



**TOWN OF LEICESTER
ZONING BOARD OF APPEALS**

LEICESTER, MA 01524-1333

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

www.leicesterma.org

RECEIVED

2017 FEB -2 AM 11:20

TOWN CLERK'S OFFICE
LEICESTER, MASS.

The Zoning Board of Appeals of the Town of Leicester, Ma. will hold a public hearing on **Wednesday, March 1, 2017** at 7:30PM in Room 3, Bottom Floor, Town Hall, Washburn Square, Leicester, Ma. on the petition of Southwest Holdings of 6017 Pine Ridge Rd, Suite 255, Naples, FL for a Special Permit for a Limited Frontage Lot as required under Section 1.3 of the Leicester Zoning Bylaws on property located on Auburn Street, Cherry Valley, MA (Map 35 / Parcel C12).

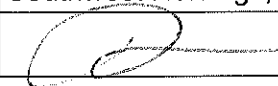
All those wishing to express their opinion on this petition are urged to attend this meeting or express their views in writing to the Board of Appeals no later than March 1, 2017.

PLEASE RUN IN THE WORCESTER TELEGRAM

WEDNESDAY, FEBRUARY 15TH AND WEDNESDAY, FEBRUARY 22ND

David Kirwan, Chair
Leicester, ZBA

Leicester Zoning Board of Appeals**PERMIT TYPE:** ☒ Special Permit ☐ Variance**Date:** 1/25/2017

| | | | |
|---|----------------|---|--------------------|
| Owner Information | | | |
| Owner Name: | | Southwest Holdings, Ltd. | |
| Owner Signature: | |  | |
| Address: | | 6017Pine Ridge Road, Suite 255, Naples, FL 34119-3956 | |
| Phone: | (508) 892-1000 | Fax: | |
| Email: | rwr@soval.com | | |
| Applicant Information | | | |
| Applicant Name: | | Same as Owner | |
| Applicant Signature: | | | |
| Address: | | | |
| Phone: | | Fax: | |
| Email: | | | |
| Project Information | | | |
| Project Address: | | Auburn Street | |
| Zoning District: | | BR-1 | |
| Assessors Map & Parcel # | 35.C12.0 | Deed Reference (Book & Page): | 28790/86, Parcel C |
| Applicable Zoning Bylaw Section(s): | | Section 1.3, Definitions, "Limited Frontage Lot" | |
| Brief Description of Application: | | | |
| <p>The Applicant proposes to create a buildable single family lot with the required lot area but with insufficient frontage on Auburn Street, depicted as Lot 1 on the Plan entitled "Plan of Land on Auburn Street, Leicester", prepared for Southwest Holdings, Ltd., dated January 11, 2017. Under Zoning Bylaws Section 1.3, Definitions, "Limited Frontage Lot", the Applicant petitions the Board to grant a Special Permit allowing the proposed lot to be considered a buildable lot.</p> | | | |
| State Briefly Reasons for Variance or Special Permit: | | | |
| <p>A Special Permit is needed for the proposed lot's insufficient frontage which does not meet the requirements as set forth in the Zoning Bylaws (Bylaws) Section 4.2, Schedule of Dimensional Requirements - Table 1, for the Business-Residential 1 (BR-1), Single Family District. As required under the Bylaws, Section 1.3, Definitions, "Limited Frontage Lot", the proposed lot meets all of the dimensional requirements for zoning district except that the remaining frontage on Auburn Street for the lot is only 147.6 feet versus the required minimum of 200 feet. The lot represents a "finger" portion of the land currently owned by the Applicant as depicted on the Plan. The frontage for this "finger" of land is the remaining frontage after the previous land owners (circa 1955-1961) deeded the adjacent frontage lots resulting in the current frontage for the proposed lot. The intermittent stream and associated wetlands that essentially bisects the Applicant's remaining land and which is located near the back of the proposed lot would make it cost prohibitive to access this land from the other frontage locations of the Applicant's remaining land. In addition, the Applicant has constructed the DEP required septic system leaching field upgrade for the Staffordshire Apartments on the remaining land, thus making this land essentially undevelopable except for additional expansion of the system if required. The Applicant proposes to deed this remaining land, excepting the proposed lot if the Special Permit is granted, along with the Staffordshire Apartments to new ownership.</p> | | | |

Attach additional pages as necessary to fully describe the application.

