

TOWN OF LEICESTER

ZONING BOARD of APPEALS
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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

RECEIVED
2024 JAN -2 AM 8:33
TOWN CLERK'S OFFICE
LEICESTER, MASS.

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	

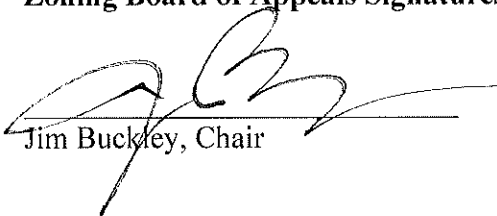
Discussion:

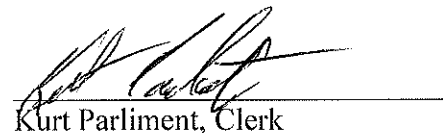
- Ms. Ion said she will be Interim Town Planner for a few more weeks.


Motion: Mr. Reinke moved to adjourn**Second:** Mr. Parliment**Discussion:** None**Record of Vote:**

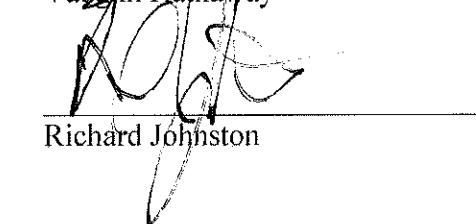
Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
Five (5) in Favor. None (0) Opposed Approved 5 to 0	

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:** 12/27/23**Zoning Board of Appeals Signatures**

Jim Buckley, Chair_____
James Reinke, Vice Chair

Kurt Parliment, Clerk

Vaughn Hathaway


Richard Johnston