



TOWN OF LEICESTER ZONING BOARD OF APPEALS

LEICESTER, MA 01524-1333

Phone: 508-892-7007 Fax: 508-892-7070

www.leicesterma.org

PUBLIC HEARING NOTICE

The Zoning Board of Appeals of the Town of Leicester, MA will hold a public hearing on **Wednesday, June 1, 2016 at 8:00PM** in Room 3, Bottom Floor, Leicester Town Hall, 3 Washburn Square, Leicester, MA on the petition of Kerry Scola of 25 Barnes Ave, Worcester, Ma. for a Special Permit for a Limited Frontage Lot for building Lot #2 on property located at 42 Tobin Road, Cherry Valley, MA.

All those wishing to express their opinion on this petition are urged to attend this meeting or express their views in writing to the Board of Appeals no later than June 18, 2016.

PLEASE RUN IN THE WORCESTER TELEGRAM ON:

WEDNESDAY, MAY 18TH, 2016 AND WEDNESDAY, MAY 25TH, 2016

David Kirwan, Chair
Leicester ZBA

Leicester Zoning Board of Appeals

PERMIT TYPE: ☒ Special Permit ☐ Variance

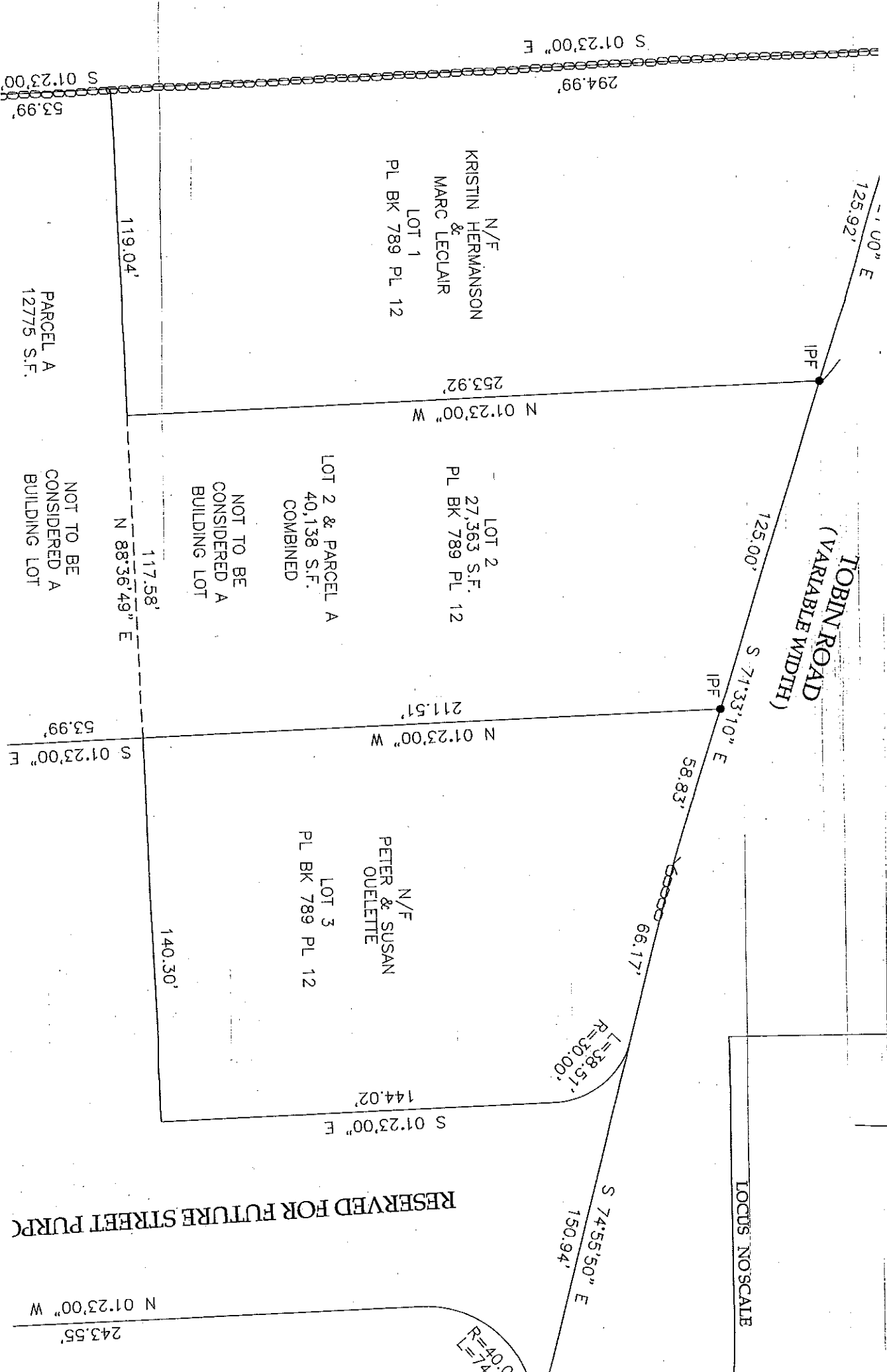
Date: 4/29/16 PM 12:54

| | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-----------------------------------------|--------------------------------------|
| Owner Information | | TOWN CLERK'S OFFICE LEICESTER, MASS. | |
| Owner Name: | Kerry Scola | | |
| Owner Signature: | Kerry Scola | | |
| Address: | 25 BARNES AVE WORC. MA. 01605 | | |
| Phone: | 5082779635 | Fax: | Email: |
| Applicant Information | | | |
| Applicant Name: | Kerry Scola | | |
| Applicant Signature: | Kerry Scola | | |
| Address: | 25 BARNES AVE WORCESTER MA. 01605 | | |
| Phone: | | Fax: | Email: |
| Project Information | | | |
| Project Address: | TOBIN RD (Lot #2) | Zoning District: | R-1 |
| Assessors Map & Parcel # | 33 - A6.2 | Deed Reference (Book & Page): | BOOK 18895 JUNE 10, 1997 PAGE 261 |
| Applicable Zoning Bylaw Section(s): | | | |
| Brief Description of Application: | | | |
| Limited Frontage Lot To BIN RD Lot #2 | | | |
| State Briefly Reasons for Variance or Special Permit: | | | |
| LOT WAS originally Approved JAN. 12, 2015 The one year Time Frame expired AND I Need To extend the Time line. For Building permit on Lot # 2 Tobin Rd. | | | |

Attach additional pages as necessary to fully describe the application.

Filing a Variance or Special Permit Petition with the Leicester ZBA

RECEIVED
2016 MAY -3 PM 12:54
TOWN CLERK'S OFFICE
LEICESTER, MASS.





**TOWN OF LEICESTER
ZONING BOARD OF APPEALS
3 Washburn Square
LEICESTER, MASSACHUSETTS, 01524-1333**

