



Town of Leicester ZONING BOARD OF APPEALS

3 Washburn Square
Leicester, Massachusetts, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

ZONING BOARD OF APPEALS AGENDA

Wednesday, December 27, 2023 at 6:00 PM
Meeting Room 3

RECEIVED
2023 DEC 18 PM 12:19
TOWN CLERK'S OFFICE
LEICESTER, MASS.

ORDER OF BUSINESS*

1. Call to Order

2. 6:05 PM - Public Hearing (Continued)

V-2023-12 – Tim and Denise Wells, 69 Burncoat Lane, 27A-E34 and 27A-E35

The petitioners are seeking a Variance relating to the side yard setback requirement to construct an addition and garage as per Section 4.2 Schedule of Dimensional Requirements – Table I, and pursuant to MGL Chapter 40A.

3. 6:10 PM – Public Hearing

ZBA SP 2023-11 - Tim and Denise Wells, 69 Burncoat Lane, 27A-E34 and 27A-E35

The petitioners are seeking a Special Permit to add an addition, garage, and porch to a pre-existing non-conforming single family home per Leicester Zoning Bylaws Chapter 1.4.02 Alteration And Extension Of Nonconforming Structures Or Uses: 1.4.02.1, and pursuant to MGL Chapter 40A.

4. Minutes:

- 1/25/23
- 4/26/23
- 5/17/23
- 6/28/23
- 7/26/23
- 8/30/23
- 10/25/23
- 11/29/23

5. General Discussion/Miscellaneous

6. Adjourn

**Agenda items may be taken out of order.*

“The listings of matters are those reasonably anticipated by the Chair 48 hours before said meeting, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law”

Applications, plans, and supporting documents are available for viewing at www.Leicesterma.org/ZBA

69 BURNCOAT LANE
VARIANCE REQUEST



Town of Leicester
ZONING BOARD OF APPEALS
3 Washburn Square
Leicester, Massachusetts, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

RECEIVED
2023 OCT 30 PM 1:07
TOWN CLERK'S OFFICE
LEICESTER, MASS.

PUBLIC HEARING NOTICE
Zoning Board of Appeals
69 Burncoat Lane - V-2023-12

The Zoning Board of Appeals of the Town of Leicester, MA will hold a public hearing on **Wednesday, November 29, 2023 at 6:05 PM** in Meeting Room 3, Leicester Town Hall, 3 Washburn Square, Leicester, MA on the application of Tim and Denise Wells (V-2023-12). The petitioners are seeking a variance relating to the side yard setback requirement to construct an addition and garage as per Section 4.2 Schedule of Dimensional Requirements – Table I, and pursuant to MGL Chapter 40A.

Site Location: 69 Burncoat Lane, Leicester MA 01524. Said premises being further described in Worcester County Registry of Deeds Book 68119 Page 322. Assessor Parcels 27A-E34 and 27A-E35, Zone: Suburban Agricultural (SA) zone.

A copy of the application may be inspected in the Town Clerk's Office or Planning Department during regular business hours or online at leicesterma.org/zba. Any person interested or wishing to be heard on this application should appear at the time and place designated or submit written comments on or before the hearing date.

Jim Buckley, Chair
Leicester Zoning Board of Appeals

To be published in the Worcester Telegram & Gazette on:
Wednesday, November 15, 2023 and Wednesday, November 22, 2023

Ad Preview

PUBLIC HEARING NOTICE

Zoning Board of Appeals

69 Burncoat Lane - V-2023-12

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Jim Buckley, Chair
Leicester Zoning Board of Appeals

11/15, 11/22/2023

Leicester Zoning Board of Appeals
Special Permit & Variance Application Form

OCT 24 2023

Permit Number _____ - ____ -20 _____

Town of Leicester
Planning DepartmentPERMIT TYPE: ☐ Special Permit ☒ Variance

Date: 10/11/2023

CONTACT INFORMATION

Property Owner:

Name: TIM & DENISE WELLS

Company Name:

Signature:

Address: 69 BURNCOAT LANE

Phone: 508 579 7211

Email: TIM.WELLS@BROADCOM.COM

Applicant:

Name: SAME

Company Name:

Signature:

Address:

Phone:

Email:

Primary Contact Person: (The person that will be contacted by Town staff during the application process.)

Name: TIM WELLS

Company Name:

Address:

Phone: 508 579 7211

Email: TIM.WELLS@BROADCOM.COM

PROJECT INFORMATION

Project Address: SAME

Zoning District: SA

Assessors Map & Parcel #: 27A E34, E35

Deed Reference (Book/Page): BOOK 128 PAGE 27

Size of Proposed Structures: 1,519 SQFT ADDITION

Total Lot Area: 16,245

Water Source: ON SITE

Sewer Source: ON SITE

Applicable Zoning Bylaw Section(s): 6.4.03 D

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.)]

ADDITION TO ADD OFFICE, DEN, BATH, LAUNDRY AND 2 CAR GARAGE.

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.

SEE ATTACHED

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 checked="" type="checkbox"/> Application Form	<input checked="" type="checkbox"/> Any supplemental information where applicable (letters, detailed project information, etc.)	<input checked="" type="checkbox"/> Plans (1-full-size & 2 11"x17")
<input checked="" type="checkbox"/> Certified Abutters List (1 copy)	<input checked="" 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

Reasons for Variance

To the Zoning Board of Appeals,

The proposed addition is situated on a pre-existing non-conforming lot. The non-conformity of the lot is due to the overall size as it is zoned Suburban-Agricultural (SA) and has a requirement of a minimum 80,000 square feet in size and a 200' frontage. The existing lot is less than 20,000 square feet (less than 25% the size required by the SA zoning.) with a 100' frontage. The required setbacks for this district are 40'-0" for Front, Side, and Rear. This information is according to Section 4.2 Schedule of Dimensional Requirements Table 1. The existing property and neighboring properties do not meet the minimum lot square footage requirements nor some setback requirements due to the smaller sized lots. Due to the smaller lots in this section of the zoned district, the setbacks are not able to be met for a proposed addition. This lot also has a septic system and well which limits the location of an addition to the location proposed. The Conservation Committee has approved the location of the proposed addition because it's siting keeps it away from the pond. Additionally the Board of Health has approved the proposed addition's size and location in relation to the septic tank and leaching field.

Per Section 4.3: A Variance is sought to allow the proposed addition to exceed the 40' minimum setbacks of both the front and side yard. The Hardship of meeting the setback requirements due to the topography, size, and shape of the lot as currently zoned is not possible. A relief from the side and front setbacks allowing an encroachment as shown on the plot plan from 40.0' in the front to 37.7', on the left side from 40.0' to 33.2' and on the right side from 40.0' to 18.0'.

This request keeps with the setbacks currently in this neighborhood and does not detract nor impede on the neighboring properties.

Respectfully,

Timothy and Denise Wells



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

Timothy Wells
69 Burncoat Lane
Leicester MA

RE; 69 Burncoat Lane
Map # 27A Parcel # E34 and E35

In accordance with the provisions set forth in MGL Chapter 143.3 and 780 CMR

This letter is to inform you that your plans submitted on 10/12/23 plans for a addition and attached garage are rejected for the following reason(s)

Leicester Zoning By-Laws Section 4 "dimensional Requirements" and Section 4 Table 1 Suburban Agriculture

Side-Set back requirements are 40 feet on both sides. Your submitted plans show the northeasterly side shows 33.2'.

You have the option to seek relief from the Leicester Zoning Board of Appeals.

Please contact my office with any comments or concerns.

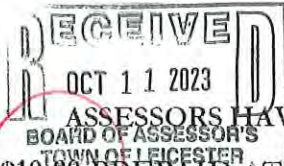
Harold P. Leaming

Building Commissioner/Zoning Enforcement Officer

Town of Leicester

(508) 892 7003

ABUTTERS LIST REQUEST



TOWN OF LEICESTER

*Heavily
11/9 schedule
Nov 29/23*

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

*pd
10/16/23
ay*

Subject Information

Parcel	Assessors Map: 27A Parcel: E34, E35 Deed Ref#: 125-27 68119-522
Owner(s)	TIMOTHY AND DENISE WELLS
Street Address	69 BURNCOAT LANE

Requestor Information

Name	TIM WELLS	
Telephone	508 579 7211	Email TIM.WELLS@BROADCOM.COM

	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 ¹
	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
X	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 _____	Please specify: _____ Direct Abutters _____ feet Other: _____

¹ 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.



300 feet Abutters List Report

Leicester, MA
October 18, 2023

Subject Property:

Parcel Number: 27A-E35-0
CAMA Number: 27A-E35-0
Property Address: 69 BURNCOAT LN

Mailing Address: WELLS TIMOTHY DANIEL WELLS
DENISE JEANNE
69 BURNCOAT LN
LEICESTER, MA 01524

Abutters:

Parcel Number: 27A-E28-0
CAMA Number: 27A-E28-0
Property Address: BURNCOAT LN

Mailing Address: ROESCH DOUGLAS TRUSTEE OF THE
DOUGLAS B ROES
2 BIXBY STREET
SPENCER, MA 01562

Parcel Number: 27A-E29-0
CAMA Number: 27A-E29-0
Property Address: 57 BURNCOAT LN

Mailing Address: HONEYMAN ALEXANDER T.
57 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E30-0
CAMA Number: 27A-E30-0
Property Address: 59 BURNCOAT LN

Mailing Address: GORMAN RICHARD L SR GORMAN
JENNIFER L
59 BURNCOAT LANE
LEICESTER, MA 01524

Parcel Number: 27A-E33-0
CAMA Number: 27A-E33-0
Property Address: 65 BURNCOAT LN

Mailing Address: THEBODO STEVEN A TRUSTEE
THEBODO IRREVOCABLE TRUST
65 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E34-0
CAMA Number: 27A-E34-0
Property Address: 67 BURNCOAT LN

Mailing Address: WELLS TIMOTHY DANIEL WELLS
DENISE JEANNE
69 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E36-0
CAMA Number: 27A-E36-0
Property Address: 71 BURNCOAT LN

Mailing Address: CABRAL DUSTIN CABRAL REBECCA
71 BURNCOAT LANE
LEICESTER, MA 01524

Parcel Number: 27A-E37-0
CAMA Number: 27A-E37-0
Property Address: 73 BURNCOAT LN

Mailing Address: HOGAN WILLIAM F HOGAN LIAN
73 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E38-0
CAMA Number: 27A-E38-0
Property Address: 75 BURNCOAT LN

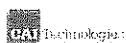
Mailing Address: RENZI FRANCIS RENZI ELIZABETH
75 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E39-0
CAMA Number: 27A-E39-0
Property Address: BURNCOAT LN

Mailing Address: MOORE RANDY W MOORE AMY
79 BURNCOAT LANE
LEICESTER, MA 01524

Parcel Number: 27A-E40-0
CAMA Number: 27A-E40-0
Property Address: 79 BURNCOAT LN

Mailing Address: MOORE RANDY W MOORE AMY
79 BURNCOAT LANE
LEICESTER, MA 01524



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10/18/2023

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Page 1 of 3



300 feet Abutters List Report

Leicester, MA
October 18, 2023

Parcel Number: 27A-E41-0
CAMA Number: 27A-E41-0
Property Address: 81 BURNCOAT LN

Mailing Address: HOVAGIMIAN MARK S HOVAGIMIAN
JOANNE T
81 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E42-0
CAMA Number: 27A-E42-0
Property Address: 83 BURNCOAT LN

Mailing Address: TROJAN TR BRIAN P 83 BURNCOAT LN
REALTY TRUST
357 COMMERCIAL ST U718
BOSTON, MA 02019

Parcel Number: 27A-E43-0
CAMA Number: 27A-E43-0
Property Address: 85 BURNCOAT LN

Mailing Address: HIGGINS PAMELA J
85 BURNCOAT LANE
LEICESTER, MA 01524

Parcel Number: 27A-E44-0
CAMA Number: 27A-E44-0
Property Address: 87 BURNCOAT LN

Mailing Address: CHRISTIAN DANIEL K CHRISTIAN LISA A
13 MCKINSTRY DR
CHARLTON, MA 01507

Parcel Number: 27A-E45-0
CAMA Number: 27A-E45.1-0
Property Address: BURNCOAT LN

Mailing Address: HOVAGIMIAN MARK S HOVAGIMIAN
JOANNE T
81 BURNCOAT LANE
LEICESTER, MA 01524

Parcel Number: 27A-E45-0
CAMA Number: 27A-E45-0
Property Address: 89 BURNCOAT LN

Mailing Address: SANKO LINDA HOVAGIMIAN JOANNE T
89 BURNCOAT LANE
LEICESTER, MA 01524

Parcel Number: 27A-F18-0
CAMA Number: 27A-F18-0
Property Address: BURNCOAT LN

Mailing Address: HONEYMAN ALEXANDER T.
57 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-F19-0
CAMA Number: 27A-F19-0
Property Address: 60 BURNCOAT LN

Mailing Address: RAWINSKI STEVEN P
60 BURNCOAT LANE
LEICESTER, MA 01524

Parcel Number: 27A-F20-0
CAMA Number: 27A-F20-0
Property Address: 62 BURNCOAT LN

Mailing Address: LINCOLN GORDON A
62 BURNCOAT LANE
LEICESTER, MA 01524-0304

Parcel Number: 27A-F21-0
CAMA Number: 27A-F21-0
Property Address: BURNCOAT LN

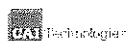
Mailing Address: LINCOLN GORDON A
62 BURNCOAT LANE
LEICESTER, MA 01524-0304

Parcel Number: 27A-F22-0
CAMA Number: 27A-F22-0
Property Address: BURNCOAT LN

Mailing Address: LINCOLN GORDON A
62 BURNCOAT LANE
LEICESTER, MA 01524-0304

Parcel Number: 27A-F23-0
CAMA Number: 27A-F23-0
Property Address: BURNCOAT LN

Mailing Address: LINCOLN GORDON A
62 BURNCOAT LANE
LEICESTER, MA 01524-0304



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10/18/2023

Page 2 of 3



300 feet Abutters List Report

Leicester, MA
October 18, 2023

Parcel Number: 27-B6-0
CAMA Number: 27-B6-0
Property Address: BURNCOAT POND

Mailing Address: BURNCOAT POND WATERSHED DISTRI
PO BOX 346
LEICESTER, MA 01524

Parcel Number: 27-C1.2-0
CAMA Number: 27-C1.2-0
Property Address: 82 BURNCOAT LN

Mailing Address: HOVAGIMIAN MARK S HOVAGIMIAN
JOANNE T
81 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27-C1.3-0
CAMA Number: 27-C1.3-0
Property Address: 84 BURNCOAT LN

Mailing Address: HOVAGIMIAN MARK S HOVAGIMIAN
JOANNE T
81 BURNCOAT LN
LEICESTER, MA 01524

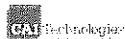
Parcel Number: 27-C1.51-0
CAMA Number: 27-C1.51-0
Property Address: BURNCOAT LN

Mailing Address: WELLS TIMOTHY DANIEL WELLS
DENISE JEANNE
69 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27-C1-0
CAMA Number: 27-C1-0
Property Address: 64 BURNCOAT LN

Mailing Address: HOVAGIMIAN MATTHEW
26 NUGGET DRIVE
CHARLTON, MA 01507

Above is a certified list of abutters and abutters to abutters within 300 feet including across the street.
Subject Property: 69 Burncoat Street Map 27A Lot E35 Deed Reference Book 68119 page 322
Property Owners: Timothy Wells and Denise Wells
Certified by Alyce D. Johns, Interim Principal Assessor



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10/18/2023

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Page 3 of 3

PROPERTY LOCATION

No	Alt No	Direction/Street/City
69		BURNCOAT LN, LEICESTER

OWNERSHIP

Owner 1: WELLS TIMOTHY DANIEL		
Owner 2: WELLS DENISE JEANNE		
Owner 3:		
Street 1: 69 BURNCOAT LN		
Street 2:		
Town/City: LEICESTER		
State/Prov: MA	County:	Own Occ: Y
Postal: 01524	Type:	

PREVIOUS OWNER

Owner 1: WELLS - TIMOTHY DANIEL		
Owner 2: WELLS - DENISE JEANNE		
Street 1: 69 BURNCOAT LN		
Town/City: LEICESTER		
St/Prov: MA	County:	
Postal: 01524		

NARRATIVE DESCRIPTION

This Parcel contains .202 ACRES of land mainly classified as ONE FAM with a(n) CONVENT'L Building Built about 1976, Having Primarily VINYL Exterior and ASPHALT SH Roof Cover, with 1 Units, 1 Baths, 1 HalfBaths, 0 3/4 Baths, 6 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Description	Amount	Com. Int.
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IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value	Legal Description	User Acct
101	207,500	800	0.202	149,100	357,400		
Total Card	207,500	800	0.202	149,100	357,400	Entered Lot Size	GIS Ref
Total Parcel	207,500	800	0.202	149,100	357,400	Total Land:	GIS Ref
Source: Market Adj Cost	Total Value per SQ unit: Card: 297.83		Parcel: 297.83		Parcel Unit Type:	Insp Date	

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Assesd Value	Notes	Date
2024	101	PV	207,500	800	.202	149,100	357,400	357,400	PRELIM VALUES 2024	6/8/2023
2023	101	FV	187,900	700	.202	149,100	337,700	337,700	Rollover	12/5/2022
2023	101	PV	187,900	700	.202	149,100	337,700	337,700		7/19/2022
2022	101	FV	153,700	600	.202	142,300	296,600	296,600	Year End Roll	12/29/2021
2022	101	PV	123,400	600	.202	115,300	239,300	239,300	2022 PRELIMINARY BILL	1/11/2021
2021	101	FV	123,400	600	.202	115,300	239,300	239,300	3 and 4 bills	11/25/2020
2021	101	IN	123,400	600	.202	115,300	239,300	239,300		7/27/2020
2021	101	TB	123,400	600	.202	115,300	239,300	239,300	prelim	6/18/2020

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes
WELLS TIMOTHY D	68119-322		8/25/2022	MULTI PARCEL	650000	No	No			MULTI PARCEL
COMEAU MICHAEL	13067-68		10/25/1990	FAMILY	100	No	No			
HOVAGIMIAN MARK	12225-206		9/8/1989	FAMILY	67000	No	No			

BUILDING PERMITS

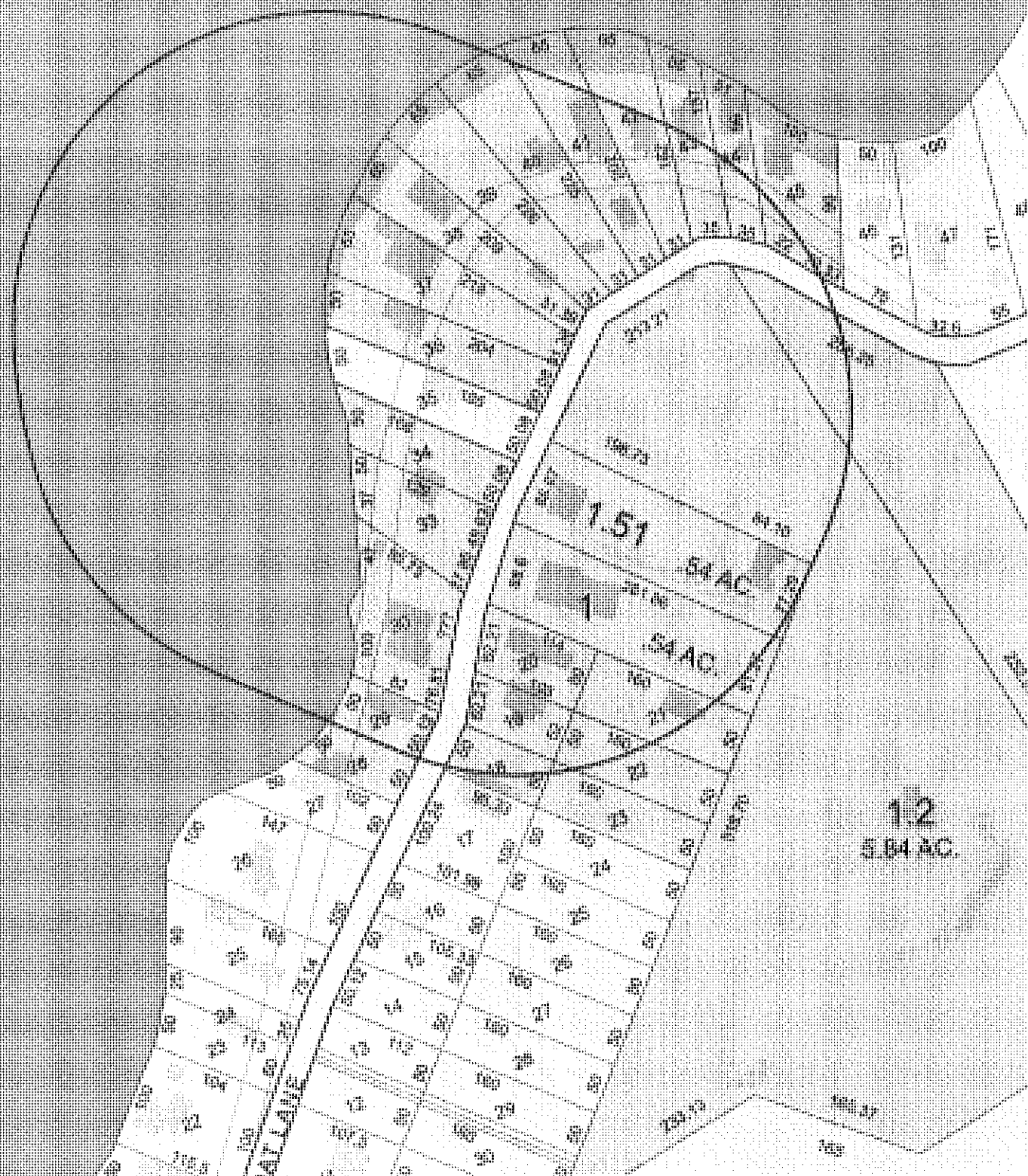
Date	Number	Descrp	Amount	C/O	Last Visit	Fed Code	F. Descrp	Comment
9/1/1993	142	MANUAL						WOOD STOVE
9/1/1992	112	MANUAL	20,000					ADDITION

ACTIVITY INFORMATION

Date	Result	By	Name
9/12/2022	M.L.S REVIEW	777	LINDA B
5/18/2022	MEAS+INSPCTD	777	LINDA B
9/14/2021	CYCICAL VIS	114	SANDY GENNA
10/22/2008	CYCICAL VIS	555	BRIDGET
1/10/1994	PERMIT VISIT	123	JAMES ZUROWI
12/9/1993	PERMIT VISIT	123	JAMES ZUROWI
7/18/1991	MEAS+INSPCTD	181	MEL WEST

Sign: _____

Use Code	LUCC	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh Infl	Neigh Mod	Int 1 %	Int 2 %	Int 3 %	Appraised Value	Alt Class	Spec Land Code	Fact Use Value	Notes
101	ONE FAM	8820		SQUARE FEBSITE			0	2.39	7,074	WA		RD CDN	-10		149,114			149,100	



ZBA-69 Burncoat Lane

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ROESCH DOUGLAS
TRUSTEE OF THE DOUGLAS B
2 BIXBY STREET
SPENCER, MA 01562



9590 9402 7208 1284 3107 69

2. Article Number (Transfer from service label)

7022 1670 0003 2353 5792

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

D. ROESCH

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ all Restricted Delivery

(over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

ZBA-69 Burncoat Lane

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HONEYMAN ALEXANDER T.
57 BURNCOAT LN
LEICESTER, MA 01524



9590 9402 7208 1284 3107 52

2.

