

# Leicester Zoning Board of Appeals Special Permit & Variance Application Form

PERMIT TYPE: ☒ Special Permit ☐ Variance

Date: 6/9/2021

| CONTACT INFORMATION   |   |                  |                                  |
|---|---|------------------|----------------------------------|
| Property Owner:   |   |                  |                                  |
| Name:   | VINICIO GIL                                 |                  |                                  |
| Company Name:   | JOSIAH'S ULTIMATE HOMES LLC                 |                  |                                  |
| Signature:  | V. Gil                                      |                  |                                  |
| Address:  | 32 Shannon St. Worcester, MA 01604          |                  |                                  |
| Phone:  | 774-232-8889                                | Email:           | Giljr197@gmail.com               |
| Applicant:  |   |                  |                                  |
| Name:   |   |                  |                                  |
| Company Name:   |   |                  |                                  |
| Signature:  | MARCOS SEVERINO                             |                  |                                  |
| Address:  |   |                  |                                  |
| Phone:  |   | Email:           |                                  |
| Primary Contact Person: (The person that will be contacted by Town staff during the application process.)   |   |                  |                                  |
| Name:   | MARCOS SEVERINO                             |                  |                                  |
| Company Name:   | FLOW DESIGN ARCHITECTS                      |                  |                                  |
| Address:  | 50 GROVE STREET, SUITE 226, SALEM, MA 01970 |                  |                                  |
| Phone:  | 978-498-4370                                | Email:           | MSEVERINO@FLOW-DESIGN-STUDIO.COM |
| PROJECT INFORMATION   |   |                  |                                  |
| Project Address:  | 7 West St. Chems Valley, Ma                 | Zoning District: |                                  |
| Assessors Map & Parcel #  | 23A B 20                                    |                  |                                  |
| Deed Reference (Book/Page):   | 26318/214                                   |                  |                                  |
| Size of Proposed Structures:  |   | Total Lot Area:  | 10,461                           |
| Water Source:   |   | Sewer Source:    |                                  |
| Applicable Zoning Bylaw Section(s):   |   |                  |                                  |
| Brief Project Description:  |   |                  |                                  |
| Please include a brief description on this form (i.e. do not write "see attached"). [Examples: construction of a 10' x 20' shed in the front yard of an existing home; installation of a 60s.f. freestanding sign (special permit required to exceed 50 s.f.)]  |   |                  |                                  |
| <p>THE SCOPE OF WORK INCLUDES AN ADDITION ON THE REAR SIDE, AS WELL AS INTERIOR RENOVATION THROUGHOUT THE HOUSE. SPECIAL PERMIT REQUIRED DUE TO ENCROACH OF FRONT SETBACK. THE EXISTING PROPERTY CURRENTLY HAVE A SMALL MUDROOM NON-COMPLIANCE WITH THE SET BACK (APPROXIMATE 22' FROM PROPERTY LINE) AND WE WILL BE ALIGNING THE PROPOSED PORCH WITH EXISTING MUDROOM. REQUIRED FRONT SETBACK IS 25 FEET AT R-2 ZONING DISTRICT.</p> |   |                  |                                  |



