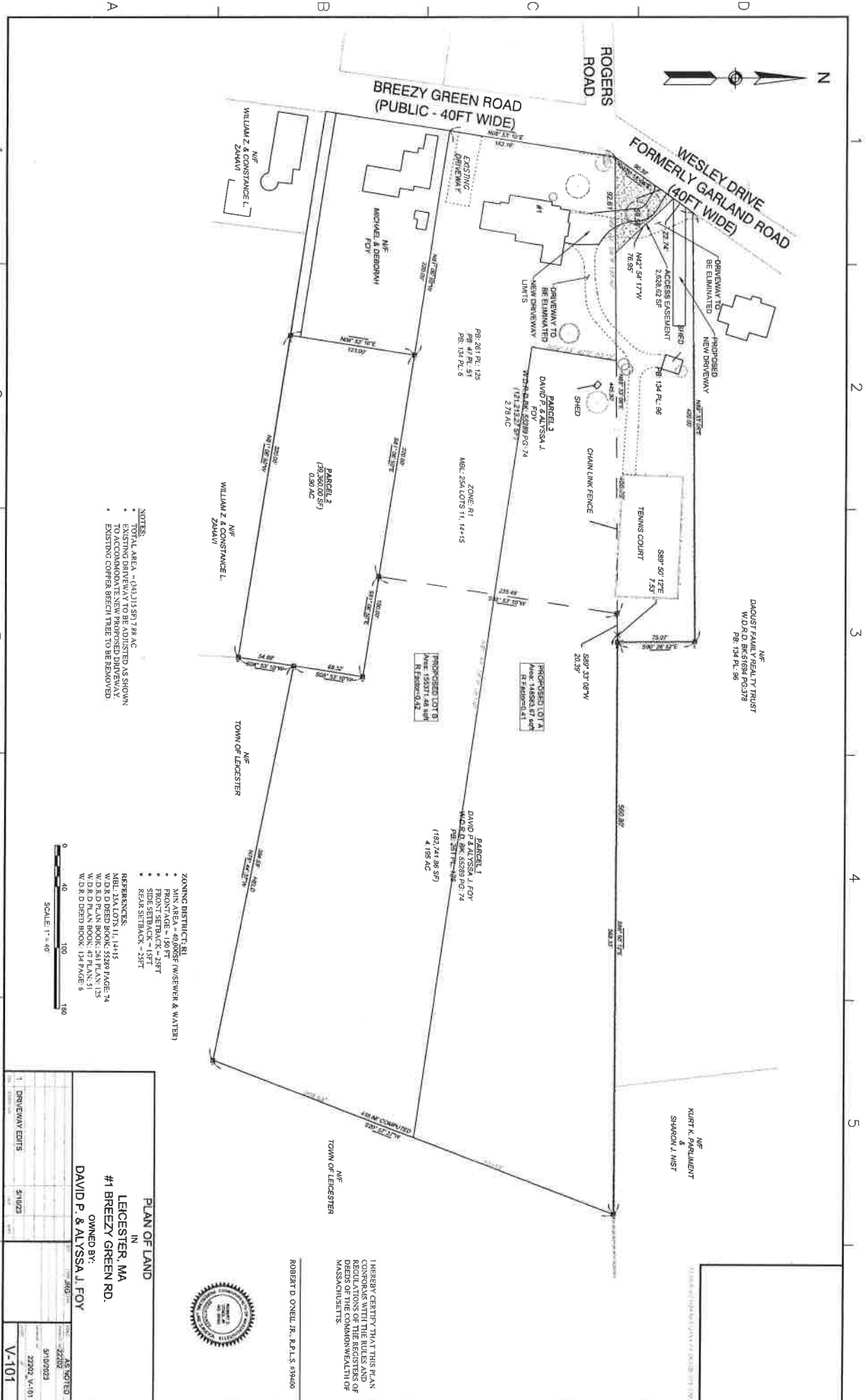
When a plan referred to in section eighty-one P of chapter forty-one has been submitted to a planning board and written notice of such submission has been given to the city or town clerk, the use of the land shown on such plan shall be governed by applicable provisions of the zoning ordinance or by-law in effect at the time of the submission of such plan while such plan is being processed under the subdivision control law including the time required to pursue or await the determination of an appeal referred to in said section, and for a period of three years from the date of endorsement by the planning board that approval under the subdivision control law is not required, or words of similar import.

Disapproval of a plan shall not serve to terminate any rights which shall have accrued under the provisions of this section, provided an appeal from the decision disapproving said plan is made under applicable provisions of law. Such appeal shall stay, pending either (1) the conclusion of voluntary mediation proceedings and the filing of a written agreement for judgment or stipulation of dismissal, or (2) the entry of an order or decree of a court of final jurisdiction, the applicability to land shown on said plan of the provisions of any zoning ordinance or by-law which became effective after the date of submission of the plan first submitted, together with time required to comply with any such agreement or with the terms of any order or decree of the court.

In the event that any lot shown on a plan endorsed by the planning board is the subject matter of any appeal or any litigation, the exemptive provisions of this section shall be extended for a period equal to that from

the date of filing of said appeal or the commencement of litigation, whichever is earlier, to the date of final disposition thereof, provided final adjudication is in favor of the owner of said lot.

The record owner of the land shall have the right, at any time, by an instrument duly recorded in the registry of deeds for the district in which the land lies, to waive the provisions of this section, in which case the ordinance or by-law then or thereafter in effect shall apply. The submission of an amended plan or of a further subdivision of all or part of the land shall not constitute such a waiver, nor shall it have the effect of further extending the applicability of the ordinance or by-law that was extended by the original submission, but, if accompanied by the waiver described above, shall have the effect of extending, but only to extent aforesaid, the ordinance or by-law made then applicable by such waiver.



- NOTES:
- TOTAL AREA = 0.91355778 AC
 - TO ACCOMMODATE NEW PROPOSED DRIVEWAY
 - EXISTING COPPER BEECH TREE TO BE REMOVED

- ZONING DISTRICT: R1
- MIN AREA = 40,000 SF (W/SEWER & WATER)
 - FRONTAGE = 150 FT
 - REAR SETBACK = 25 FT
 - SIDE SETBACK = 15 FT
 - REAR SETBACK = 25 FT
- REFERENCES:
- W.D. & D.D. DEED BOOK: 55289 PAGE: 74
 - W.D. & D.D. DEED BOOK: 561 PAGE: 135
 - W.D. & D.D. DEED BOOK: 124 PAGE: 8

PLAN OF LAND	
IN	
LECESTER, MA	
#1 BREEZY GREEN RD.	
OWNED BY:	
DAVID P. & ALYSSA J. FOY	
DATE	5/10/23
BY	5/10/23
REVISIONS	
1	DRIVEWAY EDITS
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I HEREBY CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

ROBERT D. ONELL JR., R.P.L.S. 53460