



# **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, March 8, 2017 at 7:30PM** in Room 3, Bottom Floor, Leicester Town Hall, 3 Washburn Square, Leicester, MA on the petition of Staffordshire Properties by Robert Richard of 6017 Pine Ridge Road, Suite 255, Naples, FL for a Variance to amend a variance issued by the Zoning Board of Appeals on December 7, 1972, in an effort to build the final (3) three structures in accordance with the originally approved plans, 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 March 1, 2017.

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

**WEDNESDAY, FEBRUARY 22<sup>nd</sup>, 2017 AND WEDNESDAY, MARCH 1<sup>ST</sup>, 2017**

David Kirwan, Chair  
Leicester ZBA

## Leicester Zoning Board of Appeals

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

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

<b>Owner Information</b>					
<b>Owner Name:</b>					
<b>Owner Signature:</b>					
<b>Address:</b>					
<b>Phone:</b>		<b>Fax:</b>		<b>Email:</b>	
<b>Applicant Information</b>					
<b>Applicant Name:</b>					
<b>Applicant Signature:</b>					
<b>Address:</b>					
<b>Phone:</b>		<b>Fax:</b>		<b>Email:</b>	
<b>Project Information</b>					
<b>Project Address:</b>			<b>Zoning District:</b>		
<b>Assessors Map &amp; Parcel #</b>		<b>Deed Reference (Book &amp; Page):</b>			
<b>Applicable Zoning Bylaw Section(s):</b>					
<b>Brief Description of Application:</b>					
<b>State Briefly Reasons for Variance or Special Permit:</b>					

*Attach additional pages as necessary to fully describe the application.*

11:09:08AM

## Abutters List

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
34 A1.110	AUBURN ST	MARTIROS MICHAEL J		12 SHELTER RIDGE RD	LEICESTER	MA	01524
34 A1.90	490 STAFFORD ST	MASON-ALCORN LLC		490 STAFFORD ST	CERRY VALLEY	MA	01611-3307
34 B10	483 STAFFORD ST	MACHADO SILVA ANGELO	DUFFY MICHAEL P	483 STAFFORD ST	CERRY VALLEY	MA	01611
34 B20	479 STAFFORD ST	ANTANAVICA MARC	ANTANAVICA HOLLY	479 STAFFORD ST	CERRY VALLEY	MA	01611
34 B90	STAFFORD ST	SOUTHWEST HOLDINGS LTD	C/O ROBERT W RICHARD	SUITE 255	NAPLES	FL	34119-3956
35 C100	524 STAFFORD ST	CONNERY JAMES		524 STAFFORD ST	CERRY VALLEY	MA	01611
35 C110	520 STAFFORD ST	LAMPREY ORA L		520 STAFFORD ST	CERRY VALLEY	MA	01611
35 C120	STAFFORD ST	SOUTHWEST HOLDING LTD	C/O ROBERT W RICHARD	6017 PINE RIDGE RD STE 25	NAPLES	FL	34119-3956
35 C130	496 STAFFORD ST	MARTIROS MICHAEL J		12 SHELTER RIDGE RD	LEICESTER	MA	01524
35 C90	526 STAFFORD ST	THEBEAU JR EDMOND J	THEBEAU NICOLE M	128 LASHAWAY DRIVE	EAST BROOKFIELD	MA	01515
35 D10	521 STAFFORD ST	STAFFORDSHIRE PROPERTIES IN	C/O ROBERT W RICHARD	6017 PINE RIDGE RD STE 25	NAPLES	FL	34119-3956
35 D1.20	STAFFORD ST	SOUTHWEST HOLDING LTD	C/O ROBERT W RICHARD	SUITE 255	NAPLES	FL	34119-3956

*End of Report*

Please Note: Abutters in the Town of Auburn

Above is a certified list of abutters and abutters to abutters within 300 feet of subject.  
 Subject property: 501-507 Stafford Street, Assessors Map 35-D1.1-0, Deed Ref. 15611/4  
 Subject owner(s): Staffordshire Properties Inc.

