



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

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2023 NOV 20 PM 4: 12

TOWN CLERK'S OFFICE
LEICESTER, MASS.

ZONING BOARD OF APPEALS
AGENDA

Wednesday, November 29, at 6:00 PM
Meeting Room 3

ORDER OF BUSINESS*

1. Call to Order

2. 6:05 PM - Public Hearing

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. Minutes:

- 1/25/23
- 4/26/23
- 10/25/23

4. General Discussion/Miscellaneous

5. 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 Department

 PERMIT TYPE: ☐ Special Permit ☒ Variance

Date: 10/11/2023

CONTACT INFORMATION

Property Owner:

Name: TIM & DENISE WELLS

Company Name:

Signature:

Tim Wells

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

*Harvey
11/19 schedule
Nov 29th*

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#: 128-27 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

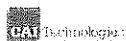
Mailing Address: RENZI FRANCIS RENZI ELIZABETH
75 BURNCOAT LN
LEICESTER, MA 01524

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

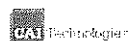
Mailing Address: LINCOLN GORDON A
62 BURNCOAT LANE
LEICESTER, MA 01524-0304

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 DISTRICT
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

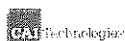
Parcel Number: 27-C1.51-0
CAMA Number: 27-C1.51-0
Property Address: BURNCOAT LN

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	Air 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
Postal: 01524
Cnty:
Own Occ: Y
Type:

PREVIOUS OWNER

Owner 1: WELLS - TIMOTHY DANIEL
Owner 2: WELLS - DENISE JEANNE
Street 1: 69 BURNCOAT LN
Town/City: LEICESTER
State/Prov: MA
Cnty:
Postal: 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 Bdrms.

OTHER ASSESSMENTS

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

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		
							GIS Ref
							GIS Ref
							Insp Date
							09/12/22

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Assessed 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	68-119-322		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			

TAX DISTRICT

PAT ACCT.

2061

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

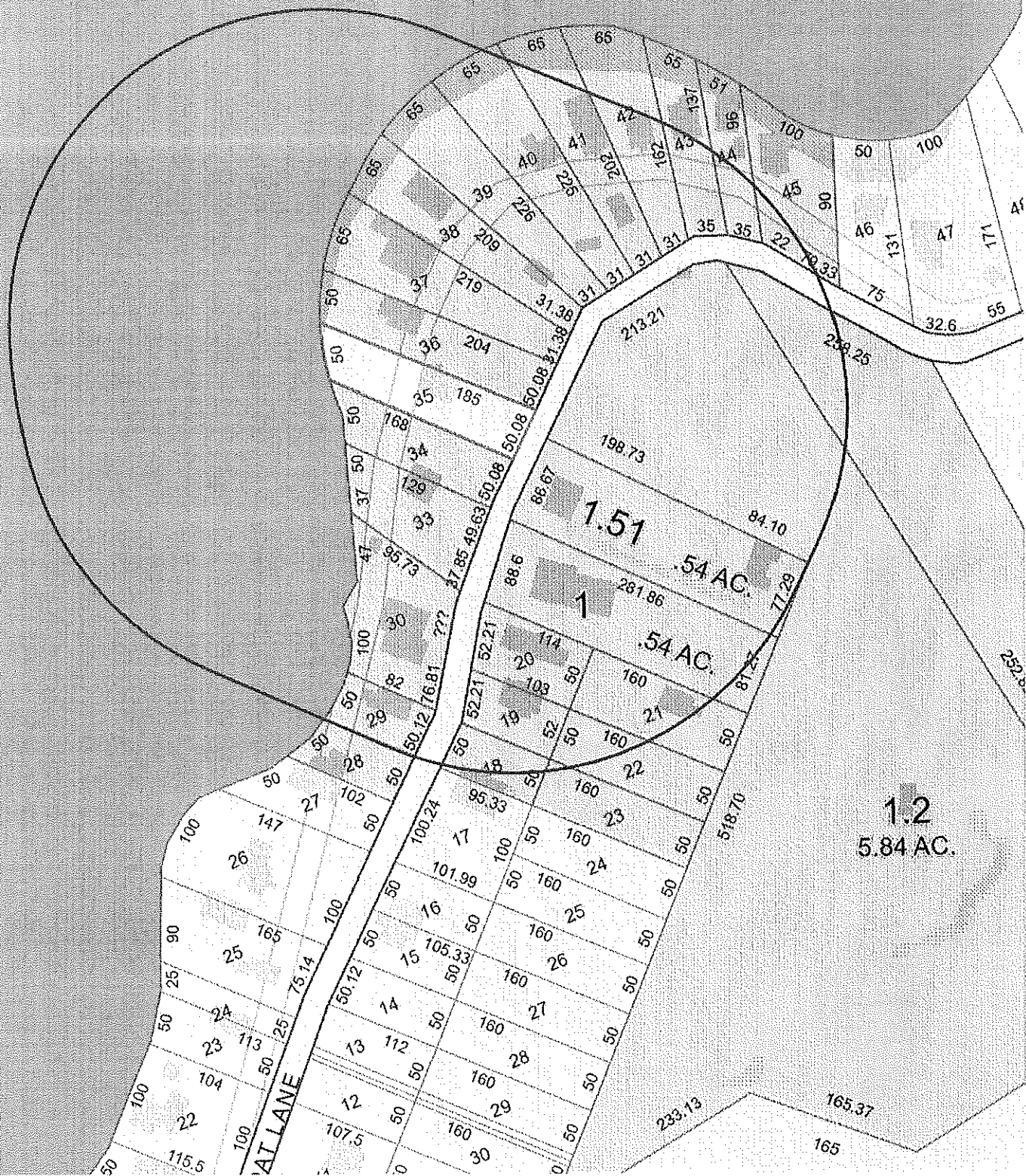
Date	Result	By	Name
9/12/2022	M.L.S REVIEW	777	LINDA B
5/18/2022	MEAS+INSPCTD	777	LINDA B
9/14/2021	CYCICAL VIS	114	SANDY GENNA
10/22/2008	CYCICAL VIS	555	BRIDGET
1/10/1994	PERMIT VISIT	123	JAMES ZUROWI
12/9/1993	PERMIT VISIT	123	JAMES ZUROWI
7/18/1991	MEAS+INSPCTD	181	MEL WEST