# ZONING

## Town of Leicester

### Abutters List

06/15/2021

8:54:29AM

| ParcelID  | Location          | Owner               | Co-Owner         | Mailing Address    | City             | State | Zip        |
|-----------|-------------------|---------------------|------------------|--------------------|------------------|-------|------------|
| 22B B10 0 | SECOND ST         | ROSLUND KIMBERLY    |                  | 2 SOUTH ST EXT     | CHERRY VALLEY MA | MA    | 01611      |
| 22B B12 0 | 2 SOUTH STREET EX | ROSLUND KIMBERLY    |                  | 2 SOUTH ST EXT     | CHERRY VALLEY MA | MA    | 01611      |
| 22B B13 0 | 6 WEST ST         | FARRELL SEAN P      |                  | 6 WEST STREET      | CHERRY VALLEY MA | MA    | 01611      |
| 22B B14 0 | 4 WEST ST         | GARCIA GIOVANNY     | GARCIA ROSA      | 4 WEST ST          | CHERRY VALLEY MA | MA    | 01611      |
| 22B B15 0 | 2 WEST ST         | HOWARD DAVID        | HOWARD PAMELA    | 2 WEST ST          | CHERRY VALLEY MA | MA    | 01611      |
| 22B C7 0  | 10 WEST ST        | ROY JR DONALD R     |                  | 10 WEST ST         | CHERRY VALLEY MA | MA    | 01610      |
| 22B C8 0  | 12 WEST ST        | RIJO HERLIN         |                  | 8 ALBERT ST #1     | WORCESTER MA     | MA    | 01611      |
| 23A A20 0 | 74 BOTTOMLY AV    | MACKAY PATRICK      |                  | 74 BOTTOMLY AVENUE | CHERRY VALLEY MA | MA    | 01611      |
| 23A A6 0  | 8 SOUTH ST        | NELSON ROGER E      | NELSON CANDACE R | 8 SOUTH ST         | CHERRY VALLEY MA | MA    | 01611      |
| 23A B1 0  | 9 WEST ST         | WOOD KEVIN J        |                  | 9 WEST ST          | CHERRY VALLEY MA | MA    | 01611      |
| 23A B3 0  | 5 WEST ST         | KAPULKA PATRICIA S  |                  | 5 WEST ST          | CHERRY VALLEY MA | MA    | 01611      |
| 23A B5 0  | 84 BOTTOMLY AV    | CROCKETT TIMOTHY E  | CROCKETT WENDY J | 84 BOTTOMLY AVE    | CHERRY VALLEY MA | MA    | 01611-3128 |
| 23A B6 0  | 8 NORTH CT        | DUBREY EDWARD E     | DUBREY BRENDA L  | 8 NORTH CT         | CHERRY VALLEY MA | MA    | 01611      |
| 23A B7 0  | 5 SOUTH ST        | JARVIS CHARLOTTE E  |                  | 5 SOUTH STREET     | CHERRY VALLEY MA | MA    | 01611      |
| 23A B8 0  | 2 SOUTH ST        | LAVALLEE RONALD J   |                  | 2 SOUTH ST         | CHERRY VALLEY MA | MA    | 01611      |
| 23A C27 0 | 85 BOTTOMLY AV    | PINTADO JORGE       | PINTADO ADA LIZ  | 85 BOTTOMLY AVE    | CHERRY VALLEY MA | MA    | 01611      |
| 23A C28 0 | 89 BOTTOMLY AV    | ORSI PAUL A         | ORSI ROSEMARY P  | 89 BOTTOMLY AVE    | CHERRY VALLEY MA | MA    | 01611      |
| 23A C29 0 | BOTTOMLY AV       | ORSI PAUL A         | ORSI ROSEMARY P  | 89 BOTTOMLY AVE    | CHERRY VALLEY MA | MA    | 01611      |
| 23A C30 0 | 93 BOTTOMLY AV    | OCONNELL PATRICIA A |                  | 93 BOTTOMLY AVE    | CHERRY VALLEY MA | MA    | 01611      |
| 23A C31 0 | 99 BOTTOMLY AV    | ALLAIN JEAN J       | ALLAIN AMANDA T  | 99 BOTTOMLY AV     | CHERRY VALLEY MA | MA    | 01611      |

End of Report

Above is a certified list of abutters and abutters to abutters within 300 feet of subject.  
 Subject property: 7 West Street, Assessors Map 23A-B2, Deed Ref. 64799/228  
 Subject owner(s): Josiah's Ultimate Homes LLC

