



# **TOWN OF LEICESTER ZONING BOARD OF APPEALS**

**LEICESTER, MA 01524-1333**

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

[www.leicesterma.org](http://www.leicesterma.org)

## **PUBLIC HEARING NOTICE**

The Zoning Board of Appeals of the Town of Leicester, MA will hold a public hearing on **Wednesday, August 10, 2016 at 8:00PM** in Room 3, Bottom Floor, Leicester Town Hall, 3 Washburn Square, Leicester, MA on the petition of Matt Schold of 77 Chickering Road, Spencer, Ma. for an Appeal on the Building Inspector's Decision to deny a building permit to construct three 24-unit buildings 4 ½ stories tall on the footprint approved in 1972, on property located at 503-505 Stafford Street, 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 August 10, 2016.

**PLEASE RUN IN THE WORCESTER TELEGRAM ON:**

**WEDNESDAY, JULY 27<sup>TH</sup>, 2016 AND WEDNESDAY, AUGUST 3<sup>RD</sup>, 2016**

David Kirwan, Chair  
Leicester ZBA

## Leicester Zoning Board of Appeals

PERMIT TYPE: ☐ Special Permit ☐ Variance

Date: 7-12-16

<b>Owner Information</b>			
Owner Name:		STAFFORDSHIRE Properties, INC.	
Owner Signature:			
Address:		506 Stafford St.; OFFICE CHERRY VALLEY, MA 01611	
Phone:	508-892-8100	Fax:	n/a
Email:		scep@property@gmail.com	
<b>Applicant Information</b>			
Applicant Name:		NATT SCHOLD	
Applicant Signature:			
Address:		77 CHICKERING RD SPENCER, MA 01562	
Phone:	508-612-8777	Fax:	n/a
Email:		scholddev@gmail.com	
<b>Project Information</b>			
Project Address:		503, 504, 505 Stafford St.	
Zoning District:		BC1	
Assessors Map & Parcel #	35, D 1.1	Deed Reference (Book & Page):	15611; 4
Applicable Zoning Bylaw Section(s):		1972 ZBA ORIGINAL DECISION	
<b>Brief Description of Application:</b>			
<p>To construct (3) 24 units buildings 4 1/2 stories tall as originally approved in 1972.</p>			
<b>State Briefly Reasons for Variance or Special Permit:</b>			
<p>To construct 24 units in each building on the footprint approved in 1972. We will need to have 4 1/2 stories of height. Currently there are (2) of these structures that were built in 1974 that were 3 1/2 stories, however to meet 2016 codes, specifically regarding accessibility and safety, we have to build the <sup>remaining 3</sup> structures 4 1/2 stories in height.</p>			

Attach additional pages as necessary to fully describe the application.

The Law Office  
of  
George P. Kiritsy

George P. Kiritsy, Esq.

Angela M. Cormier, Esq.

June 13, 2016

Mr. Robert W. Richard  
Staffordshire Properties, Inc.  
6017 Pine Ridge Rd. Suite 255  
Naples, FL 34119 Wayne Richards

Sent via email: [rwr@soval.com](mailto:rwr@soval.com)

RE: Variance and Special Permit Applicability  
Staffordshire Property - Leicester, Massachusetts  
Possible Height Restrictions

Dear Mr. Richard:

You have requested that I review the above referenced matter and assess whether the original zoning relief presents any express limitations relative to the height of the buildings to be built on the property. In preparation of this letter, I reviewed the variance as originally issued by the Leicester Zoning Board of Appeals, dated December 1972. You specifically request an opinion as to the Variance contains a limitation as to the height of the buildings to be built. Please accept this letter for that purpose.

The variance at issue was approved by the Leicester Zoning Board of Appeals in 1972. I have read a copy of the variance, which you provided to, for the purpose of assessing any literal restrictions or limitations as to the height of buildings. A complete reading of the variance demonstrates no express restrictions or limitations as to time or effectiveness. The variance vote is clear that the property may be built "as per plot plan". The variance does not contain any limitation relative to the height of the structures.

There is language in the minutes attached to the variance which evidences that the petitioner and the Board discussed the proposed height of the buildings. However, no limitations based on that language is included in the vote granting the decision. I am advised that all of the buildings on the property exceed 2½ stories in height, some of which were built decades ago. I would note that other points of discussion included probable rent, and whether the buildings would have young children. I would suggest that the actual grant of variance contains no more limitation as to height as to whether children may occupy the buildings or the amount of rent to be charged to the tenants.