GRAZ Engineering, L.L.C.

323 West Lake Road • Fitzwilliam, NH 03447 • Telephone (603) 585-6959 • Fax (603) 585-6960

January 26, 2017

Leicester Zoning Board of Appeals (ZBA)
3 Washburn Square
Leicester, MA 01524

**Subject: Petition Brief for Special Permit
Auburn Street, Leicester, MA**

RECEIVED
2017 JAN 26 PM 3:59
TOWN CLERK'S OFFICE
LEICESTER, MASS.

Dear Board Members:

On behalf of Southwest Holdings, Ltd. (Owner/Petitioner) and in accordance with the Leicester Zoning Bylaws, Section 6.4.02 dated May 5, 2015 we submit the enclosed "Application for Special Permit" to seek approval of a "Limited Frontage Lot" under the current Zoning Bylaws (Bylaws), Section 1.3, Definitions. Said lot is depicted as Lot 1 (Not a Buildable Lot) on a Plan entitled "Plan of Land on Auburn Street, Leicester, Massachusetts", prepared for Southwest Holdings, Ltd. dated January 11, 2017 (attached herewith).

Background

This request for Special Permit is to allow the Petitioner to create one (1) buildable single family lot from the "finger" portion of Assessors Map 35, Parcel C12.0 located on the easterly side of Auburn Street. Except for the remaining frontage, Lot 1 on the Plan meets all of the dimensional requirements for the Business Residential-1 (BR-1), Single Family zoning district as set forth in the Bylaws Section 4.2, Schedule of Dimensional Requirements – Table 1.

In particular, the site address is Stafford Street and is currently depicted on Assessors Map 35 as Parcel C12.0. Southwest Holdings, Ltd. is the current owner of record. The site is zoned "BR-1, Business Residential-1" and is bounded on the north partially by lands of John Parslow, John & Tracy McKeon, and Michael Martiros; on the southeast partially by Stafford Street and by lands of Harold & Ora Lamprey, James Connery, Edmond Jr. & Nicole Thebeau, Philip & Alice Brenard, and Diane & Dennis Rabidou; and on the west partially by lands of Daniel & Judy Robichaud, Bonnie Jerome, and William & Kathleen Prunier and by the remaining frontage along the east side of Auburn Street.

Reasons for Granting "Limited Frontage Lot" Special Permit

The existing remaining frontage for the lot is 147.6 feet versus the required minimum of 200 feet. This frontage is the resultant Auburn Street frontage after the previous land owner (circa 1955-1961) deeded the adjacent frontage lots currently depicted as Assessor's Map 35, Parcels 2, 3, & 4. This "finger" of land is not held in common ownership with any of the surrounding lots by the Petitioner, thus precluding the ability to add the necessary land to make the frontage meet the minimum requirement.

This “finger” portion of the Petitioner’s land is of no benefit to the remaining land located to the east and having frontage along Stafford Street. It is essentially separated by the intermittent stream, associated wetlands, and topography that transect the property near the back of Lot 1 on the Plan. Making use of this “finger” of land with the remaining land located to the east would require a cost prohibitive wetland crossing and/or potentially wetland replication.

In addition to the existing stream, wetland, & topographic conditions of the land, the Petitioner has constructed the DEP required septic system leaching field upgrade for the Staffordshire Apartments on the remaining land located to the east of Lot 1 of the Plan. This makes the remaining land essentially undevelopable except for additional expansion of the system if necessary in the future. If the Special Permit is granted for this “finger” lot (Lot 1 on the Plan), the Petitioner proposes to deed the remaining land along with the Staffordshire Apartments to new ownership, excepting the said Auburn Street frontage lot.

Finally, the Petitioner notes that Lot 1 of the Plan and the subsequent development of a single family residence on said lot will not change the character or landscape of the neighborhood. As this use will be consistent with the existing rural residential area, there would be no anticipated additional noise or light pollution nor increase in vehicle or pedestrian traffic that would adversely affect the neighborhood.