7022 1670 0003 2353 5808

Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

ZBA-69 Burncoat Lane

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ORMAN RICHARD L SR
ORMAN JENNIFER L
59 BURNCOAT LANE
LEICESTER, MA 01524



9590 9402 7208 1284 3107 45

2. Article Number (Transfer from service label)

7022 1670 0003 2353 5815

Restricted Delivery

(over \$500)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

THEBODO STEVEN A TRUSTEE
THEBODO IRREVOCABLE TRUST
65 BURNCOAT LN
LEICESTER, MA 01524



9590 9402 7208 1284 3107 38

2. Article Number (Transfer from service label)

7022 1670 0003 2351 9754

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

I Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RENZI FRANCIS
RENZI ELIZABETH
75 BURNCOAT LN
LEICESTER, MA 01524



9590 9402 7208 1284 3107 07

2. Article Number (Transfer from service label)

7022 2410 0003 2297 4162

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

II Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MOORE RANDY W
MOORE AMY
79 BURNCOAT LANE
LEICESTER, MA 01524



9590 9402 7208 1284 3106 91

2. Article Number (Transfer from service label)

7022 2410 0003 2297 4179

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

I Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TROJAN TR BRIAN P
83 BURNCOAT LN REALTY TRU
357 COMMERCIAL ST U718
BOSTON, MA 02019



9590 9402 7208 1284 3109 29

7022 2410 0003 2297 4193

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

ZBA

69 Burncoat Lane

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LINCOLN GORDON A
62 BURNCOAT LANE
LEICESTER, MA 01524-0304



9590 9402 7208 1284 3108 82

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

☐ Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

ZBA

69 Burncoat Lane

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BURNCOAT POND WATERSHED D
PO BOX 346
LEICESTER, MA 01524



9590 9402 7208 1284 3108 75

2.

7022 2410 0003 2297 4247

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

☐ Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HOVAGIMIAN MATTHEW
26 NUGGET DRIVE
CHARLTON, MA 01507



9590 9402 7208 1284 3108 68

2. Article Number (Transfer from service label)

7022 2410 0003 2297 4254

COMPLETE THIS SECTION ON DELIVERY

A. Signature

- ☒
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

Matthew Hovagimian

C. Date of Delivery

11/13/03

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☐
- Adult Signature
-
- ☐
- Adult Signature Restricted Delivery
-
- ☐
- Certified Mail®
-
- ☐
- Certified Mail Restricted Delivery
-
- ☐
- Collect on Delivery
-
- ☐
- Collect on Delivery Restricted Delivery

- ☐
- Priority Mail Express®
-
- ☐
- Registered Mail™
-
- ☐
- Registered Mail Restricted Delivery
-
- ☐
- Signature Confirmation™
-
- ☐
- Signature Confirmation Restricted Delivery

Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sanko Linda
Hovagimian Joanne
89 Burncoat Lane
Leicester, MA 01524



9590 9402 7208 1284 3129 78

2. Article Number (Transfer from service label)

7022 2410 0003 2297 4339

COMPLETE THIS SECTION ON DELIVERY

A. Signature

- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☐
- Adult Signature
-
- ☐
- Adult Signature Restricted Delivery
-
- ☐
- Certified Mail®
-
- ☐
- Certified Mail Restricted Delivery
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- Collect on Delivery
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- ☐
- Collect on Delivery Restricted Delivery

- ☐
- Priority Mail Express®
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- ☐
- Registered Mail™
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- ☐
- Registered Mail Restricted Delivery
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- ☐
- Signature Confirmation™
-
- ☐
- Signature Confirmation Restricted Delivery

Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Town of Auburn
Zoning Board of Appeals
104 Central Street
Auburn, MA 01501



9590 9402 7208 1284 3108 51

2. Article Number (Transfer from service label)

7022 2410 0003 2297 4261

COMPLETE THIS SECTION ON DELIVERY

A. Signature

- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

11-2-03

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☐
- Adult Signature
-
- ☐
- Adult Signature Restricted Delivery
-
- ☐
- Certified Mail®
-
- ☐
- Certified Mail Restricted Delivery
-
- ☐
- Collect on Delivery
-
- ☐
- Collect on Delivery Restricted Delivery

- ☐
- Priority Mail Express®
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- ☐
- Registered Mail™
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- ☐
- Registered Mail Restricted Delivery
-
- ☐
- Signature Confirmation™
-
- ☐
- Signature Confirmation Restricted Delivery

Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Town of Spencer
Zoning Board of Appeals
157 Main Street
Spencer, MA 01562



9590 9402 7208 1284 3108 37

2. Article Number (Transfer from service label)

7022 2410 0003 2297 4285

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *B. Johnson*
☒ Agent
☐ Addressee

B. Received by (Printed Name)

Bryan Johnson

C. Date of Delivery

11/2

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |

1 Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Town of Charlton
Zoning Board of Appeals
37 Main Street
Charlton, MA 01507



9590 9402 7208 1284 3108 20

2. Article Number (Transfer from service label)

7022 2410 0003 2297 4292

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

11/2/23

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |

1 Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Town of Paxton
Zoning Board of Appeals
697 Pleasant Street
Paxton, MA 01612



9590 9402 7208 1284 3108 13

2. Article Number (Transfer from service label)

7022 2410 0003 2297 4308

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *[Signature]*
☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

11/2

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |

1 Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

City of Worcester
Zoning Board of Appeals
455 Main Street, Room 404
Worcester, MA 01608



9590 9402 7208 1284 3108 06

2. Article Number (Transfer from manifest label)

7022 2410 0003 2297 4315

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Handwritten Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

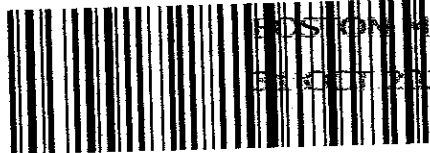
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

all
all Restricted Delivery

(over 5000)

ER
ional

CERTIFIED MAIL



BOSTON MA 020
31 OCT 2023 PM 2



US POSTAGE PITNEY BOWES

ZIP 01524 \$ 008.53⁰
02 4W
0000370037 OCT 31 2023

7022 2410 0003 2297 4155

1st NOTICE
2nd NOTICE
RETURNED

11/2
11/7

HOGAN WILLIAM F
HOGAN LIAN
73 BURNCOAT LN

NIXIE 015 CE 1 7211/20/23

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

015241200373
015241358

BC: 01524135899 *1421-00379-31-43

CERTIFIED MAIL



BOSTON MA 020
31 OCT 2023 PM 2



US POSTAGE PITNEY BOWES

ZIP 01524 \$ 008.53⁰
02 4W
0000370037 OCT 31 2023

7022 1670 0003 2353 5785

al Services

WELLS TIMOTHY DANIEL
WELLS DENISE JEANNE
69 BURNCOAT LN

NIXIE 015 CE 1 7211/20/23

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

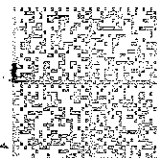
015241200373
015241818

BC: 01524181803 *1421-12872-31-42

CERTIFIED MAIL



BOSTON MA 020
31 OCT 2023 PM 2



US POSTAGE PITNEY BOWES

ZIP 01524 \$ 008.53⁰
02 4W
0000370037 OCT 31 2023

7022 2410 0003 2297 4209

TER
ectional Servi

1st NOTICE
2nd NOTICE
RETURNED

11/2
11/7

HIGGINS PAMELA J
85 BURNCOAT LANE



TOWN OF LEICESTER
Office of Development & Inspectional Services
3 Washburn Square
Leicester, MA 01524

CERTIFIED MAIL®



LEICESTER, MA 020

OCT 31 4:23 PM '21

7022 1670 0003 2351 9761

US POSTAGE

PERMIT NO. 1000 LEICESTER, MA 01524

ZIP 01524 \$008.53

02 4W 0000370037 OCT 31 2023

253

1st NOTICE 11/2
2nd NOTICE _____
RETURNED _____

CABRAL DUSTIN
CABRAL RERECCA
71 BURNING
LEICESTER NIXIE

615 CE 1 7211

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 016062714

UNC
01524-200971

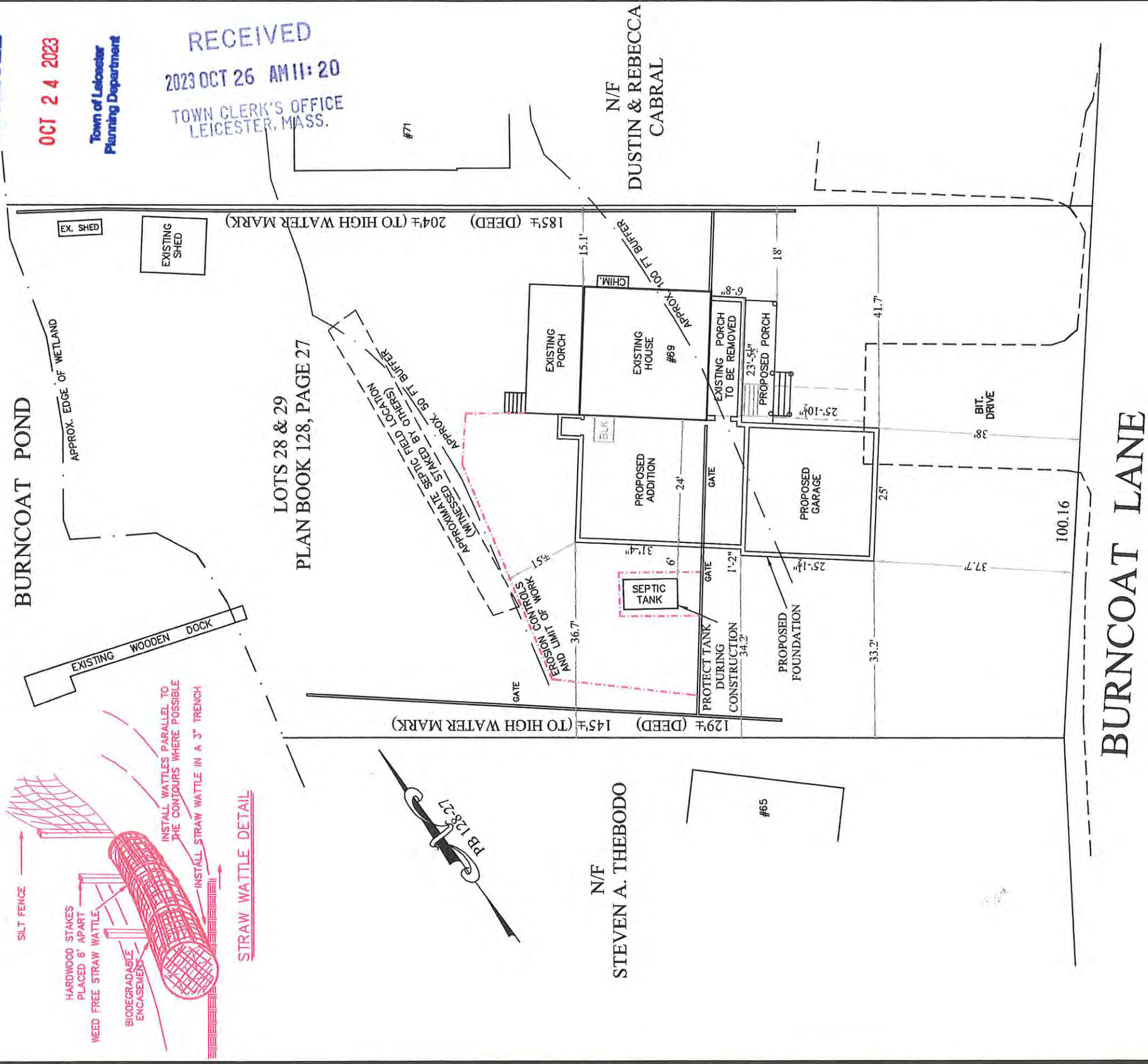
*1821-11038

RECEIVED

OCT 24 2023

**Town of Lealister
Planning Department**

RECEIVED
2023 OCT 26 AM 11:20
TOWN CLERK'S OFFICE
LEICESTER, MASS.



PROPOSED ADDITION

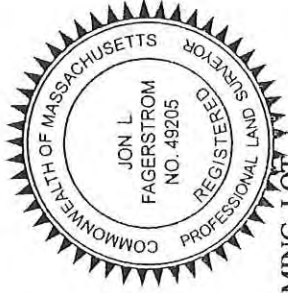
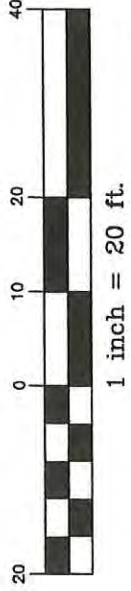
AT
69 BURNCOAT LANE
LEICESTER, MA

OWNED BY
TIMOTHY & DENISE
WELLS

FEBRUARY 8, 2023 (REVISED 10-20-23)

JON L. FAGERSTROM, P.L.S.

144 PAIGE HILL RD, BRIMFIELD, MA



PROPERTY REFERENCES

DEED BOOK 68119, PAGE 322
PLAN BOOK 128, PLAN 27 (LOTS 28 & 29))

ZONE : SUBURBAN-AGRICULTURAL**

SETBACK REQUIREMENTS:

FRONT = 40'

SIDE = 40'
REAR = 40'

* THIS IS A PRE-EXISTING, NON-CONFORMING, LOT

Jan L. Fagerstrom P.L.S.#49205

69 BURNCOAT LANE
SPECIAL PERMIT REQUEST



**Town of Leicester
ZONING BOARD OF APPEALS**

3 Washburn Square
Leicester, Massachusetts, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

RECEIVED
2023 DEC -4 PM 2:58
TOWN CLERK'S OFFICE
LEICESTER, MASS.

**PUBLIC HEARING NOTICE
Zoning Board of Appeals
69 Burncoat Lane – Special Permit (ZBA SP-2023-11)**

The Zoning Board of Appeals of the Town of Leicester, MA will hold a public hearing on **Wednesday, December 27, 2023 at 6:10 PM** in Meeting Room 3, Leicester Town Hall, 3 Washburn Square, Leicester, MA on the application of Tim and Denise Wells (ZBA SP-2023-11). The petitioners are seeking a Special Permit to add an addition, garage, and porch to a pre-existing non-conforming single family home per Leicester Zoning Bylaws Chapter 1.4.02 Alteration And Extension Of Nonconforming Structures Or Uses: 1.4.02.1, and pursuant to MGL Chapter 40A. **Site Location:** 69 Burncoat Lane, Leicester MA 01524. Said premises being further described in Worcester County Registry of Deeds Book 68119 Page 322. Assessor Parcels 27A-E34 and 27A-E35, Zone: Suburban Agricultural (SA) zone.

A copy of the application may be inspected in the Town Clerk's Office or Planning Department during regular business hours or online at leicesterma.org/zba. Any person interested or wishing to be heard on this application should appear at the time and place designated or submit written comments on or before the hearing date.

Jim Buckley, Chair
Leicester Zoning Board of Appeals

To be published in the Worcester Telegram & Gazette on:
Wednesday, December 13, 2023 and Wednesday, December 20, 2023

Planning Board
Zoning Board of Appeals

Kristen Jacobsen
Town Planner

Town of Leicester
Planning Department

Application for Special Permit



3 Washburn Square
Leicester, MA 01524
508.892.7000 ext.120
www.leicesterma.org

SP-20 23 - 11

Applicant Name of Applicant (primary contact): Timothy and Denise Wells
Address: 69 Burncoat Lane
Phone: _____ Cell: 508-579-7211
Email Address: tim.wells@broadcom.com

RECEIVED

Owner Name of Owner (primary contact): Same
Address: _____
Phone: _____ Cell: _____
Email Address: _____

NOV 30 2023

Town of Leicester
Planning Department

Request Choose applicable Zoning Bylaw Section: 6.4.02 1.4.02.1
Will the project require a: Site Plan Review: ☐ Yes* ☒ No Variance: ☐ Yes* ☐ No *Explain in narrative

Property Location of Property: 69 Burncoat Lane
Assessor's Tax Map/Parcel Number: Map 27A lots 34 and 35
Deed Reference - Worcester Registry of Deeds Book/Page Number: 68119Page322
Plan Reference - Worcester Registry of Deeds Book/Plan Number: 128 Plan 27 lots 28 & 29
Zoning District: SA Acreage: 16,245sq ft Water Source Private Sewer Source Private
Check all that apply: ☒ Wetlands ☐ Floodplain ☐ Aquifer

Proposal Brief description of the proposal: Special Permit is sought to allow the proposed addition in the
Pre-existing non-conforming lot.

Sign Applicant's signature: _____
Owner's signature: Tim Wells
Date: 11/29/2023

Official Use Only: Preliminary Review By: KJ/LW Date 11/30/23
Fee: \$ waived Date Paid: N/A Check #: N/A
by ZBA 11/29/23
Date of Public Hearing: Dec 27, 2023
Decision of Board: _____
Date of Decision: _____ Expiration Date: _____

Town Clerk's stamp
2023 NOV 30 AM 11:45
TOWN CLERK'S OFFICE
LEICESTER, MASS.
RECEIVED

Reasons for Special Permit

To the Zoning Board of Appeals,

The proposed addition is situated on a pre-existing non-conforming lot. The non-conformity of the lot is due to the overall size as it is zoned Suburban-Agricultural (SA) and has a requirement of a minimum 80,000 square feet in size and a 200' frontage. The existing lot is less than 20,000 square feet (less than 25% the size required by the SA zoning.) with a 100' frontage. The required setbacks for this district are 40'-0" for Front, Side, and Rear. This information is according to Section 4.2 Schedule of Dimensional Requirements Table 1. The existing property and neighboring properties do not meet the minimum lot square footage requirements nor some setback requirements due to the smaller sized lots. Due to the smaller lots in this section of the zoned district, the setbacks are not able to be met for a proposed addition. This lot also has a septic system and well which limits the location of an addition to the location proposed. The Conservation Committee has approved the location of the proposed addition because it's siting keeps it away from the pond. Additionally the Board of Health has approved the proposed addition's size and location in relation to the septic tank and leaching field.

Per Section 4.2: A Special Permit is sought to allow the proposed addition In the Pre-existing non-conforming lot.

This request keeps with the setbacks and lot sizes currently in this neighborhood and does not detract nor impede on the neighboring properties.

