



TOWN OF STURBRIDGE

Zoning Board of Appeals

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

File # ZB-2022-000020

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 Sean & Johnna Doyle regarding property located at 63 Beach Avenue which is the property affected by this Special Permit request.

The application to the Board is dated December 13, 2022 and was received by the Board and the Town Clerk on January 3, 2023. The applicant proposes the construction of an addition, raising or the structure 4'-3" within the existing foundation, and to relocate an existing carport and existing shed, as well as the construction of pervious paver walkways and a patio. As proposed the front setback will be reduced to 14.2' 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 Sean and Johnna Doyle 63 Beach Avenue, Sturbridge, MA" Prepared by Jalbert Engineering, Inc. – 54 Main Street, Sturbridge, MA 01566, DWG Number: 22035, dated 10/11/22, Rev 1: 11/29/22;

7. An architectural plan entitled “Proposed New Construction for: Doyle Residence 63 Beach Avenue Sturbridge, Massachusetts” Prepared by Architectural Insights – 3 Converse Street, Palmer, MA 01089, Project #: 22-05, dated 7/22/22;

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 – “As the Board is aware, I believe that lot coverage requirements are very necessary components of a zoning bylaw and are especially important for lake-front properties because impervious surfaces seal the soil surface, eliminating the benefits for rainwater filtration and natural ground water recharge. Stormwater runs across impervious surfaces, collecting toxins and debris, which may be damaging to the health of waterways and lakes. However, in this case the increase is not significant and is very consistent with the neighboring properties. This proposal has been reviewed and approved by the Conservation Commission, so the aspects I have noted above have been reviewed and not considered to be a detriment. In general, I think that the proposed addition and deck 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 and 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 – “DPW added a utility card so the contractor doesn't have any conflicts.”
- Lt. Jennifer Ashe, Fire Inspector, Received December 28, 2022 – “This home was originally built in 1940 and thus is currently only required to have single station battery powered smoke and CO alarms. I have a few questions:
Will the addition be increasing the space in an existing room or creating additional rooms? If it is creating additional rooms, are they bedrooms? Being that the current

square footage of the main floor is listed as 1204sq feet, an additional fire alarm will be required as one unit is required for every 1000 sq. ft. If there will be additional bedrooms, that triggers an additional smoke and CO alarm. New smoke alarms will need to be hardwired with a battery back up and be interconnected with a unit in the original part of the house. Recommended is to hardwire any units required in the new space with a bluetooth capable smoke alarm and replace one of the original smoke alarms with a bluetooth capable unit so that it is interconnected with the new space and able to communicate emergencies.”

- Nelson Burlingame, Building Inspector, Received December 29, 2022 – “I have no objections to site changes.”

The Public Hearing on this application was held on February 15, 2023 at 6:45 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 Sean & Johnna Doyle, pursuant to Article XV §300-15.2 (A-E) of the Zoning Bylaw, to construct an addition, raise the structure 4’-3” within the existing foundation, and to relocate the existing carport and existing shed, as well as construct pervious paver walkways and patio on the property located at 63 Beach Avenue will not be more detrimental to the neighborhood.

Second, a motion was made by Ms. Trapasso and seconded by Ms. Cooney 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 Sean & Johnna Doyle, to construct an addition, raise the structure 4’-3” within the existing foundation, and to relocate the existing carport and existing shed, as well as construct pervious paver walkways and patio at 63 Beach Avenue, according to plans entitled: “A plan entitled “Site Plan For Sean and Johnna Doyle 63 Beach Avenue, Sturbridge, MA” Prepared by Jalbert Engineering, Inc. – 54 Main Street, Sturbridge, MA 01566, DWG Number: 22035, dated 10/11/22, Rev 1: 11/29/22 and An architectural plan entitled “Proposed New Construction for: Doyle Residence 63 Beach Avenue Sturbridge, Massachusetts” Prepared by Architectural Insights – 3 Converse Street, Palmer, MA 01089, Project #: 22-05, dated 7/22/22;

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.

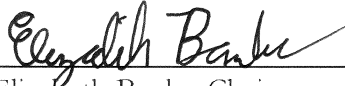
Member Tom Welch voting to grant the special permit requested.

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