LAND SECTION (First 7 lines only)

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

Special Features:

Total: 800



RECEIVED

OCT 24 2023

**Town of Leicester
Planning Department**

RECEIVED

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

1271

N/F
STEVEN A. THEBODO

N/F
DUSTIN & REBECCA
CABRAL

#65

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

Figure 1 is a vertical color calibration chart. It features a grayscale bar on the left and a color bar on the right. The chart is labeled "1 inch = 20 ft." and has a scale from 0 to 40 inches. The grayscale bar consists of 20 steps, ranging from white at the top to black at the bottom. The color bar consists of 20 color patches, including primary and secondary colors, and a grayscale bar. The chart is used for color calibration and scale reference.

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

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

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

all
Restricted Delivery

(over \$500)

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

2BA-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:

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

☐ 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

☐ 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

☐ 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

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- ☐ 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:

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
- ☐ 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:

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®☐ 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:

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

- ☐ 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

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

- ☐ 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

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

- ☐ 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

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 *[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

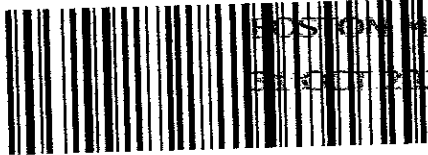
(over 5000)

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

Domestic Return Receipt

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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

01524135899
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

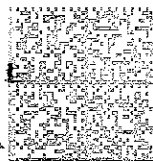
01524181803
015241818

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 S
3 Washburn Square
Leicester, MA 01524

CERTIFIED MAIL®



LEICESTER, MA 020

OCT 31 4:23 PM '21

7022 1670 0003 2351 9761

US POSTAGE

ZIP 01524
02 4W
0000370037 OCT 31 2023

253

1st NOTICE
2nd NOTICE
RETURNED

11/2

CABRAL DUSTIN
CABRAL RERECCA
71 BURNCC
LEICESTER NIXIE

015 CE 1 7211

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 016062714

UNC
01524-200971



*1821-11038

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 Johnson

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 Bernadino 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 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, 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. Bernadino: 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. Johnson: Asks if these are rentals and if there is any plan to make any of the co-ops or anything?

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

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

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

Mr. Bernadino: 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 Waters Act of 1977?

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

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

Mr. Bernadino: 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' above the flood zone.

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

Mr. Bernadino: 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. Bernadino: 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 in updated yearly and would like to know that they will be following that

Mr. Bernadino: 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. Bernadino: 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. Bernadino: 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 like 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. Bernadino: 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. Bernadino: 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: 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 preview. 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. Bernadino: 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 accident of 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. Johnson

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

Vaugh 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, Vaugh 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-foot required, 90.39-foot 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 and left the meeting room.

Mr. Donald O’Neil, Esq. present to represent the O’Neil’s. 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 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 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 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. 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
Vaugh 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 back in February by an environmental company, Verdant, for an oil leak, outside 275 gallon steel tank that 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-confirming.

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
Vaugh 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
Vaugh 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.

Record of Vote:

Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Abstained
Vaugh 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 staffing 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
Vaugh 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

Vaugh 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
Vaugh 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
Vaugh 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

Vaugh 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. Haglund 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 if 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. Mr. Johnston said if adverse possession then 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 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
Vaugh 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
Vaugh 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

Vaugh Hathaway

James Reinke, Vice Chair

Richard Johnston

Kurt Parliment, Clerk