

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
December 27, 2023**

RECEIVED  
2024 MAR 28 AM 9:30  
TOWN CLERK'S OFFICE  
LEICESTER, MASS.

**Location:** Leicester Town Hall, Meeting Room 3

**Member Present:** Jim Buckley, Kurt Parliment, Vaughn Hathaway, Richard Johnston

**Members Absent:** James Reinke

**Staff Members Present:** Kristen Jacobsen, Town Planner

**Members of the Public in Attendance:** Timothy Wells, Jason Kurtz

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**Call to Order:** Chairman Buckley called the meeting to order at 6:17 p.m.

**Public Hearing Continued – V-2023-12 – Tim and Denise Wells, 69 Burncoat Ln.**

Applicants seek a variance relating to the side yard setback requirement to construct an addition and garage.

Mr. Jason Kurtz, Applicant's Architect, said they redesigned the addition plan. The side yard setback was reduced to comply, but the front yard setback is more complicated to reduce down. He said there is no request for a side yard setback and the front yard setback request is for 1.8'. Mr. Kurtz said he reviewed other projects approved and the most pertinent one was from 3/6/2019 at 6 Lake Shore Drive that needed a variance for the front of a garage on a private road and they stated that the center of road should be considered. If they follow the same line of measurement, they are within the 40' setback on the front yard.

Mr. Hathaway said on one hand they are saying they don't need a variance if they are using the center of the road so they either need one for the front yard setback or they don't. Mr. Kurtz said the town bylaw doesn't say anything about measuring to the center of a private road. Mr. Hathaway said they are here for a variance so he wants to know what changes were made that would say why the variance was needed. Mr. Buckley said they are talking 1.8'. Mr. Buckley asked why they can't adjust the plan by 1.8' and asked what is the hardship. Mr. Kurtz said it's because it's not large enough to fit an interior staircase and a full size vehicle. The garage is necessary because the individual that they are creating the majority of this addition for can't be parking outside because it would create a hazard if there is snow or ice on the ground for her to traverse across. Mr. Kurtz said that there is the potential that staircase would have to be converted to a ramp so they can get her into the home and the garage won't be deep enough without a variance due to setback from property line. If it's set back from center of road, it's not an issue.

Mr. Hathaway asked about the bedroom being downstairs. Mr. Kurtz said the downstairs office would be the primary bedroom for the Applicants' mother and the hardship for the garage would be to get her into the house safely as she doesn't walk well and has stability issues. Mr. Kurtz said that in the future, she may need some assistance like a wheelchair so the garage allows for parking and for safely getting her in and out of the house.

Mr. Johnston asked if the side setbacks are within the 40' and Mr. Kurtz said yes. Mr. Johnston asked if they are 37.7' from the property line. Mr. Buckley said it's 37.2' on the revised plan. Mr. Johnston said his point was that if they add to the center line of the road, they won't need a variance. Mr. Hathaway agreed that if that's the way it's measured, there is no need to vote on a

variance. Mr. Kurtz said he is confused as to how the measurement is taken and if it's by the variance or allowed by right as it's not spelled out in the bylaws even though it's been used in previous decisions.

Mr. Buckley asked Ms. Jacobsen if it's in the bylaws. Ms. Jacobsen said it is not stipulated in the bylaw but there may be precedent for it. Mr. Hathaway said they are not a "precedent board." Mr. Buckley said in the other case, the applicant owned property on both sides of the street but he understands what Mr. Hathaway is saying about whether they need a variance. Mr. Parliment said that the issues with their elderly mother speaks to the hardship. Mr. Johnston said that was an issue at 6 Lake Shore Drive. Mr. Hathaway is fine as long as they talk to the reasons for the variance.

Mr. Buckley asked if there was further discussion and there was none.

**Motion** by Mr. Johnston to grant a variance to 69 Burncoat Lane as requested.

**Second:** Mr. Hathaway

**Discussion:** Ms. Jacobsen asked if there were any conditions the Board wanted to place on the variance. The Board had none.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed Approved 4 to 0</b>	

**Motion** by Mr. Johnston to close the public hearing.

**Second:** Mr. Parliment

**Discussion:** None

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed Approved 4 to 0</b>	

The Public Hearing was closed at 6:33 pm.

