



TOWN OF STURBRIDGE

Zoning Board of Appeals

**SPECIAL PERMIT DECISION/DETAILED RECORD
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF STURBRIDGE
August 21, 2023**

File # ZB-2023-000007

The members of the Permit Granting Authority hereby certify that the following is a detailed record of all the Board's proceedings regarding the petition of Jeff & Martha Buchanan regarding property located at 68 Paradise Lane which is the property affected by this Special Permit request.

The application to the Board is dated March 16, 2023 and was received by the Board and the Town Clerk on March 20, 2023. The applicant proposes to raze and rebuild a single family home with a reduction in front setbacks from 30' to 15' as shown on the plans and documents provided.

The application requests a Special Permit from Article XVIII §300-18.2 (2) and Article XV §300-15.2 A of the Zoning Bylaw

A notice of the public hearing on this Special Permit was:

1. Published in the Southbridge Evening News, a newspaper of general circulation in the Town of Sturbridge on March 30, 2023 & April 6, 2023;
2. Posted in a conspicuous place in the town hall at least fourteen days before the hearing was held on April 19, 2023 and;
3. Mailed, (certificate of mailing), at least fourteen days before the hearing to the petitioner, abutters to the property in question, owners of land directly opposite from the property in question on any private or public street or way, abutters to abutters whose property is located within three hundred feet of the property line of the property in question, the Planning Board of the Town of Sturbridge and the Planning Board of abutting cities and towns including the Towns of Brimfield, Brookfield, Charlton, East Brookfield, Holland, Southbridge, and Union. The notice was mailed to the names of persons and at the addresses as provided by the most recent tax list kept by the Town Assessors, with the Assessors certifying such names and addresses.

The applicant submitted the following documents:

1. Application for Special Permit;
2. Filing fee;
3. A Certified List of Abutters;
4. Deed – **BK 68327/PG 183**;
5. A plan entitled "Proposed Site Plan – 68 Paradise Lane, Sturbridge, MA 01518, prepared for Jeff Buchanan – 68 Paradise Lane, Sturbridge, MA" prepared by McClure Engineering – 119 Worcester Road, Charlton, MA 01507, plan date 2-15-23, revised through 7-17-23;

6. An architectural plan entitled “Buchanan Residence – 68 Paradise Lane, Sturbridge, MA, dated 7-5-23, containing sheets C1, through C3;
7. Email request for continuation dated April 10, 2023;
8. Email request for continuation dated May 4, 2023;
9. Email request for continuation dated June 13, 2023.

Other Documents Received/Reviewed:

1. Town Planner report;
2. Departmental memos;
3. Legal Notice;
4. Certificate of mailings;

After receipt of the application on March 20, 2023, the plan and application was forwarded to the following Departments review and comment:

- Heather Blakeley, DPW Director
- Shane Moody, Water/Sewer
- Rebecca Gendreau, Conservation Agent
- Lt. Jennifer Ashe, Fire Inspector
- Ken Lacey, Board of Health Agent
- Nelson Burlingame, Building Inspector/Zoning Enforcement Officer
- Jean Bubon, Town Planner

The following comments were received by the aforementioned Departments:

- Lt. Jennifer Ashe, Fire Inspector, Received March 22, 2023 – “This will be a new structure and must meet current requirements for smoke and co alarms in terms of type and installation location. They must be interconnected, hardwired, with a battery back up. Smokes must be photoelectric. Any combination devices must also have a vocal feature to differentiate between a smoke or a co alarm activation. Any attached garage will require 1 hardwired and interconnected heat alarm.”
- Rebecca Gendreau, Conservation Agent, Received April 4, 2023 – “Project requires review pursuant to the MA Wetland Protection Act and the local wetland bylaw. An application has been filed and the project is under review. Update: The conservation Commission approved this project at the July 13, 2023 meeting.”
- Nelson Burlingame, Building Inspector, Received May 9, 2023 – “No objection’s must meet building code. There are other properties in area close to road, lake area.”
- Jean Bubon, Town Planner, Received August 8, 2023 – “The plan has been modified from the original submittal as it went through the Conservation Commission review process. The revised plan (revision date 7-17-23) is actually more in compliance with the front setback requirements than originally proposed. The front setback is consistent with other neighboring homes; in fact most homes in that area are not setback 30’ from the front property line, but rather are setback at around 20’ or less. In general, I think that the home as proposed is consistent with the immediate neighborhood and will not result in detriment to the neighborhood; however the ZBA will need to make its Findings during the Public Hearing. If the Board does find that the proposal by the applicant will not be more detrimental to the neighborhood than the existing non-conformity, the Special Permit may be granted.”

