

**STURBRIDGE ZONING BOARD OF APPEALS**  
MINUTES OF  
Wednesday, April 10, 2013

**Present:** Elizabeth Banks  
Joel Casaubon  
Margaret Cooney  
Thomas Creeden, Chair  
Donald Fairbrother  
Maryann Thorpe  
Michael Young, Vice Chair/Clerk

**Also Present:** Diane M. Trapasso, Administrative Assistant

Mr. Creeden opened the meeting at 6:30 PM.

The Board introduced themselves.

Ms. Trapasso congratulated Mr. Creeden on his re-election. Mr. Creeden was sworn on Tuesday, April 9, 2013.

Mr. Creeden read the agenda.

**APPROVAL OF MINUTES**

**Motion:** Made by Mr. Casaubon to approve the minutes of March 20, 2013.

**2<sup>nd</sup>:** Mr. Fairbrother

**Discussion:** None

**Vote:** 4 – 0 – 3 (Ms. Cooney, Ms. Thorpe & Mr. Young)

**DETERMINATION – JOSEPH A. VENEZIANO IS REQUESTING A DETERMINATION TO RECONSTRUCT AN EXISTING ONE STORY PORCH AND TO ADD A 106 SQUARE FOOT ADDITION TO THE PORCH. THE PROPERTY IS LOCATED AT 240 ROY ROAD.**

**Materials presented:**

Application for Determination – Joseph A. Veneziano – received 3/18/2013

Proposed Site Plan/ZBA – Joseph A Veneziano – 240 Roy Road – prepared by Bertin Engineered – date 1/16/2013 – project # 13-611 – DWG # EX - received 3/18/2013

Mr. Creeden acknowledged the following department memos:

- Mr. Morse, DPW Director
- .Mr. Colburn, Conservation Agent
- Ms. Bubon, Town Planner

Mr. Loin of Bertin Engineering spoke on behalf of the applicant. Mr. Loin stated that the applicant is proposing construction consisting of re-building an existing one story covered porch and replacing one in the same location with the exception of a small addition of 106 sq. ft on the easterly side of the existing porch.

The Board had the following concerns and questions:

- Concerns of the Conservation Commission – Mr. Loin stated that the Commission had a number of concerns about stockpiling of soils and type of soils – the Commission asked that the applicant file a Request for Determination of Applicability, that way the Commission can address the conditions
- What is the material of the patio – Mr. Loin stated that the patio will have pavers that are impervious
- The large pine – Mr. Loin stated that the large pine is staying and the small plants will be moved and replanted
- The difference in lot coverage – Mr. Loin stated that he did not add the decks but will indicate and initial the actual lot coverage.
- The dark line showing on the locus – Mr. Loin stated it's the flood lines

**Motion:** Made by Ms. Cooney to grant the Determination to Joseph A. Veneziano for the property located at 240 Roy Road to allow the reconstruction of an existing porch and a 106 sq' ft. addition to the porch as shown on the application with plans received by the ZBA on March 18, 2013. The plans are prepared by Bertin Engineering – dated 1/16/2013- no revision shown– project # 13-611 – DWG # EX with the condition that any concerns of the Conservation Commission be addressed prior to construction. The lot coverage to be indicated as amended to show actual 13.4% to 13.7% proposed.

**2<sup>nd</sup>:** Ms. Banks

**Discussion:** None

**Vote:** 7 – 0

**CONTINUATION OF THE PUBLIC HEARING – GERALD A. & CYNTHIA J. GIROUX ARE REQUESTING A SPECIAL PERMIT TO ALLOW THE DEMOLITION OF THE EXISTING RESIDENTIAL STRUCTURE AND CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE WITH AN ATTACHED GARAGE. THE PROPERTY IS LOCATED AT 89 SHORE ROAD.**

**Materials Presented:**

Application for a Special Permit – Gerald A. & Cynthia J. Giroux – 89 Shore Road – received 1/31/2013

Proposed ZBA Site Plan for the property at 89 Shore Road – prepared by Trifone Design Associates, Inc. – 55 Crane Street, Southbridge MA – project # 287-050 – DWG GRIOUXSITE – date 9/18/2012 – received 1/31/2013

Giroux House – 89 Shore Road – prepared by Trifone Design Associates, Inc. – 55 Crane Street, Southbridge MA - date 6/27/2012 – received 1/31/2013

Letter of support from Robert & Theresa Girouard – 87 Shore Road

Pictures of the house – Presented by Attorney Neal at the meeting on April 10, 2013

Assessors records on neighboring homes – Presented by Attorney Neal at the meeting on April 10, 2013

Mr. Creeden read the following department memos:

- Ms. Bubon, Town Planner
- Mr. Morse, DPW Director
- Ms. Rusiecki, BOH Agent
- Mr. Colburn, Conservation Agent

Attorney Neal spoke on behalf of the applicant. Attorney Neal stated that the applicant seeks to demolish an existing cottage and build a new single family house with a two car attached garage. The lot is a pre-existing non-conforming lot and the structure is legally grandfathered under M.G.L. c.40A§6. Both the existing and proposed houses have non-conformities as to area, frontage, setbacks and lot coverage. The proposed house is very close to the footprint of the existing house with the exception of the addition of an attached garage, which states he requires for health purposes.

Mr. Giroux, the property owner discussed his medical issues and referenced the letter from his doctor to substantiate including the garage in the house plans.

Mr. Giroux stated that he loves the Lake and wants to make this his retirement home.

Attorney Neal stated that the new structure will not change the character of the neighborhood as it is in an area of cottages and single family homes. Although some of the non-conformities are increasing, the use as proposed is not substantially more detrimental than the original structure and use, even with the addition of the garage per Attorney Neal. The new house is in keeping with other homes in the neighborhood. The proposed renovation of the house and addition of the garage is consistent in size with the house on the abutting property at 87 Shore Road.

The Board had the following concerns and questions and comments:

- Conservation concerns – Mr. Giroux stated that Mr. Trifone of Trifone Design Associates has answered all the concerns by adding gutters with 6” downspouts and adding a rain garden in the south west corner of the property plus additional measures

- Maybe consider an alternative of a smaller house and one-stall covered carport – the plan shows over built lot coverage
- Under ADA – garages are not addressed under ADA and the house plans show ramps
- The Board does sympathize with the applicant with his medical issues – make the house more conforming by making it smaller and design a car port
- Let's work together to try and make this plan acceptable
- Lot coverage is a major concern

Mr. Chase Kaitbenski of 462 Leadmine Road spoke on behalf of his Grandfather who is a neighbor of Mr. Giroux. His Grandfather is very supportive of the proposal.

**Motion:** Made by Ms. Banks to continue the Public Hearing for Gerald & Cynthia Giroux to May 15, 2013 at 7:15 PM.

**2<sup>nd</sup>:** Ms. Thorpe

**Discussion:** None

**Vote:** 7 – 0

### **CORRESPONDENCE**

None

### **OLD/NEW BUSINESS**

Mr. Fairbrother stated that Video on Demand for Sturbridge meetings is now available. Residents can go directly to the public access television link under Boards and Committees, scroll down to the link "new" Channl 11 Video On Demand and will note a schedule on the left hand side of the page with a list of currently available meetings.

The Board would like to know what recourse or action they have as the ZBA when a project goes forward and is not in accordance with the ZBA approval and conditions.

### **NEXT MEETING**

May 15, 2013

On a motion made by Mr. Fairbrother, seconded by Ms. Cooney and voted unanimously, the meeting adjourned at 8:25 PM.