John Prescott, Principal Assessor

Prepared by: Kathleen Asquith, Assistant

3592

BRIAN C. MACEWEN  
P.O. BOX 813  
PETERSHAM, MA 01366-0813

2/8 2017

PAY TO THE ORDER OF TOWN OF LEICESTER \$ 55.00  
FIFTY-FIVE AND NO/100 DOLLARS

EXECUTIVE GRAY

Security Features  
Included  
Details on Back

ATHOL SAVINGS BANK  
PROUD OF OUR PAST  
FOCUSED ON THE FUTURE

STARFORDSHIRE APTS.  
FOR REBA VARRANCE RUMBAULT

*[Signature]* MP

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3591

BRIAN C. MACEWEN  
P.O. BOX 813  
PETERSHAM, MA 01366-0813

2/8 2017

PAY TO THE ORDER OF TOWN OF LEICESTER \$ 10.00  
TEN AND NO/100 DOLLARS

EXECUTIVE GRAY

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Included  
Details on Back

ATHOL SAVINGS BANK  
PROUD OF OUR PAST  
FOCUSED ON THE FUTURE

STARFORDSHIRE APTS.  
FOR ABOTTES LOST

*[Signature]* MP

⑆211370998⑆88 201761 9⑈ 3591

# GRAZ Engineering, L.L.C.



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

February 13, 2017

Leicester Zoning Board of Appeals  
3 Washburn Square  
Leicester, MA 01524

**Subject: Petition Brief for Amendment to Variance  
501-507 Stafford Street, Leicester, MA**

Dear Board Members:

On behalf of Staffordshire Properties, Inc. (Owner/Petitioner) and in accordance with the Leicester Zoning Bylaws, Section 6.4.03 dated May 5, 2015 we submit the enclosed "Application for Variance Amendment" to seek approval of a modification of the original Variance issued on December 7, 1972 by the Leicester Zoning Board of Appeals (Board) for the construction of an apartment complex, at what is now 501-507 Stafford Street, in accordance with the plot plan submitted at the public hearing (see attached copy of original plans).

In particular, the Petitioner proposes to modify the previously approved site layout plan to accommodate a change in the configuration the three (3) remaining apartment buildings and the associated access drives and parking areas. In brief, the modifications are proposed in part due to the current asbuilt conditions of the developed site related to existing structure, utility, & access drive locations as well as the current site topography,

## **Background**

On December 7, 1972 the Board granted to Duquette Builders & Realty Inc. a Variance for the construction of a one hundred fifty (150) unit apartment complex comprised of town houses and garden apartments currently known as Staffordshire Country Estates and located at 501-507 Stafford Street along with a four (4) unit commercial building currently known as Staffordshire Plaza located at 521 Stafford Street and depicted on the current Assessor Map 35 as Parcels D1.1 & D1.0 respectively. Because the land was zoned Suburban-Agricultural at the time of the original Petition, a variance was necessary for the proposed development use at this site.

The original Petitioner requested the variance based on the following hardships (see attached Variance & meeting minutes):

1. The locus could not be properly used for Suburban-Agricultural because of the existence of severely steep grades, thickly wooded areas, and rock outcroppings with poor soil conditions.
2. There would be no detriment to the area because there would be an attractive and sophisticated residential development of garden-type and town house apartments with a preservation of approximately 2/3 of the parcel for recreation and maintenance of the natural state.

3. There would be no derogation from the purpose of the zoning by-law because there would be more than the required parking, the internal streets would be built to the town standards, there would be front vehicular access to every building, the exteriors would blend with the area, and there would be extensive landscaping to augment the natural state of the area.

Substantially agreeing with the Petitioner's hardships, the Board granted the Variance with the following stipulations as per the plot plan (see attached original site plan):

- All egresses and exits are to be 50' wide off of Stafford Street with angular openings.
- All roads, drainage, sewerage, water systems, maintenance and security are to be provided by the builder.