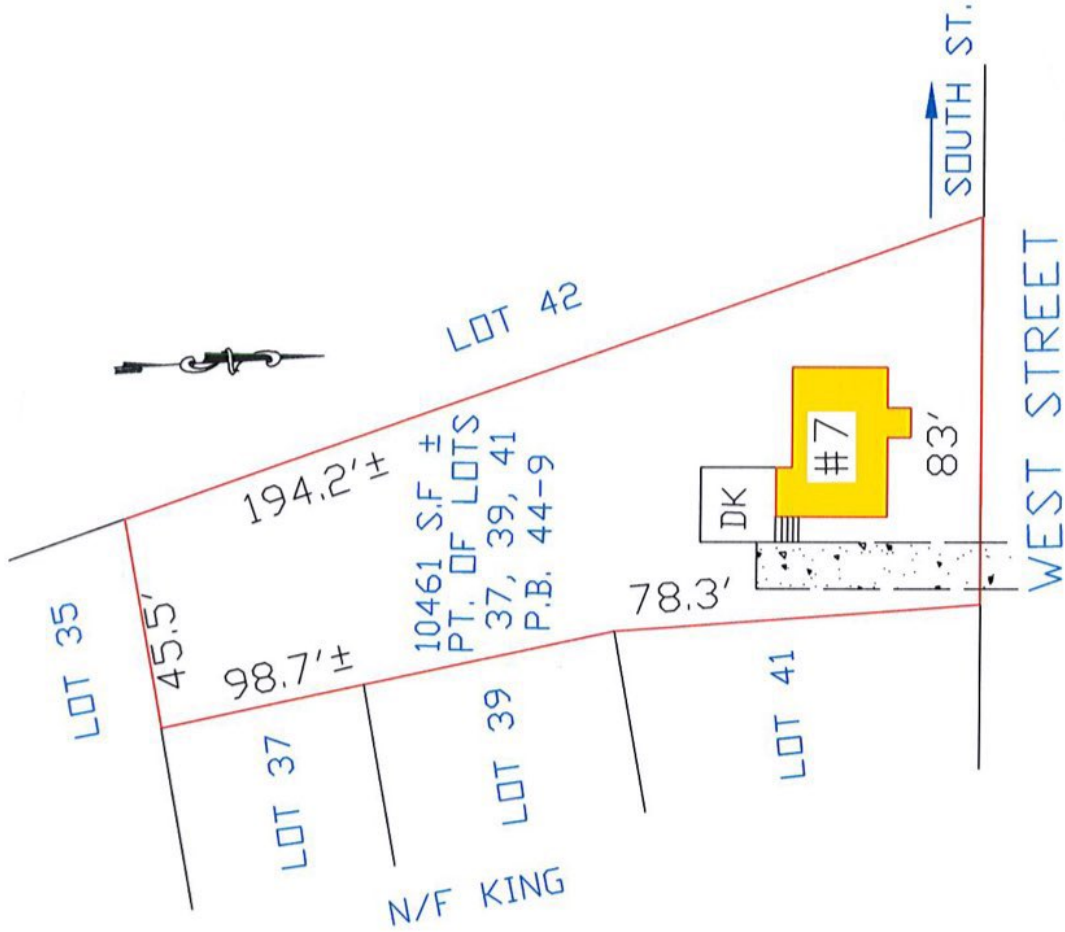
Sandy Genna, Principal Assessor  
 Prepared by: Kathleen Asquith, Assistant



|   |                       |   |
|---|-----------------------|---|
| <i><b>File number:</b></i>                          | 210319-27             | UNREGISTERED LAND   |
| <i><b>Attorney:</b></i>                             | TOPOUZIS & ASSOCIATES | <i><b>Deed Book</b></i> 26318 <i><b>Page</b></i> 214                          |
| <i><b>Lender:</b></i>                               |                       | <i><b>Plan Book</b></i> 44 <i><b>Page</b></i> 9 <i><b>Lot(s)</b></i> 37,39,41 |
| <i><b>Owner:</b></i>                                | U.S. BANK TRUST       | REGISTERED LAND   |
|   |                       | <i><b>Reg. Book</b></i> <i><b>Sheet</b></i> <i><b>Lot(s):</b></i>             |
| <i><b>Date:</b></i>                                 | 3/25/2021             | <i><b>Certificate of Title</b></i>  |
| <i><b>Assessor's Map</b></i> 23A <i><b>Blk:</b></i> | <i><b>Lot</b></i> B2  | <i><b>Census Tract</b></i>  |

**MORTGAGE INSPECTION PLAN**  
**7 WEST STREET, Leicester, MA**

Scale: 1"=40'



**CERTIFICATION**

THE MAIN BUILDING, FOUNDATION OR DWELLING WAS IN COMPLIANCE WITH THE LOCAL ZONING BYLAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURAL SETBACK REQUIREMENTS ONLY) OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. GENERAL LAW TITLE VII, CHAPTER 40A, SECTION 7.

**FLOOD DETERMINATION**

BY SCALE, THE DWELLING SHOWN HERE DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS DELINEATED ON A MAP OF COMMUNITY # 25001C0426J AS ZONE X DATED 7/16/14 BY THE NATIONAL FLOOD INSURANCE PROGRAM.



