



TOWN OF STURBRIDGE

Zoning Board of Appeals

**SPECIAL PERMIT DECISION/DETAILED RECORD
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF STURBRIDGE
July 20, 2022**

File # ZB-2022-000012

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 Mark Farrell regarding property located at 28 Goodrich Road which is the property affected by this Special Permit request.

The application to the Board is dated June 22, 2022 and was received by the Board and the Town Clerk on June 22, 2022. The applicant proposes the demolition of the existing cottage and the construction of a new home that will be built in the footprint of the existing cottage with an expansion area of 844 square feet, on the property located at 28 Goodrich Road. The application requests a Special Permit from Article XV §300-15.2A 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 June 30, 2022 and July 7, 2022;
2. Posted in a conspicuous place in the town hall at least fourteen days before the hearing was held on July 20, 2022, 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. A Certified List of Abutters;
3. A plan entitled "Plot Plan of Map 4424, Lot 28 Prepared for Mark R. Farrell 28 Goodrich Road Town of Sturbridge Worcester County Commonwealth of Massachusetts" Prepared by Levesque Geomatics, Inc. – 43 Glendale Road Sturbridge, MA 01518; Dated: May 12, 2022; Project #: GH-008PP;
4. An un-titled, un-dated, elevation plan.

After receipt of the application on June 21, 2022, the plan and application was forwarded to the following Departments for review and comment:

- Mark Augello, DPW Operations Manager

- Lt. Jennifer Ashe, Fire Inspector
- Rebecca Gendreau, Conservation Agent
- 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:

- Rebecca Gendreau, Conservation Agent, Received June 28, 2022 – “Project is within jurisdiction of the Conservation Commission, a Notice of Intent was filed and a permit issued for the project.”
- Mark Augello, DPW Operations Manager, Received July 6, 2022 – “No comments on the home construction.”
- Lt. Jennifer Ashe, Fire Inspector, Received July 6, 2022 – “The new structure will need to meet current parameters outlined in MGL 148, 26F & 26F1/2.”
- Jean Bubon, Town Planner, Received July 14, 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 many contain accessory structures. In general, I think that the proposed new home footprint is very 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 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 July 20, 2022 at 6:45 PM.

The following regular members of the Board present were: Diane Trapasso, Michael Young, David Zonia, Fidelis Onwubueke and Tom Welch.

At the close of the Public Hearing on July 20, 2022, a motion was made by Mr. Onwubueke, seconded by Mr. Young and voted 5-0 to find that the proposal by the applicant Mark Farrell for the property located at 28 Goodrich Road pursuant to Article XV §300-15.2A of the Zoning Bylaw, to allow the expansion and alteration of a pre-existing non-conforming structure on the property located at 28 Goodrich Road will not be more detrimental to the neighborhood than the existing non-conforming structure.

Second, a motion was made by Mr. Onwubueke and seconded by Mr. Welch and voted 5-0, to grant the Special permit requested pursuant to Article XVIII §300-18.2 (2) of the Zoning Bylaw, to allow the existing single family home to be razed and rebuilt within the required setbacks as shown on the plans entitled: “Plot Plan of Map 4424, Lot 28 Prepared for Mark R. Farrell 28 Goodrich Road Town of Sturbridge Worcester County Commonwealth of Massachusetts” Prepared by Levesque Geomatics, Inc. – 43 Glendale Road Sturbridge, MA 01518; Dated: May 12, 2022; Project #: GH-008PP, and an un-titled, un-dated elevation plan submitted as part of the application packet. The proposal as shown on the plan, application and supporting documents meet the requirements set forth in §300-18.2 (2) (a) (1)-(6) of the bylaw.

Approval is subject to 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 Fidelis Onwubueke voting to grant the special permit requested.

Member David Zonia voting to grant the special permit requested.

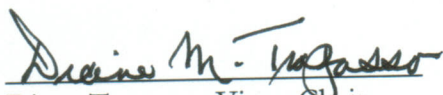
Member Michael Young voting to grant the special permit requested.

Member Tom Welch 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, Vice - Chair
Zoning Board of Appeals

Copy to:
Applicant
Town Clerk
Building Inspector