Respectfully,

Timothy and Denise Wells



300 feet Abutters List Report

Leicester, MA
October 18, 2023

Subject Property:

Parcel Number: 27A-E35-0
CAMA Number: 27A-E35-0
Property Address: 69 BURNCOAT LN

Mailing Address: WELLS TIMOTHY DANIEL WELLS
DENISE JEANNE
69 BURNCOAT LN
LEICESTER, MA 01524

Abutters:

Parcel Number: 27A-E28-0
CAMA Number: 27A-E28-0
Property Address: BURNCOAT LN

Mailing Address: ROESCH DOUGLAS TRUSTEE OF THE
DOUGLAS B ROES
2 BIXBY STREET
SPENCER, MA 01562

Parcel Number: 27A-E29-0
CAMA Number: 27A-E29-0
Property Address: 57 BURNCOAT LN

Mailing Address: HONEYMAN ALEXANDER T.
57 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E30-0
CAMA Number: 27A-E30-0
Property Address: 59 BURNCOAT LN

Mailing Address: GORMAN RICHARD L SR GORMAN
JENNIFER L
59 BURNCOAT LANE
LEICESTER, MA 01524

Parcel Number: 27A-E33-0
CAMA Number: 27A-E33-0
Property Address: 65 BURNCOAT LN

Mailing Address: THEBODO STEVEN A TRUSTEE
THEBODO IRREVOCABLE TRUST
65 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E34-0
CAMA Number: 27A-E34-0
Property Address: 67 BURNCOAT LN

Mailing Address: WELLS TIMOTHY DANIEL WELLS
DENISE JEANNE
69 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E36-0
CAMA Number: 27A-E36-0
Property Address: 71 BURNCOAT LN

Mailing Address: CABRAL DUSTIN CABRAL REBECCA
71 BURNCOAT LANE
LEICESTER, MA 01524

Parcel Number: 27A-E37-0
CAMA Number: 27A-E37-0
Property Address: 73 BURNCOAT LN

Mailing Address: HOGAN WILLIAM F HOGAN LIAN
73 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E38-0
CAMA Number: 27A-E38-0
Property Address: 75 BURNCOAT LN

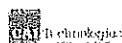
Mailing Address: RENZI FRANCIS RENZI ELIZABETH
75 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E39-0
CAMA Number: 27A-E39-0
Property Address: BURNCOAT LN

Mailing Address: MOORE RANDY W MOORE AMY
79 BURNCOAT LANE
LEICESTER, MA 01524

Parcel Number: 27A-E40-0
CAMA Number: 27A-E40-0
Property Address: 79 BURNCOAT LN

Mailing Address: MOORE RANDY W MOORE AMY
79 BURNCOAT LANE
LEICESTER, MA 01524



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10/18/2023

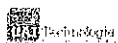
Page 1 of 3



300 feet Abutters List Report

Leicester, MA
October 18, 2023

Parcel Number: 27A-E41-0 CAMA Number: 27A-E41-0 Property Address: 81 BURNCOAT LN	Mailing Address: HOVAGIMIAN MARK S HOVAGIMIAN JOANNE T 81 BURNCOAT LN LEICESTER, MA 01524
Parcel Number: 27A-E42-0 CAMA Number: 27A-E42-0 Property Address: 83 BURNCOAT LN	Mailing Address: TROJAN TR BRIAN P 83 BURNCOAT LN REALTY TRUST 357 COMMERCIAL ST U718 BOSTON, MA 02019
Parcel Number: 27A-E43-0 CAMA Number: 27A-E43-0 Property Address: 85 BURNCOAT LN	Mailing Address: HIGGINS PAMELA J 85 BURNCOAT LANE LEICESTER, MA 01524
Parcel Number: 27A-E44-0 CAMA Number: 27A-E44-0 Property Address: 87 BURNCOAT LN	Mailing Address: CHRISTIAN DANIEL K CHRISTIAN LISA A 13 MCKINSTRY DR CHARLTON, MA 01507
Parcel Number: 27A-E45-0 CAMA Number: 27A-E45.1-0 Property Address: BURNCOAT LN	Mailing Address: HOVAGIMIAN MARK S HOVAGIMIAN JOANNE T 81 BURNCOAT LANE LEICESTER, MA 01524
Parcel Number: 27A-E45-0 CAMA Number: 27A-E45-0 Property Address: 89 BURNCOAT LN	Mailing Address: SANKO LINDA HOVAGIMIAN JOANNE T 89 BURNCOAT LANE LEICESTER, MA 01524
Parcel Number: 27A-F18-0 CAMA Number: 27A-F18-0 Property Address: BURNCOAT LN	Mailing Address: HONEYMAN ALEXANDER T. 57 BURNCOAT LN LEICESTER, MA 01524
Parcel Number: 27A-F19-0 CAMA Number: 27A-F19-0 Property Address: 60 BURNCOAT LN	Mailing Address: RAWINSKI STEVEN P 60 BURNCOAT LANE LEICESTER, MA 01524
Parcel Number: 27A-F20-0 CAMA Number: 27A-F20-0 Property Address: 62 BURNCOAT LN	Mailing Address: LINCOLN GORDON A 62 BURNCOAT LANE LEICESTER, MA 01524-0304
Parcel Number: 27A-F21-0 CAMA Number: 27A-F21-0 Property Address: BURNCOAT LN	Mailing Address: LINCOLN GORDON A 62 BURNCOAT LANE LEICESTER, MA 01524-0304
Parcel Number: 27A-F22-0 CAMA Number: 27A-F22-0 Property Address: BURNCOAT LN	Mailing Address: LINCOLN GORDON A 62 BURNCOAT LANE LEICESTER, MA 01524-0304
Parcel Number: 27A-F23-0 CAMA Number: 27A-F23-0 Property Address: BURNCOAT LN	Mailing Address: LINCOLN GORDON A 62 BURNCOAT LANE LEICESTER, MA 01524-0304



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10/18/2023

Page 2 of 3



300 feet Abutters List Report

Leicester, MA
October 18, 2023

Parcel Number: 27-B6-0
CAMA Number: 27-B6-0
Property Address: BURNCOAT POND

Mailing Address: BURNCOAT POND WATERSHED DISTRI
PO BOX 346
LEICESTER, MA 01524

Parcel Number: 27-C1.2-0
CAMA Number: 27-C1.2-0
Property Address: 82 BURNCOAT LN

Mailing Address: HOVAGIMIAN MARK S HOVAGIMIAN
JOANNE T
81 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27-C1.3-0
CAMA Number: 27-C1.3-0
Property Address: 84 BURNCOAT LN

Mailing Address: HOVAGIMIAN MARK S HOVAGIMIAN
JOANNE T
81 BURNCOAT LN
LEICESTER, MA 01524

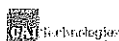
Parcel Number: 27-C1.51-0
CAMA Number: 27-C1.51-0
Property Address: BURNCOAT LN

Mailing Address: WELLS TIMOTHY DANIEL WELLS
DENISE JEANNE
69 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27-C1-0
CAMA Number: 27-C1-0
Property Address: 64 BURNCOAT LN

Mailing Address: HOVAGIMIAN MATTHEW
26 NUGGET DRIVE
CHARLTON, MA 01507

Above is a certified list of abutters and abutters to abutters within 300 feet including across the street.
Subject Property: 69 Burncoat Street Map 27A Lot E35 Deed Reference Book 68119 page 322
Property Owners: Timothy Wells and Denise Wells
Certified by Alyco D. Johns, Interim Principal Assessor



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10/18/2023

Page 3 of 3

27A E35 0
Map Block Lot

1 of 1 RESIDENTIAL
CARD

TOTAL ASSESSED: 357,400
120611

PROPERTY LOCATION

No	Alt No	Direction/Street/City
69		BURNCOAT LN LEICESTER

OWNERSHIP

Owner 1: WELLS TIMOTHY DANIEL
Owner 2: WELLS DENISE JEANNE
Owner 3:
Street 1: 69 BURNCOAT LN
Street 2:
Town/City: LEICESTER
State: MA
Zip: 01524

PREVIOUS OWNER

Owner 1: WELLS - TIMOTHY DANIEL
Owner 2: WELLS - DENISE JEANNE
Street 1: 69 BURNCOAT LN
Town/City: LEICESTER
State: MA
Zip: 01524

NARRATIVE DESCRIPTION

This Parcel contains 202 ACRES of land mainly classified as ONE FAM with a(n) CONVENT NL Building Built about 1976, Having Primarily VINYL Exterior and ASPHALT SH Roof Cover, with 1 Units, 1 Baths, 1 Halfbaths, 0 3/4 Baths, 6 Rooms, and 3 Bedrooms

OTHER ASSESSMENTS

Code	Description	Amount	Com. Int.
------	-------------	--------	-----------

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value
101	207,500	800	0.202	149,100	357,400

Total Card	207,500	800	0.202	149,100	357,400
Total Parcel	207,500	800	0.202	149,100	357,400
Source: Market Adj Cost					
Total Value per Sq Unit (Card)	1297.83				
Parcel ID	27A E35 0				

Entered Lot Size	
Total Land	
Land Unit Type	

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Blg Value	Yrd Items	Land Size	Land Value	Total Value	Assessed Value	Notes
2024	101	PV	207,500	800	0.202	149,100	357,400	357,400	PRELIM VALUES 2024
2023	101	PV	187,900	700	0.202	149,100	337,700	337,700	Followover
2022	101	PV	187,900	700	0.202	149,100	337,700	337,700	
2021	101	PV	153,700	600	0.202	142,300	296,000	296,000	Year End Roll
2020	101	PV	123,400	600	0.202	115,300	239,300	239,300	2022 PRELIMINARY BILL
2019	101	IN	123,400	600	0.202	115,300	239,300	239,300	3 and 4 bills
2018	101	IN	123,400	600	0.202	115,300	239,300	239,300	
2017	101	TB	123,400	600	0.202	115,300	239,300	239,300	prelim

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc POL Value	Notes
WELLS, TIMOTHY D	68119-322		8/25/2022	MULTI PARCEL	650000	No				MULTI PARCEL
COMEAU, MICHAEL	13067-68		10/25/1990	FAMILY	10000	No				
HOVAGIMIAN, MARK	12325-206		9/8/1989	FAMILY	67000	No				

BUILDING PERMITS

Date	Number	Descrp	Amount	C/O	Last Visit	Fed Code	F Descrp	Comment
9/17/1993	142	MANUAL	20,000					WOOD STOVE
9/17/1992	112	MANUAL	20,000					ADDITION

ACTIVITY INFORMATION

Date	Result	By	Name
9/12/2022	M.L.S REVIEW	777	LINDA B
5/18/2022	MEAS+INSPCTD	777	LINDA B
9/14/2021	CYCICAL VIS	114	SANDY GENNA
10/22/2008	CYCICAL VIS	555	BRIDGET
1/10/1994	PERMIT VISIT	123	JAMES ZUROWI
12/9/1993	PERMIT VISIT	123	JAMES ZUROWI
7/18/1991	MEAS+INSPCTD	181	MEL WEST

Sign:

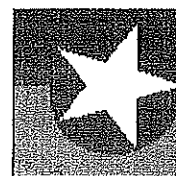
Use	Description	LUC	No of Units	Depth / Price/Unit	Unit Type	Land Type	LT	Base Value	Unit Price	Adj	Neigh	Neigh Mod	Intf 1	%	Intf 2	%	Intf 3	%	Appraised Value	Alt	%	Spec	J	Fact	Use Value	Notes
101	ONE FAM		8820		SQUARE FEET			0	2.39	7,074	WVA		RD CON	-10					149,114						149,100	

Total AC/H/A: 0.20248	Total SF/SqM: 8820.03	Parcel LUC: 101	ONE FAM	Prime NB Desc: WTR FRNT	Total: 149,114	Spl Credit	Total: 149,100
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Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro

Alyce

2024

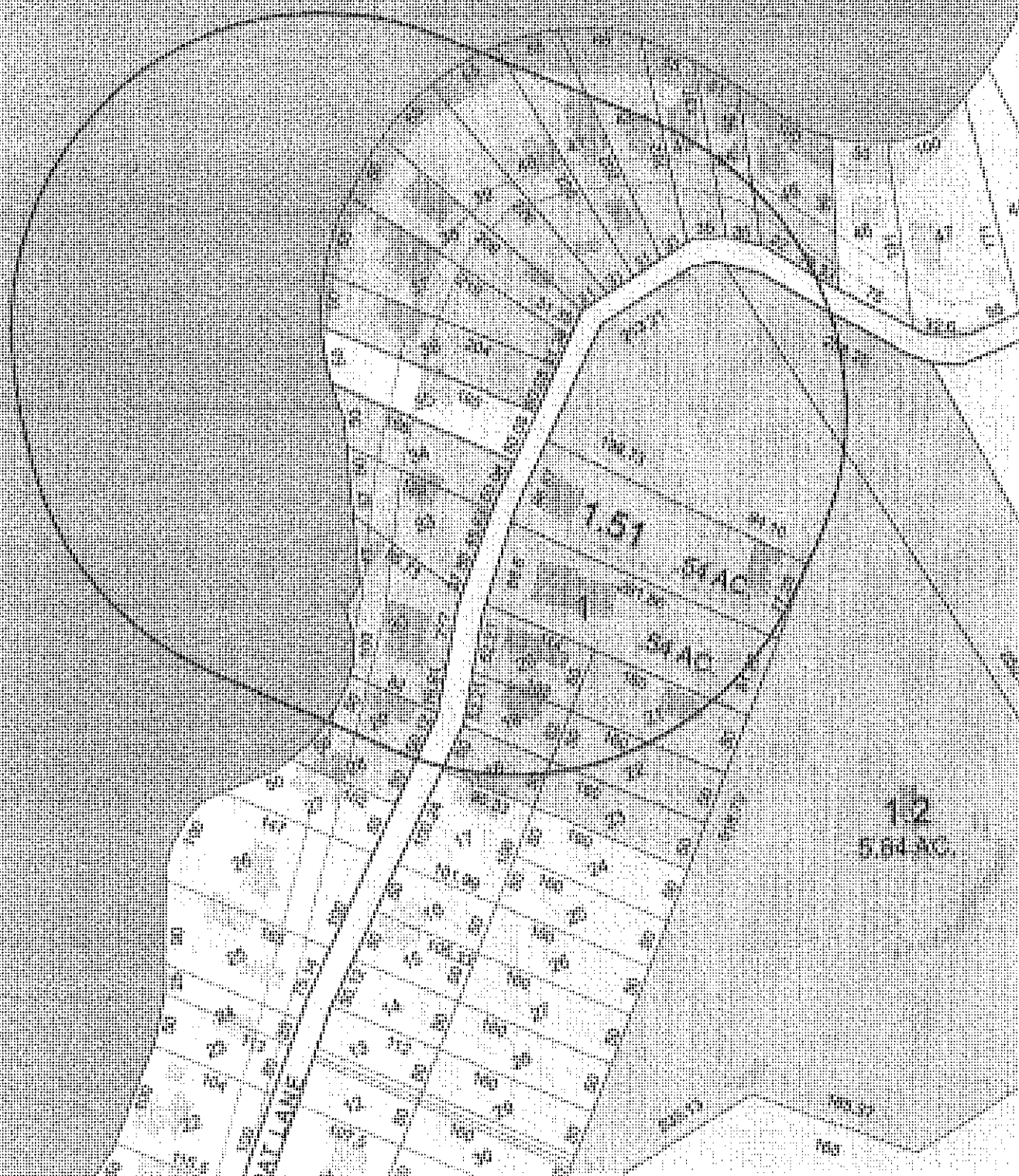


Patrol Properties Inc.

USER DEFINED

Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fed Dist:	
Rental Dist:	
Year:	
Land Reason:	
Blk Reason:	

A black and white photograph of a two-story house with a gabled roof and a decorative lattice-patterned exterior. The house is surrounded by trees and foliage.



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rawinski Steven
60 Burncoat Lane
Leicester, MA 01524



9590 9402 6919 1104 4746 11

2. Article Number (Transfer from service label)

7022 1670 0003 2353 6737

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *[Signature]*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

all
Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lincoln Gordon
62 Burncoat Lane
Leicester, MA 01524



9590 9402 6919 1104 4746 04

2. Article Number (Transfer from service label)

7022 1670 0003 2353 6744

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *[Signature]*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

all
Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Town of Spencer
Zoning Board of Appeals
157 Main Street
Spencer, MA 01562



9590 9402 6919 1104 4722 66

2. Article Number (Transfer from service label)

7022 1670 0003 2353 6805

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *[Signature]*☒ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

all Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Town of Paxton
Zoning Board of Appeals
697 Pleasant Street
Paxton, MA 01612



9590 9402 6919 1104 4722 42

2. Article Number (Transfer from service label)

7022 1670 0003 2353 6829

Restricted Delivery

(over \$500)

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

ZBA-SP 69 Burncoat Ln

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gorman Richard L. Sr
Gorman Jennifer
59 Burncoat Lane
Leicester, MA 01524



9590 9402 6919 1104 4747 03

2. Article Number (Transfer from service label)

7022 1670 0003 2353 6645

Restricted Delivery

(over \$500)

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

ZBA-SP-69 Burncoat

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Roesch Douglas
Trustee of the Douglas B
2 Bixby Street
Spencer, MA 01562



9590 9402 6919 1104 4747 27

2. Article Number (Transfer from service label)

7022 1670 0003 2353 7499

Restricted Delivery

(over \$500)

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Frederic Bedon*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Rick Gorman*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Town of Charlton
Zoning Board of Appeals
37 Main Street
Charlton, MA 01507



9590 9402 6919 1104 4722 59

2. Article Number (Transfer from service label)

7022 1670 0003 2353 6812

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Mary Kevin

☐ Agent☐ Addressee

B. Received by (Printed Name)

Mary Kevin

C. Date of Delivery

12/17/23

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Wells Timothy Daniel
Wells Denise Jeanne
69 Burncoat Lane
Leicester, MA 01524



9590 9402 6919 1104 4747 34

7022 1670 0003 2353 7482

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Tim Wells

☐ Agent☐ Addressee

B. Received by (Printed Name)

Tim Wells

C. Date of Delivery

12/17/23

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

all Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Trojan Tr Brian
83 Burncoat Lane Realty Trust
357 Commercial St, U718
Boston, MA 02019



9590 9402 6919 1104 4746 42

7022 1670 0003 2353 6706

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Signature]

☐ Agent☐ Addressee

B. Received by (Printed Name)

[Signature]

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

all Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Renzi Francis
Renzi Elizabeth
75 Burncoat Lane
Leicester, MA 01524



9590 9402 6919 1104 4746 66

2. Article Number (Transfer from service label)
7022 1670 0003 2353 6683

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

☐ Agent☒ Addressee

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery
- ☐ Restricted Delivery

(over \$500)

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thebodo Steven Trustee
Thebodo Irrevocable Trust
65 Burncoat Lane
Leicester, MA 01524



9590 9402 6919 1104 4746 97

2. Article Number (Transfer from service label)

7022 1670 0003 2353 6652

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

☐ Agent☒ Addressee

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery
- ☐ Restricted Delivery

(over \$500)

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Moore Randy
Moore Amy
79 Burncoat Lane
Leicester, MA 01524



9590 9402 6919 1104 4746 59

2. Article Number (Transfer from service label)

7022 1670 0003 2353 6690

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Amy Moore*☐ Agent☒ Addressee

B. Received by (Printed Name)

Amy Moore

C. Date of Delivery

*12/8/23*D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation☐ Restricted Delivery☐ Restricted Delivery



TOWN OF LEICESTER
Office of Development & Inspectional
3 Washburn Square
Leicester, MA 01524

23A

1st NOTICE
2nd NOTICE
RETURNED



7022 2410 0003 2297 4186

HOVAGIMIAN MARK S
HOVAGIMIAN JOANNE T
81 BURNCOAT LANE
LEICESTER MA 01524



US POSTAGE MARTINEY BOWES
ZIP 01524 \$ 008.53⁰
02 4W
0000370037 OCT 31 2023

NIXIE 015 CE 1 7212/09/23
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 01524135899 *1421-12288-31-42
01524-200951
01524-200951

01524-200951
01524-200951

CERTIFIED MAIL



TOWN OF LEICESTER
Office of Development & Inspectional
3 Washburn Square
Leicester, MA 01524



7022 2410 0003 2297 4216



US POSTAGE MARTINEY BOWES
ZIP 01524 \$ 008.53⁰
02 4W
0000370037 OCT 31 2023

1st NOTICE
2nd NOTICE
RETURNED

11/15/23
11/17

CHRISTIAN DANIEL K
CHRISTIAN LISA A

NIXIE 015 CE 1 7212/11/23
RETURN TO SENDER
UNDELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 01524135899 *1521-07717-31-42
01524-200951
01524-200951

01524-200951
01524-200951

RECEIVED

2023 NOV 30 AM 11:45

TOWN CLERK'S OFFICE
LEICESTER, MASS.

BURNCOAT POND

APPROX. EDGE OF WETLAND

EX. SHED

EXISTING SHED

204'± (TO HIGH WATER MARK)

185'± (DEED)

N/F
DUSTIN & REBECCA
CABRAL

LOTS 28 & 29
PLAN BOOK 128, PAGE 27

N/F
STEVEN A. THEBODO

BURNCOAT LANE

PROPOSED ADDITION

AT

69 BURNCOAT LANE
LEICESTER, MA

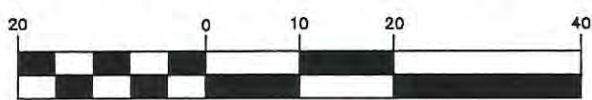
OWNED BY

TIMOTHY & DENISE
WELLS

FEBRUARY 8, 2023 (REVISED 10-20-23)

JON L. FAGERSTROM, P.L.S.

144 PAIGE HILL RD, BRIMFIELD, MA



1 inch = 20 ft.

