



# TOWN OF STURBRIDGE

## Zoning Board of Appeals

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

**File # ZB-2023-000018**

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 Luis & TinaMarie Gonzalez regarding property located at 1 Pine Haven Road which is the property affected by this Special Permit request.

The application to the Board is dated August 4, 2023 and was received by the Board and the Town Clerk on August 9, 2023. The applicant requests and After the Fact Special Permit for a previously constructed 16'x12' deck with a 28' set back where 30' is allowed, no other non-conformities are intensified as a result of the proposed alterations 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 August 31, 2023 and September 7, 2023;
2. Posted in a conspicuous place in the town hall at least fourteen days before the hearing was held on September 20, 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, Book: 66032/Page:227;
5. A plan entitled "Plot Plan for Luis A. Gonzalez Tinamarie A. Gonzalez 1 Pine Haven Road, Sturbridge, MA" Prepared by Bertin Engineering, Inc. (39 Elm Street, Southbridge, MA) Dated 6-22-23;
6. Existing conditions photos;

Other Documents Received/Reviewed:

1. Town Planner report;
2. Departmental memos;
3. Taxes Paid sign off;
4. Legal Notice;
5. Certificate of mailings;

After receipt of the application on March 6, 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:

- Jean Bubon, Town Planner, Received September 13, 2023 – “In general I think that the setback of the deck along the side of the property line as constructed 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.”
- Lt. Jennifer Ashe, Fire Inspector, Received August 22, 2023 – “The fire department has no concerns at this time for the approval of this project.”
- Rebecca Gendreau, Conservation Agent, Received August 22, 2023 – “Project is not within jurisdiction of Conservation.”
- Nelson Burlingame, Building Inspector/Zoning Enforcement Officer, Received September 18, 2023 – “If OK’d will need to issue permit and inspect.”

The Public Hearing on this application was opened on September 20, 2023 at 6:45 PM.

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

At the close of the Public Hearing on September 20, 2023, a motion was made by Mr. Onwubueke, seconded by Mr. Welch 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 1 Pine Haven Road, the previously built 16’x12’ deck with a 28’ setback where 30’ is allowed, will not be 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 After the Fact Special Permit pursuant to Article XVIII §300-18.2 (2) to Luis and Tinamarie Gonzalez. For the property located at 1 Pine Haven Road for a previously

constructed 16'x12' deck with a 28' setback where 30' is allowed according to plans entitled, "Plot Plan for Luis A. Gonzalez Tinamarie A. Gonzalez 1 Pine Haven Road, Sturbridge, MA" Prepared by Bertin Engineering, Inc. (39 Elm Street, Southbridge, MA) Dated 6-22-23. With the following conditions:

1. All other necessary permits must be obtained prior to the start of construction.

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.

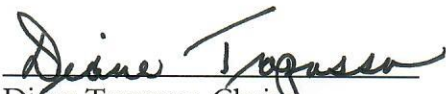
Member Tom Welch voting to grant the special permit requested.

Member 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 two (2) years 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