

**Zoning Board of Appeals  
Meeting Minutes**

Minutes of August 19, 2017

Hearing on the petition of Shari & Robert Frigon of 163 Northwest Road, Spencer, MA for a Variance from the minimum lot size requirement and the sideline dimensional requirement to replace existing home on property located at 40 Lake Sargent Drive, Leicester, MA

Members present: Vaughn Hathaway, Chair; Jim Buckley, Clerk; David Kirwan, David Orth

Alternate members present: Jim Reinke, Mary Moore

Members not present: Dick Johnston

Meeting called to order at 7:40PM

The hearing was continued from July 19, 2017 to allow the petitioner extra time to get a Registered Plot plan done.

Jim Reinke stepped down as voting member due to a conflict of interest. He is an immediate abutter to the property.

Voting at tonight's hearing: Jim Buckley, Vaughn Hathaway, David Kirwan, David Orth and Mary Moore (who had the opportunity to review previous hearing minutes)

Mr. Robert Frigon submitted the Registered Plot Plan requested by the Board.

He explained they moved the house further back from the lake, so it will no longer need a variance from that setback and the overhang will remain at the same distance.

Mr. Frigon requested to withdraw the variance on the setback distance from the lakefront to the house.

MOTION: Mr. Orth moved to accept the request of Robert Frigon to withdraw his petition without prejudice for a variance for setback from the lake, on property located at 40 Lake Sargent Drive, Leicester, MA

SECONDED: Mr. Kirwan – Discussion: None – VOTE: All in Favor

Mr. Hathaway said the Board requested the Registered Plot Plan on the proposed structure.

He asked for any further comments regarding the new plan submitted.

He noted the hardship previously described was accommodating an elderly parent who will be living there and the need to make the home accessible.

The variance request before the Board now will be for the side setback, which is 6.5-feet versus the 15-foot requirement.

Mr. Orth said the new structure will not be further encroaching than the existing structure.

Mr. Hathaway said the steps that are currently encroaching the lot line will be removed.

Mr. Frigon said they no longer plan to put up a deck.

Hearing no further questions or comments, Mr. Hathaway asked for a motion.

MOTION: Mr. Orth moved to grant the petition of Shari & Robert Frigon of 163 Northwest Road, Spencer, MA for a variance for the north side setback at 6.5 feet on property located at 40 Lake Sargent Drive, Leicester, MA.

SECONDED: Mr. Kirwan – Discussion: None – VOTE: All in Favor

**Finding of Facts:**

David Orth voted in favor of the motion because he felt due to the topography of land and the rock in the yard being more than just a rock, the house can't be moved anywhere else on the lot. The house will not be further encroaching on property line and they did make the effort to move the house so only one side needed a variance. This will be in harmony with the neighborhood.

Mary Moore voted in favor of the motion because the home will not encroach any further onto anything that wasn't existing already.

David Kirwan voted in favor of the motion because he felt hardship was addressed, needing to accommodate for an elderly parent living in the home. This brings the lot in line with other homes in the neighborhood, and won't derogate from the intent or purpose of the Bylaw.

Vaughn Hathaway voted in favor of the motion because he felt it met hardship and that the home will not further encroach to the sidelines.

Jim Buckley voted in favor of the motion because he felt it met the criteria in the Town of Leicester Zoning Bylaws and MGL Chapter 40A, Section 10 for the granting of a variance.

Instructions given on the appeal process and filing of this decision with the Registry of Deeds.

MOTION: Mr. Buckley moved to close the hearing

SECONDED: Mr. Orth – Discussion: None – VOTE: All in Favor

**General Minutes**

Approval of Minutes

Tabled

MOTION: Mr. Kirwan moved to adjourn meeting

SECONDED: Mr. Buckley – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:00PM

Respectfully submitted:

*Barbara Knox*

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