**Olde Stone Plot Plan Service, LLC**  
**P.O. Box 1166**  
**Lakeville, MA 02347-**  
**Tel: (800) 993-3302**  
**Fax: (800) 993-3304**



PLEASE NOTE: This inspection is not the result of an instrument survey. The structures as shown are approximate only. An instrument survey would be required for an accurate determination of building locations, encroachments, property line dimensions, fences and lot configuration and may reflect different information than shown here. The land as shown is based on client furnished information only or assessor's map & occupation and may be subject to further out-sales, takings, easements and rights of way. No responsibility is extended to the landowner or surveyor, or occupant. This is merely a mortgage inspection and is not be recorded.

Olde Stone Plot Plan Service, LLC

P.O. Box 1166  
Lakeville, MA 02347-

INVOICE

DATE: 3/19/2021

| BILL TO  |
|--|
| TOPOUZIS & ASSOCIATES<br>595 JEFFERSON BOULEVARD<br>WARWICK, RI 02886- |

| INVOICE NUMBER: 210319-27  |          |                |
|--|----------|----------------|
| DESCRIPTION  | RATE     | AMOUNT         |
| APPLICANT: JOSIAH'S ULTIMATE HOMES LLC<br><br>Property: 7 WEST STREET<br>Leicester, MA | \$150.00 | \$150.00       |
| Additional Charges:  |          |                |
| PLEASE REMIT TO ABOVE ADDRESS ALONG WITH COPY OF INVOICE.<br>THANK YOU.                |          | Total \$150.00 |









# Leicester Zoning Board of Appeals

## Special Permit & Variance Application Form

**PERMIT TYPE:** ☒ Special Permit ☐ Variance

**Date:** \_\_\_\_\_

|  |                                    |                  |                    |
|--|------------------------------------|------------------|--------------------|
| <b>CONTACT INFORMATION</b>   |                                    |                  |                    |
| <b>Property Owner:</b>   |                                    |                  |                    |
| Name:  | Vinicio Gil                        |                  |                    |
| Company Name:  | Josiah's Ultimate Homes LLC        |                  |                    |
| Signature:   | V. Gil                             |                  |                    |
| Address:   | 32 Shannon St. Worcester, MA 01604 |                  |                    |
| Phone:   | 774.232.8889                       | Email:           | Giljr187@gmail.com |
| <b>Applicant:</b>  |                                    |                  |                    |
| Name:  |                                    |                  |                    |
| Company Name:  |                                    |                  |                    |
| Signature:   |                                    |                  |                    |
| Address:   |                                    |                  |                    |
| Phone:   |                                    | Email:           |                    |
| <b>Primary Contact Person: (The person that will be contacted by Town staff during the application process.)</b>   |                                    |                  |                    |
| Name:  |                                    |                  |                    |
| Company Name:  |                                    |                  |                    |
| Address:   |                                    |                  |                    |
| Phone:   |                                    | Email:           |                    |
| <b>PROJECT INFORMATION</b>   |                                    |                  |                    |
| Project Address:   | 7 West St. Cherm Valley, Ma        | Zoning District: |                    |
| Assessors Map & Parcel #   | 23A B 20                           |                  |                    |
| Deed Reference (Book/Page):  | 26318 / 214                        |                  |                    |
| Size of Proposed Structures:   |                                    | Total Lot Area:  | 10,461             |
| Water Source:  |                                    | Sewer Source:    |                    |
| Applicable Zoning Bylaw Section(s):  |                                    |                  |                    |
| <b>Brief Project Description:</b>  |                                    |                  |                    |
| Please include a brief description on this form (i.e. do not write "see attached"). [Examples: construction of a 10' x 20' shed in the front yard of an existing home; installation of a 60s.f. freestanding sign (special permit required to exceed 50 s.f.)] |                                    |                  |                    |