Although variances may be limited, the actual grant by the Board contains no such limitation. The building must be built according to Massachusetts building codes. As the Leicester Zoning Bylaw expressly allows construction up to 5½ stories, the most practical reading of the Variance would allow construction only as high as the Bylaws permit.

As there are no other limitations express in the decision (Vote) of the Board, your application for a building permit, for a structure not to exceed 5½ stories should be granted. I hope that this letter answers the questions posed. Please feel free to share this short opinion with any person you deem necessary or convenient to your project. I am happy to meet with you and/or Matt to discuss further steps. As always, if you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours:

George P. Kiritsy



**Town Of Leicester**  
**OFFICE OF THE INSPECTOR OF CODES**  
3 Washburn Square  
Leicester, Massachusetts 01524-1333  
Phone: (508) 892-7003 Fax: (508) 892-1163  
**Building & Zoning Enforcement**  
Jeff Taylor

**Plumbing & Gas Inspector**

John P. Dolen

**Wiring Inspector**

Paul A. Sarro

Date: July 7, 2016

Staffordshire Properties Inc.  
6017 Pine Ridge Rd. Ste 225  
Naples Florida, 34119

To whom it may concern;

I have received an application to build four story multi-family units on the property located on 503, 504 and 505 Stafford Street in Cherry Valley Ma. The 1972 ZBA decision states 2.5 stories in height not 4 stories which was upheld two years ago under an appeal with the Leicester ZBA.

At this time I must deny your application based on the height of the structures. You will need to appeal this decision to the Leicester Zoning Board of Appeals. Please see the town clerk for the application to appeal my decision.

If you have any questions regarding this letter please direct them to this office.

Jeff Taylor, CBO  
Inspector of Buildings  
Zoning Enforcement Officer

Cc;  
Zoning Board of Appeals  
Joe Cove, Town Counsel

# FLOOR AREA SUMMARY

LEVEL ONE	4,174 Square Feet	5 UNITS	9 BEDROOMS
LEVEL TWO	4,174 Square Feet	6 UNITS	9 BEDROOMS
LEVEL THREE	4,174 Square Feet	6 UNITS	9 BEDROOMS
LEVEL FOUR	4,174 Square Feet	6 UNITS	9 BEDROOMS
PENTHOUSE	1,225 Square Feet	1 UNIT	2 BEDROOMS
TOTAL	23,921 Square Feet	24 UNITS	38 BEDROOMS

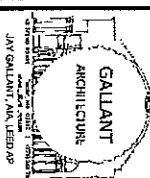
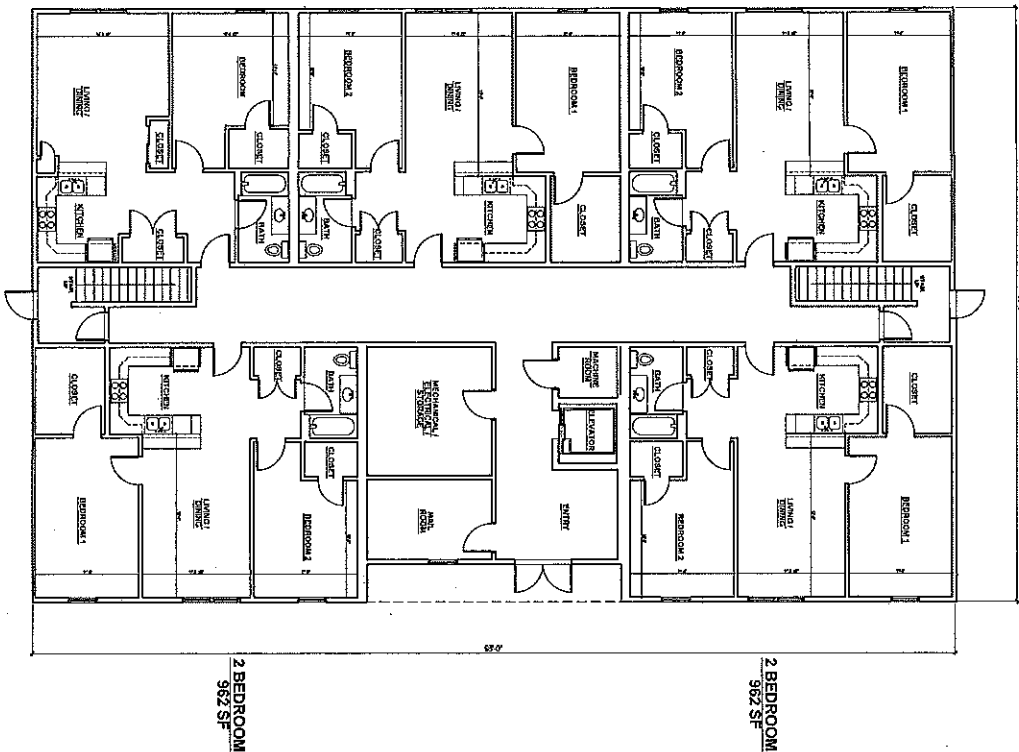
5 UNITS  
9 BEDROOMS

