

**Rochester Zoning Board of Appeals
Business Meeting Minutes
March 28, 2024**

Board Members Present:

David Arancio, Richard Cutler, Davis Sullivan, Donald Spirlet, Michelle Upton

7:15 PM Meeting Called to Order by Chairman Arancio

Minutes:

- Motion to approve Business Meeting Minutes of February 29, 2024, was made by Richard Culter, and seconded by Donald Spirlet. Motion passed unanimously 5-0.
- Motion made to approve Public Hearing Minutes for Petition #1203 of February 29th, 2024, was made by Richard Cutler, and seconded by Donald Spirlet. Motion passed unanimously 5-0.

New Business:

- Joint meeting with Planning Board and Historical Commission.

There was a brief discussion on the possibility of a joint meeting involving the Planning Board, Historical Commission, and the Zoning Board Appeals. Chairman Arancio clarified that this would be to facilitate a smooth process for an upcoming project that had previously been approved in 2021, however, the building plans have since changed drastically. It was agreed that this would be helpful if each group could hear the plans at the same time as any questions asked by any board or commission could be answered at the same time. The intent is that after such a joint meeting, each board would then continue with their individual processes in either the approval or denial of the petition.

Old Business:

- None.

Vouchers:

- Motion to approve a voucher for W. B. Mason in the amount of \$27.25 made by Richard Cutler and seconded by Davis Sullivan. Motion passed unanimously 5-0.

Correspondence:

- None.

ZBA Administrators Report:

- Next ZBA meeting will be April 11, 2024. Chairman Arancio advised that he will be recusing himself of the two public hearings.

Motion made by Davis Sullivan to adjourn the business meeting. This was seconded by Richard Cutler. Business meeting adjourned at 7:27 PM.

**Rochester Zoning Board of Appeals
Public Hearing Minutes #1204
March 28, 2024**

Board Members Present:

David Arancio, Richard Cutler, Davis Sullivan, Donald Spirlet, Michelle Upton

7:27 PM Meeting Called to Order by Chairman Arancio

#1204

Michael Walsh, for property located at 405 Neck Rd, identified on Assessor's Map 26, Lot 17, who is seeking two Variances from the provisions of Chapter 20.40, Section E.2., of the Rochester Zoning By-Laws for the construction of a garage greater than 1000 square feet to be located in front yard of the property.

The public hearing began with Chairman Arancio reading the public hearing notice and the application aloud. He then read the abutters list. Abutters present were:

- Jeremie Jones of 403 Neck Rd.

Chairman Arancio advised the petitioner to speak about the intended project. Mr. Walsh stated that they intended to build a garage to house a couple of his antique cars and a pontoon boat. He clarified that there is no commercial business occurring on the property and this was solely personal. He also advised that there will be electricity but no plumbing. The garage would have a vinyl siding to match the residence with cross-walls and placed on a concrete slab.

Mr. Cutler asked the petitioner if the 40' setback would be from the property line to the garage or the gutters of the garage. Mr. Walsh stated it would be from whatever was allowed by the by-laws. Mr. Cutler reiterated that the 40' distance between the property line and the building must include any overhang, such as gutters. Mr. Walsh agreed and stated that he would make sure of this. Mr. Walsh was asked why he could not build the garage on the other side of the home instead of the front. Mr. Walsh said that the other side of his property dips down and it wouldn't be feasible to build a garage there. The residence is oriented to the side and does not actually face the street, so although the garage would be, technically, in the front yard, it will be on the side of the home. When asked why he cannot build a garage of only 1,000 sq ft, Mr. Walsh replied that it just isn't large enough for what he needs to store in there. The current garage on the property had been altered by previous owners in such a way that it is unusable and the barn on the property is already being used as storage for most of Mr. Walsh's belongings from their recent move to Rochester.

After opening the floor for public comment, Jeremie Jones of 403 Neck Road stated that he is the closest neighbor and would be most affected by the project. He stated he has no issues with the proposed project and understands, having looked at the property when it was on the market, that the land would not permit building the garage on the opposite side of what the petitioner plans. He confirmed there is a drop off of the land on the back end of the property. He also stated the barn was in tough shape and would need a lot of work to be a functional building. Mr. Cutler reiterated that at a previous hearing for the same project and petitioner that had been withdrawn, two other abutters were present who had also stated they had no issues with the intended project (see minutes for ZBA Meeting of 2/15/2024, Petition #1203).

Mr. Cutler made a motion to close public comment which was seconded by Donald Spirlet. Motion passed unanimously 5-0.

Mr. Cutler remarked that he had no problems with this proposal as the shape and the topography of the lot was unusual. The other board members concurred with several specifying that since the front set back was quite a distance and that there were lots of trees at that location, it would be relatively well hidden from the road and would blend in. The board also agreed that each hardship was met and as was seen in the previous petition and presently, no abutters were opposed to the new garage.

MOTION #1: Grant a request for a Variance to Michael Walsh, for the property located at 405 Neck Rd, identified on Assessor's Map 26, Lot 17, who is seeking a Variance for the construction of a garage larger than 1000 square feet as allowed under Chapter 20.40, Section E.2., of the Rochester Zoning By-Laws, with the following conditions:

1. The garage cannot be used as a residence.
2. The garage cannot be used to house animals.
3. All related parking to be off-street.

- ❖ This Variance is to be in accordance with a site plan entitled, "Plan for Zoning Board of Appeals: 405 Neck Rd in Rochester, MA" dated December 15, 2023, and drawn by Zenith Land Surveyors, LLC.

The motion was made by Davis Sullivan and seconded by Donald Spirlet.

Voting Members:

David Arancio, Richard Cutler, Davis Sullivan, Donald Spirlet, Michelle Upton

VOTE: 5 in Favor 0 Opposed

Motion passed unanimously. ***The Variance is thereby deemed granted.***

MOTION #2: Grant a request for a Variance to Michael Walsh, for the property located at 405 Neck Rd, identified on Assessor's Map 26, Lot 17, who is seeking a Variance for a proposed garage to be located in the front yard of the property under Chapter 20.40, Section E.2., of the Rochester Zoning By-Laws, with the following conditions:

1. The garage cannot be used as a residence.
2. The garage cannot be used to house animals.
3. All related parking to be off-street.

- ❖ This Variance is to be in accordance with a site plan entitled "Plan for Zoning Board of Appeals: 405 Neck Rd in Rochester, MA" dated December 15, 2023, and drawn by Zenith Land Surveyors, LLC.

The motion was made by Davis Sullivan and seconded by Donald Spirlet.

Voting Members:

David Arancio, Richard Cutler, Davis Sullivan, Donald Spirlet, Michelle Upton

VOTE: 5 in Favor 0 Opposed

Motion passed unanimously. ***The Variance is thereby deemed granted.***

Richard Culter made a motion to adjourn the meeting, and this was seconded by Donald Spirlet. The meeting adjourned at 7:47 PM.