PROPERTY REFERENCES

DEED BOOK 68119, PAGE 322
PLAN BOOK 128, PLAN 27 (LOTS 28 & 29)

ZONE : SUBURBAN-AGRICULTURAL *

SETBACK REQUIREMENTS:
FRONT = 40'
SIDE = 40'
REAR = 40'

* THIS IS A PRE-EXISTING, NON-CONFORMING, LOT



Jon L. Fagerstrom
Jon L. Fagerstrom P.L.S.#49205

69 BURNCOAT LANE

Revised Documents

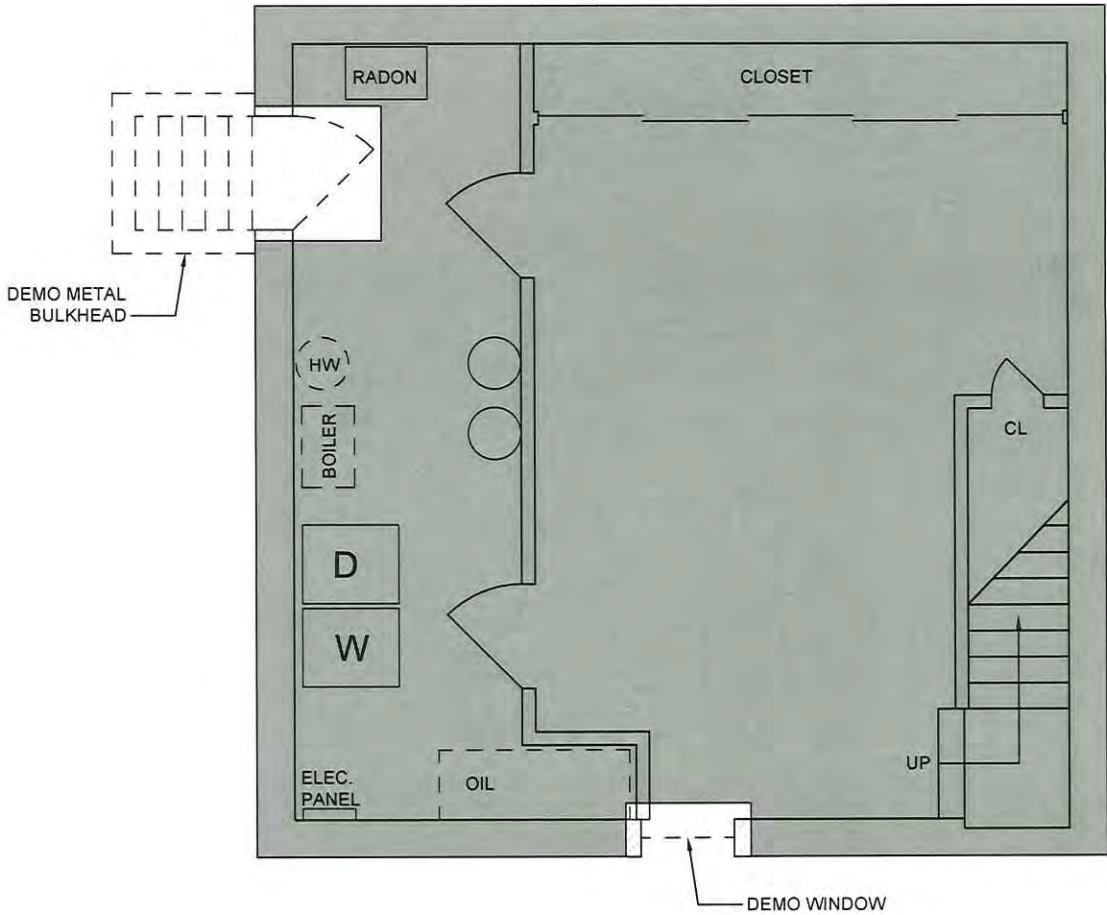
- Plot Plan – Proposed Addition rev. 12-13-23
- Architect Plan date 11.15.22 – revised but no revision date
- Reasons for SP and Variance (undated)

RECEIVED
2023 DEC 19 AM 8:10
TOWN CLERK'S OFFICE
LEICESTER, MASS.



- WALL LEGEND:
- EXISTING PARTITION
 - DEMO PARTITION
 - NEW PARTITION

- SCOPE:
- RENOVATION / ADDITION
 - NOT IN SCOPE



RECEIVED
DEC 18 2023
Town of Leicester
Planning Department

A BASEMENT PLAN: DEMOLITION
SCALE: 3/16" = 1'-0"

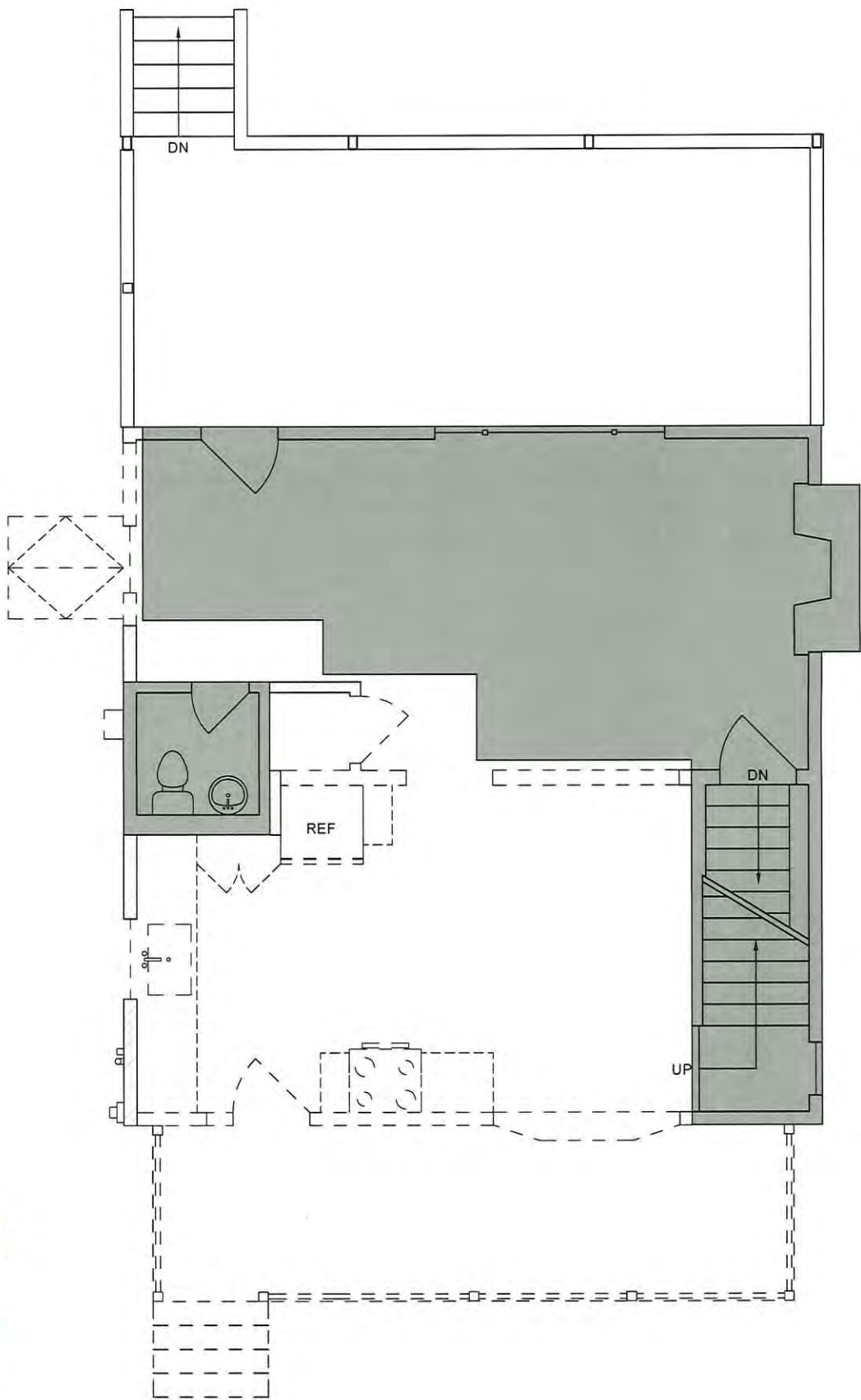


RECEIVED
2023 DEC 19 AM 8:10
TOWN CLERK'S OFFICE
LEICESTER, MASS.



- WALL LEGEND:
- EXISTING PARTITION
 - DEMO PARTITION
 - NEW PARTITION

- SCOPE:
- RENOVATION / ADDITION
 - NOT IN SCOPE



RECEIVED
DEC 18 2023
Town of Leicester
Planning Department

A FIRST FLOOR PLAN: DEMOLITION
SCALE: 3/16" = 1'-0"



RECEIVED
2023 DEC 19 AM 8:10
TOWN CLERK'S OFFICE
LEICESTER, MASS.

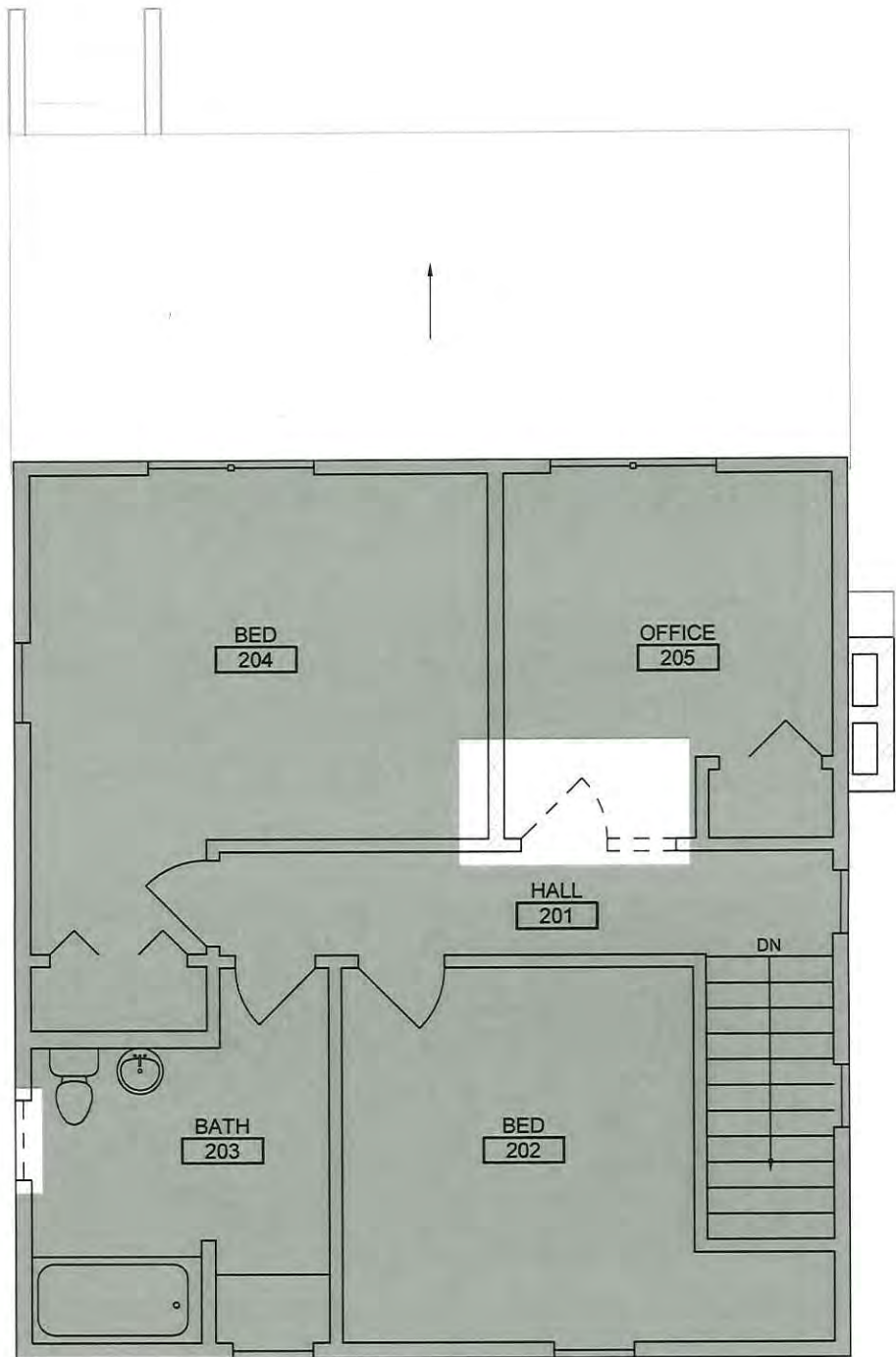


WALL LEGEND:

EXISTING PARTITION

DEMO PARTITION

SCOPE:

RENOVATION / ADDITIONNOT IN SCOPE

RECEIVED
DEC 18 2023
Town of Leicester
Planning Department

A SECOND FLOOR PLAN: DEMOLITION
SCALE: 3/16" = 1'-0"

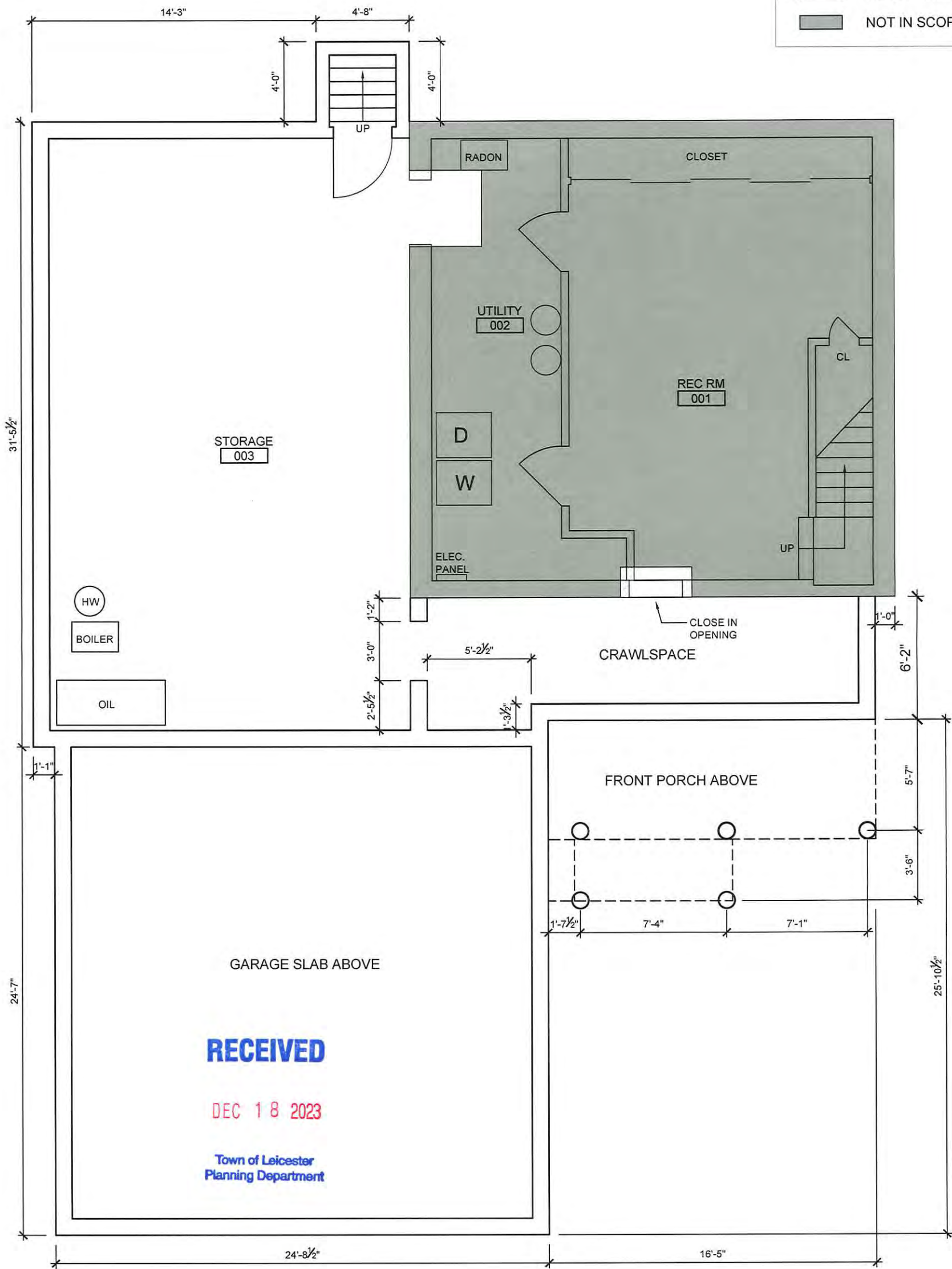


RECEIVED
2023 DEC 19 AM 8:10
TOWN CLERK'S OFFICE
LEICESTER, MASS.



- WALL LEGEND:
- EXISTING PARTITION
 - DEMO PARTITION
 - NEW PARTITION

- SCOPE:
- RENOVATION / ADDITION
 - NOT IN SCOPE



RECEIVED

DEC 18 2023

Town of Leicester
Planning Department

A BASEMENT PLAN: PROPOSED
SCALE: 3/16" = 1'-0"

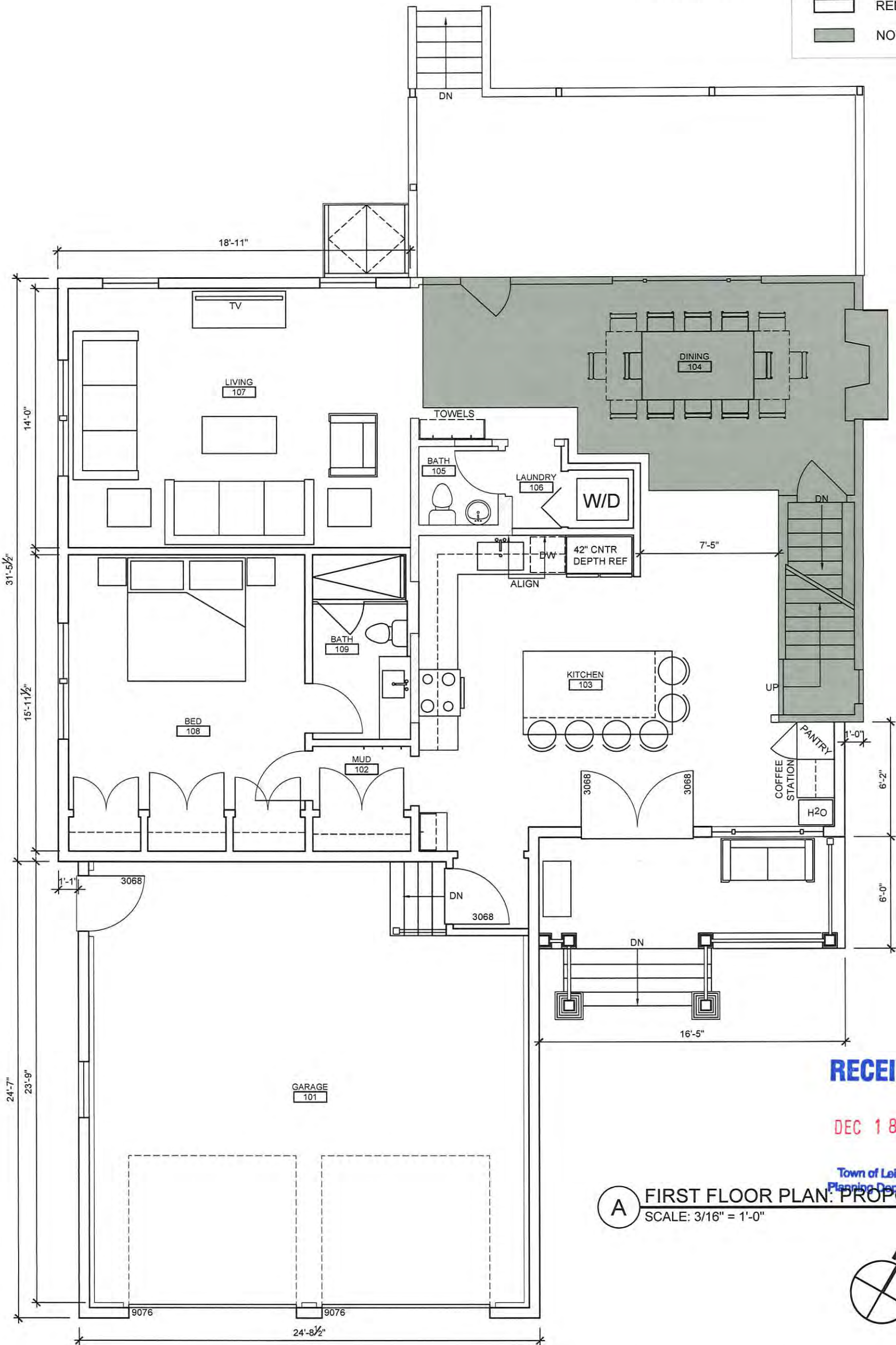


RECEIVED
2023 DEC 19 AM 8:10
TOWN CLERK'S OFFICE
LEICESTER, MASS.