**Reasons for Requesting an Amendment to the Variance**

To date Buildings 1, 2, 6, & 7 and the strip mall as depicted on the original site plan have been constructed substantially at the proposed locations (see attached original site plan).

The Petitioner requests a modification to the original site layout for the remaining three (3) buildings (Buildings 3, 4, & 5) primarily due to the current existing conditions of the site. In particular, the Petitioner notes the following existing site issues and conflicts (see attached original site plan overlay with current site conditions):

- 1) Building 3 issues:
  - a) Footprint is located over one of the current water supply wells for the apartment complex.
  - b) Footprint is located on a 15-20% side slope with apparent rock outcroppings which would require extensive site grading and possibly blasting to accommodate the building foundation.
- 2) Building 5 issues:
  - a) Footprint is located within the side yard setback to the property line between Assessors Map 35, Parcels D1.1 & D1.2.
  - b) Footprint is located over the existing maintenance building location which houses a maintenance workshop & miscellaneous maintenance equipment necessary for the upkeep of the apartment buildings and site. In addition, the controls and supplies for the recently installed amphidrome waste water treatment system for the apartment complex are located in this building.
- 3) The most northwesterly parking lot located to the northwest of Building 5 issues:
  - a) Footprint straddles the property line between Assessors Map 35, Parcels D1.1 & D1.2.
  - b) Footprint is located on a >20% side slope which would require extensive site grading, possibly retaining walls, to accommodate suitable layout and drainage.



- 4) The southwesterly access to the site crosses over the developed strip mall parcel (Map 35, Parcel D1.0) and conflicts with the existing gravel parking area for the mall.
- 5) In general, the original building and parking layout for Buildings 3, 4, & 5 would require more earthwork than the proposed site layout due to the existing topography of the site. Of particular note is the already developed plateau above and behind the existing maintenance building which was the location of the currently abandoned septic system leach field.
- 6) The proposed site layout will provide the required number of parking spaces as set forth in the current zoning bylaws for the proposed final three buildings of this project. This exceeds the requirements set forth in the bylaws at the time the original Variance was granted.
- 7) The proposed access drive off from Stafford Street, located to the west of the strip mall property, will provide adequate ingress/egress to the site for the occupants and all emergency vehicles while not diminishing the amount of parking spaces for the strip mall.
- 8) The proposed drive for these three buildings and the associated parking areas will connect to the currently existing drives and parking areas thereby providing two (2) means of ingress/egress through the site for emergency vehicles.
- 9) The Petitioner notes that the proposed modifications to the site layout will not change the character or landscape of the original project or the abutting neighborhood. As this use will be consistent with the original Variance, 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 an Amendment to Variance**

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

- 1) The proposed site layout modification complies fully with the current zoning bylaws and the original Variance.
- 2) The proposed three (3) buildings will comply fully with the current zoning bylaws and the original Variance. Specifically the building shall have maximum dimensions of 100' Long x 64' Wide x 35' High.
- 3) The proposed parking layout will provide the required number of parking spaces as set forth in the current zoning bylaws inclusive of the required number of handicap spaces as set forth in Mass AAB 521 CMR, Table 23.2.1. and with drive up access to each of the buildings. This exceeds the requirements as set forth in the original Variance.
- 4) The proposed access drive will connect with the currently existing drive and parking areas essentially creating a loop road through the project by providing two (2) means of ingress/egress through the site for the occupants and emergency vehicles. This will be a benefit to the public safety within the apartment complex.

- 5) The use and scope of the project does not change from what was granted in the original Variance. Therefore, there will be no change to the character or landscape of the neighborhood from granting this amendment. 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 Petitioner request that the Board grant an Amendment to their Variance issued on December 7, 1972 for a modification to the site layout for the Staffordshire Country Estates Apartment Complex specifically for the reconfiguration of the remaining three (3) apartment buildings and the associated access drives and parking areas.

I trust that this information will assist the Board in their review of the Petitioner's request for a "Variance Amendment." 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