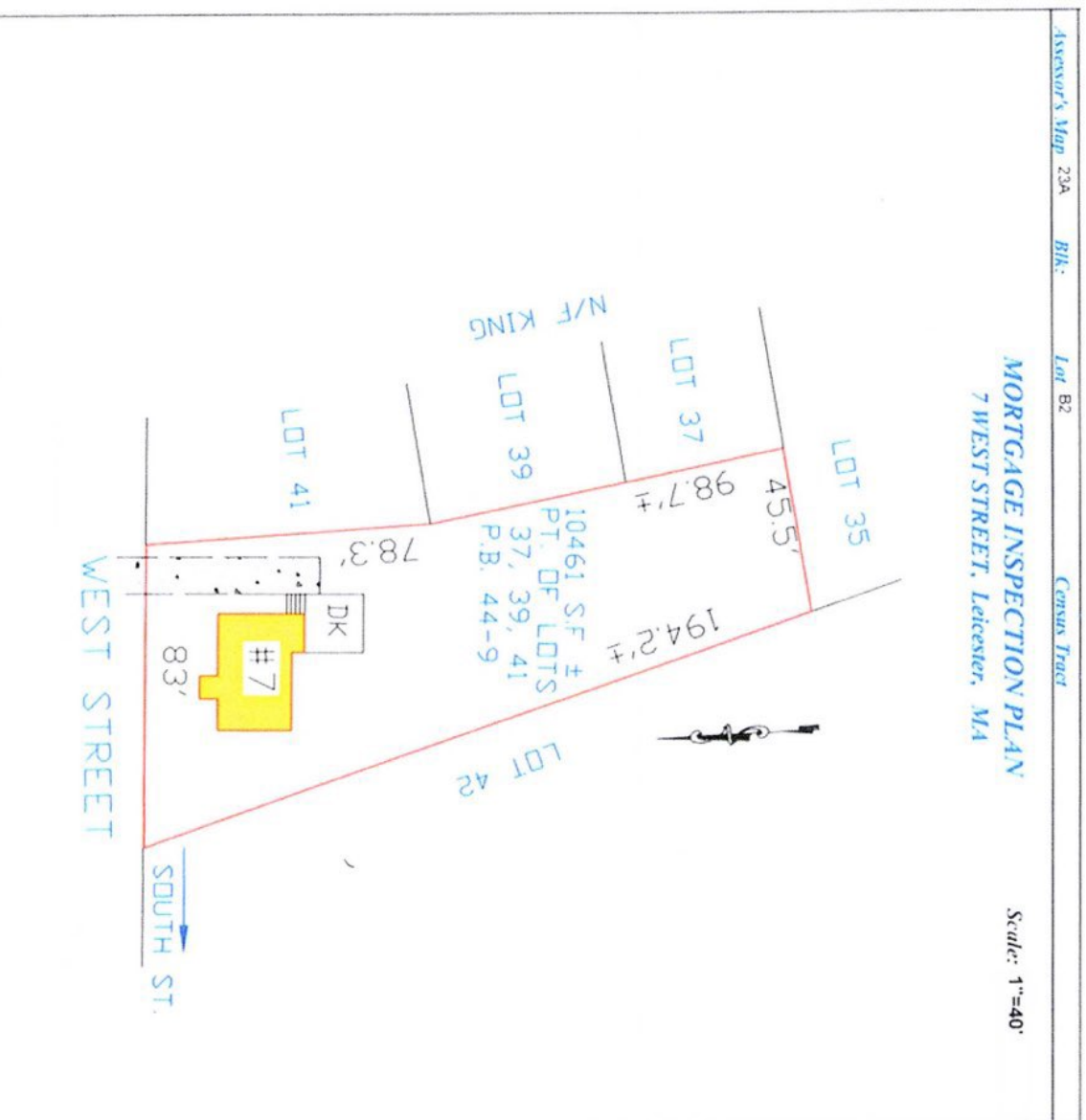


ER: 210319-27

AMOUNT

\$150.00

\$150.00



Done

12 of 12



8:00 AM

T-Mobile Wi-Fi



## TOWN OF LEICESTER

ASSESSORS HAVE TEN DAYS TO PROCESS YOUR REQUEST, PLEASE PLAN AHEAD!  
\$10.00 PREPAID AT THE TIME OF REQUEST FOR FIRST THREE PAGES, \$5.00 PER  
PAGE AT TIME OF PICKUP FOR EACH ADDITIONAL PAGE.

