

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
October 25, 2023**

RECEIVED  
2024 JAN -2 AM 10:15  
TOWN CLERK'S OFFICE  
LEICESTER, MASS.

**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

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**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 stating that if a 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 a lot line change. Mr. Johnston said if it is adverse possession then a 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 further 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
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. One (1) Opposed Approved 4 to 1</b>	

**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:**

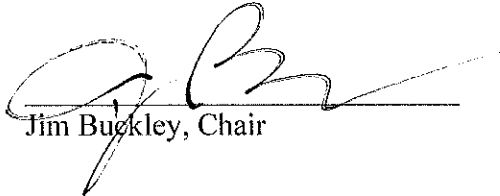
Jim Buckley	Aye
James Reinke	Aye
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Five (5) in Favor. None (0) Opposed Approved 5 to 0</b>	

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**

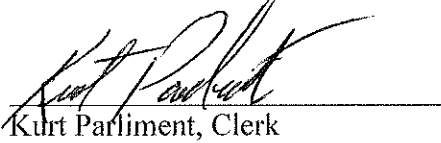


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Jim Buckley, Chair

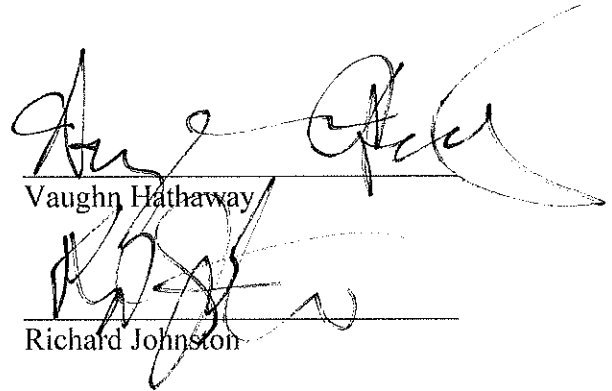
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James Reinke, Vice Chair



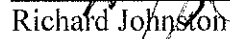
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Kurt Parliment, Clerk



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Vaughn Hathaway



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Richard Johnston



## Town of Leicester Zoning Board of Appeals

3 Washburn Avenue, Leicester MA. 01524

Wednesday, October 25, 2023, 6pm

Please Sign In with your FULL NAME

Name	Affiliation/Address	Contact (Phone)
Matt Eckel	Fletcher T. Hon or behalf of 747-749 Pleasant	508-459-8097
Michelle S-Bear	Suite 211 345 Boston West Med	508-353-9011
Manof Magdalen	3 Hanky St Middle	774-232-3171