**Public Hearing – SP-2023-11 – Tim and Denise Wells, 69 Burncoat Ln., 27A-E34 & 27A-E35**  
The petitioners are seeking a Special Permit to add an addition, garage, and porch to a pre-existing non-conforming single-family home.

Chairman Buckley opened the public hearing at 6:33 p.m. Mr. Parliment read the public hearing notice into the record. Mr. Buckley confirmed with Ms. Jacobsen that we had the green cards from the certified mailings.

Mr. Kurtz said the property is SA zoned which requires 80,000 s.f. minimum lot size and the lot is less than 20,000 s.f. make it a non-confirming lot. The existing side set back is non-confirming at 15.1'. The other sides – front, back, and rear - are conforming. The addition meets the rear and side setback. There is one non-confirming side set back and they are looking for a continuation of that non-conformance and the front set back was already discussed with the variance.

Mr. Buckley asked if this was private water/sewer. Mr. Kurtz said yes, they have a well and septic. Mr. Buckley asked if it's adequate for the addition that's being done. Mr. Kurtz said yes, they have spoken to Board of Health and gone through Conservation and they both gave approval.

Mr. Buckley asked if there were any comments and there were none.

**Motion** by Mr. Hathaway to grant the Special Permit for 69 Burncoat Lane.

**Second:** Mr. Johnston

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed</b>	
<b>Approved 4 to 0</b>	

**Motion** by Mr. Johnston to close the public hearing.

**Second:** Mr. Parliment

**Discussion:** None

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed</b>	
<b>Approved 4 to 0</b>	

The Public Hearing was closed at 6:36 pm.

**Approval of Minutes: 1/25/23, 4/26/23, 5/17/23, 6/28/23, 7/26/23, 8/30/23, 10/25/23, 11/29/23**

**Motion** by Mr. Parliment to approve the 1/25/23 meeting minutes.

**Second:** Mr. Johnston

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed</b>	
<b>Approved 4 to 0</b>	

**Motion** by Mr. Parliment to approve the 4/26/23 meeting minutes.

**Second:** Mr. Johnston

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed</b>	
<b>Approved 4 to 0</b>	

**Motion** by Mr. Parliment to approve the 5/17/23 meeting minutes.

**Second:** Mr. Johnston

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed</b>	
<b>Approved 4 to 0</b>	

**Motion** by Mr. Parliment to approve the 6/28/23 meeting minutes.

**Second:** Mr. Johnston

**Discussion:** Mr. Hathaway noted that Mr. Parliment left the room, but minutes didn't reflect why so if member leaves the room, they need to state why.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed Approved 4 to 0</b>	

**Motion** by Mr. Parliment to approve the 7/26/23 meeting minutes.

**Second:** Mr. Johnston

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed Approved 4 to 0</b>	

**Motion** by Mr. Parliment to approve the 8/30/23 meeting minutes.

**Second:** Mr. Johnston

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed Approved 4 to 0</b>	

**Motion** by Mr. Parliment to approve the 10/25/23 meeting minutes.

**Second:** Mr. Johnston

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed Approved 4 to 0</b>	

**Motion** by Mr. Parliment to approve the 11/29/23 meeting minutes.

**Second:** Mr. Johnston

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed Approved 4 to 0</b>	

**Motion** by Mr. Parliment to adjourn.

**Second:** Mr. Johnston

**Discussion:** None.

**Record of Vote:**

Jim Buckley	Aye
James Reinke	Absent
Kurt Parliment	Aye
Vaughn Hathaway	Aye
Richard Johnston	Aye
<b>Four (4) in Favor. None (0) Opposed Approved 4 to 0</b>	

Meeting adjourned at 6:44 p.m.

Respectfully Submitted by:  
Lisa Westwell, Administrative Assistant  
to the Planning Department

Date Approved: 3/27/24

**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