

**Rochester Zoning Board of Appeals
Business Meeting Minutes
Hybrid Meeting
August 26, 2021**

Board Members Present: David Arancio, Davis Sullivan, Kirby Gilmore, Thomas Flynn

7:00 p.m. Called Meeting to Order

Minutes:

- A motion to approve the Business Meeting Minutes of August 12, 2021 was made by Mr. Flynn and seconded by Mr. Gilmore; Mr. Sullivan abstained. Motion passed 3-0.
- A motion to approve the Public Hearing #1167 Minutes of August 12, 2021 was made by Mr. Flynn and seconded by Mr. Gilmore; Mr. Sullivan abstained. Motion passed 3-0.

New Business:

- *Upcoming Meeting Attendance*
The Board discussed upcoming meeting attendance for September 9, 2021.

A motion to adjourn the Business Meeting at 7:05 p.m. was made by Mr. Gilmore and seconded by Mr. Flynn. Motion passed 4-0.

**Rochester Zoning Board of Appeals
Business Meeting Minutes
Hybrid Meeting
August 26, 2021**

Board Members Present: David Arancio, Davis Sullivan, Kirby Gilmore, Thomas Flynn, Donald Spirlet

7:06 p.m.

#1167

Mark Woodward, Jr. for property located at 519 County Road, identified on Assessor's Map 17, Lot 20, who is seeking a Variance for the construction of a garage exceeding 1,000 square feet under Chapter 20.40, Section E.2.(7) of the Rochester Zoning By-Laws.

Mr. Sullivan signed a Mullin Affidavit, as he missed one hearing date on August 12, 2021.

Applicant Mark Woodward, Jr. was present in person.

Discussion:

Mr. Woodward read a continuation statement to the Board received on August 22, 2021 stating the reasons why he feels that he cannot attach the proposed structure to directly to his house.

A revised plan was submitted showing the accessory structure set back further from the front yard area as discussed at the last meeting.

A motion to close the public comment segment at 7:16 p.m., as no abutters were present, was made by Mr. Gilmore and seconded by Mr. Spirlet. Motion passed 5-0.

The Zoning Board of Appeals made the following findings:

1. Map 17, Lot 20 is located in the Agricultural / Residential District, with a small portion in the back of the property located the Industrial District, containing 3.21± acres, and 231' of frontage. The structure is proposed in the Agricultural / Residential District portion of the site, which is the majority of the lot.
2. The property has been in the current ownership since August of 2016.
3. Proposed is to allow the construction of a garage exceeding 1,000 square feet.
4. There are unique circumstances relating to the shape, topography or soil conditions of the land, (or the character of the existing building), such as the location of the porch and the basement door which can only be accessed from outside of the house, and
5. Literal enforcement of the by-laws would involve substantial hardship, financial or otherwise, to the petitioner such as relocation of the driveway, and
6. The desired relief may be granted without substantial detriment to the public good.

Motion

A motion to grant the request for a Variance for relief under Chapter 20.40, Section E.2.(7), for the construction of a garage exceeding 1,000 square feet to Mark Woodward, Jr. for property located at 519 County Road with the following conditions was made by Mr. Sullivan and seconded by Mr. Gilmore.

1. The structure is not to be for commercial use.
2. The structure shall not be used to house livestock.
3. The structure is not to be used as, or converted to, a residential dwelling.

This Variance is to be in accordance with a site plan drawn by Charon Associates, Inc., dated July 7, 2021 and most recently revised on August 19, 2021 as filed with the Zoning Board of Appeals.

VOTING MEMBERS:

David Arancio, Davis Sullivan, Kirby Gilmore, Thomas Flynn, Donald Spirlet

VOTE: **5** In Favor **0** Opposed

Motion passed 5-0; the Variance is thereby deemed granted.

**Rochester Zoning Board of Appeals
Business Meeting Minutes
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August 26, 2021**

Board Members Present: David Arancio, Davis Sullivan, Kirby Gilmore, Thomas Flynn, Donald Spirlet

7: 30 p.m.

#1166

Mark and Ashley Briggs for property located at 0 New Bedford Road, identified on Assessor's Map 4, Lots 28, 28B, 28C, who are seeking a Special Permit for a building to be used for the restoration, detailing, and storage of collectible cars with limited private sales within the Limited Commercial District under Section 20.40, Section F.6 of the Rochester Zoning By-Laws.

Mr. Gilmore signed a Mullin Affidavit, as he missed one hearing date on July 22, 2021.

Bill Madden of G.A.F. Engineering, Inc. was present in person, and applicants Mark and Ashley Briggs via Zoom.

Discussion:

Mr. Arancio recalled that a 3D rendering was discussed at the last meeting. Mr. Madden presented the Board with a conceptual sketch of the proposed building instead showing the proposed floor plan and elevation.

Mr. Madden explained that there are only approximately 4 acres of land to use, as the rest is either in a habitat area under the Natural Heritage of Endangered Species Program or set to be under a Conservation Restriction.

Abutter Lori Gibbs of 610 New Bedford Road is concerned about the close proximity of the proposed driveway to her lot. Mr. Madden and the Briggs' replied that they are not set on the location and will look at relocating it before the Planning Board hearing for Site Plan Review.

Mr. Madden informed the Board that the proposed building will be at least 80 feet from any property line as to nestle the building away from public view and neighboring properties; only 40 feet is required. Mr. Briggs stated that he doesn't feel that the building will be seen from the road and noted that there will be a fence on the cemetery side for privacy for anyone visiting the cemetery.

Abutter Matt Monteiro of 590 New Bedford Road was present via Zoom. He informed the Board that he is on the Historic District Commission, however, he will need to recuse himself when the applicant files an application with the Commission, as he is an abutter. Mr. Monteiro noted that they haven't applied yet and that the criteria of buildings visible from a public way may require modification to look like a historic structure to fit in with the District.

A motion to close the public comment segment at 8:20 p.m. was made by Mr. Gilmore and seconded by Mr. Spirlet. Motion passed 5-0.

Motion

A motion to grant a Special Permit under Chapter 20.40, Section F.6. to Mark and Ashley Briggs for property located at 0 New Bedford Road, identified on Assessor's Map 4, Lots 28, 28B 28C with the following conditions was made by Mr. Gilmore and seconded by Mr. Spirlet.

1. Permit is non-transferable.
2. The structure is not to be for commercial use.
3. The structure shall not be used to house livestock.
4. The structure is not to be used as, or converted to, a residential dwelling.
5. Dark sky lighting shall be used.
6. The applicant must comply with Chapter 23.10 Historic District of the Rochester Zoning By-Laws for their review.

This Special Permit is to be in accordance with a site plan drawn by G.A.F. Engineering, Inc., dated June 28, 2021 as filed with the Zoning Board of Appeals.

VOTING MEMBERS:


David Arancio, Davis Sullivan, Kirby Gilmore, Thomas Flynn, Donald Spirlet

VOTE: 5 In Favor 0 Opposed

Motion passed 5-0; the Special Permit is thereby deemed granted.

A motion to adjourn at 8:44 p.m. was made by Mr. Gilmore and seconded by Mr. Spirlet. Motion passed 5-0.


Patrice Braz. Board Administrator


David Arancio. Chairman