

**Rochester Zoning Board of Appeals  
Business Meeting Minutes  
Hybrid Meeting  
July 28, 2022**

**Board Members Present:**

David Arancio, Richard Cutler, Donald Spirlet, Thomas Flynn

**7:15 p.m. Called Meeting to Order**

**Introduction of new Building Commissioner / Zoning Enforcement Officer, Carl Bizarro**

Mr. Arancio introduced the new Building Commissioner / Zoning Enforcement Officer, Carl Bizarro. Mr. Cutler asked Mr. Bizarro what his position was on Zoning Enforcement. Mr. Bizarro stated that, as the Town changes, so may some of the by-laws; he follows Building Code and Town By-Laws as his guidance, and if any issues arise, he looks forward to working with the Board on those issues.

Mr. Cutler commented that there have been some Special Permits that the Board has issued that haven't been followed through. He asked Mr. Bizarro how he would address those issues. Mr. Bizarro stated that there is a procedure to it, and given the opportunity to follow up and enforce, he would use any building and zoning code / laws to ultimately achieve compliance.

Mr. Cutler asked Mr. Bizarro that if the Board were aware of any issues, should they let him know. Mr. Bizarro replied that he would absolutely follow the Board's guidance.

**Minutes:**

***March 24, 2022***

- A motion to approve the Business Meeting Minutes of March 24, 2022 was made by Mr. Cutler and seconded by Mr. Flynn. The motion passed unanimously (4-0).
- A motion to approve the Public Hearing #1170 Minutes of March 24, 2022, was made by Mr. Cutler and seconded by Mr. Flynn. The motion passed unanimously (4-0).
- A motion to approve the Public Hearing #1172 Minutes of March 24, 2022, was made by Mr. Cutler and seconded by Mr. Flynn. The motion passed unanimously (4-0).
- A motion to approve the Public Hearing #1176 Minutes of March 24, 2022, was made by Mr. Cutler and seconded by Mr. Flynn. The motion passed unanimously (4-0).

***April 28, 2022***

- A motion to approve the Business Meeting Minutes of April 28, 2022 with a correction was made by Mr. Cutler and seconded by Mr. Flynn. The motion passed unanimously (4-0).
- A motion to approve the Public Hearing #1177 Minutes of April 28, 2022, was made by Mr. Cutler and seconded by Mr. Flynn. The motion passed unanimously (4-0).
- A motion to approve the Public Hearing #1170 Minutes of April 28, 2022, was made by Mr. Cutler and seconded by Mr. Flynn. The motion passed unanimously (4-0).

**May 4, 2022**

- A motion to approve the Public Hearing #1170 Minutes of May 4, 2022, was made by Mr. Cutler and seconded by Mr. Flynn. The motion passed unanimously (4-0).

**New Business:**

- A motion to send a letter of appreciation to Kirby Gilmore for his time served on the Town of Rochester Zoning Board of Appeals was made by Mr. Cutler and seconded by Mr. Flynn. The motion passed unanimously (4-0)
- Mr. Arancio reported that there are three applicants interested in becoming Alternates on the Board and that Mr. Costa or Mr. Spirlet could be moved up to full membership. This discussion will be tabled until the next meeting.

A motion to adjourn Business Meeting at 7:27 p.m. was made by Mr. Cutler and seconded by Mr. Flynn. The motion passed unanimously (4-0)

Mr. Cutler noted that the setback from the structure to the property line is measured from the overhang of the structure. Mr. Arancio stated that he reviewed the aerial photos and saw quite a bit of tree coverage. Mr. Cutler stated that he is concerned with the shed being in the front yard area and what will come of it in the future. Mr. Spirlet commented that the septic system is in the front yard and is a hardship since there is nowhere else to put it on the property; it is a small structure and it would be more of an issue if it were large.

Mr. Flynn commended the petitioner's good job of explaining the property features to the Board.

### **Vote**

After giving all parties an opportunity to present evidence and discuss the case, the Zoning Board of Appeals made the following determination:

**MOTION:** Grant the request for two Variances from the requirements of Chapter 20.40, Section E.2.(5) to allow a 14' x 14' accessory building to be located 1) no closer than 22 feet from the side property line and 2) within the front yard area no closer than 87 feet from the Cushman Road for property located at 167 Cushman Road, Assessor's Map 33, Lot 9B as,

- a) There are unique circumstances relating to the shape, topography, and soil conditions of the land such as location of existing paved driveway, existing stone patio, existing boulders and ledge, existing groundwater, and existing stone retaining walls, and
- b) Literal enforcement of the by-law would involve substantial hardship, financial or otherwise, to the petitioner, and
- c) the desired relief may be granted without substantial detriment to the public good.

The Variances are to be in accordance with a site plan entitled, "Plan of Site and Proposed Accessory Building" drawn by Charon Associates, Inc. dated June 15, 2022 as filed with the Zoning Board of Appeals.

The conditions of the Variance are as follows:

- Not to house animals.

The motion was made by Mr. Flynn and seconded by Mr. Cutler.

### ***VOTING MEMBERS:***

David Arancio, Richard Cutler, Thomas Flynn, Donald Spirlet

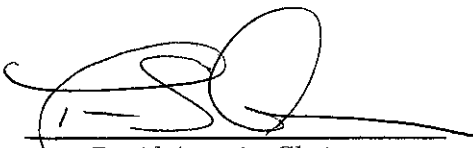
**VOTE:**            4 In Favor            0 Opposed

***Motion passed 4-0; the Variances are thereby deemed granted.***

A motion to adjourn at 8:00 p.m. was made by Mr. Cutler and seconded by Mr. Flynn. The motion passed unanimously (4-0).

Respectively submitted,

  
Mandie Cummings, Clerical Assistant

  
David Arancio, Chairman