2 BEDROOM  
962 SF

2 BEDROOM  
962 SF

1 BEDROOM  
748 SF

FLOOR PLAN  
SCALE: 1/8" = 1'-0"



STAFFORDSHIRE  
APARTMENTS  
STAFFORD STREET  
LEICESTER, WA

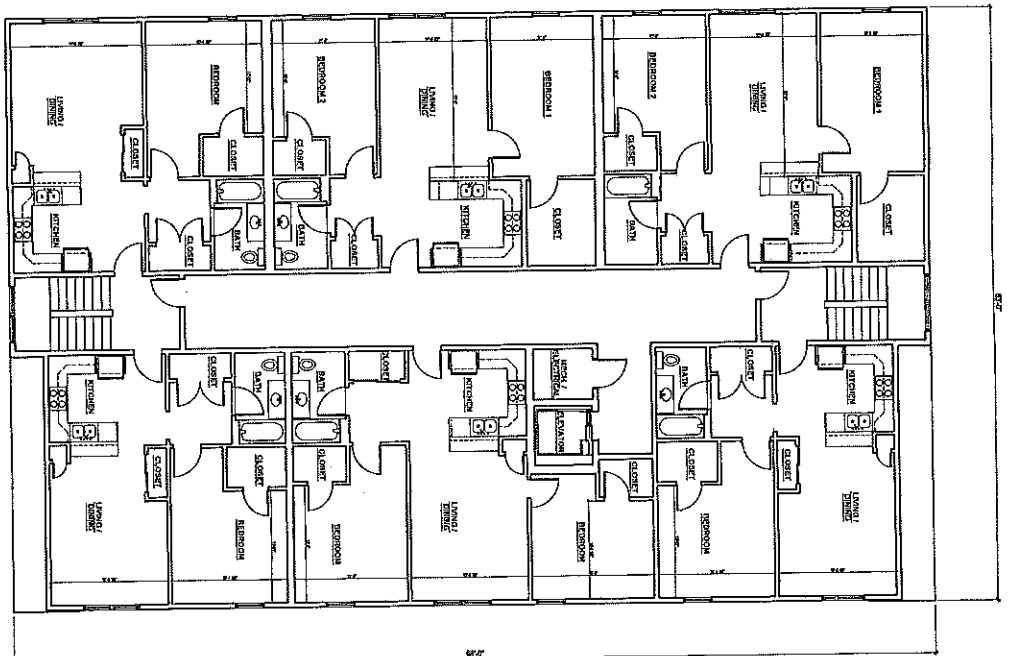
REVIEW SET  
NOT FOR CONSTRUCTION

NOTE  
ALL DIMENSIONS ARE SET  
TO FIELD VERIFICATION

GROUND FLOOR  
PLAN  
(LEVEL 1)

