



TOWN OF STURBRIDGE

Zoning Board of Appeals

**SPECIAL PERMIT DECISION/DETAILED RECORD
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF STURBRIDGE
February 16, 2023**

File # ZB-2022-000021

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 Robert M. & Lisa A. Muscaro regarding property located at 72/72A Paradise Lane which is the property affected by this Special Permit request.

The application to the Board is dated December 14, 2022 and was received by the Board and the Town Clerk on January 3, 2023. The applicant proposes to raze and rebuild an existing single family home with related site improvements as shown on the plans and documents provided. As proposed the front setback will be reduced to 24.8' where 30' is required. No other non-conformities will be intensified as a result of the proposed alterations.

The application requests a Special Permit from Article XV §300-15.2 (A-E) and Article XVIII §300-18.2 (2) 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 January 26, 2023 & February 2, 2023;
2. Posted in a conspicuous place in the town hall at least fourteen days before the hearing was held on February 15, 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. Narrative & Application for Special Permit;
2. Filing fee;
3. A Certified List of Abutters;
4. Taxes paid sign off;
5. Deed;
6. A plan entitled "Site Plan For Robert M. & Lisa A. Muscaro, 72/72A Paradise Lane, Sturbridge, MA" Prepared by Jalbert Engineering, Inc. – 54 Main Street, Sturbridge, MA 01566, DWG Number: 21098, dated 4/7/22, Rev 1: 6/9/22, Rev 2: 6/23/22, Rev 3: 9/22/22, Rev 4: 10/27/22;
7. An untitled architectural plan;

Other Documents Received/Reviewed:

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

After receipt of the application on January 3, 2023, the plan and application was forwarded to the following Departments review and comment:

- Mark Augello, DPW Operations Manager
- 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:

- Jean Bubon, Town Planner, Received December 27, 2022 – “I have reviewed the Assessor’s records and have found that the lot sizes in the vicinity of this property are all relatively small and contain single family homes and accessory structures similar in size and character to that proposed by the applicant. In general, I think that the proposed single family home as proposed are 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.”
- Rebecca Gendreau, Conservation Agent, Received December 28, 2022 – “This project has been reviewed and approved by the Conservation Commission pursuant to the state and local wetland laws. An Order of Conditions has been issued.”
- Mark Augello, DPW Operations Manager, Received December 28, 2022 – “no comments on the home construction.”
- Lt. Jennifer Ashe, Fire Inspector, Received December 28, 2022 – “In regards to the proposed full demolition and razing of a new single family home, the SFD would like to ensure that any and all propane or oil tanks and lines are kept safe from damage during the demolition process. In regards to the new single family home, the fire resistance ratings and installation requirements of all materials must reflect the regulations and requirements of the Mass Building Code. The Fire and Carbon monoxide alarms must reflect the most recent requirements of MGLc 148 26F/26.5F and 527 CMR. Although not required, being that this home is out of the hydranted district of town, I strongly recommend the consideration of a residential home sprinkler system which can provide added protection and time for evacuation of the residents in the event of a fire.”
- Nelson Burlingame, Building Inspector, Received December 29, 2022 – “New energy code effective Jan.1,2022 needs to be looked at before ripping old house a bit

complicated on lake property to meet. I strongly suggest having you here rather look at ahead of this meeting.”

- Ken Lacey, Board of Health Agent, Received December 30, 2022 – “There appears to be an extra well on this site. This well need to be decommissioned by a licensed well company and provide proof of said decommissioning. The application and permits can be obtained through the Health Department”

The Public Hearing on this application was held on February 15, 2023 at 6:55 PM.

The following regular members of the Board present were: Diane Trapasso, Liz Banks, Marge Cooney, Fidelis Onwubueke and Tom Welch.

At the close of the Public Hearing on February 15, 2023, a motion was made by Ms. Trapasso, seconded by Ms. Cooney and voted 5-0 to find that the proposal by the applicant Robert M. & Lisa A. Muscaro, pursuant to Article XV §300-15.2 (A-E) of the Zoning Bylaw, to raze and rebuild an existing single family home with related site improvements as shown on the plans and documents provided with the front setback reduced to 24.8’ where 30’ is required on the property located at 72/72A Paradise Lane, will not be more detrimental to the neighborhood.

Second, a motion was made by Ms. Trapasso and seconded by Mr. Welch and voted 5-0, to grant the Special Permit pursuant to Article XV §300-15.2 (A-E) and Article XVIII §300-18.2 (2) of the Zoning Bylaw, to Robert M. & Lisa A. Muscaro, to raze and rebuild an existing single family home with related site improvements with the front setback reduced to 24.8’ where 30’ is required at 72/72A Paradise Lane, according to plans entitled: “Site Plan For Robert M. & Lisa A. Muscaro, 72/72A Paradise Lane, Sturbridge, MA” Prepared by Jalbert Engineering, Inc. – 54 Main Street, Sturbridge, MA 01566, DWG Number: 21098, dated 4/7/22, Rev 1: 6/9/22, Rev 2: 6/23/22, Rev 3: 9/22/22, Rev 4: 10/27/22 and an untitled architectural plan.

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 Tom Welch voting to grant the special permit requested.

Member Marge Cooney 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.



Elizabeth Banks, Chair
Zoning Board of Appeals

Copy to:
Applicant
Town Clerk
Building Inspector