Request for Findings of Fact for Granting “Limited Frontage Lot” Special Permit

The Petitioner request that the ZBA make the following findings of facts:

- 1) Lot 1 fails to comply with the minimum frontage requirements for a lot located in a Business Residential-1 (BR-1), Single Family zoning district. Under Section 4.2 of the Bylaws, the minimum lot frontage requirement is 200 feet. Lot 1 on the Plan has frontage of 147.6 feet, thereby being 52.4 feet short of the requirement.
- 2) Except for the minimum required frontage, Lot 1 on the Plan meets all other dimensional requirements for said zoning district.
- 3) Lot 1 on the Plan is not held in common ownership with any of the surrounding lots, thus precluding the ability to add the necessary land to make the frontage meet the minimum requirement.
- 4) Lot 1 on the Plan represents a “finger” portion of the remaining land of the Petitioner that is essentially separated by the main portion of land to the east by an existing intermittent stream and the associated wetlands & topography that transect the parcel. This fact makes the use of this “finger” of land essentially not feasible with the remaining land located to the east due to the prohibitive costs associate with a wetland crossing and/or potentially wetland replication.
- 5) The remaining land of the Petitioner would be limited to the use for the Staffordshire Apartments septic system leaching field and its potential future expansion as required.

Therefore Lot 1 on the Plan provides no benefit to the remaining land that is proposed to be deeded to new ownership along with the Staffordshire Apartment complex.

- 6) Lot 1 of the Plan and the subsequent development of a single family residence on said lot will not change the character or landscape of the neighborhood. As this use will be consistent with the existing rural residential area, there would be no anticipated additional noise or light pollution nor increase in vehicle or pedestrian traffic that would adversely affect the neighborhood.

Therefore, the Petitioners request that the Board grant a Special Permit in accordance with the Bylaws Section 1.3, Definitions for a "Limited Frontage Lot" with a frontage of 147.6 feet allowing a relief of 52.4 feet from the required minimum frontage of 200 feet as set forth in the Bylaws Section 4.2, Schedule of Dimensional Requirements – Table 1.

I trust that this information will assist the Zoning Board of Appeals in their review of the Petitioners' "Application for Special Permit." Should you have any other questions or require additional information prior to the meeting please call me.

Respectfully yours,
GRAZ Engineering, L.L.C.