REVISIONS

FILE: STAFFORDSHIRE APARTMENTS  
DWG NO: 1  
SCALE: 1/8" = 1'-0"  
DATE: 11/1/11



6 UNITS  
9 BEDROOMS

2 BEDROOM  
962 SF

2 BEDROOM  
962 SF

1 BEDROOM  
748 SF

1 BEDROOM  
707 SF

2 BEDROOM  
900 SF

1 BEDROOM  
707 SF

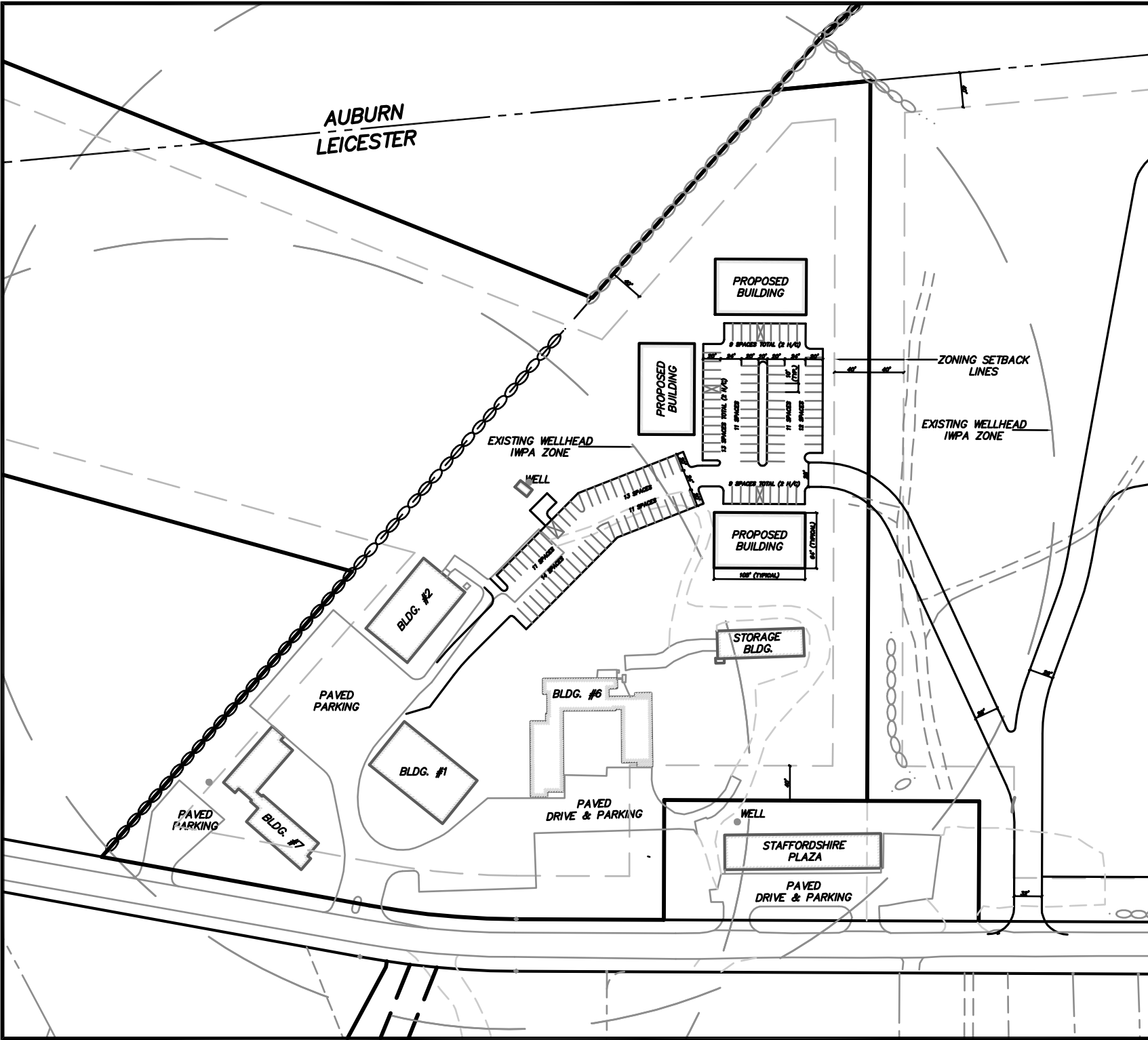
FLOOR PLAN  
SCALE: 3/8" = 1'-0"



**GALLANT ARCHITECTURE**  
JAY GALLANT, AIA, LEED AP  
1000 WASHINGTON STREET  
CAMBRIDGE, MA 02139  
TEL: 617.452.1234  
WWW.GALLANTARCHITECTURE.COM

**STAFFORDSHIRE APARTMENTS**  
STAFFORD STREET  
LEICESTER, MA

<b>REVISIONS</b>	
NO.	DESCRIPTION
1	REVISION SET
2	NOT FOR CONSTRUCTION
<b>NOTE</b>	
ALL DIMENSIONS SUBJECT TO FIELD VERIFICATION	
<b>UPPER FLOOR PLAN</b>	
<b>(LEVELS 3 AND 4, LEVEL 2 SIMILAR)</b>	
DATE	1/1/2010
SCALE	AS SHOWN
DATE	2/1/2010
SCALE	AS SHOWN
DATE	2/1/2010
SCALE	AS SHOWN



**GRAZ Engineering, L.L.C.**  
323 West Lake Road, Fitzwilliam, NH 03447  
Phone: (603) 585-6959 Fax: (603) 585-6960

DATE	JULY 12, 2016	JOB NUMBER	01510
SCALE		1" = 150'	
		SHEET 1 OF 1	

**STAFFORDSHIRE PROPERTIES, INC.**  
LEICESTER, MASSACHUSETTS

**CONCEPTUAL SITE LAYOUT**  
STAFFORD STREET, LEICESTER, MA

PREPARED FOR: STAFFORDSHIRE PROPERTIES, INC  
501-507 STAFFORD STREET  
LEICESTER, MA