- WALL LEGEND:
- EXISTING PARTITION
 - DEMO PARTITION
 - NEW PARTITION

- SCOPE:
- RENOVATION / ADDITION
 - NOT IN SCOPE



RECEIVED

DEC 18 2023

Town of Leicester
Planning Department

A FIRST FLOOR PLAN: PROPOSED
SCALE: 3/16" = 1'-0"

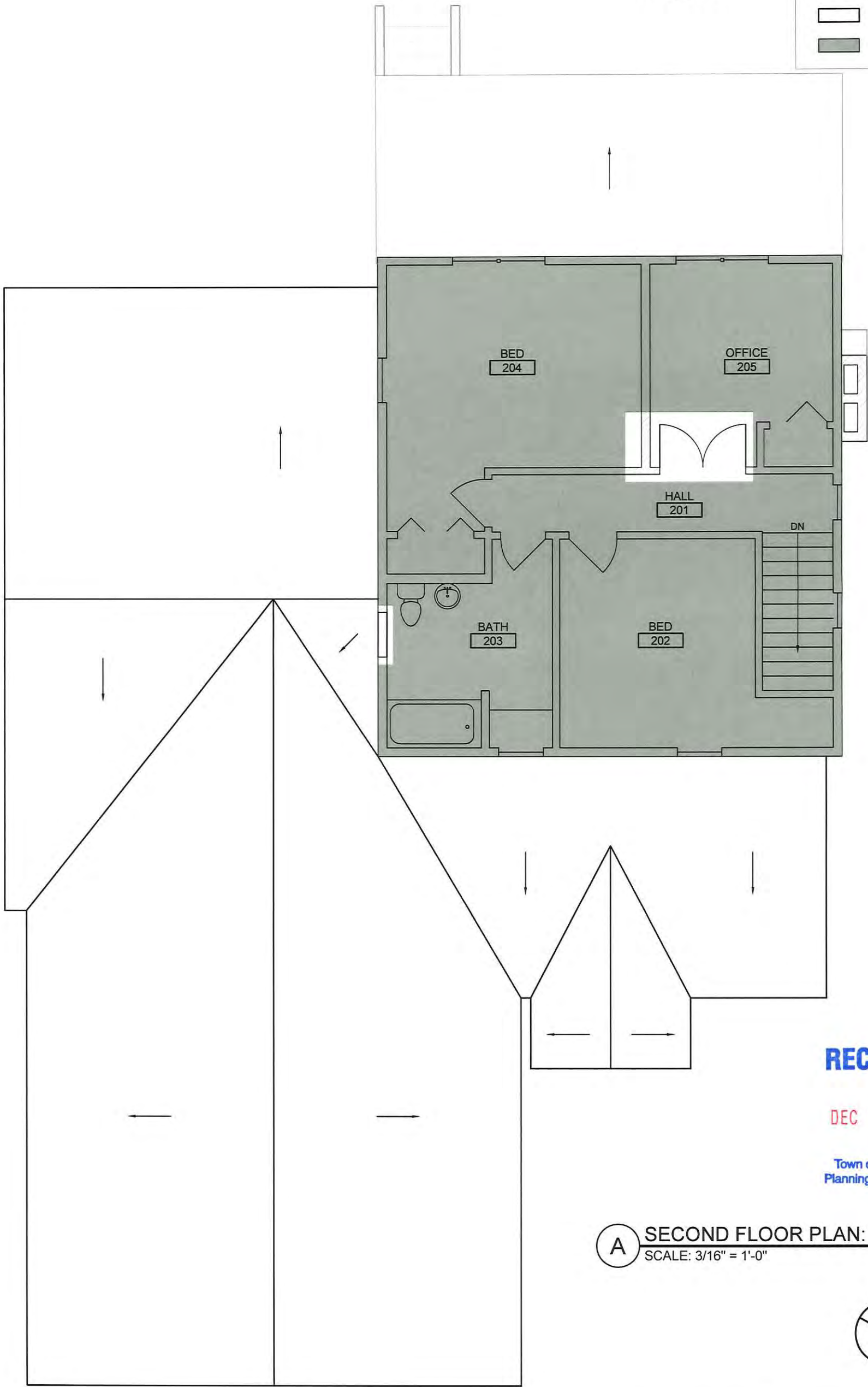


RECEIVED
2023 DEC 19 AM 8:11
TOWN CLERK'S OFFICE
LEICESTER, MASS.



- WALL LEGEND:
- EXISTING PARTITION
 - DEMO PARTITION
 - NEW PARTITION

- SCOPE:
- RENOVATION / ADDITION
 - NOT IN SCOPE



RECEIVED

DEC 18 2023

Town of Leicester
Planning Department

A SECOND FLOOR PLAN: PROPOSED
SCALE: 3/16" = 1'-0"



Town of Leicester
Planning Department

DEC 18 2023

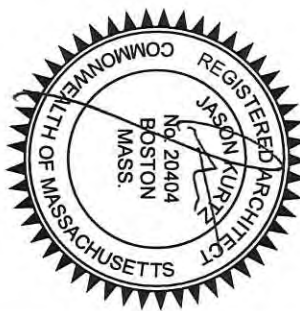
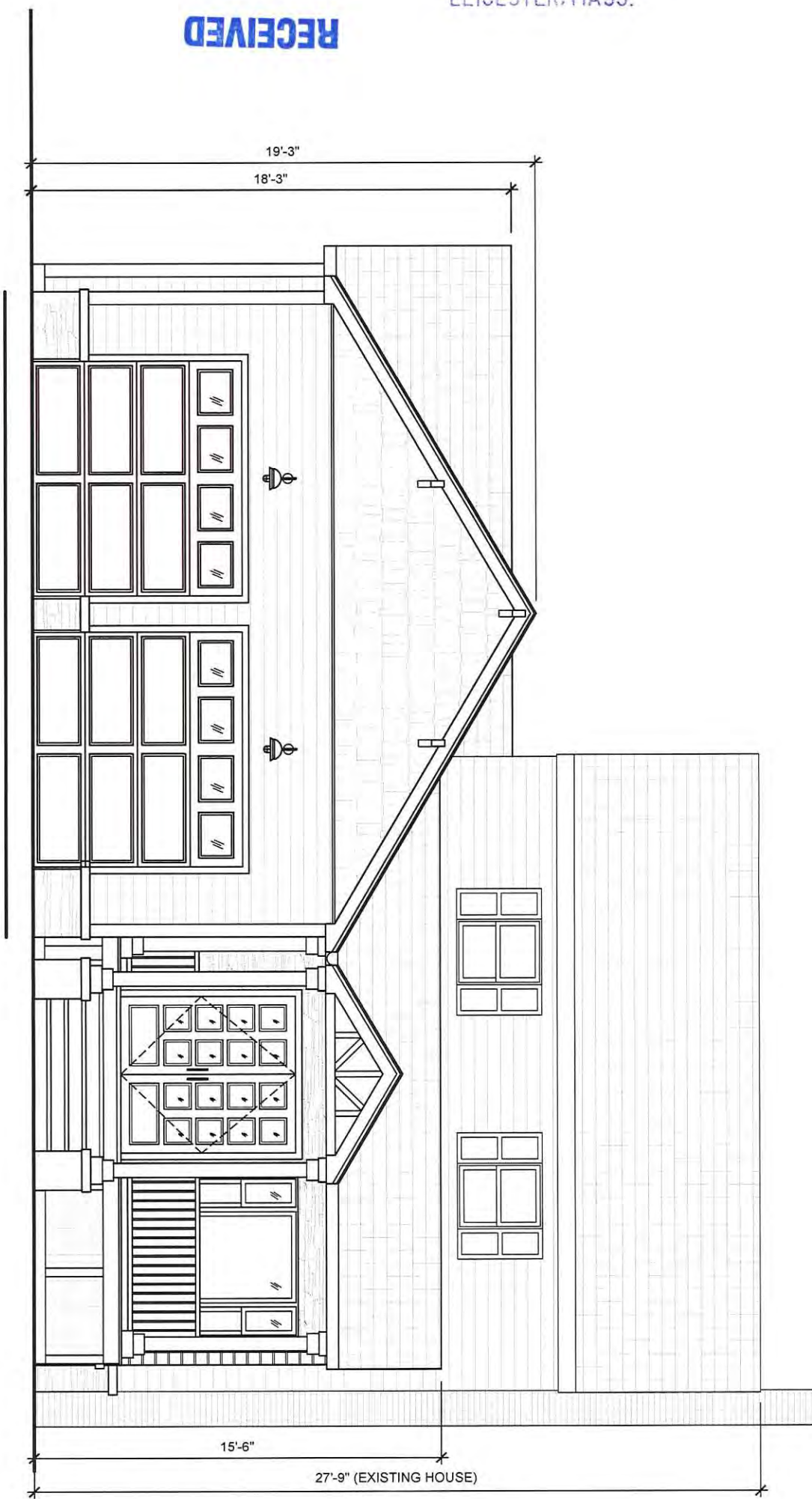
RECEIVED

RECEIVED

2023 DEC 19 AM 8:11

TOWN CLERK'S OFFICE
LEICESTER, MASS.

A
ELEV : SOUTH FACADE / FRONT
SCALE: 3/16" = 1'-0"



MATERIAL LEGEND:

	ASPHALT SHINGLE
	SIDING TO MATCH EXIST.
	SHAKE STYLE SIDING
	BASE STONE VENEER
	SIDING STONE VENEER
	STAIR STONE VENEER

KDS
168 Middle Road
Southborough, MA 01772
617 721-6687 Tel
617 812-6140 Fax
jkurtz@kurtzarchitecture.com

69 Burncoat Lane
Leicester, MA

DATE: Dec. 7, 2023
SCALE: AS SHOWN
PROJ. NO.: 2218.00
FILE NAME: elev.dwg

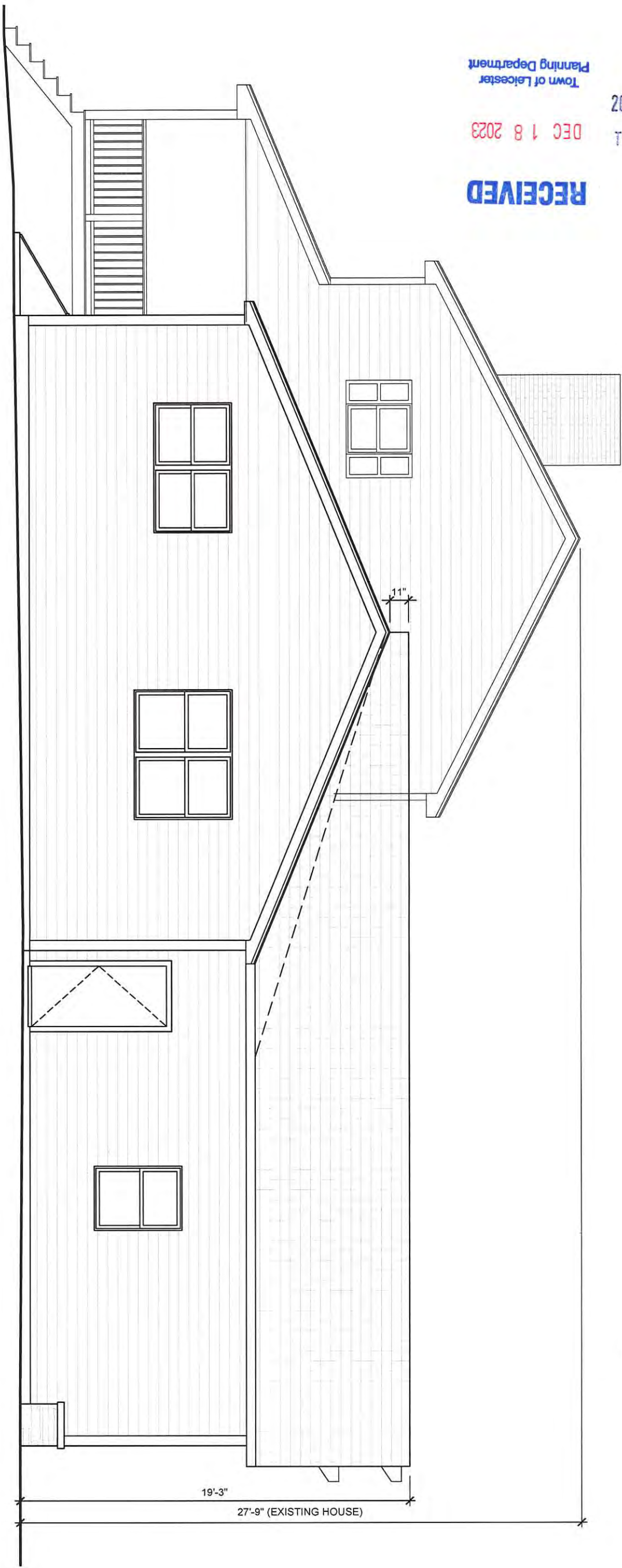
ZBA
Pres.

RECEIVED
2023 DEC 19 AM 8:11
TOWN CLERK'S OFFICE
LEICESTER, MASS.

Town of Leicester
Planning Department

DEC 18 2023

RECEIVED



A
ELEV : WEST FACADE / SIDE
SCALE: 3/16" = 1'-0"



MATERIAL LEGEND:	
	ASPHALT SHINGLE
	SIDING TO MATCH EXIST.
	SHAKE STYLE SIDING
	BASE STONE VENEER
	SIDING STONE VENEER
	STAIR STONE VENEER

KDS
168 Middle Road
Southborough, MA 01772
617 721-6687 Tel
617 812-6140 Fax
jkurtz@kurtzarchitecture.com

69 Burncoat Lane
Leicester, MA

DATE: Dec. 7, 2023
SCALE: AS SHOWN
PROJ. NO.: 2218.00
FILE NAME: elev.dwg

ZBA
Pres.

Town of Leicester
Planning Department

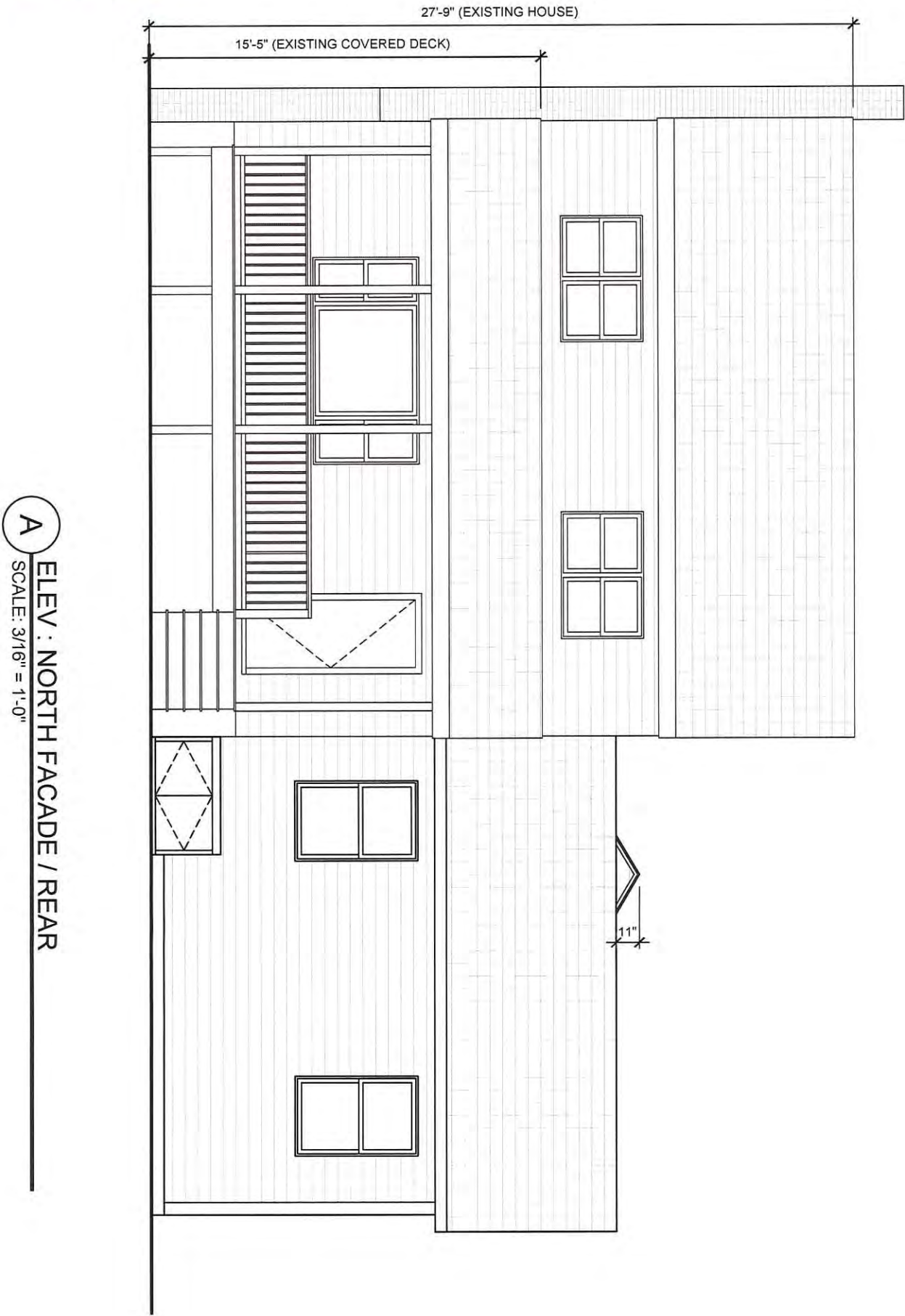
DEC 18 2023

RECEIVED

RECEIVED

2023 DEC 19 AM 8:11

TOWN CLERK'S OFFICE
LEICESTER, MASS.



A
ELEV : NORTH FACADE / REAR
SCALE: 3/16" = 1'-0"



MATERIAL LEGEND:	
	ASPHALT SHINGLE
	SIDING TO MATCH EXIST.
	SHAKE STYLE SIDING
	BASE STONE VENEER
	SIDING STONE VENEER
	STAIR STONE VENEER

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Leicester, MA

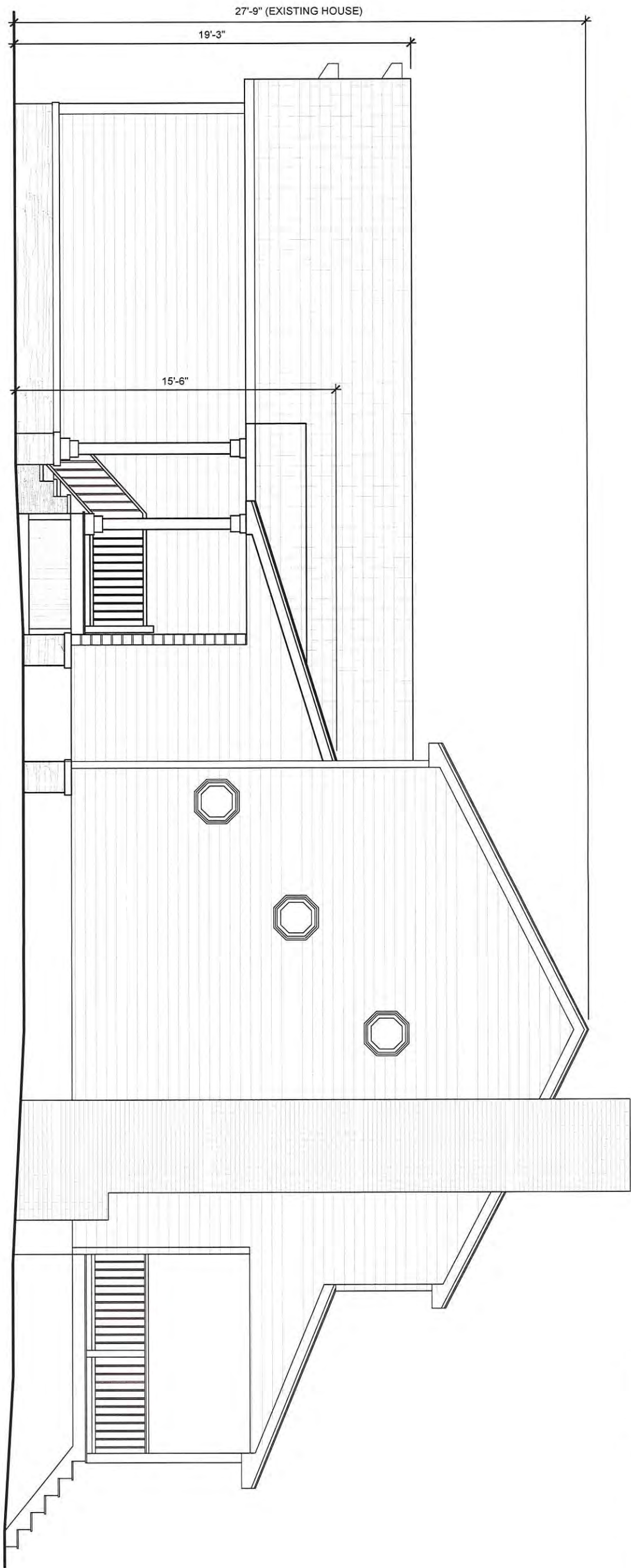
DATE: Dec. 7, 2023
SCALE: AS SHOWN
PROJ. NO.: 2218.00
FILE NAME: elev.dwg

**ZBA
Pres.**

RECEIVED
2023 DEC 19 AM 8:11
TOWN CLERK'S OFFICE
LEICESTER, MASS.



MATERIAL LEGEND:	
	ASPHALT SHINGLE
	SIDING TO MATCH EXIST.
	SHAKE STYLE SIDING
	BASE STONE VENEER
	SIDING STONE VENEER
	STAIR STONE VENEER



A
ELEV : EAST FACADE / SIDE
SCALE: 3/16" = 1'-0"

RECEIVED
DEC 18 2023
Town of Leicester
Planning Department

KDS
168 Middle Road
Southborough, MA 01772
617 721-6687 Tel
617 812-6140 Fax
jkurtz@kurtzarchitecture.com

69 Burncoat Lane
Leicester, MA

DATE: Dec. 7, 2023
SCALE: AS SHOWN
PROJ. NO.: 2218.00
FILE NAME: elev.dwg

ZBA
Pres.

RECEIVED

RECEIVED

2023 DEC 19 AM 8:09

TOWN CLERK'S OFFICE
To the Zoning Board of Appeals,

Reasons for Special Permit and Variance

DEC 18 2023

**Town of Leicester
Planning Department**

The proposed addition is situated on a pre-existing non-conforming lot. The non-conformity of the lot is due to the overall size as it is zoned Suburban-Agricultural (SA) and has a requirement of a minimum 80,000 square feet in size and a 200' frontage. The existing lot is less than 20,000 square feet (less than 25% the size required by the SA zoning.) with a 100' frontage. The required setbacks for this district are 40'-0" for Front, Side, and Rear. This information is according to Section 4.2 Schedule of Dimensional Requirements Table 1. The existing property and neighboring properties do not meet the minimum lot square footage requirements nor some setback requirements due to the smaller sized lots. Due to the smaller lots in this section of the zoned district, the setbacks are not able to be met for a proposed addition. This lot also has a septic system and well which limits the location of an addition to the location proposed and will not allow moving the addition back towards the septic and pond. The Conservation Committee has approved the location of the proposed addition because it's siting keeps it away from the pond. Additionally the Board of Health has approved the proposed addition's size and location in relation to the septic tank and leaching field.