The Public Hearing on this application was held on August 16, 2023 at 6:35 PM.
The following regular members of the Board present were: Diane Trapasso, Liz Banks, Fidelis Onwubueke, Marge Cooney and Josh Cole.

At the close of the Public Hearing on August 16, 2023, a motion was made by Ms. Cooney, seconded by Mr. Onwubueke and voted 5-0 to find pursuant to Article XV §300-15.2 A of the Zoning Bylaws, to expand, change or alter a pre-existing, non-conforming use or structure for the property located at 68 Paradise Lane for Jeff and Martha Buchanan, the proposal to raze and rebuild the single family home where the present home is less than 750 sq.ft. minimum permitted, most homes do not meet the front setback requirements in the area and have about 20 foot setbacks. The proposal will increase the setback to Big Alum Lake which will be more in compliance to our Wetlands bylaw. The proposal will not be substantially more detrimental to the neighborhood.

Second, a motion was made by Mr. Onwubueke and seconded by Ms. Banks and voted 5-0, to grant the Special Permit pursuant to Article XVIII §300-18.2 (2) (a) (1)-(6) to Jeff & Martha Buchanan. For the property located at 68 Paradise Lane to raze the existing house and rebuild a new single family home according to plans entitled, "Proposed Site Plan – 68 Paradise Lane, Sturbridge, MA 01518, prepared for Jeff Buchanan – 68 Paradise Lane, Sturbridge, MA" prepared by McClure Engineering – 119 Worcester Road, Charlton, MA 01507, plan date 2-15-23, revised through 7-17-23; and an architectural plan entitled "Buchanan Residence – 68 Paradise Lane, Sturbridge, MA", dated 7-5-23, containing sheets C1, through C3.

With the following conditions:

- All construction and site improvements shall be in conformance with the plans submitted and approved by the Zoning Board of Appeals;
- All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to;
- All other necessary permits must be obtained prior to the start of construction;
- An as-built must be provided to the Planning Department.

The following members were present and voting as follows with respect to the requested Special Permit:

Member Diane Trapasso voting to grant the special permit requested.

Member Liz Banks voting to grant the special permit requested.

Member Fidelis Onwubueke voting to grant the special permit requested.

Member Marge Cooney voting to grant the special permit requested.

Member Josh Cole voting to grant the special permit requested.

Copies of this decision have been filed with the Zoning Board of Appeals Office, the Town Clerk's Office and the Office of the Planning Board as required by M.G.L. Ch. 40A, § 11.

Any appeal of this decision of the Zoning Board of Appeals must be made to a court of competent jurisdiction within twenty days from the date this decision was filed with the Sturbridge Town Clerk, pursuant to Section 17, Chapter 40A of the general laws of the Commonwealth of Massachusetts as amended.

If the rights authorized by this Special Permit are not exercised within one (1) year of the date of grant, such Special Permit shall lapse; provided however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed one year; and provided further that the application for such extension is filed with such permit granting authority prior to the expiration of the one year period. Otherwise such rights may only be re-established after a new notice and public hearing in accordance with the provisions of Section 9, Chapter 40A of the general laws of the Commonwealth of Massachusetts as amended.



Diane Trapasso, Chair
Zoning Board of Appeals

Copy to:

Applicant

Town Clerk

Building Inspector