### SUBJECT INFORMATION

ASSESSORS MAP #: \_\_\_\_\_ PARCEL#: \_\_\_\_\_ DEED REF#: \_\_\_\_\_

OWNER(S): Josiah's Ultimate Homes LLC

STREET ADDRESS 7 West St Cherry Valley

REQUESTER NAME: Vinicio Gil TEL #: 774 232 8889

| Board/Department  | Description of Required Abutters List  |
|---|--|
| Conservation Commission RDA   | Direct abutters, including abutters across any street  |
| Conservation Commission NOI   | Abutters and abutters to abutters within <u>300 feet</u> , including across any street or body of water <sup>1</sup> |
| Planning Board Special Permit, <u>Major</u> Site Plan Review, or Definitive Subdivision | Abutters and abutters to abutters within <u>300 feet</u> , including across any street                               |
| <input checked="" type="checkbox"/> Zoning Board of Appeals Special Permit OR Variance  | Abutters and abutters to abutters within <u>300 feet</u> , including across any street                               |
| Board of Health.  | Specify Distance (consult with Board of Health Staff to determine the required distance) _____                       |
| Board of Selectmen Class II License   | Direct abutters, including abutters across any street  |
| Board of Selectmen Liquor License   | Direct abutters, including abutters across any street AND schools, churches, or hospitals within 500 feet            |
| Other. Please specify Board/Department<br>_____   | Please specify:<br>_____ Direct Abutters<br>_____ feet<br>Other: _____   |

<sup>1</sup> An applicant who proposes work solely within Land under Water Bodies or Waterways, or solely within a Lot with an area greater than 50 acres, is required to provide notification only to Abutters whose Lot is within three hundred feet from the Project Site. An applicant proposing a Linear- shaped Project greater than 1,000 feet in length is required to provide notification only to Abutters whose Lot is within 1,000 feet from the Project Site.

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**TOWN OF LEICESTER**  
**Office of Building and Code Enforcement**  
3 Washburn Square, Leicester MA 01524  
Phone: 508-892-7003 Fax: 508-892-1163  
[www.leicesterma.org](http://www.leicesterma.org)

June 8, 2021

**By Hand Delivery**

Claudeci Souza  
8 Chester Ave Apt. 1  
Somerville, MA 02143

Dear Mr. Souza,

You have applied for a permit to renovate and add an addition to 7 West St, Leicester MA 01524. This property is in R2 zoning district. In this district the setbacks are 15 feet from the sides and 25 feet from the front and rear property lines. Your plot plan submitted shows the existing house is within the 25' setback which is a preexisting non-conforming structure.

At this time, I must deny your application based on the fact that the new deck in the front of the house will require a special permit to extend the non-conformity of the house by the Zoning Board of Appeals.

If you have any questions regarding this letter, please contact our office to discuss this matter further.

Best Regards,

Michael Silva  
Local Inspector  
Zoning Enforcement Officer  
508-892-7003  
[silvam@leicesterma.org](mailto:silvam@leicesterma.org)







#### IV. After the hearing

- 1) The Board of Appeals will file its written Decision with the Leicester Town Clerk within 14 days. A copy of the written Decision will also be sent to the applicant and property owner.
- 2) There is a **20-day appeal period** after the decision has been filed with the Town Clerk before the applicant can take any action granted by the decision.
- 3) If no one appeals the decision within the 20-day period, the Town Clerk issues a **Certificate** indicating that no appeal has been received.
  - a) The applicant must go to the Town Clerk's office to pick up a copy of the **Certificate**.
  - b) The **Certificate** and **Decision** must be brought to the Worcester Registry of Deeds to be recorded. This is located at 90 Front Street, Worcester, MA 01608.
  - c) The applicant shall provide the Zoning Board of Appeals with a copy of the **Decision** bearing the stamp of the Registry of Deeds or Land Court indicating the date and time of the recording or registration and the book and page number assigned the document.
- 4) At this point, the applicant may make use of the Variance/Special Permit in his/her application to the Building Inspector for a Building Permit. Please note that the Town of Leicester Zoning By-Laws require that rights authorized by a Special Permit or Variance shall lapse unless exercised within one year.

**For questions, contact the ZBA at 508-892-7007 or [zba@leicesterma.org](mailto:zba@leicesterma.org).**



c) **Registered Plot Plan prepared by a licensed surveyor or civil engineer.**

IMPORTANT: A tape survey is NOT ADEQUATE and will not be accepted.