Per Section 4.2: A Special Permit is sought to allow the proposed addition In the Pre-existing non-conforming lot.

This request keeps with the setbacks and lot sizes currently in this neighborhood and does not detract nor impede on the neighboring properties.

We started this process over a year ago with my Mother in mind. She is 88 years old and due to her having a stroke and a heart attack she is not able to live alone. We moved her in with us with the intent of eventually using part of the addition for her so that she would not have to do stairs. My mom has difficulty walking due to dizziness and requires assistance. The newly redesigned plans no longer encroach on the side setback but does not meet the front setback by less than two feet. We reduced the plan as much as we can still allowing me to get my vehicle in the garage. This is needed so that my mom does not slip on the ice in winter.

Per Section 4.3: A Variance is sought to allow the proposed addition to exceed the 40' minimum setbacks for the front yard. The Hardship of meeting the setback requirements due to the topography, size, and shape of the lot as currently zoned is not possible. A relief from the front setback allowing an encroachment as shown on the plot plan from 40.0' in the front to 38.2'.

Respectfully,

Timothy and Denise Wells

MINUTES

TOWN OF LEICESTER

ZONING BOARD of APPEALS
3 Washburn Street
Leicester, Ma. 01524
(508) 892-7007
www.leicesterma.org



ZBA Commissioners

Jim Buckley, Chair
James Reinke, Vice-Chair
Kurt Parliment, Clerk
Vaughn Hathaway, Member
Richard Johnston, Alternate

Zoning Board of Appeals Meeting Minutes

Date: January 25, 2023

Time: 6:00PM

Location: Leicester Town Hall – Meeting Room 3

Commissioners Present: Jim Buckley (Chair), James Reinke (Vice-Chair), Kurt Parliment, Vaughn Hathaway, Richard Johnston

Others Present: Alaa Abusalah, Town Planer/ Director of Inspectional Services

Order of Business

1. Public Hearing, Special Permit, 778 Main Street (SP23-01)

Special permit for work within the Water Resources Protection Overlay District (WRPOD),
Applicant: Charlton Road Reality, LLC.

2. Public Hearing, Special Permit (continued), 651 Main Street (22-07)

Special Permit for work within the Water Resources Protection Overlay District, Applicant: 651
Main Street, LLC.

3. Public Hearing, Special Permit (continued) ,42 Tobin Road (22-08)

Special permit for limited frontage lot. Applicant: Dandison Roberts

4. General Discussion/Miscellaneous

5. Adjourn

Mr. Buckley calls meeting to order

1. Public Hearing, Special Permit, 778 Main Street (SP23-01)

Mr. Parliment reads the hearing notice into the record.

Mr. Jim Bernardino from CMG Engineering presents for the applicant Charlton Road Reality, LLC. They are proposing a multi-family development, the property is approx. 3.2 acres, with an existing, two (2) story, residential building, and an accessory building in the back. At the front of the property approx. 32,600 square feet lay within the Water Resource Protection Overlay District (WRPOD) requiring a special permit. Their plans meet the requirements of not more than 30% of the property being impervious within the WRPOD, their plan is at 29.8% impervious area. The

development consists of three (3) buildings housing 25 apartment style units and has a parking area with 64 parking spots, the parking lot is within the impervious area.

With their revisions, over the past year or so, they have implemented a “Best Management Practices.” One of the things they have done is about 11,000SF of pervious pavement will be used in the parking area, this will allow more water to flow into the ground, unlike traditional pavement. They also have developed a comprehensive storm water collection, conveyance, treatment, and infiltration plan, to mitigate stormwater runoff and to replicate the existing conditions for ground water replenishment.

They have been in front of the Planning Board twice already and have been working with Kevin Quinn of Quinn Engineering to address all his concerns and comments. They have since received a follow up memo from Mr. Quinn stating that all comments have been addressed to his satisfaction and he has no further comments. He (Mr. Quinn) has stated that he has no reason or factor that would preclude the ZBA from approving the Special Permit.

They are continuing to work with the Planning Board on comments and questions from the PB and the public. They will be in front of the PB again on February 8th and the Conservation Commission again soon after that.

Mr. Buckley: Asked for any correspondence.

Ms. Abusalah: States they have not gotten anything from abutters and nothing new from Mr. Quinn. She did receive comments from Leicester Police stating that they had no concerns or comments.

Mr. Hathaway: Asked how will the parking lines be delineated and how will they be refreshed when they wear away?

Mr. Bernardino: There will be limited pavement marking and there will be a property manager that will oversee maintaining the entire property to include the parking area. This will include vacuuming of the pervious pavement to keep the area clean, since traditional sweepers cannot be used on this type of pavement, and to ensure that the parking area is re-lined as needed. There are no assigned spots currently, but they are still working with the Planning Board, and they do have excess parking above the requirements. The operation and management plan follows what the state requires. Maintenance logs will be kept and available at the request of the town.

Mr. Johnston: Asks if these are rentals and if there is any plan to make any of the condos or anything?

Mr. Bernardino: They are all rentals and there are no plans other than that right now.

Mr. Johnston: Would like to see some kind of documentation that all of these conditions would carry through to any future owners.

Mr. Bernardino: Right now, their maintenance and operation plan just applies to the owner, but they can certainly make the change to the document that it conveys to any future owner.

Mr. Johnston: Has concerns about Waite Pond and would like to know if there are any plans to protect it.

Mr. Bernardino: Stated that in their submitted plans they do have precautions in place such as silt fencing and hay bales to prevent any runoff etc. from construction. They also have a landscape plan with permanent stabilization. They will also exceed the one-acre land alteration threshold, and will be providing a Storm Water Pollution Protection Plan in accordance with the Clean Water Act of 1972.

Mr. Johnston: Asked what the consistency of the pervious pavement will be?

Mr. Bernardino: The pavement has a different, larger, aggregate configuration. The pavement will be about 3"-4", with large voids allowing water to penetrate, then there will be several layers of other filtering materials before the water reaches the ground water.

Mr. Johnston: Are the structure affected by the flood hazard zone?

Mr. Bernardino: The buildings are outside the flood zone. That zone is zone A, which is a 100-year flood plan by FEMA. Zone A has no elevation with it, and they were as conservative as possible based on FEMA's map. They went to Waite Ponds spillway and took an elevation from that and the lowest elevation that they will be working in is at least 11 ½ feet above the flood zone.

Mr. Buckley: Asked if the site plan was an approved site Plan

Mr. Bernardino: The site plan has not been approved by the PB yet, but it has been "Peer reviewed" and all concerns have addressed at this point.

Mr. Buckley: Made the comment that if they issue a Special Permit now if any changes are made to the plan that affect the impervious area, then they would have to come back to the ZBA for review. He also asked if there were any calculations as to what the run-off is now and what it might be after.

Mr. Bernardino: Reviews historic data and shows that there is a reduction in "CFS" from 6.2 CFS to 4.96.

Mr. Buckley: Town by-laws say that maintenance is updated yearly and would like to know that they will be following that.

Mr. Bernardino: The maintenance and landscaping will be maintained, and they have a regular maintenance schedule that will be in place.

Mr. Buckley: Asked what the impervious area would be if they were NOT using the pervious pavement.

Mr. Bernardino: If pervious pavement was not used it would be a little over 60%

Mr. Hathaway: Asked what happened if a car leaks oil on the pervious portion of the parking lot?

Mr. Bernardino: There are low level sub drains, there will still be runoff from that, but they will collect in the aggregates mostly and that is why the vacuuming is used as opposed to sweeping. They also have filtration materials below the pavement and other planned drainage. There also won't be as high of a usage as at a store parking lot. If it is a continued concern of the board, they can add conditions to the lease prohibiting car maintenance in the parking area.

Mr. Reinke: Asks how pervious is the pavement? For example, will it act like soil and always be pervious.

Mr. Bernardino: When you look at the drainage design, they included a “curve area” number, for instance in a wooded area you usually have a 40% curve area meaning, you are always going to have about 40% runoff and the rest will infiltrate. The pavement has about a 45-60% curve on normal pavement it’s about 80-90%. They based their plans on 85%

Mr. Reinke: Is there a storm water plan for this parking area?

Mr. Bernardino: The site works as a whole; the parking lot is sloped so that water flows down to catch basins and other normal drainage systems.

Mr. Weikle: lives at 25 Waite Street, opposed for several reasons, including the exit street on to Waite Street and he is concerned about drainage, snow removal, and will not allow them on his property. He is also concerned about the maintenance because of the condition that it has been in up until now with the current owner.

Mr. Entwistle: Opposed. He has concerns about drainage, wetlands areas and flood zones despite FEMA’s 100-year flood plan. He is questioning how pervious the area will be.

Mr. Reinke: Just for clarity, the only part of the project in the WRPOD is the parking area, not Waite Pond. Waite Pond is a valid argument, but it is not part of this boards purview. He is also concerned that the pervious asphalt may not filter enough based on town by-laws. Contaminants are more likely to get into the water supply with the pervious material in the parking lot.

Mr. Bernardino: States that this is a suitable use for the type of material. It has more filtration than just a loose gravel. The DEP has approved this application and there have been no push back or comments from Quinn Engineering.

Mr. Reinke: Has serious concerns still with the parking area in the WROPD. He agrees it is a good idea on one side with the filtration, but he also feels that there will still too much sediment etc. that will flow into the limited water resources in the area. He does not believe that this is a good plan.

Mr. Buckley: While he does agree with Mr. Reinke’s concerns, after the review by Mr. Quinn at Quinn engineering, they received a memo stating that there will be no impact on the water supply in the area with the measures that they are taking. They have to rely on what the Engineers say. Should we reach back to the engineer and question him.

Mr. Reinke: While he respects the work by Mr. Quinn the decision is being made by residents that live and town and see the daily impacts as they are now and can make a decision based on what they see day to day. He feels the consequences are too great if an accidental spill happens.

Motion: **Mr. Reinke** moves to **disapprove** the petition for work in WRPOD at 778 Main Street

Second: **Mr. Parliment**

Discussion: Mr. Reinke just reiterates his concerns.

Vote: 3-1-1 to disapprove the petition

Mr. Reinke, Mr. Parliment and Mr. Johnston voted to disapprove the petition

Mr. Hathaway voted to approve

Mr. Buckley abstained

2. Public Hearing, Special Permit (continued), 651 Main Street (22-07)

Continuance Requested

Motion: Mr. Reinke, Motion to continue the public hearing for 651 Main Street (22-07), to February 22, 2023 at 6PM

Second: Mr. Parliment

Discussion: None

Vote: 4-0-1

3. Public Hearing, Special Permit (continued) ,42 Tobin Road (22-08)

This hearing was continued from December 26, 2022. The board had requested that the petitioner provide some documentation.

The requested documents were:

- a. Denial Letter
- b. Certified Plot Plan with the structure, setbacks, and the driveway

All requested documents were provided to the board. The plot plan shows the setbacks and the driveway, which will be located on Tobin Rd. The plans meet the required setbacks, the house is 85' from the road so that so that meets the driveway requirements, and the driveway will be paved. Lot size requirements for the zone is 40,00 SF as long as it is serviced by water and sewer.

Motion: Mr. Reinke, Motion to approve the special permit for limited frontage at 42 Tobin Road

Second: Mr. Parliment

Discussion: None

Vote: 5-0-0

Motion: Mr. Reinke To adjourn

Second: Mr. Johnston

Discussion: None

Vote: 5-0-0

**Meeting Minutes Respectfully Submitted by:
Donna K. Main, DIS Assistant**

Date Approved: _____

Zoning Board of Appeals Signatures

Jim Buckley, Chair

Vaughn Hathaway

James Reinke, Vice Chair

Richard Johnston

Kurt Parliment, Clerk

ZONING BOARD OF APPEALS
MEETING MINUTES
April 26, 2023

Location: Leicester Town Hall, Select Board Meeting Room 3

Member Present: Jim Buckley, James Reinke, Kurt Parliment, Vaughn Hathaway, Richard Johnston

Members Absent:

Staff Members Present: Mike Silva, Building Inspector, Donna Main, DIS Assistant

Call to Order: Chairman Buckley called the meeting to order at 6:05 p.m.

Public Hearing – 23-02 Special Permit – 1 Breezy Green Road – David and Alyssa Foy

Petitioners Sean M. O’Neil and Lisa M. O’Neil for a Special Permit for limited frontage (150-feet required, 90.39-feet proposed) to divide one lot into two at 1 Breezy Green Road.

Chairman Buckley opened the public hearing at 6:05 p.m. Mr. Parliment read the public hearing notice into the record.

Mr. Parliment recused himself because he is an abutter and left the meeting room.

Mr. Donald O’Neil, Esq. present to represent the O’Neils. The total parcel acreage is 7.8 and they are proposing to split into two lots, 4.4 would remain with existing house and new lot would have 3.4 acres with 90 feet of frontage on Breezy Green Road. That would leave the existing house 163 feet of frontage which meets zoning requirement of 50’ of frontage for reduced lots. Mr. O’Neil said the location of the new house has not been determined but will be in the area of the tennis courts. Mr. O’Neil said the plans meet all other requirements.

Mr. Reinke asked if they are proposing creating two or three lots. Mr. O’Neil said two lots total with existing driveway being shared for short distance in order to maintain existing trees and then the driveway would continue to provide access to new lot. Mr. Reinke asked for reason for splitting land. Mr. O’Neil said just to create an additional house lot.

Mr. Hathaway stated that shared driveways are not permitted by the Town of Leicester Zoning By-Laws. Mr. O’Neil stated the driveway can be adjusted so there is no shared usage. Mr. Hathaway asked if the lot had already been divided by the Planning Board or is it still one lot. Mr. O’Neil said it is divisible with a reduced frontage lot if approved by the Zoning Board. Mr. Hathaway stated he has not heard of creating a reduced frontage lot, but that lots seeking ZBA decision are already reduced frontage. Mr. O’Neil stated that the definition of reduced frontage lot is in the bylaw and does not limit this to an existing lot. Mr. Hathaway stated that this is not a parcel that already existed as reduced frontage lot but it’s part of a bigger lot and they are creating a reduced frontage lot. Mr. O’Neil said this was in discussion with the Town Building Inspector who pointed them in this direction to seek approval through the ZBA. Mr. O’Neil asked if this was not allowed and Mr. Hathaway said the Special Permit is not allowed under the Bylaw for this particular situation. Mr. O’Neil does not see where the definition is inconsistent with what they are asking for. Mr. O’Neil asked to be continued to the next meeting to review everything.

Motion by Mr. Reinke made a motion to continue the public hearing for 23-02 Special Permit – 1 Breezy Green Road – David and Alyssa Foy to May 17, 2023.

Second: Mr. Hathaway

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Recused
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed. Approved 4 to 0	

6:21 pm Mr. Parliment rejoined the meeting.

Public Hearing – 23-03 Special Permit – 238 Paxton St. – David Lambert, Jr., Al’s Oil Service
Special Permit for the alternation and extension of a nonconforming structure.

Chairman Buckley opened the public hearing at 6:44 p.m. Mr. Parliment read the public hearing notice into the record.

Peter Capebo representing Al’s Oil. Mr. Capebo was brought to 238 Paxton Street back in February by an environmental company, Verdant, for an oil leak. An outside 275 gallon steel tank had purged into the ground and in doing so the environmental company was cleaning it up and had to seal up the cellar which meant the removal of all appliances/utilities. In talking to Mr. Silva, they came up with plan to add onto the existing foundation a shed area for all utilities. Foundation is in and shed is in and was built within the 40’ side setback and are into the side set by 7.3’.

Mr. Reinke asked for clarification on the location of the shed. Mr. Capebo said it is attached to the house and passed out some photos and the engineer’s plan showing the shed and how it is attached to the house.

Mr. Buckley stated that the reason this is a Special Permit is because the house is already non-conforming.

Mr. Buckley asked if there were any comments from the public. Mr. Lamprey from 217 Paxton Street said his concern was that they had a fuel leak and wants to know what is to stop it from happening again. Mr. Capebo said the existing tank was an outside existing tank and the new tank is a double-walled tank made to be outside, is on the other side of the house and not in the shed, and that just the utilities are in the shed. There were no other comments from the public.

Motion by Mr. Reinke made a motion to approve the Special Permit for 23-03 – 238 Paxton St. – for alteration/extension of a non-confirming structure as per Plot Plan dated March 3, 2023 by Jarvis Land Survey.

Second: Mr. Parliment

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

Motion by Mr. Reinke to close the public hearing.

Second: Mr. Parliment

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

Public Hearing Continued – 23-07 Special Permit – 651 Main St.

Special Permit for work within the Water Resources Protection Overlay District. Applicant: 651 Main Street LLC.

Motion by Mr. Reinke to continue the public hearing at the request of the applicant to May 17, 2023 at 6:05 pm.

Second: Mr. Johnston

Discussion: Mr. Buckley asked why it was being continued. Ms. Main said she did not know but included an email from Town Counsel regarding the bylaw. Mr. Reinke said he asked for clarification on delineating the total impervious surface and square footage for structures vs road. Ms. Main will email the Applicant for clarification on the total impervious surfaces.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Abstained
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

General Discussion

- Joe Ralan, 24 Rawson Drive. Mr. Ralan is doing a small addition at the house and thought the next ZBA meeting was May 31st. Ms. Main said she told Mr. Ralan to come to the May meeting so he is present. Mr. Ralan wants to know if legal ad can be done for May 31st meeting. Mr. Silva said they can make the 17th if the legal ad was placed tomorrow.
- Mr. Silva, Building Inspector
 - Mr. Silva asked what the ZBA would need for a special permit application for Faith Rodrigues on Parker St. who came into office and wants to have more animals. Ms. Main said she is in SA zone.
 - Mr. Silva stated Ms. Main would continue provide staff support for the ZBA but he is available if more support is needed.
 - Board members asked Mr. Silva general building questions.
 - Mr. Silva said that he would prepare a comment letter re: 1 Breezy Green as they will need an ANR through the Planning Board.

Approval of Minutes:

11/16/22 Minutes

Motion by Mr. Reinke made a motion to approve the 11/16/22 minutes with Member Hathaway's comments and corrections incorporated.

Second: Mr. Parliment

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

12/28/22 Minutes

Motion by Mr. Reinke to approve the 12/28/22 minutes with Member Hathaway's comments and corrections incorporated.

Second: Mr. Hathaway

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye

Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

1/25/23 Minutes

Motion by Mr. Reinke to approve the 1/25/23 minutes with Member Hathaway's comments and corrections incorporated.

Second: No second.

Discussion: Mr. Hathaway asked for changes to the motion language for 778 Main St. Mr. Reinke withdrew his motion to approve.

The Board tabled these minutes until corrections are made.

2/22/23 Minutes

Motion by Mr. Reinke to approve the 2/22/23 minutes with Member Hathaway's comments and corrections incorporated.

Second: Mr. Johnston

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

3/29/23 Minutes

Motion by Mr. Reinke to approve the 3/29/23 minutes.

Second: Mr. Hathaway

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

Recording shut off.

Meeting adjourned at 7:08 p.m.

Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: _____

Zoning Board of Appeals Signatures

Jim Buckley, Chair

Vaughn Hathaway

James Reinke, Vice Chair

Richard Johnston

Kurt Parliment, Clerk

ZONING BOARD OF APPEALS
MEETING MINUTES
May 17, 2023

Location: Leicester Town Hall, Select Board Meeting Room

Member Present: Jim Buckley, James Reinke, Kurt Parliment, Vaughn Hathaway, Richard Johnston

Members Absent: None

Staff Members Present: Mike Silva, Building Inspector, Donna Main, Administrative Assistant to DIS

Members of the Public in Attendance: Donald O'Neil, Esq., Sean O'Neil, Stephen Daoust

Call to Order: Chairman Buckley called the meeting to order at 6:05 p.m.

Public Hearing – ZBA 23-02 – David and Alyssa Foy – 1 Breezy Green Road - Special Permit for the division of land

Mr. Parliment recused himself because he is an abutter and left the meeting room.

Donald O'Neil, Esq. is present for Donna and Alyssa Foy. Mr. O'Neil said he reviewed the information and one of the provisions establishing the limited frontage lot is Chapter 41 Section 81 – subdivision control provision. Mr. O'Neil said this property had several lots back in 1934 and there is another ANR plan from 1962. He said all lots shown on plans met frontage requirements at the time. Mr. O'Neil believes they satisfy the requirements under the bylaw for the definition of reduced frontage lots. The other issue was the common driveway and that has been revised. Mr. O'Neil provided MGL regulations pertaining to lots.

Chairman Buckley asked if there were any comments from the public and there were none.

Mr. Buckley asked where the structure would be in relation to the driveway. Mr. O'Neil (owner) said the ranch style house would be towards the front of the tennis courts.

Mr. Stephen Daoust, 15 Wesley Drive, asked about the orientation of the house to his land in the back. Mr. O'Neil (owner) said it would face Wesley Drive and be away from his property line.

Mr. Reinke asked about the 1962 plan which shows Rogers Road going right through this property as a closed road. Mr. O'Neil said it was never built. Mr. Reinke asked where the ownership lies. Mr. O'Neil said it's a paper street and they own both sides of the road. Mr. Reinke asked if the road needs to be abandoned and Mr. O'Neil said no as it was never built. Mr. Silva said it's only an issue if there are two different owners abutting the road. Mr. O'Neil said a 1962 ANR plan shows frontage as 163 feet and includes Rogers Road.

Mr. Reinke asked why they created an easement for separating the driveways. Mr. O'Neil said there is a retaining wall and the owner and buyer are in agreement with the easement.

Mr. Hathaway said the lot has been in existence for a while and you do not need to come before the Board. Mr. O'Neil said the language is different for reduced frontage lots.

