

**Rochester Zoning Board of Appeals
Public Meeting & Hearing Minutes
Hybrid Meeting
March 17, 2022**

Board Members Present:

David Arancio, Davis Sullivan, Richard Cutler, Kirby Gilmore, and Donald Spirlet

#1163 - Variance Extension Request, Carl Achorn, 0 Snipatuit Road

Mr. Achorn requested to be heard at the next meeting on March 24, 2022.

7:15 p.m.

#1175

Jeffrey & Amanda Costa for property located at 47 Cross Road, identified on Assessor's Map 16, Lot 13V, who are seeking a Variance under Chapter 20.40, Section E.2.(7) to construct a garage over 1,000 square feet, to be attached to the house with a covered breezeway.

Applicants Jeffrey and Amanda Costa were present in person.

Mr. Arancio read the application and project narrative aloud.

Without detailing all of the referenced documents here, the Board hereby notes that it has reviewed the applicable materials presented in connection with the Petition. The Board has further reviewed additional correspondence and materials, including but not limited to:

- An email dated February 22, 2022 from Conservation Agent Merilee Kelly stating that the Conservation Commission does not have any feedback.
- An email dated February 23, 2022 from Board of Health Agent Karen Walega stating that she has no comments on the proposed project.
- Notices dated February 5, 2022 mailed by the applicant to abutters requesting their signature if they take no exception to the proposed garage as it is currently explained. The following abutters responded:
 - Vincent & Margaret Steiblin, 16 Morse Court
 - Wayne & Cathy Cordeira, 22 Morse Court
 - Bradford Pierce, 32 Cross Road
 - Al Roos, 39 Cross Road
 - Robert D. Morrison, 46 Cross Road
 - Sharon Sylvia, 54 Cross Road
 - Jeffrey & Elizabeth Giddings, 61 Cross Road
 - Eric Bailey, 68 Cross Road
 - Samuel O. Haines, 69 Cross Road
 - A.D. Makepeace, 158 Tihonet Road, Wareham, MA

A motion to waive the reading of the abutter's list, as no abutters were present, was made by Mr. Gilmore and seconded by Mr. Sullivan. The motion passed unanimously (5-0).

Amanda Costa presented the proposal to the Board. She explained that the garage will have the same siding as the house, and have an attached covered breezeway. The proposed garage is 32' x 40' with a 1-foot overhang all around. There will be unfinished space above two bays of the garage that will eventually be used as an open play area for their children. She noted that the breezeway and garage are angled, as to not interfere with an existing shed on the property.

Mr. Gilmore noted that one of the letters of support came from A.D. Makepeace, which no longer owns an abutting property.

Mr. Sullivan asked the width of the breezeway. Mr. Costa replied that it is approximately 15 feet wide; the plan submitted is to scale.

Mr. Arancio asked if there are plans to convert above the garage to a multi-family dwelling. Mrs. Costa replied that there are no plans to do so and agreed to have that as a condition of the Variance if issued.

Mr. Arancio read an email from Conservation Agent Merilee Kelly, an email from Board of Health Agent Karen Walega, and noted the letters of support received from ten abutters, all as listed above.

Mrs. Costa stated that they reviewed the Variance requirements, and then made the following statements:

1. Based on the topography, the locations of the septic system, vertical wells, and the back deck, the area shown on the plan was the only location that they could place the proposed garage.
2. They originally planned to construct a garage, however they financially could not until now. To save on cost, there are no plans to enclose the breezeway. They are only looking to take care of their cars and equipment to keep them out of sight and free of rust. The space above the garage will not be conditioned at this time. Eventually, they would like to make it water tight, with electricity, and heating / cooling; there will not be any plumbing.
3. They received good feedback from abutters based on the mailings that were sent out.

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

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 a Variance for Appeal #1175 to Jeffrey & Amanda Costa for property located at 47 Cross Road, Assessor's Map 16, Lot 13V, for the construction of a garage over 1,000 square feet, to be attached to the house with a covered breezeway, under Chapter 20.40, Section E.2.(7) of the Rochester Zoning By-laws, as

- a) there are unique circumstances relating to shape, topography, or soil conditions of the land (or the character of the existing building) such as the locations of the septic system, vertical wells, and rear deck, 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.

This Variance is to be in accordance with the following site plans as filed with the Zoning Board of Appeals:

- A plan entitled, "Figure 1: Proposed Site Plan" drawn by Jeffrey Costa dated February 5, 2022.
- A plan entitled, "Topographical" Plan of Land" drawn by Arthur F. Borden & Associates, Inc. dated May 5, 2010.
- Two plan pages entitled, "Front Elevation", sheet number A-4, and "Left-Side Elevation", sheet number A-7, drawn by Capital Building & Design Inc. dated October 19, 2015 and most recently revised on December 14, 2015.
- A plan entitled, "Septic As-Built Plan" drawn by Pare Corporation dated August 2015.
- A plan entitled, "Plan of Land" drawn by Civil Design Consultants, Inc. dated May 25, 2021.

The conditions of the Variance are as follows:

1. Any change to a multi-family dwelling will require approval of the Zoning Board of Appeals.
2. No housing of animals.
3. The size of the structure will be 1,280 square feet on the first floor, and 850 square feet on the second floor.

VOTING MEMBERS:

David Arancio, Davis Sullivan, Kirby Gilmore, Richard Cutler, Donald Spirlet

VOTE: 5 In Favor 0 Opposed

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

Mr. Arancio read the following statement:

Any person aggrieved by this decision of the Zoning Board of Appeals may appeal the decision pursuant to Section 17 of Massachusetts General Laws Chapter 40A. The appeal shall be filed within twenty (20) days after the date this decision has been filed in the office of the Town Clerk or as otherwise provided by law.

A motion to adjourn at 7:41 p.m. was made by Mr. Gilmore and seconded by Mr. Spirlet. The motion passed unanimously (5-0).

Respectively submitted,


Patrice Braz, Board Administrator


David Arancio, Chairman