

**Leicester Zoning Board of Appeals
Meeting Minutes**

Minutes of May 20, 2015

Hearing on the petition of Robert A. & Joan M. Fawls of 321 Eliot Street, Milton, Ma. for a Special Permit to demolish existing home and build new home 7.5-feet from the east side property boundary line on property located at 81 Waite Street, Leicester, Ma.

Members present: David Orth, Chairman; David Kirwan, Acting Clerk; Paul Schold

Alternate members present: Jim Reinke, Mary Moore, Richard Johnston

Meeting called to order at 7:30Pm

Instructions were given on the hearing procedures.

Voting at tonight's meeting: David Orth, Jim Reinke, David Kirwan, Paul Schold and Mary Moore

Mr. Kirwan read the Notice, Application and a letter from the Building inspector into the record.

Submitted into Evidence: the return receipts from the Certified Mailing, pictures of the current structure, a Registered Plot Plan and drawings of the proposed structure

Correspondence received: Site consideration from the Building Inspector and a memo from the Board of Health

Mr. Orth opened the meeting to the applicant to present his petition to the Board.

Mr. Robert Fawls was present and made the presentation on the application.

Mr. Fawls said the property was purchased last June and the only big issue they had was with the Conservation Commission and they received approval from them. The only other issue was getting approval from the Zoning Board for the 7.5-feet from the east side setback requirement of 15-feet.

The Conservation Commission's concern was with removal of the shed and a tree near the water's edge. The Commission wanted to speak with the demolition people before the start of any work because they needed to inspect the erosion control first.

The asbestos inspection was done in preparation of receiving a demo permit and none were found.

Mr. Schold asked if the house was being built in the same spot as the current structure.

Mr. Fawls said no, they were bringing the house back away from the water, and putting it about 15-feet more towards the road.

Mr. Orth felt because the proposed house will be 7.5-feet front the east sideline, it will be less encroaching than the existing structure. All agreed.

Mr. Reinke questioned the grandfathering protection that when razing a structure, does it destroy that protection. He said a wall is sometimes left, so not to lose that protection.

Mr. Orth wasn't sure how the Town handled that, but recommended checking with the Building Inspector first before the start of demolition. Mr. Fawls agreed.

Mr. Reinke asked how many stories the proposed house was going to be. Mr. Fawls said it will be two-stories, with a 17-foot wedge ceiling in the second story bedroom. They were very careful and made sure that the grade met the height requirements. The lot will need to be regraded slightly to make sure they stay within the setback requirements.

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

MOTION: Mr. Kirwan moved to approve the petition of Robert A. & Joan M. Fawls of 321 Eliot Street, Milton, Ma. for a Special Permit to demolish existing home and build a new home 7.5-feet from the east side property boundary line on property located at 81 Waite Street, Leicester, Ma.

SECONDED: Mr. Reinke – Discussion: None

VOTE: All in Favor

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

MOTION: Mr. Reinke moved to adjourn meeting

SECONDED: Mr. Kirwan – Discussion: Mr. Orth noted the proposal would not be substantially more detrimental than the existing nonconforming use to the neighborhood, due to the fact the proposed house will be less encroaching.

VOTE: All in Favor

Meeting adjourned at 7:55PM

Respectfully submitted:

Barbara Knox

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