Mr. Hathaway wants to see what the new driveway will look like and Mr. O'Neil said it's on the revised plan as an easement and it doesn't reduce the frontage. Mr. O'Neil said the new parcel does not make the current property or house non-confirming and he believes they satisfy the zoning bylaw definition for a reduced frontage lot.

There were no other comments.

Motion by Mr. Reinke to approve the Special Permit for 1 Breezy Green Road for the division of land as delineated by Plan of Land Leicester 1 Breezy Green Road dated 5-10-2023

Second: Mr. Johnston

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Recused
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed One (1) Recused Approved 4 to 0	

Motion by Mr. Reinke to close the public hearing.

Second: Mr. Johnston

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Recused
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed One (1) Recused Approved 4 to 0	

Public Hearing (Continued) – ZBA 22-07 – 651 Main Street

Special Permit for work within the Water Resources Protection Overlay District. Applicant: 651 Main Street LLC

Mr. Buckley said his understanding is the applicant has requested a continuance. Mr. Silva recommends that at the next continuance the Board ask the applicant if they want to withdraw the application without prejudice or the Board could deny the project. Mr. Buckley asked if Quinn Engineering had said anything about the increase in water due to increase in impervious area and

recalled a letter but couldn't locate it. Mr. Silva said he would provide a project timeline to the Board.

Motion by Mr. Reinke to continue the public hearing for 651 Main Street ZBA 22-07 for work within the Water Resources Protection Overlay District until June 28, 2023.

Second: Mr. Johnston

Discussion: Mr. Hathaway would like the Applicant to attend in person.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

Public Hearing – ZBA 23-04 – Joseph Rau – 24 Rawson Drive

Special Permit for the limited setback (150 ft required, 90.93 ft proposed).

Mr. Parliment left the meeting room.

Mr. Rau was present. Mr. Rau wants to add a 24' x 20' addition to their 960 sq ft ranch. Set back of 37.6' and the zoning district requires 40'. They want to expand their family and are expecting another child. Mr. Rau said they considered going vertical and adding a second floor but he works from home and his wife is pregnant and they would have to move out of the house to rip the roof off. They would have to spend an additional \$10,000 and it's a financial hardship. They considered moving, but market is not ideal.

Mr. Buckley asked if the current house encroached into the setback and Mr. Rau replied no. Mr. Silva said they need a variance, not a special permit. Mr. Reinke asked if Rawson Drive was public or private and Mr. Rau said it's a private road. Mr. Buckley said the public hearing notice was for a special permit. Mr. Silva said it was a Scribner's error and it should have said variance and everyone still received a public hearing notice.

Mr. Reinke said he's only encroaching 14' on a private road so it is technically a center of road. Mr. Buckley asked the total cost of the project and Mr. Rau replied \$100,000 and it will cost \$10,000 to move it to meet the setback. Mr. Reinke asked if the green cards were received and Ms. Main replied yes.

Mr. Hathaway noted there are different criteria for special permits versus variances, one being hardship for a variance and he wanted to go on record that he said that to the Applicant.

Mr. Reinke asked if this is approved, should they vote on special permit and variance. Mr. Buckley said he didn't think a special permit is necessary so just a variance.

Mr. Buckley asked if there were any more comments and there were none.

Motion by Mr. Reinke to approve the variance for 24 Rawson Drive ZBA 23-04 variance for limited setback with the finished plane being 37.6' from the edge of the property line as delineated and illustrated in "Proposed Addition" prepared for Stacey and Joseph and Rau, 24 Rawson Drive, Leicester, MA dated April 13, 2022.

Second: Mr. Johnston

Discussion: None

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed Approved 4 to 0	

Motion by Mr. Johnston moved to close the public hearing.

Second: Mr. Reinke

Discussion: None

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed Approved 4 to 0	

Motion by Mr. Reinke to adjourn.

Second: Mr. Johnston

Discussion: None

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed Approved 4 to 0	

Meeting adjourned at 7:03 p.m.

Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: _____

Zoning Board of Appeals Signatures

Jim Buckley, Chair

Vaughn Hathaway

James Reinke, Vice Chair

Richard Johnston

Kurt Parliment, Clerk

ZONING BOARD OF APPEALS
MEETING MINUTES
June 28, 2023

Location: Leicester Town Hall, Select Board Meeting Room

Member Present: Jim Buckley, James Reinke, Kurt Parliment, Vaughn Hathaway, Richard Johnston

Members Absent: None

Staff Members Present: Donna Main

Members of the Public in Attendance:

Call to Order: Chairman Buckley called the meeting to order at 6:01 p.m.

Public Hearing – ZBA 23-07 – David Dufresne – 266 Auburn St.

Applicant seeks a special permit to divide an existing 10 acre lot into two (2) five (5) acre lots.

Chairman Buckley opened the public hearing at 6:02 p.m. Mr. Parliment read the public hearing notice into the record.

Ms. Main said there was no correspondence received. Mr. Dufresne owns 266 Auburn St. and wants to divide the 10 acre parcel into two 5 acre parcels and is seeking relief of the 100' frontage requirement. It meets all other criteria, including setbacks.

Mr. Buckley asked if he was looking for a special permit under the limited frontage lot and Mr. Dufresne said that was correct. Mr. Buckley asked if Mr. Dufresne owned both lots and Mr. Parliment asked what he wanted to do with the second lot. Mr. Dufresne said he owns both and wants to sell it for the buyer to build another single family.

Mr. Buckley has an issue that it is common ownership and part of granting a special permit is that they need to make a finding that this is in in harmony with the general purpose and intent of the bylaw. Mr. Buckley's interpretation of the bylaw is that if someone had a 10 acre lot with 50' of frontage they could apply for a special permit under the bylaw. The intent was not that you have a 10 acre lot with 300' of frontage and break a piece off to create another lot that has limited frontage. Mr. Reinke agreed. Mr. Dufresne said it will meet all other setbacks. Mr. Hathaway asked if the line for division had existed before and Mr. Dufresne said no, the engineer divided it. Mr. Hathaway is not comfortable with where the lot line is being created and that they bylaw was for lots in existence and already had limited frontage to be able to be buildable as opposed to creating a lot that is not conforming to the district. Mr. Hathaway asked if it has been divided and has planning board approved the division. Mr. Dufresne said, no, that he did the first step suggested by the Building Inspector.

Mr. Reinke said that it has access to a way and an ANR is possible but this is the more restrictive Board and needs a special permit so it makes sense that the ZBA would go first. Mr. Hathaway said maybe if an ANR was approved and the new owner came for a special permit for reduced lot, then maybe the bylaw would apply, but owner wouldn't know if it was buildable. Mr. Dufresne said no neighbors said anything and the lot is all wooded and trees would remain.

Mr. Buckley asked if there were any comments from the public and there were none.

Mr. Reinke does not think it's consistent with they zoning bylaw as it doesn't meet the criteria for a special permit for a reduced frontage lot.

Mr. Hathaway said the Applicant has the option to withdraw the application without prejudice. If the Board votes it down, the Applicant can't come back for two years with the same petition. Mr. Dufresne said he talked to the Building Inspector and he suggested going to the ZBA and reiterated that it met all other requirements. Mr. Buckley said the Board is bound by the bylaw. Mr. Parliment asked if there was any way to resolve this problem. Mr. Buckley said they can only make a decision on what is presented but the Applicant can withdraw without prejudice. Mr. Dufresne said if it doesn't go now, it won't go at all and gave examples of other smaller lots with small frontages.

Motion by Mr. Reinke to disapprove the Special Permit for 266 Auburn St. ZBA23-07 to divide an existing 10 acre lot into two five acre lots.

Second: Mr. Hathaway

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Abstain
Four (4) in Favor. One (1) Abstention Approved 4 to 1	

Public Hearing – ZBA 23-06 – Denisse Valentine – 65 Lakeview Drive

Applicant seeks a Special Permit to alter and extend a nonconforming structure.

Chairman Buckley opened the public hearing at 6:26 p.m. Mr. Parliment read the public hearing notice into the record.

Ms. Valentine, owner, requests approval to build two decks and a garden house at her property. This plan is also being presented to Conservation as it's within 100' wetland border. Ms. Valentine said her neighbors have no issues with her plan. She said the deck does not comply with the 40' setback and that there is a slope she is trying to work with to help with erosion. She said the second deck is 11" out of compliance. Ms. Valentine said the third structure will be a 10x10 garden house that is adding on to existing building and it's 5" too close to the side.

Mr. Buckley asked about the main deck and noted the house is closer so that deck is not a greater encroachment. Mr. Buckley said extending the existing shed along the same line and in the existing footprint, so he has no issue with that. Mr. Buckley said the second deck will be closer to the lot line than the house, so she needs a variance. Ms. Valentine can move the second deck 11" back so she has the 40' setback. Mr. Buckley said if she builds the deck to not further encroach then she doesn't need the variance. Mr. Buckley said she just needs a Special Permit and Mr. Reinke said with a condition that the second, smaller deck complies with zoning. Mr. Reinke said to have the plan show that the setbacks comply and show it to the Building Inspector. Mr. Hathaway said to

be clear and if they approve the Special Permit and the plan complies, she does not have to go back to the ZBA.

Motion by Mr. Reinke to approve the Special Permit for 65 Lakeview Dr. for the construction of a 26' x 16' deck on existing home as illustrated on the plan dated May 31, 2023 and to include construction of 12 x 12 deck as illustrated on the plan with condition that the deck become conforming in a revised plan and to approve the extension of the existing shed as illustrated on the May 31, 2023 plan.

Second: Mr. Parliment

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. One (1) Abstention Approved 4 to 1	

Public Hearing – ZBA 23-05 – Charlton Road Realty LLC – 778 Main St.

Applicant seeks a Special Permit to allow for the proposed impervious area within the Water Resources Protection Overlay District (WRPOD) with the proposed multifamily development.

Chairman Buckley opened the public hearing at 6:45 p.m. Mr. Parliment read the public hearing notice into the record.

Jim Bernardino, P.E., CMG Environmental, was present for the project. Mr. Bernardino gave a general overview of the proposed project. Mr. Bernardino was in front of the ZBA before with this project with a proposed 25 unit multi-family development with 3 units and parking area within the WRPOD. The Board did not vote in favor of that proposal and the plan has been revised and is being presented tonight. Mr. Bernardino said the total number of units was reduced from 25 to 13, the configuration of the building style and parking has also changed, and the site will still be accessed off of Main St. The original larger central parking area has been moved out of the WRPOD and impervious areas have been reduced to 28%. Mr. Bernardino described the stormwater system and controls. This is traditional paving areas and not porous as originally proposed so it can be better controlled for pollutant runoff and water quality. They have an Erosion and Sediment Control Plan and the project will be subject to the NPDES Construction General Permit.

Mr. Damien Berthaiume, Esq. is present to talk about the requirements necessary for the Board to approve the Special Permit. Mr. Berthaiume said that Quinn Engineering's letter shows the project meets the requirements for approval of a Special Permit and that the project meets the requirements for the following reasons:

- Multi family is allowed by right in this zone.
- Site is served by municipal water and sewer

- Proposed development will have no impact n the neighborhood or WRPOD
- Topography shifts away from the WRPOD protected area
- Soils are conducive to water soaking in and not running over the ground
- No adverse impact to the aquifer as it's on the outside edge of the aquifer
- Project as amended has taken the Board's input into consideration
- Quinn Engineering said the plans comply with the bylaw

Mr. Berthaiume asked the ZBA to issue the Special Permit.

Mr. Reinke asked Mr. Bernardino about the life expectancy of the underground infiltration system. Mr. Bernardino said it's longer than expected for this type of use and they have implemented excessive pre-treatment so less sediment in the chamber so there are less clogs. Mr. Bernardino said he would expect the system to last 30-40 years. Mr. Reinke asked for criteria of the maintenance plan. Mr. Bernardino said they will follow DEP stormwater guidelines and conditions of Planning and Conservation permitting. Mr. Parliment asked who is responsible to pay. Mr. Bernardino said it's a private developer but may be taken over by property management company or homeowner/condo association. Mr. Bernardino said this revised plan has been submitted to the Planning Board and he does not expect it to change if the ZBA votes tonight.

Mr. Buckley asked what the situation would be if the system didn't perform. Mr. Bernardino said even if half the system fails they have redundancies and reviews during construction. The system meets all town and state regulations. Mr. Reinke said those parameters are based on historical weather data so it is theoretically worst case scenario but a worse catastrophic storm is not predictable. Mr. Berthaiume said that the design is based on standard parameters and meets the purpose of the stormwater bylaw.

Mr. Buckley asked if there were any comments from the public. Ann Wheeler, 774 Main Street, said that even though the project is revised, that number of people in that space will adversely affect the neighborhood.

Motion by Mr. Reinke moved to approve the Special Permit for 778 Main Street ZBA 23-05 to allow for the proposed impervious area within the Water Resources Protection Overlay District (WRPOD) with the proposed multifamily development as per the revised plans.

Second: Mr. Johnston

Discussion: Mr. Reinke said this plan is so much better than the original plan for the WRPOD. Mr. Hathaway asked if the Board wanted to add a condition about the maintenance logs being provided. Mr. Reinke would be amenable.

Motion by Mr. Hathaway to amend the previous motion to add the condition that maintenance logs have to be provided on an annual basis to the DIS Dept.

Second: Mr. Johnston

Discussion: Mr. Buckley and Mr. Reinke talked about the new plan and system and that it's better than the previous plan.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye

Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

General Discussion/Miscellaneous

- Peter DiGioia and Thomas Ayers, Ayers and DiGioia LLC, builders and owners for 25 Pleasant St. requesting an informal hearing regarding the stormwater recharge system. They are requesting review and approval of a revision or reduction of the impervious area criteria for the Cultec system from Special Permit from September 14, 2021. The original impervious area was 5,258 s.f. (Jan 2021) and amended to (Dec 14, 2021) 6,658 s.f. and amended to 3,118 s.f. (Jun. 20, 2023). Mr. DiGioia said it is the opinion of the developers, that the previous criteria used to calculate the Cultec stormwater system does not consider that the sidewalks and walkways cannot be contained by the current Cultec system. They have provided a revised Cultec system design to handle the roof run off for the proposed 3,118 s.f. Per Zoning Bylaws, the impervious area of the 3,118 area is less than 15% but greater than 125 s.f. Construction is almost complete, and he hopes Quinn has reviewed/commented on the revisions. They want to reduce the Cultec from a 32 chamber to a 6 chamber system.

Mr. Buckley said they would have to apply for a special permit. Mr. DiGioia is asking for approval tonight. Mr. Buckley said it requires a public hearing and they have to follow those laws.

Mr. Reinke asked if the calculations were too high and have now been re-calculated and Mr. DiGioia said yes. Mr. Buckley asked if Quinn Engineering had responded and Ms. Main said no. Mr. DiGioia said he submitted information in June and expected to be on this meeting agenda. Ms. Main said Mr. DiGioia did not submit an application.

Mr. Hathaway said they cannot give an approval without a public hearing. Mr. Reinke said his thought is they did a maximum system on the old property and they do not need that much. Ms. Main asked if it was an amendment to the Special Permit or if he needs a new Special Permit. Mr. Buckley said either way it needs a public hearing and information from an engineer. Mr. Parliment says if it takes a little longer and they don't have to spend the money for the larger system, they should wait. Mr. Buckley said they need to file for a Special Permit.

- Mr. Buckley said 651 Main St. was continued to tonight but Ms. Main said they were removed from the agenda because they owed the Town some money for Quinn Engineering's review. Ms. Main said they keep asking for a re-review of plans, but plans haven't changed. Ms. Main said the Applicant is under the impression that they weren't being heard tonight. Mr. Johnston said if they deny the project, they can't re-apply for 24 months. Mr. Parliment suggested continuing with a deadline. Mr. Hathaway suggested they come with information, or they will have to deny the project. Mr. Reinke said it's important to give the applicant the benefit of the doubt especially since the office told them they wouldn't be on the agenda tonight even though the ZBA sets the agenda.

Motion by Mr. Hathaway to continue to July 26, 2023 at 6pm.

Second: Mr. Reinke

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Abstain
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed One (1) Abstained Approved 4 to 0	

Motion by Mr. Parliment to adjourn.

Second: Mr. Reinke

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

Meeting adjourned at 7:49 p.m.

Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: _____

Zoning Board of Appeals Signatures

Jim Buckley, Chair

Vaughn Hathaway

James Reinke, Vice Chair

Richard Johnston

Kurt Parliment, Clerk

ZONING BOARD OF APPEALS
MEETING MINUTES
July 26, 2023

Location: Leicester Town Hall, Select Board Meeting Room

Member Present: Jim Buckley, James Reinke, Kurt Parliment, Vaughn Hathaway, Richard Johnston

Members Absent: None

Staff Members Present: Donna Main

Members of the Public in Attendance:

Call to Order: Chairman Buckley called the meeting to order at 6:00 p.m.

Public Hearing (continued) – Special Permit ZBA 22-07 – Mark Klinger/651 Main Street LLC, 651 Main Street

Applicant seeks a Special Permit for work in the Water Resources Protection Overlay District (WRPOD).

Mr. Parliment recused himself and left the meeting room.

Michael Malinowski, P.E., on the project on behalf of the Applicant. Mr. Malinowski said the stormwater analysis was reviewed by Quinn Engineering and the comment letter said the project meets the criteria for a special permit. The plans were revised so there is a large reduction in overall project in watershed area and now 14.69% impervious so under the 15% but the project exceeds 2,500 s.f. of impervious which is why they need a special permit. Mr. Malinowski said the site plan was approved by the Planning Board.

Mr. Reinke asked how much over the 2,500 s.f. and Mr. Malinowski said they are well over the 2,500 s.f. Mr. Reinke asked the difference between roof and road impervious. Mr. Malinowski said it's broken down in the stormwater report (page 4) for just what's in the watershed and not the entire project. Mr. Reinke asked Mr. Malinowski to describe the stormwater management system. Mr. Malinowski said it's a closed system and water is treated before it is discharged. Mr. Malinowski said the hydro-dynamic system can separate oil, gas, and floating items and can pull out sediment which can be cleaned out. There is also a maintenance plan with quarterly inspections and visual inspections and sediments can be cleaned out. Mr. Reinke asked if chambers for floatables are big enough. Mr. Malinowski said there is an overflow and it's standard for this type of system and that the entire project has stormwater systems that treat the same way. Mr. Malinowski said roof water in residential developments, by MA State Standards, is deemed clean and no pre-treatment is required.

Mr. Johnston asked if the project includes pervious pavement and Mr. Malinowski said no. Mr. Johnston said there was some discussion about using it in the driveways. Mr. Malinowski said it is asphalt. Mr. Malinowski said the most recent revised plan is dated December 2, 2022. Mr. Buckley asked where contaminated water goes. Mr. Malinowski said right now it sheet flows to one corner but with the stormwater management system it will be pre-treated and directed to basins. Mr. Buckley said the runoff was not greater than before development and Mr. Malinowski said that is correct.

Mr. Reinke asked if the system meets or exceeds the standards. Mr. Malinowski said it meets the standards. Mr. Buckley said they have a letter from the Town Engineer saying it's compliant.

Mr. Buckley asked if there were other comments. Mr. Brian Faulk, Attorney representing the Applicant said he reviewed the application and special permit criteria and the plan meets the criteria for a Special Permit in the WRPOD.

Mr. Johnston wants to clear up concerns he has with the pervious pavement. He said a letter from Quinn Engineering dated January 20, 2023 that states that the site proposed pervious pavement and asked if that has changed. Mr. Malinowski said there was talk about reducing coverage using pervious pavement but it went by the wayside when they reduced the number of houses in the watershed district.

Motion by Mr. Reinke to approve the Special Permit for 651 Main Street, ZBA 22-07 for work in the WRPOD with the condition that inspection and maintenance logs be submitted to the Planning Board or authority with jurisdiction for review on a quarterly basis as soon as feasible.

Second: Mr. Hathaway seconds with addition to call out the most recent plan.

Motion by Mr. Reinke to amend his motion to include the plan revised dated December 2, 2022.

Second: Mr. Hathaway

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Recused
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed One (1) Recused Approved 4 to 0	

Motion by Mr. Reinke to close the public hearing.

Second: Mr. Hathaway.

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Recused
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed One (1) Recused Approved 4 to 0	

6:24 pm Mr. Parliment rejoined the meeting.

Public Hearing – 100 South Main St., Special Permit ZBA 23-08, Signorama Worcester for Deja New

Applicant seeks a special permit for the construction of a freestanding sign with digital message board.

Chairman Buckley opened the public hearing at 6:25 pm. Mr. Parliment read the public hearing notice into the record.

Mr. Mike Wood, owner of Signarama Worcester and representing the Applicant, said they are keeping some of the look of the existing sign by using the existing poles. Mr. Wood said they are proposing a basic message board at bottom of their static sign. It will be 3 color display, no live imaging, and in accordance with the refresh rate. There will be two lines 8 inches tall and one line 16 inches tall. The sign is 85” wide x 16-17” for imagery. Mr. Wood said a Special Permit is not needed for the size, it’s needed for the digital display. Mr. Hathaway said they are hearing for size and display as they are over 50 s.f combined. Mr. Reinke asked if that’s what the application stated. Mr. Wood said there is back and forth with the state and the town as it’s on Route 9. Mr. Hathaway wanted to confirm that the sign with the display will be over 50 s.f and Mr. Wood said yes. 8 x 6 for static sign and then 96 x 20 for digital display so yes, they are asking for Special Permit for both. Mr. Hathaway said they can only consider a sign up to 50 s.f and not over. Mr. Wood asked if they can revise the static sign so that the digital display and static sign are not over 50 s.f. Mr. Reinke said they may meet the 50’ as the static sign is not a rectangle and has a cut out. Mr. Wood said they will make the sign compliant.