The Registered Plot Plan must show:

1. Existing and proposed lot lines and structures
2. All relevant distances to the boundary lines which are not in compliance. —

d) If the application is for a Variance involving alteration of the inside of an existing structure, a detailed blueprint showing the floor plan is required. The blueprint should show all exits and rooms.

e) *Letter of rejection from the Building Inspector along with a rejected building permit*

- 5) Bring **3 paper copies and a .pdf (on USB drive or CD)** of all of the completed documents, including application form and plans, to the Town Clerk, along with the filing fee of **\$175.00**. Only 1 copy of plans needs to be full size (remaining copies may be 11"x 17"). Only 1 copy of the Abutters List is required with your application. The filing fee should be paid via check made payable to the Town of Leicester, and should identify the Board (ZBA) and project address.

## II. **Notifying others of the hearing for your application**

- 1) After filing your application with the Town Clerk, you will receive a copy of the public hearing notice and instructions from ZBA staff outlining the steps that you need to take to notify others of the hearing for your application.
- 2) At least **ten days prior** to the hearing, you must use either **certificates of mailing or certified mail** to send one copy of the hearing notice to everyone identified on the Certified Abutters List. Be sure to keep the post office certificate of mailing or certified mail receipts for everyone to whom you sent notice (and the green copies you receive back from the abutters after they have accepted receipt of your mailing if you use certified mail).
- 3) ZBA staff will place an advertisement for the hearing in a local newspaper and will notify the applicant of the cost by email. Payment for the legal ad is due upon notice of the cost, but in no event later than the hearing date (check made payable to the Town of Leicester).

## III. **Attending the hearing**

- 1) Be sure that you or your representative is present at the hearing at the scheduled time.
- 2) Submit mailing receipts for the notice to abutters.
- 3) If you haven't already done so, submit a check made payable to the Town of Leicester for the cost of the advertisement.
- 4) When the hearing begins, the applicant is given an opportunity to explain the reasons for the application and why the Variance/Special Permit should be granted.
- 5) The Board of Appeals decides whether to grant the Variance/Special Permit and informs the applicant of the decision.





# Town of Leicester

## ZONING BOARD OF APPEALS

3 Washburn Square  
Leicester, Massachusetts, 01524-1333  
508-892-7007  
[www.leicesterma.org](http://www.leicesterma.org)

Revised July 2019

### Zoning Board of Appeals Instructions for **Variance and Special Permit Applications**

Please use the following procedure when applying for a Variance or Special Permit. Items in *italics* are optional but recommended. Unless otherwise noted, each item applies to applications for both Variances and Special Permits. Failure to complete any of the required items could result in delays in the decision process by the Zoning Board of Appeals (ZBA).

#### **1. Preparing your application:**

- 1) Obtain a copy of the Zoning Board of Appeals Instructions and Special Permit & Variance Application Form from the Town Clerk's Office or online on the [Zoning Board of Appeals](http://www.leicesterma.org) web page at [www.leicesterma.org](http://www.leicesterma.org).
- 2) Request a Certified abutters list from the [Leicester Assessors Office](#) for abutters within 300' of the subject property (Please be advised that it may take up to 10 days for the Assessors Office to provide a Certified List). The Assessors Office charges \$10.00 for the first page, and \$5.00 for each additional page.
- 3) Review Zoning By-Law Requirements. [Zoning By-Laws](#) are available online at [www.leicesterma.org](http://www.leicesterma.org). Paper copies are available for purchase in the Town Clerk's Office.
- 4) Prepare and/or assemble documents to be presented as part of your application:
  - a) Application Form
  - b) Document the reason(s) why the Variance or Special Permit should be granted (on the Application Form and/or as a separate attachments). This should include an explanation of how the project meets the criteria for a Special Permit or Variance (Finding of Facts), as described below:
    1. For Special Permits, See Section **6.4.02** of the Zoning By-Law, and other sections specific to the type of Special Permit requested<sup>1</sup>. In addition, describe how the proposed use is in harmony with the general purpose and intent of the Zoning By-Law (MGL Ch. 40A§9)<sup>2</sup>.
    2. For Variance applications, see Section 6.4.03 of the Zoning By-Law and list the hardships on the land or property<sup>3</sup>.