RECEIVED

2015 JAN 12 AM 9:01

TOWN CLERK'S OFFICE
LEICESTER, MASS.

SPECIAL PERMIT APPROVED

Certificate of Decision on Special Permit

Approval Date: *January 7, 2015*

Project Name: *N/A*

Location of Project: *42 Tobin Road, Cherry Valley*

Assessors Reference: *Map 33, Parcel A6.2*

Deed Reference: *N/A*

Total Acreage: *40,138-square feet of land*

Type of Use: *for a Limited Frontage Lot*

Building Area: *N/A*

Applicant: *Kerry Scola*
25 Barnes Ave.
Worcester, Ma. 01605

Owners: *Same as Applicant*

Plans Prepared by: *HS&T Group, Inc.*

Plans Dated: *November 24, 2014*

Application Date: *December 8, 2014*

Public Hearing: *January 7, 2015 duly noticed and posted in accordance with the provisions of the Zoning Act, MGL c.40A and the Open Meeting Law, MGL c. 39, §23A - §23C*

ZBA Members: *David Orth, David Kirwan, Vaughn Hathaway, Jim Buckley,*
Paul Schold

ZBA Action: **The Leicester Zoning Board of Appeals moved to approve the petition of Kerry Scola of 25 Barnes Ave., Worcester, Ma. for a Special Permit for a Limited Frontage Lot for building lot #2 on property located at 42 Tobin Road, Cherry Valley, Ma.**

Summary Description of Application:

The applicants seek approval for a Limited Frontage Lot. The property is located in the Residential-1 Zoning District. The applicants request a Special Permit under Section 1.3; Limited Frontage Lot & Section 6.4.02; Special Permits

Findings: After the public hearing duly noticed and held on January 7, 2015, the Leicester Zoning Board of Appeals made the following findings as required by M.G.L. Chapter 40A, Section 9; Special Permits and Section 6.4.02; Special Permits of the Leicester Zoning Bylaws:

1. That the proposed use is in harmony with the general purpose and intent of the Zoning Bylaw

Based on these findings, the Leicester Zoning Board of Appeals, as the Special Permit Granting Authority, pursuant to Section 6.4 of the Leicester Zoning Bylaws, voted **5-in favor / 0-opposed** to **Approve** the Special Permit to Kerry Scola for property located at 42 Tobin Road, Cherry Valley as herein described.

SPECIAL PERMIT APPROVED

Conditions: None


RECEIVED
2015 JAN 12 AM 9:01
TOWN CLERK'S OFFICE
LEICESTER, MASS

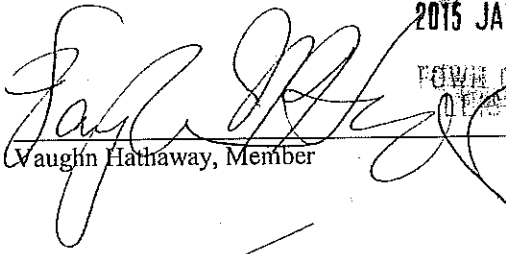
RECEIVED

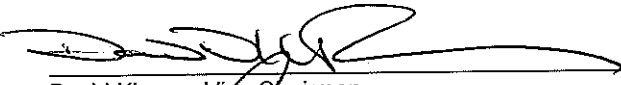
2015 JAN 12 AM 9:01

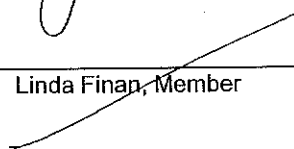
TOWN CLERK'S OFFICE
LEICESTER, MASS


Leicester Zoning Board of Appeals:

