



TOWN OF STURBRIDGE

Zoning Board of Appeals

**SPECIAL PERMIT DECISION/DETAILED RECORD
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF STURBRIDGE
March 22, 2024**

File # ZB-2024-000003

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 Tsantinis, LLC regarding property located at **5 Snell Street, Sturbridge, MA 01566 (Book 70187 Page 362)** which is the property affected by this Special Permit request.

The application to the Board is dated February 12, 2024 and was received by the Board and the Town Clerk on February 14, 2024. The applicant proposes to change the use of the existing non-conforming structure and lot to a mixed-use retail and residential use and to continue use of the pre-existing non-conforming parking lot located at 5 Snell Street. The existing residential unit upstairs will remain and the unit downstairs will be converted into a small retail shop containing 873 square feet. In accordance with the plans and application submitted, the only exterior changes will be the construction of a handicap ramp, new signage, and the relocation of the existing wooden planters to accommodate the full length of the parking spaces on site. No new pavement or grading is required or proposed. The existing parking lot contains five (5) pre-existing parking spaces and the applicant has a shared parking agreement with 428 Main Street for three (3) spaces for a total of eight spaces where 6 are required. The application requests a Special Permit from Article XVIII §300-18.2 (2), Article XV §300-15.2 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 February 29, 2024 & March 7, 2024;
2. Posted in a conspicuous place in the town hall at least fourteen days before the hearing was held on March 20, 2024 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. A plan entitled “Proposed Plot Plan of Map 2435, Lot 5 – Prepared for Josh Roy & Rona Tsantinis-Roy – 5 Snell Street, Town of Sturbridge, Worcester County Commonwealth of Massachusetts”, prepared by Levesque Geomatics, Inc. (43 Glendale Road, Sturbridge, MA 01566) dated 2/20/24, revised through 3/8/24, sheet 1 of 1;
5. A plan entitled “Existing Conditions Plot Plan of Map 2435, Lot 5 – Prepared for Josh Roy & Rona Tsantinis-Roy – 5 Snell Street Town of Sturbridge, Worcester County Commonwealth of Massachusetts”, prepared by Levesque Geomatics, Inc. (43 Glendale Road, Sturbridge, MA 01566) dated 2/20/24, revised through 3/8/24, sheet 1 of 1;
6. Three sheets – un-dated showing existing conditions, proposed wall changes and proposed shop floor layout;
7. A document entitled “Parking Lot Use Agreement” which represents a by-right Shared Parking Agreement for three parking spaces with Village Primitives located at 428 Main Street.

Other Documents Received/Reviewed:

1. Town Planner report;
2. Departmental memos;
3. Legal Notice;
4. Abutters Affidavit dated 2/26/24;

After receipt of the application on February 14, 2024, the plan and application was forwarded to the following Departments review and comment:

- Heather Blakeley, DPW Director
- Earl Dessert, Chief of Police
- Rebecca Gendreau, Conservation Agent
- Lt. Jennifer Ashe, Fire Inspector
- Ken Lacey, Board of Health Agent
- Nelson Burlingame, Building Inspector
- Jean Bubon, Town Planner

The Public Hearing on this application was opened on March 20, 2024 at 6:35 PM.

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

At the close of the Public Hearing on March 20, 2024, a motion was made by Ms. Cooney, seconded by Ms. Banks and voted 5-0 to find pursuant to Article XV Section 300-15.2 of the Zoning Bylaws, to expand, change or alter a pre-existing, non-conforming use or structure, for the property located at 5 Snell Street by the applicant Tsantinis, LLC. The proposed project will not be more detrimental to the neighborhood than the existing non-conforming use because it is staying consistent with the other retail businesses and residential uses in that area and the applicant has entered into a shared parking agreement with a neighbor to provide additional parking.

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 to Tsantinis, LLC, for the

property located at 5 Snell Street to change the use of the existing non-conforming structure and lot to a mixed-use retail and residential use and to continue the use of the pre-existing non-conforming parking lot with a shared parking agreement according to all the plans and documentation submitted and with all the appropriate permits from other applicable Departments.

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 Marge Cooney voting to grant the special permit requested.

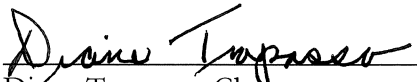
Member Tom Welch voting to grant the special permit requested.

Member Liz Banks 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 three (3) 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