<sup>1</sup> For example: §4.1, Non-Conformity, §1.5.01, Accessory Structure in Front Yard, §3.2.07, Signs, §5.4 Wireless Communications Facilities, §7.1 Water Resources Protection Overlay District

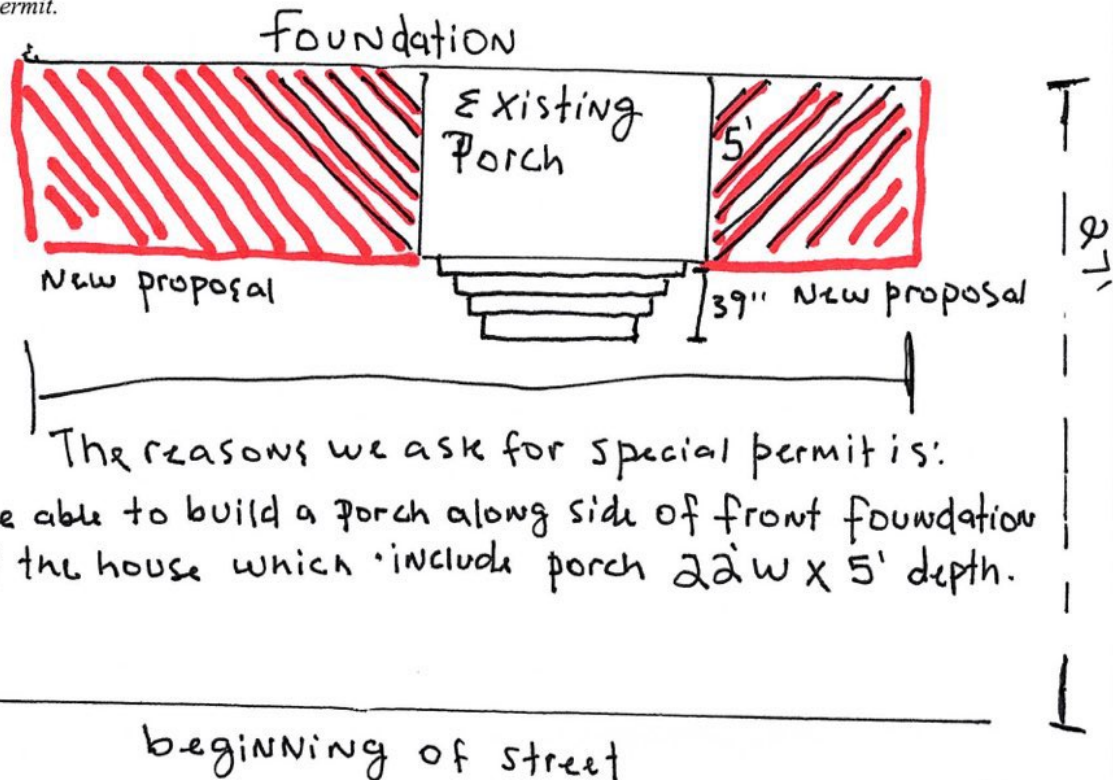
<sup>2</sup> Leicester Zoning Bylaw Purpose (§1.2): To promote the health, safety, convenience, morals and general welfare of its inhabitants, to lessen the danger from fire and congestion, and to improve the Town under the provisions of the General Laws, Chapter 40-A.

<sup>3</sup> ZBA must find that "owing to the circumstances relating to the soil conditions, shape, or topography of the land or structure involved and especially affecting such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Zoning By-Law would involve substantial hardship, financial or otherwise, to the applicant..."



**PROJECT INFORMATION, Continued****State Briefly Reasons for Variance or Special Permit:**

See Zoning Board of Appeals Instructions for Variance and Special Permit Applications. You may use the space below and/or attach additional pages as necessary to fully describe the application and reasons for the variance or special permit.

**APPLICATION CHECKLIST:**

Use this checklist to ensure you have provided all required information.

Three (3) copies of all paper submittals are required except where noted.

|   |  |  |
|---|--|--|
| <input type="checkbox"/> Application Form                 | <input type="checkbox"/> Any supplemental information where applicable (letters, detailed project information, etc.) | <input type="checkbox"/> Plans (1-full-size & 2 11"x17")                               |
| <input type="checkbox"/> Certified Abutters List (1 copy) | <input type="checkbox"/> Fee (\$175) - check payable to the Town of Leicester  | <input type="checkbox"/> .pdf copy of <u>all</u> submitted documents (CD or USB Drive) |

***Submit the full application to the Town Clerk's Office***