

**Leicester Zoning Board of Appeals  
Meeting Minutes**

Minutes of June 17, 2015

Continued Hearing on the petition of Peter & Karla Doane of 915 Pleasant Street, Rochdale, Ma. for a Variance to construct a garage onto existing home 13.2 feet from south property line and 9.4 feet from the north property line. Also for a Special Permit for the extension & alteration of a pre-existing nonconforming structure on property located at 33 Burncoat Lane, Leicester, Ma.  
Members present: David Orth, Chairman; David Kirwan, Clerk; Vaughn Hathaway, Paul Schold  
Alternate members present: Jim Reinke, Mary Moore, Richard Johnston

Meeting called to order at 7:30PM

Instructions were given on Hearing procedures.

Mr. Orth opened the meeting noting the request for Variance will be heard first, followed by the request for Special Permit.

The meeting was continued to allow the applicant the opportunity to review their argument on hardship.

Mr. Jason Dubois, Bertin Engineering representing the applicants made the presentation.

Mr. Dubois explained that Mr. Doane's elderly mother will be moving in with them and the garage will provide the extra protection and safety she would need from the weather.

Mr. Orth asked what the size the garage would be.

Mr. Dubois said it will be a small two-car garage.

Mr. Reinke reviewed for information purposes only, the Bylaw for Accessory Building's.

Mr. Orth asked for any further comments or questions; hearing none, asked for a motion on the request for Variance.

MOTION: Mr. Reinke moved to approve the petition of Peter & Karla Doane of 915 Pleasant Street, Rochdale, Ma. for a Variance to construct a garage onto existing home 13.2-feet from south property line and 9.4-feet from the north property line on property located at 33 Burncoat Lane, Leicester, Ma.

SECONDED: Mr. Kirwan – Discussion: None

VOTE: All in Favor

**Finding of Fact:**

Mr. Reinke voted in favor of the motion because he felt it fits into neighborhood layout and will not have a substantial detriment to the public good. He felt hardship was met because it will provide the added protection and safety for an elderly parent who will be living in the home. Due to the topography of the lot, the garage could not be placed anywhere else on the lot. Mr. Hathaway voted in favor of the motion because he felt it met the requirements for hardship and would not be a detriment to the neighborhood.

Mr. Kirwan voted in favor of the motion because he felt hardship was met and is within the intent and purpose of the Bylaw.

Mr. Schold voted in favor of the motion because he felt it met hardship, would not be a detriment to the neighborhood and would not nullify from the intent or purpose of the Bylaw.

Mr. Orth voted in favor of the motion for the same reasons stated, the garage could not be put anywhere else on the lot due to the topography of the lot and he felt the requirement for hardship was met.

### **Special Permit**

Mr. Orth asked for any further comment or questions; hearing none, asked for a motion.

MOTION: Mr. Reinke moved to approve the petition of Peter & Karla Doane of 915 Pleasant Street, Rochdale, Ma. for a Special Permit for the extension & alteration of a pre-existing nonconforming structure on property located at 33 Burncoat Lane, Leicester, Ma.

SECONDED: Mr. Kirwan – Discussion: The Board found that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

VOTE: All in Favor

Instructions were given on the appeal process and the filing of both these Decisions with Registry of Deeds.

MOTION: Mr. Schold moved to close the hearing

SECONDED: Mr. Kirwan – Discussion: None

Meeting adjourned at 7:51PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox

## **General Minutes**

### **Approval of Minutes**

- 5/20/2015 – 81 Waite Street; Robert Fawls, Special Permit

MOTION: Mr. Schold moved to approve the minutes, with corrections noted, for May 20, 2015, 81 Waite Street; special permit.

SECONDED: Mr. Reinke – Discussion: None

VOTE: All in Favor

- 5/20/2015 – 33 Burncoat Lane; Peter & Karla Doane, Variance/Special Permit

MOTION: Mr. Schold moved to approve the minutes, with corrections noted, for May 20, 2015, 33 Burncoat Lane, Variance/Special Permit

SECONDED: Mr. Reinke – Discussion: None

VOTE: All in Favor

### **Correspondence received**

- Town Clerk's Report of Doings of the Special Town Meeting and Annual Town Meeting on May 5, 2015.

Meeting adjourned at 8:30PM

Respectfully submitted:

*Barbara Knox*

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