Brian C. MacEwen, P.L.S., E.I.T.
Project Manager

AUBURN STREET
PUBLIC - VARIABLE WIDTH
NO MONUMENTED LAYOUT OF RECORD

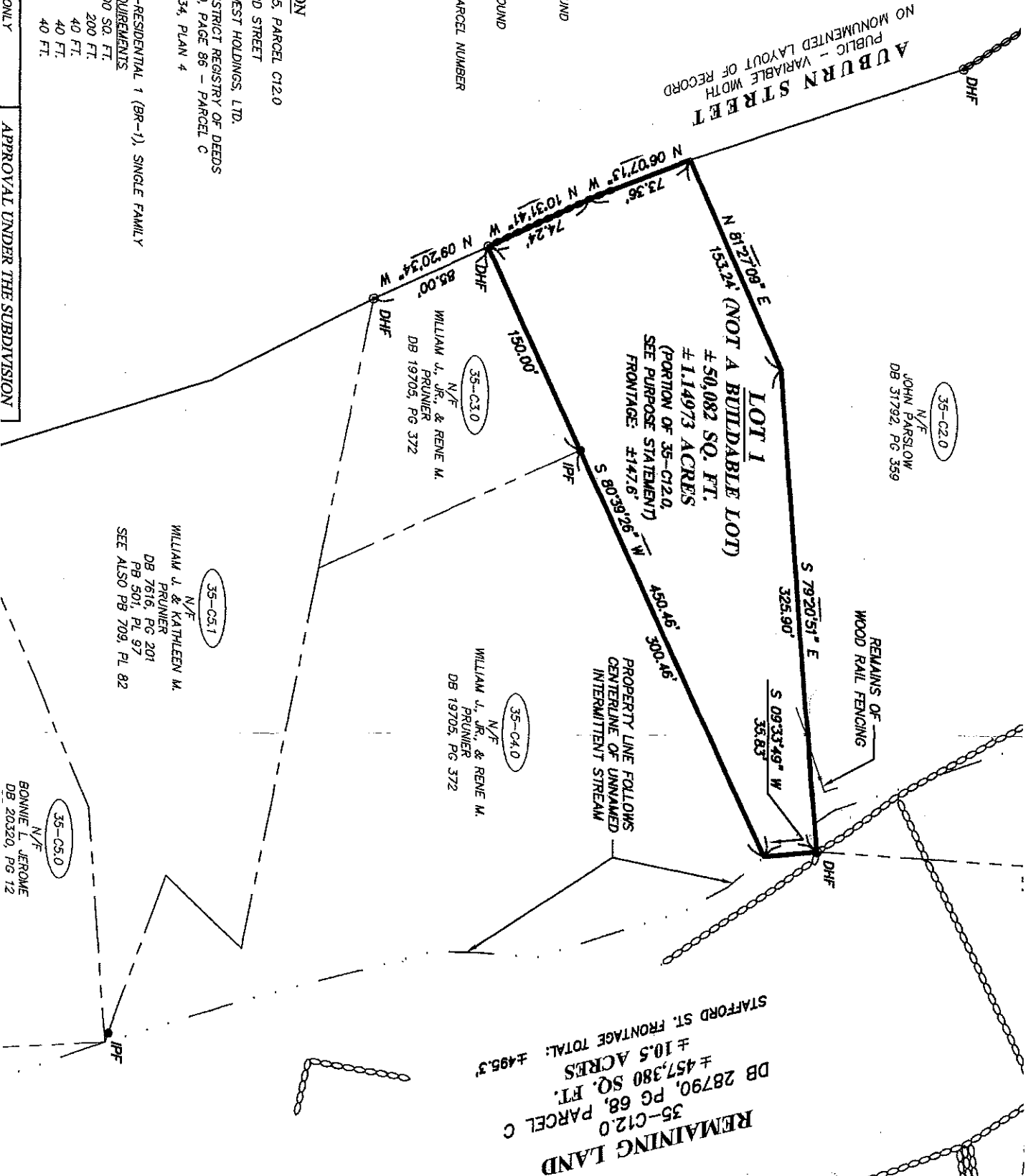
③ IPP- IRON PIPE FOUND
 ③ RBF- REBAR FOUND
 ③ DHF- DRILL HOLE FOUND
 ⑤-C3.0- ASSESSORS PARCELS

ASSESSORS PARCEL: MAP 35, PARCEL C120
LOT ADDRESS: STAFFORD STREET
OWNER OF RECORD: SOUTHWEST HOLDINGS, LTD.
LOCUS DEED: WORCESTER DISTRICT REGISTRY OF DEEDS
BOOK 28790, PAGE 86 - PARCEL C
LOCUS PLAN: PLAN BOOK 234, PLAN 4

ZONING DISTRICT: BUSINESS-RESIDENTIAL 1 (BR-1), SINGLE FAMILY MINIMUM DIMENSIONAL REQUIREMENTS

| | |
|---------------------|----------------|
| LOT AREA: | 50,000 SQ. FT. |
| LOT FRONTAGE: | 200 FT. |
| FRONT YARD SETBACK: | 40 FT. |
| SIDE YARD SETBACK: | 40 FT. |
| REAR YARD SETBACK: | 40 FT. |

APPROVAL UNDER THE SUBDIVISION



REMAINING LAND
35-C12.0
DB 28790, PG 68, PARCEL C
± 457,380 SQ. FT.
± 10.5 ACRES
STAFFORD ST. FRONTAGE TOTAL: ± 495.3'

GENE

1) THIS
AND
A F

2) THIS
HELP
NE

3) THE
ON
SIT

PULL

1) TH
O
W
B
T

2) NK
W
A
C

| | | | |
|--------|--|--|--|
| | | | |
| | | | |
| REV. | | | |
| JOB NU | | | |
| COMPU | | | |
| SCALE: | | | |