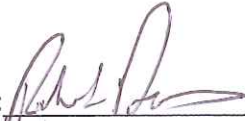




**TOWN OF SUTTON** ZONING BOARD OF APPEALS  
4 UXBRIDGE ROAD · SUTTON, MA 01590 · (508) 865-8723 · FAX (508) 865-8721

**ZONING BOARD OF APPEALS  
MINUTES  
January 9, 2014**

Approved by:   
Date: 2/6/14

Zoning Board Members Present: Rick Deschenes, Chairman; Jeffrey Fenuccio, Clerk; Michael McGovern; Rich Haskins; Brittanie Reinold; Nicole Kuchinski

Secretary: Lynn Dahlin

All others present: Mr. & Mrs. Michael Bronson; Attorney Henry Lane; Michael Weaver, Guerriere & Halnon

**7:30pm – Public Hearing : Variances  
172 Manchaug Rd  
Karen & Michael Bronson**

R. Deschenes read the Hearing Notice as it appeared in the Millbury Sutton Chronicle. Attorney Lane reminded the Board that they had reviewed the project during the last 2-3 meetings, but they were now in front of the Board to request a lot coverage variance of 11.5%. and setback variances. The petitioner was requesting a lot coverage variance of 11.5%. A chart was submitted which listed the lot area coverage's and gross/living area of the adjacent homes. Attorney Lane added that it was their position that decks are not included in lot coverage but the submitted calculations on the chart reflected both ways. It was noted that their project without the decks would have 10.82% of lot coverage. It was said that the chart showed that none of the homes along the stretch of road complied with the 10% lot coverage and ranged between 10+ to 30%. Photo's were submitted to also address similarity in height between the proposed structure and those adjacent to it. The Board was told that the footprints were comparable to what the petitioner was requesting as well as it was believed that the 11,000 sq.ft lot area was more than what the surrounding homes had. It was felt that they had provided evidence that their request was reasonable considering the restraints of the lot for the construction of a home that was livable within the 21<sup>st</sup> century. M. McGovern stated that almost a quarter of the lot used as lot area was under water and therefore it was probable that they had less buildable area than the other homes along the street. He also noted that the usable area for the project was closer to 30% lot coverage. He felt that he would have to have a closer look at the lots on the submitted chart and make in-depth comparisons He also had a concern for what it would take to install a septic system for a home this size. He questioned why historically there had only been a porto toilet on the lot. He went on to say that the Board had been told that there is a septic plan, but they had not seen anything approved. His concern was developing this small lot with a home this size. M. McGovern was also still concerned with the flood plain line in relationship to the footing and the floor of the Basement.



Mike Weaver of Guierre and Halnon explained that there was no set flood plain elevation on the site. He did note that the new construction would be higher in elevation than the existing of which never had a flooding issue. He also noted that the septic system is a Title 5 compliant system which had been submitted to the Board of Health once and will be resubmitted once they can verify placement of the home which was subject to the Board's decision.

M. McGovern questioned again what the elevation level of the floor was in relation to the flood plain line and if it's not known "how do you know you are above it?"

Mike Weaver reiterated that there was no defined flood plain line according to FEMA, but also noted that he did not bring the house elevation numbers as he did not think a plan would be necessary. M. McGovern noted it was necessary in order to determine the height of the structure as well as to know that there would be no basement flooding issues.

M. McGovern also questioned if the septic system met present requirements or did it require variances or special conditions. It was responded that it was a system which was allowed for the replacement the existing home.

M. McGovern asked how that could be said when what exists is a single story one room camp and what it was being replaced with was a 3 story home.

M. McGovern asked if with today's standards would this system meet the requirements for new construction on this lot and was told no.

M. McGovern noted that as far as the lot coverage was concerned and during his time on the Board, he felt that this was the most excessive request he had seen. Mike Weaver noted that within the Bylaw there is no distinction between open land and land submerged when related to lot coverage.