Mr. Buckley asked about dimming. Mr. Wood said the sign is going to be wired to the building and attached to a timer so it can come on at 10am and off at 5pm or whatever hours required under the bylaw. Mr. Hathaway asked if the sign would have exterior lighting. Mr. Wood said there is no current plan to add exterior lighting. Mr. Buckley said they could make the hours a condition of the Special Permit.

Cheryl Cooney, President of Deja New, said the sign is antiquated and an eyesore and the new sign will be smaller. Ms. Cooney said they have ambient lighting from the abutting bus company and they have a solar light already that comes on. Ms. Cooney said she is fine with whatever hours the Board sets. Mr. Reinke asked if 6 am – 9pm is an adequate window and Mr. Cooney said yes. Mr. Reinke asked about the dimmability, colors. Mr. Wood said it’s red/green/orange and is meant for letters not images and can be set to dim. Mr. Reinke asked what’s the standard time to dim. Mr. Wood said it would be adjusted to sunset time so it’s not bright or glaring. Mr. Reinke asked if it was acceptable to the applicant if the luminance can be dimmed to 50% capacity from dusk to dawn. Mr. Wood said yes.

There were no other comments.

Motion by Mr. Reinke to approve the Special Permit for 100 S. Main St. ZBA 23-08 for construction of a freestanding sign with digital message board with the condition that the sign does not exceed 50 s.f. all inclusive, with the freestanding static display and the visual display final measurements to be confirmed by the Building/Zoning official and that the sign operate between 6am - 9pm 7 days a week and dim to 50% from dusk to dawn.

Second: Mr. Parliment

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

Motion by Mr. Buckley to close the public hearing.

Second: Mr. Reinke

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

6:48 pm Mr. Parliment left the meeting room.

Public Hearing – Special Permit ZBA 23-09 – 200 Main Street, Signorama Worcester for Valley Mart

Applicant seeks a Special Permit for additional signage.

Chairman Buckley opened the public hearing at 6:48 pm. Mr. Reinke (Acting Clerk) read the public hearing notice into the record.

Mr. Mike Wood, owner of Signarama Worcester, was hired to install Mart Service sign on the peak of the canopy of the gas station. The company was told they had a permit and installed the sign and then got a letter stating they needed a variance, so he submitted an application. The “Valley” portion of the sign was permitted and one through another company and they were hired to add the “Mart Service”. Mr. Wood said the sign is not backlit. Mr. Reinke asked what aggregate total of signage. Mr. Wood said he does not have the overall square footage of the signage on the property. Mr. Wood said the “Inspections” sign is required by the state. Mr. Buckley said there is an existing sign with an existing canopy that says “Valley Mart and Service” so this permit is asking for the additional sign and the free-standing sign is not the issue and the Building Inspector said in the letter that they can’t have more than one sign. Mr. Wood said the name of the business is Valley Mart Service but they could only afford to do “Valley” and then added the Mart Service so the Board is considering it to be two signs but it’s really one sign and asked how they combine them. Mr. Hathaway said he thinks the Building Inspector was referring to the canopy sign and the separate free-standing sign as two signs.

Mr. Buckley doesn't interpret the canopy as being another sign as it would exist even if there was no lettering. Mr. Buckley said the purpose and intent of the bylaw is not to have multiple free-standing signs. Mr. Buckley sees Valley Mart Service as one sign. Mr. Hathaway said if the canopy is included as a sign with the other sign, it's more than 50 s.f. Mr. Wood said canopies on a gas station are a gray area and up to interpretation. Mr. Wood said it was denied because Valley was already permitted, and he probably should have just filed a permit for Valley Mart Service but Valley was already there. Mr. Buckley said he is thinking a special permit for a sign is if there is an addition to a sign making it more than 50 s.f. and that a second sign is a variance and not a special permit.

Mr. Hathaway said the bylaw talks about wall signs and theoretically you could consider writing on canopy as a wall sign like an awning and maybe this should be considered as more of a wall sign and therefore it's constrained to 15% of the building. Mr. Hathaway does not think Service Mart can be separated from Valley. Mr. Johnston said there is signage on two sides of the canopy. Mr. Reinke said the Zoning Enforcement Officer felt he had to do this so that Mr. Wood would have the conversation and now the Board is deliberating the semantics of what this is or isn't so they can feel comfortable. The end is that the Board can go up to 50 s.f and what is being applied for is 46.17 s.f. but they are discussing the overall picture. Mr. Buckley said this is not a second sign, but the Zoning Enforcement Officer (ZEO) is no longer with the Town to answer questions. Mr. Wood applied for a special permit as per the ZEO's letter to Valley Mart. Mr. Buckley doesn't feel a special permit is needed because it's not a second sign. Mr. Hathaway said to Mr. Buckley's point, there was another project where a sign was added and the canopy never came up. Mr. Johnston said they approved the sign for Walmart and their canopy never came up. Mr. Johnston suggested they say the bylaw was never intended to regulate canopies. Mr. Buckley said a special permit is not required. Mr. Hathaway suggested they talk to the acting building inspector about changing the regulations for canopies. Mr. Reinke suggested going to Town Counsel instead of the ZEO to see if they think a special permit is necessary. Mr. Buckley said the other option is to just grant the special permit as per the ZEO letter. Mr. Hathaway said for the record if he would approve it, they would be ignoring the bylaws as they don't meet the criteria for granting the special permit. Mr. Johnston said it's easy for the Board to say the Special Permit is not required. Mr. Hathaway is more comfortable saying the Board does not feel they need a special permit. Mr. Buckley concurred.

There were no other comments.

Motion by Mr. Hathaway that in the opinion of the Zoning Board a Special Permit is not required for this petition.

Second: Mr. Reinke

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed	
Approved 4 to 0	

Motion by Mr. Reinke to close the public hearing.

Second: Mr. Hathaway

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed Approved 4 to 0	

Discussion

- Mr. Reinke said Town needs a new Town Planner. Town Administrator invited Mr. Campbell (PB) and Mr. Reinke (PB/ZBA) to attend an informational meeting to review some resumes. The concern is that the Town will end up in the same situation they are in now which is that there is not a lot of longevity in municipal government and the new person may leave in 6 months. Two resumes had all of the credentials but short work periods. Discussion about Dept of Inspectional Services and Town Planner be separate positions and maybe hire someone as Town Planner that they can mold. Mr. Reinke would prefer to hire someone with Town Planner credentials but wants to interview all three applicants. Mr. Reinke feels a qualified Town Planner is necessary. Mr. Hathaway agrees with having a Building Inspector and Town Planner as separate positions. Ms. Main is also in favor of hiring a qualified Town Planner instead of training someone. Mr. Buckley said what Mr. Reinke is saying is consistent with the letter the ZBA sent. Mr. Reinke would like to see Planning, Zoning and Conservation together to discuss. Mr. Buckley said the previous Town Planners have not historically attended ZBA meetings and had little involvement.

Motion by Mr. Reinke to set up a tri-board meeting between ZBA, Conservation, Planning Board to discuss the Town Planner position.

Second: Mr. Johnston

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed Approved 4 to 0	

Motion by Mr. Hathaway to re-organize the board with the same memberships: Mr. Buckley – Chair, Mr. Reinke – Vice Chair, Mr. Parliment – Clerk

Second: Mr. Reinke

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed Approved 4 to 0	

Motion by Mr. Reinke to adjourn.

Second: Mr. Johnston

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. None (0) Opposed Approved 4 to 0	

Meeting adjourned at 7:35 p.m.

Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: _____

Zoning Board of Appeals Signatures

Jim Buckley, Chair

Vaughn Hathaway

James Reinke, Vice Chair

Richard Johnston

Kurt Parliment, Clerk

TOWN OF LEICESTER

ZONING BOARD of APPEALS
3 Washburn Square
Leicester, MA. 01524
(508) 892-7007
www.leicesterma.org



ZBA Commissioners

Jim Buckley, Chair
James Reinke, Vice-Chair
Kurt Parliment, Clerk
Vaughn Hathaway, Member
Richard Johnston, Alternate

Zoning Board of Appeals Meeting Minutes

Date: August 30, 2023

Time: 6:00 PM

Location: Meeting Room 3

Commissioners Present: Jim Buckley, James Reinke, Vaughn Hathaway, Richard Johnston, Kurt Parliment

Others Present: Elena Ion, Interim Town Planner

Order of Business:

1. Public Hearing, Special Permit

39 Burncoat Lane (ZBA23-10) Special Permit for replacement of a preexisting structure

Applicant: Peter Dolan and Rose Marie George-Dolan

2. General Discussion/Miscellaneous

3. Adjourn

Mr. Buckley opens meeting at 6:01 PM

1. Public Hearing, Special Permit

39 Burncoat Lane (ZBA 23-10) Special Permit for replacement of a preexisting structure

Applicant: Peter Dolan and Rose Marie George-Dolan

Mr. Parliment, Clerk, read the public hearing notice into the record.

Mr. Buckley asked if any correspondence had been received for this public hearing and there was none.

Petitioner, Mr. Dolan: states that the property been in the family for 49 years. Drilled a well and designed a new septic system, all approved. Petitioner states that they obtained a demolition permit and were on their way to completing the project, but health problems and other circumstances during the COVID-19 pandemic led to them not making progress on construction. They went through conservation to tear down the house and they have all the conservation permits. The approximate location of the pre-existing structure is 6' off the lot, and 21' off the road. The proposed structure will be the same setback and same size.

Mr. Reinke: The timing is a concern because the property is considered abandoned after two years of taking no action after which it reverts to current zoning. Zoning bylaw states that abandonment is the discontinuation of such use for two (2) years or more. If construction is ongoing, it's considered not abandoned.

Petitioner, Mr. Dolan: presents building permits for demolition and photographs showing continued use and maintenance of the property. States that they periodically mow the lawn, remove snow in the

winter, and they have a boat dock on the property. The applicant has paid taxes for 75 years, as if there's still a structure there, and they did not ask for an abatement. The shed is still extant and the electricity service was interrupted.

Mr. Reinke: This is a small building, placed in the middle of the lot and is not detrimental to the neighborhood. The applicant did pull a demolition permit and he was on his way to completing the project, but had some health issues, and Covid affected progress on the project. They're trying to pick up where they left off and they're doing the right way for coming before this board. They're not asking for any additional encroachments to any of the setbacks. They are asking to build within the same footprint.

Mr. Hathaway: suggests that this is an "involuntary relinquishment" because of various circumstances and health issues.

Motion: Mr. Reinke moved to approve the special permit for replacement of pre-existing structure at 39 Burncoat Lane ZBA 32-10, with the condition that the location of the new structure is within the setbacks as described and illustrated on the plan entitled "Town of Leicester, Office of the Building Inspector, Building Permit Plot Plan," dated September 7, 2018. This plan needs to be wet-stamped in the "as is" condition that it is now.

Second: Mr. Johnston

Discussion: None

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

Motion: Mr. Reinke moved to close the hearing

Second: Mr. Parliment

Discussion: None

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

Discussion:

- Ms. Ion said she will be Interim Town Planner for a few more weeks.

Motion: Mr. Reinke moved to adjourn

Second: Mr. Parliment

Discussion: None

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

Meeting adjourned at 6:32 p.m

Meeting Minutes Submitted by:

Elena Ion, Interim Town Planner

**Lisa Westwell, Administrative Assistant
to the Planning Department**

Date Approved: _____

Zoning Board of Appeals Signatures

Jim Buckley, Chair

Vaughn Hathaway

James Reinke, Vice Chair

Richard Johnston

Kurt Parliment, Clerk

ZONING BOARD OF APPEALS
MEETING MINUTES
October 25, 2023

Location: Leicester Town Hall, Select Board Meeting Room

Member Present: Jim Buckley, James Reinke, Kurt Parliment, Vaughn Hathaway, Richard Johnston

Members Absent: None

Staff Members Present: Kristen Jacobsen, Town Planner, Lisa Westwell, Administrative Assistant

Members of the Public in Attendance: See Sign In Sheet Attached

Call to Order: Chairman Buckley called the meeting to order at 6:05 p.m.

Public Hearing – V-2023-11 – Alex D. Joseph, 747-749 Pleasant Street, 43B-B4-0

Applicant seeks a variance relating to the minimum area requirement per Section 4.2 Schedule of Dimensional Requirements - Table I, in order to convey approximately 279 s.f. of land to the property at 2-4 Hankey Street.

Chairman Buckley opened the public hearing at 6:05 p.m. Mr. Parliment read the public hearing notice into the record.

Mr. Matthew Eckel, Esq. was present on behalf of the Applicant and explained the reason for the variance for relief from the maximum square footage requirement. Mr. Eckel said that Mr. Joseph purchased the property and realized that the neighbor, Ms. Haglund, was using the area as a driveway. Mr. Eckel said that conveying a portion of the land makes 747-749 more non-confirming but makes the other parcel less non-confirming. Mr. Eckel stated that it is not useable property for Mr. Joseph and that the parties want to convey in order to settle the disagreement and clear up the title.

Mr. Buckley stated that one of the criteria for a variance is to show substantial hardship.

Mr. Eckel stated that the property owner can't use it, the disagreement is subject to prolonged litigation, Ms. Haglund can't request the Town to give her the property so Mr. Joseph is making the request. Mr. Eckel said that the parcel has historically been with Ms. Huglund and it would be a hardship for the owner to maintain it and pay taxes on a parcel he can't use.

Mr. Reinke asked to review the property photos. Mr. Eckel explained that the property has historically been used as a driveway and the topography aligns with Ms. Haglund's property. Mr. Reinke asked how long Ms. Haglund has used the property. Michelle Blair, Esq., representing Ms. Haglund, said in 1976 the paved spots were dirt with 2 spaces and 10 years later they paved it. Ms. Blair said the fence was put up 3 years ago.

Mr. Reinke asked if there was ever any permission given to use the property. Ms. Blair stated that permission was never given. Mr. Hathaway asked for clarification on adverse possession claim and stating that if a legal decision is made to support adverse possession claim, there is no need for ZBA to consider the variance.

Mr. Eckle said it is a unique situation and they are trying to rectify it amicably and avoid litigation. Mr. Buckley asked if adverse possession is what they are talking about and Mr. Eckel replied yes.

Mr. Buckley asked what happens to the Pleasant Street property. Mr. Eckel said the Planning Board would have to approve a lot line change. Mr. Johnston said if it is adverse possession then a lot line change would be settled in court and zoning would be irrelevant. Mr. Reinke asked if a negative outcome in court would preserve the property lines and Mr. Eckel replied yes. Mr. Reinke asked if the board doesn't grant this, isn't the financial hardship argument valid because of cost of litigation.

Ms. Jacobsen summarized the issue saying the Applicant is requesting relief from the ZBA so that they can avoid further litigation.

There were no other comments.

Motion by Mr. Parliament to grant Variance number V-2023-11 to provide relief of dimensional regulations and convey 279 square feet of land to the property known as 2-4 Hankey Street.

Second: R. Johnston.

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Nay
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Four (4) in Favor. One (1) Opposed Approved 4 to 1	

Discussion

- Ms. Jacobsen suggested that the Board bill applicants directly for legal ads and members concurred.

Motion by Mr. Reinke to adjourn.

Second: Mr. Hathaway

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

Meeting adjourned at 6:30 p.m.

Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: _____

Zoning Board of Appeals Signatures

Jim Buckley, Chair

Vaughn Hathaway

James Reinke, Vice Chair

Richard Johnston

Kurt Parliment, Clerk

ZONING BOARD OF APPEALS
MEETING MINUTES
November 29, 2023

Location: Leicester Town Hall, Select Board Meeting Room

Member Present: Jim Buckley, James Reinke, Kurt Parliment, Vaughn Hathaway, Richard Johnston

Members Absent: None

Staff Members Present: Kristen Jacobsen, Town Planner, Lisa Westwell, Administrative Assistant

Members of the Public in Attendance: See Sign In Sheet Attached

Call to Order: Chairman Buckley called the meeting to order at 6:17 p.m.

Public Hearing – V-2023-12 – Tim and Denise Wells, 69 Burncoat Ln., 27A-E34 & 27A-E35
Applicants seek a variance relating to the side yard setback requirement to construct an addition and garage.

Chairman Buckley opened the public hearing at 6:18 p.m. Mr. Parliment read the public hearing notice into the record.

Mr. Buckley stated that the hearing is for a variance for side and front yard setbacks and will also need a Special Permit because it's pre-existing non-conforming.

Jason Kurtz, Architect, was present on behalf of the homeowner. He said this lot and surrounding lots are all zoned SA and are smaller than the required 80,000 s.f. lot size. This lot is less than 20,000 s.f. Applicant is requesting a variance for side and front setback (40 ft required) to 37.7' and 33.2' respectively. Mr. Kurtz said the hardship is that the addition can't be placed anywhere else due to the lot's small size.

Mr. Hathaway said that doesn't speak to hardship and asked what the hardship is if the variance isn't granted. Mr. Wells said that his elderly mom lives with them and the addition would allow them to put the laundry on the first floor.

Mr. Reinke asked if it was a three bedroom home and Mr. Wells replied, yes, and the septic was already replaced to accommodate the addition. Mr. Reinke asked if the addition needs to be that large and Mr. Wells replied that the existing house can't accommodate his office as the three bedrooms are upstairs with kitchen, dining room and living room downstairs. Mr. Reinke asked if the size of the addition can be reduced at the side setback to conform. Mr. Kurtz said the side line cuts into 6 ft of the proposed addition. Mr. Reinke asked what the layout of the addition looked like and Mr. Kurtz handed out a copy of the proposed addition floor plan. Mr. Wells said that if his mom's health fails, the office in the addition would become a bedroom and one bedroom in the existing house would become an office. Mr. Buckley asked why the addition can't be reduced to comply with setbacks and Mr. Wells responded that it would cut into the laundry room. Mr. Buckley asked what the hardship is and would not getting the variance result in him not building. Mr. Wells said it wouldn't be worth it as he couldn't make the office into a bedroom.

Mr. Hathaway said this also needs a Special Permit due to expanding an already pre-existing non-conforming home and asked if Mr. Wells could change the addition plans to meet the setbacks and make it conform and not be even more non-conforming. Mr. Wells stated he did not know he needed a Special Permit and said that hardship is the way code is written for the SA Zone. He has 1 acre with a 40' setback and he has two lots which together still don't meet zoning. Mr. Hathaway said that bylaws would have to change at Town meeting, and they have to follow current bylaws. Mr. Wells asked what beyond his mom's disabilities did they need for hardship. Mr. Hathaway said that if the addition doesn't encroach, it only needs a Special Permit and not a variance.

Mr. Wells said they are extending the kitchen wall 18' off front. Mr. Reinke said that 18' is no more encroaching so it doesn't need a variance and that a Special Permit would be easier to get. Mr. Reinke said that M.G.L. Chapter 40 dictates ZBA actions and he would also like to see zoning changes, but they are bound by current zoning and suggest Mr. Wells work with his Architect to reconfigure the interior space to comply with zoning. Mr. Buckley said he's not comfortable making a decision on a revised plan without seeing it first but also wants to see the new addition comply with setbacks. Mr. Kurtz said they can't go closer to the water or septic per Conservation and Board of Health, and both have approved the septic plan.

Mr. Hathaway said if they deny the variance and approve a Special Permit, the owner will have to reduce the size of the addition or reconfigure it to meet setbacks. Mr. Buckley asked if the intent is to increase living space, can they narrow the addition or not build the garage. Mr. Johnston asked if the garage could be shifted over and thought Burncoat Lane was private so they may own to the centerline of the road which would make garage compliance with front yard setback. Mr. Wells said it was surveyed and the surveyor did not say that but he would look into it.

Mr. Hathaway said that the Board seems uncomfortable with a variance but what about a Special Permit. Mr. Reinke said he would allow a Special Permit application and waive all fees. Mr. Buckley said he was not comfortable with approving a Special Permit without a plan showing conforming setbacks, but the Applicant could withdraw the application without prejudice and come back with a new plan, or the Board could deny the variance, or the Applicant could request a continuance to include the Special Permit application. Mr. Reinke said that if the variance is denied, the Applicant would not be able to come back again for two years. Mr. Kurtz asked if they could present more hardship information if they requested a continuance. Mr. Hathaway said they would have to explain why the setbacks can't be met.

Mr. Buckley asked the Applicant how he would like to proceed, and he said he didn't want to the Board to vote on it because he couldn't wait two years. Mr. Buckley reiterated that the variance was an issue and criteria has to be met.

Ms. Jacobsen said that December 27, 2023, would be the next meeting date. Ms. Jacobsen a Special Permit Application with a new plan would have to be submitted and it would have to be advertised.

There were no other comments.

Motion by Mr. Reinke to continue the public hearing for the variance for 69 Burnocat Lane to December 27, 2023 at 6pm.

Second: Mr. Johnston

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

Discussion

Mr. Reinke would like to re-visit the lake zoning issues. Mr. Johnston said the options might be to re-zone or consider an overlay district for lake areas. Mr. Reinke said maybe include already built and not undeveloped lots. Mr. Johnston said to consider including certain lake streets. Mr. Johnston would like to see existing Town maps at the next meeting. Ms. Jacobsen said new zoning language would need to avoid the appearance of spot zoning.

Motion by Mr. Reinke to table meeting minutes 1/25/23, 4/26/23, and 10/25/23 to the next meeting.

Second: Mr. Johnston

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

Motion by Mr. Reinke to adjourn.

Second: Mr. Parliment

Discussion: None.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

Meeting adjourned at 7:05 p.m.

Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: _____

Zoning Board of Appeals Signatures

Jim Buckley, Chair

Vaughn Hathaway

James Reinke, Vice Chair

Richard Johnston

Kurt Parliment, Clerk