



TOWN OF STURBRIDGE

Zoning Board of Appeals

SPECIAL PERMIT DECISION/DETAILED RECORD THE COMMONWEALTH OF MASSACHUSETTS TOWN OF STURBRIDGE

November 20, 2023

File # ZB-2023-000022

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 STL505, LLC regarding property located at 505 Main Street which is the property affected by this Special Permit request.

The application to the Board is dated October 17, 2023 and was received by the Board and the Town Clerk on October 19, 2023. The applicant proposes to raze the existing building, remove the southeast foundation and re-pour and rebuild in the same location and to expand the pre-existing non-conforming parking lot as shown on the plans and documents provided.

The application requests a Special Permit from Article XVIII §300-18.2 (2), Article XV §300-15.2 A and Article XVI §300-16.2 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 October 27, 2023 & November 2, 2023
2. Posted in a conspicuous place in the town hall at least fourteen days before the hearing was held on November 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. Application for Special Permit;
2. Filing fee;
3. A Certified List of Abutters;
4. Deed, **Book: 47562/Page:345**;
5. A plan entitled "Multi-family Residential Project – 505 Main Street, Sturbridge, MA 01518 (dated 12/19/22 Rev. 11/3/23). Prepared by Graves Engineering, Inc. (100 Grove Street, Worcester, MA 01605 Pages C001 – C502;
6. Architectural plans "505 Main Street, Fiskdale, MA" Pages 1-4;

Other Documents Received/Reviewed:

1. Town Planner report;

2. Departmental memos;
3. Legal Notice;
4. Certificate of mailings;

After receipt of the application on October 19, 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
- Chief Earl Dessert, Police Chief
- 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 November 3, 2023 – “Based upon staff reviews and the information presented, it is my opinion that this project will not be substantially more detrimental to the neighborhood than the existing non-conforming use. The area is developed with a variety of small businesses and residential uses on small, non-conforming lots. Additionally, from an aesthetic standpoint, the applicant will be significantly cleaning up this property that has stood vacant for several years. The new building, landscaping, proposed Stormwater management system (which will be reviewed through the Conservation Commission and Planning Board processes) will be a significant improvement over existing conditions.”
- Lt. Jennifer Ashe, Fire Inspector, Received October 20, 2023 – “The fire department has no concern with the repouring of a foundation in the same footprint, and welcome an improved parking lot. Our only concern would be to ensure that our apparatus will have direct access to the FDC and the ability to access all 4 sides of the property, which there will be with the improvement to the parking lot.”
- Chief Earl Dessert, Police Chief, Received October 20, 2023 – “No concerns.”
- Rebecca Gendreau, Conservation Agent, Received October 23, 2023 – “Project is located within the jurisdictional buffer zone to wetlands and requires review pursuant to the Wetland Protection Act and the Sturbridge Wetland Bylaw. An application was previously filed which was withdrawn.
The project will require a new application and a waiver from the Conservation Commission pursuant to the SWB as work is proposed within the SWB 25 foot no disturb zone and as a structure is proposed within the 50 foot no new structure setback. The applicant should review the bylaw regulations in regards to waivers.”
- Nelson Burlingame, Building Inspector, Received October 24, 2023 – “Will need to meet new 2021 IECC Energy Code”
- Tom Boudreau, DPW Operations Manager, Received October 26, 2023 – “With a new building being constructed, new water and sewer service lines need to be installed and connected to the mains.”

The Public Hearing on this application was opened on November 15, 2023 at 6:35 PM.

The following regular members of the Board present were: Diane Trapasso, Liz Banks, Marge Cooney, Tom Welch, and Josh Cole (virtual)

At the close of the Public Hearing on November 15, 2023, a motion was made by Ms. Banks, 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 and Article XVI §300-16.2, Motor Vehicle Parking, for the property located at 505 Main Street by the applicant STL505, LLC. The proposed raising and rebuilding of the building will not be more detrimental to the neighborhood because the neighborhood will be advanced by sight and landscaping and will be consistent with the Master Plan with a mixture of mixed use.

Second, a motion was made by Ms. Cooney and seconded by Mr. Welch and voted 5-0, to grant the Special Permit pursuant to Article XVIII §300-18.2 (2) to STL505, LLC, for the property located at 505 Main Street to demolish the existing building, remove the southeast foundation and rebuild in the same location and to expand the pre-existing non-conforming parking lot according to all the plans and documentation submitted.

With the following conditions:

1. All construction and site improvements shall be in conformance with the plans submitted and approved by the Zoning Board of Appeals.
2. All State and Local Zoning Bylaws, building codes and regulations must be adhered to.
3. All other necessary permits must be obtained prior to the start of construction and 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 Marge Cooney voting to grant the special permit requested.

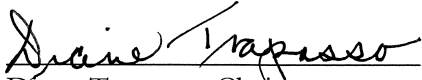
Member Tom Welch voting to grant the special permit requested.

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