

**Rochester Zoning Board of Appeals
Business Meeting Minutes
Hybrid Meeting
February 24, 2022**

Board Members Present:

David Arancio, Richard Cutler, Donald Spirlet, and Jeffrey Costa

7:00 p.m. Called Meeting to Order

Minutes:

- The business meeting and hearing minutes of February 10, 2022 are not typed yet and will be voted on at a future meeting.

A motion to recess until Mr. Gilmore arrives was made by Mr. Spirlet and seconded by Mr. Cutler. The motion passed unanimously (4-0).

Mr. Gilmore arrived at 7:02 p.m.

**Rochester Zoning Board of Appeals
Public Hearing Minutes
Hybrid Meeting
February 24, 2022**

Board Members Present:

David Arancio, Richard Cutler, Kirby Gilmore, Donald Spirlet, and Jeffrey Costa

7:02 p.m.

#1172

Continued from 2/10/22

Anthony and Mary-Patrice Ruocco for property located at 308 New Bedford Road, identified on Assessor's Map 2, Lot 13A who are seeking a Special Permit under Chapter 20.40, Section F.6. to use the premises as not only a residence, but to establish a Farm Winery (A&M Winery). They propose to specialize in providing specialty dessert wines for wine tastings on site, by appointment, and subsequently providing small batches for weddings and corporate functions conducted elsewhere. The wine is proposed to be prepared, fermented, and bottled on site.

Mr. Arancio recapped a request from the Board at the last meeting to ask Town Counsel Blair Bailey the reasoning for this filing. Attorney Bailey replied via email that the filing is necessary, as the grapes will be imported until they are grown on the property.

Mr. Ruocco stated that he is in the process of getting a site plan drawn up showing existing condition. He has a contract in place, and weather dependent, an independent property surveyor will be going to the property to survey soon. Mr. Ruocco will try to have the plan ready for the next meeting date.

Mr. Arancio asked if any members of the public would like to speak; there was no public comment.

A motion to continue the public hearing until March 10, 2022 was made by Mr. Cutler and seconded by Mr. Spirlet. The motion passed unanimously (5-0).

Mr. Cutler and Mr. Arancio stated that they would like Town Counsel to draft the decision.

**Rochester Zoning Board of Appeals
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Board Members Present:

David Arancio, Richard Cutler, Kirby Gilmore, Donald Spirlet, and Jeffrey Costa

7:09 p.m.

#1174

Travis Andrade for property located at 9 Coombs Road, identified on Assessor's Map 44A, Lot 37, who is seeking a Variance under Chapter 20.40, Section D.1., for approval of the construction of a garage and mudroom addition less than 40 feet from the side lot setback requirement.

Mr. Spirlet recused himself, as the applicants are family members.

Travis Andrade and Caitlin Vandal were present in person.

Mr. Arancio read the certified abutter's list; there were no abutters present.

Mr. Andrade told the Board that he and Ms. Vandal purchased the property last month. He distributed architectural plans for the Board to view. Mr. Arancio announced that his father-in-law drew the architectural plans. The Board agreed that Mr. Arancio has no financial or other interest in this project, and they had no issue with him participating and voting.

Mr. Andrade stated that the development was created in the 1970's and that they are just trying to get the home that they want. The septic is in the back of the property, and the front is too close to the street, which leaves the easterly side of the property the only viable option. He feels that another hardship that they face is that he currently has storage in a temporary structure; a garage would improve the appearance of the property. Mr. Andrade stated that he would like a 2-car garage, noting that most of the homes on the street have garages within the 40-foot setback.

Mr. Cutler asked what is proposed above the garage. Mr. Andrade replied that they would like a rec room for their kids. Mr. Gilmore asked how many bedrooms are currently in the house. Mr. Andrade replied that there are three.

The public comment segment was opened at 7:22 p.m., however, there were no comments.

A motion to close the public comment segment was made by Mr. Gilmore and seconded by Mr. Costa. The motion passed unanimously (5-0).

Vote:

A motion to grant a Variance to Travis Andrade for property located at 9 Coombs Road, identified on Assessor's Map 44A, Lot 37 to construct an addition to the easterly side of the existing single-family dwelling, no closer than 33' from the easterly side yard property line, under Chapter 20.40, Section D.1. of the Rochester Zoning By-Laws with the following condition was made by Mr. Costa and seconded by Mr. Gilmore.

- Not to be used to house animals.

This Variance is to be in accordance with a site plan entitled, "Proposed Addition Plan", dated February 18, 2022 and drawn by Foresight Engineering, Inc.

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

1. There are unique circumstances relating to shape, topography, or soil conditions of the land (or the character of the existing building) such as the lot being a small, non-conforming lot, and
2. Literal enforcement of the by-laws would involve substantial hardship, financial or otherwise to the petitioner such as, septic relocation, and
3. The desired relief may be granted without substantial detriment to the public good.

VOTING MEMBERS:

David Arancio, Richard Cutler, Kirby Gilmore, and Jeffrey Costa

VOTE: 4 in Favor 0 Opposed

Motion passed 4-0; the Variance is thereby deemed granted.

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Board Members Present:

David Arancio, Richard Cutler, Kirby Gilmore, Donald Spirlet, and Jeffrey Costa

7:32 p.m.

#1170

(continued from 1/13/22, 1/27/22, 2/10/22)

Industrial Tower and Wireless, LLC for property located at 0 High Street, identified on Assessor's Map 19, Lot 5 who is seeking a Special Permit for the construction of a 190-foot monopole style telecommunications facility under Chapter 22.30 Personal Wireless Services Facilities of the Rochester Zoning By-Laws.

Mr. Gilmore recused himself.

Attorney Jeff Anglely of Phillips & Anglely, outside counsel for Industrial Tower and Wireless, LLC was present.

Mr. Arancio informed Attorney Anglely that, as there are only four Board members present, any vote taken would need to be unanimous in order for it to pass.

Mr. Arancio stated that correspondence was received today from the Law Office of Donald P. Nagle, PC on behalf of some of the abutters.

A motion to re-open public comment was made by Mr. Spirlet and seconded by Mr. Costa. The motion passed unanimously (4-0).

As the correspondence was only submitted seven hours before the meeting, there was not enough time for the Board or the applicant to review and comment on it.

Attorney Anglely requested to continue the hearing until March 10, 2022 in order to respond and to have more members present.

A motion to continue the public hearing until 7 p.m. on March 10, 2022, directly after the business meeting, was made by Mr. Spirlet and seconded by Mr. Cutler. The motion passed unanimously (4-0).

A motion to adjourn at 7:37 p.m. was made by Mr. Spirlet and seconded by Mr. Costa. The motion passed unanimously (4-0).

Respectively submitted,


Patrice Braz, Board Administrator


David Arancio, Chairman