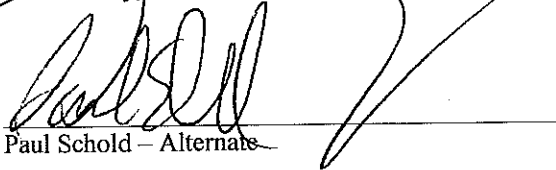

David Orth, Chairman


Vaughn Hathaway, Member


David Kirwan, Vice Chairman


Linda Finan, Member


Jim Buckley, Clerk


Paul Schold - Alternate

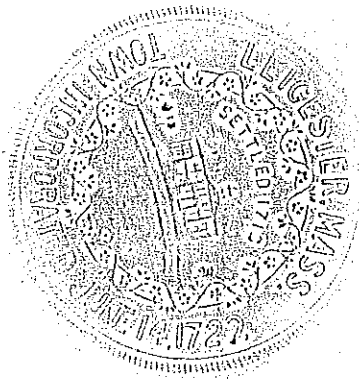

James Reinke - Alternate

This **Special Permit** shall not take effect until a copy is recorded hereof with the Worcester District Registry of Deeds Pursuant to General Laws, Chapter 40A, Section 11, as amended; and further that said recording shall be accomplished not later than six months from the date of this Decision; and further that any construction hereunder must commence no later than one year from the said recording.

It was ordered by the Board that persons notified of the hearing be notified of the forgoing Decision.

Any appeal to this Decision must be made to the Superior Court within 20-days after the filing of this Decision with the Town Clerk, in accordance with Section 17 of Chapter 40A of the Massachusetts General Laws.

Filed with the Town Clerk on the 12th day of January, 2015




Town Clerk

Town of Leicester Zoning Board of Appeals
Meeting Minutes

Minutes of January 7, 2015

Hearing on the petition of Kerry Scola of 25 Barnes Ave, Worcester, Ma. for a Special Permit for a Limited Frontage Lot for building lot #2 on property located at 42 Tobin Road, Cherry Valley, Ma.

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

Alternate members present: Paul Schold, Jim Reinke

Meeting called to order at 8:15PM

Instructions were given on the hearing procedures.

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

Mr. Buckley read the Notice and Application into the record.

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

Correspondence received: Site Consideration from the Building Inspector that Mr. Orth read into the record.

Mr. Orth opened the hearing to the applicant to present his petition.

Mr. Kerry Scola said he has owned this property since 1997 and in 2002 he carved out 4 lots prior to the zoning change. At that time, the lots size requirements were 20,000 and 125-foot frontage. In 2006; he sold two of the lots that had sewer hooks up available for both lots.

In 2007, the property reverted back to the old zoning of 20,000-lot size and 125-frontage. He wasn't aware it had changed back and he's been paying taxes on this property for the last 8 years not knowing that.

So, what he did was double the size of two lots to 40,000-square feet, and the lot in question is land locked between the two properties having 125-feet of frontage.

Mr. Hathaway asked if sewer and water hookups were available there. Mr. Scola said yes.

Mr. Hathaway asked for clarification. The property was originally bought in 1997 and at that time, the lot size requirement was 50,000 square feet. Mr. Scola said yes and the zoning change was in 2002 or 2003.

Mr. Hathaway said typically a plan like this is grandfathered. Mr. Scola agreed and said he had sold two of the lots, one in 2005 and one in 2006 with no problems. The remainder of land just sat there and when he started inquiring about what can be done with the land, he found out that after 5-years it reverts back to its original zoning.

Mr. Hathaway asked Mr. Scola if he could explain why it's noted on the plan "Not to be considered a building lot".

He said he was not upset with anything that was going on there, but after receiving the public hearing notice, he wanted to try and understand how and why things got crisscrossed as they have.

Mr. Orth confirmed that Mr. Bergin wasn't against the project and that he just wanted to hear what was going on. Mr. Bergin agreed and said he just wanted to try and understand what was happening, because if the Town passed a bylaw for 150-feet of frontage, he wanted to know why there were exceptions to that.

Mr. Hathaway explained that when Bylaws are amended, things that were done prior to an amendment get grandfathered.

Mr. Orth explained that grandfathering usually depends upon when that something is done and what the Bylaw states at that time.

Mr. Orth asked for any further comments or questions; hearing none, asked for a motion.

MOTION: Mr. Kirwan moved to approve the Special Permit for a Limited Frontage Lot for building lot #2 on property located at 42 Tobin Road, Cherry Valley, Ma.

SECONDED: Mr. Buckley – Discussion: None

VOTE: All in Favor – SPECIAL PERMIT APPROVED

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

MOTION: Mr. Hathaway moved to adjourn meeting

SECONDED: Mr. Kirwan – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:40PM

Respectfully submitted:

Barbara Knox

Barbara Knox