J. Fenuccio questioned if they were still looking for (3,103) sq. ft in living area between the three levels and was told yes and that it included the garage and basement. Jeff's question pertained to the submitted chart where all the other homes were listed and in range and the living area for the petitioner's home was missing. Discussion ensued as to what was considered gross or living area among the area homes in relation to the proposed home in question.

Attorney Lane felt that as it stood, the cottage was a shack and needed to be upgraded to bring value to the neighborhood. It was felt that the proposed home would be consistent with the area homes.

J. Fenuccio questioned what the proposed "living area" of the new home would be and was told approx 2500+ sq. feet between all floors. Jeff noted that when compared to the homes on the list that square footage was larger than all the other homes.

K. Bronson noted that they had taken into consideration the directions of the Board on the Plan and thought they had met the Board's requirements.

M. McGovern answered that it was just realized between last meeting and now that the boundary line was not up to the watermark, but actually under it making it more concerning in regards to actual lot coverage. He wanted to make sure the petitioner knew that he was not personally against them, but had a concern that the project was too large for the small lot.

B. Reinold felt that they could not reasonably use the adjacent homes as equal comparisons as those lots were all uniform in shape and no information available as to when the structures were built and as to why they were located where they were.

J. Fenuccio questioned if (120) sq. ft. of living space was the only difference between 10 and 11.5% lot coverage. and was told yes it was, roughly "if" you include the deck. J. Fenuccio stated that it was not a lot of area to be missed when you are talking about a 3 story home and felt the Board was not making it an unlivable home by keeping lot coverage at 10%. He also added that he felt that the Board had enough information to use in making their decision unless there was anything new that petitioner wanted to add.

K. Bronson wanted to just add that the project started with 14% lot coverage in which she worked with the Board to downsize. She added that the 120sq. ft. did not sound like a lot, but when rooms are mapped out "every square inch counts". Therefore she would like to have that (120) square feet at the onset.

All others present in favor or against the petition: None

M. McGovern motioned, J. Fenuccio seconded and the vote unanimous to close the public hearing.

**Board Business:**

Review of Minutes:

M. McGovern motioned, J. Fenuccio seconded and the vote unanimous to approve the November 7, 2013 Minutes  
M. McGovern motioned B. Reinold seconded and the vote unanimous to approve the December 5, 2013 minutes

Work Session: 172 Manchaug Road

M. McGovern still had a strong concern with the amount of lot coverage on the lot as the lot coverage bylaw was designed and based on lots of 80,000 sq.ft in size which at 11% still left close to 70,000 sq. ft. in open area. It was felt that when this lot is developed it would be a huge impact on the small parcel of land and it was his opinion that it was not in character with the homes on the street. It was the smallest lot with the largest home and he found it difficult to say it was "not more non-conforming than the other homes". He noted that "Even if they asked for 6% lot coverage, with 25% of the lot under water they are really asking for about 20%". With 30 years of building experience, his opinion was that the placing of the proposed house along with the septic and well was too taxing on the small parcel.

B. Reinold agreed and stated that it was the first home that you see as you go around the bend and it would visually block the view.

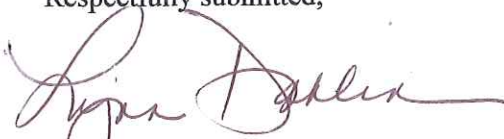
R. Deschenes questioned the original request for a finding and how to proceed with variances and conditions while that request was still on the table.

Both J. Fenuccio and R. Deschenes recommended and the rest of the Board agreed that the questions needed to be run by town counsel prior to putting a motion on the table.

The Board agreed to continue the work session to the week of January 13<sup>th</sup> 2014, in order that the questions could be answered by Town Counsel.

9:05pm - Meeting Adjourned

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Lynn Dahlin", written in a cursive style.

Lynn Dahlin  
BOA Secretary