



Planning
Community Development
Zoning
Conservation Commission
Historic District Commission

Planning & Development Department
City Hall - Second Floor
31 Wakefield Street
ROCHESTER, NEW HAMPSHIRE 03867-1917
(603) 335-1338 - Fax (603) 335-7585
Web Site: <http://www.rochesternh.net>

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NOV 16 2011

Planning Dept.

APPLICATION FOR SPECIAL EXCEPTION

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2011-32

DATE FILED 11-16-11

C. Lewis
ZONING BOARD CLERK

Phone No. 396-3977

Name of applicant Fownes Mill Condominium

Address 95 Blackwater Road; Rochester, NH 03867
(if same as applicant, write "same")

Owner of Property Concerned Same
(if same as applicant, write "same")

Address Same
(if same as applicant, write "same")

Location of property Gagne Street

Map No. 121 Lot No. 32 Zone B-1

The undersigned hereby requests a special exception as provided in

Article: 42.23 Section: (c)(26) of the Zoning Ordinance

Description of Property 679' 264'/279' 910'
(give length of the lot lines) Frontage Sides Rear

Proposed use or existing use affected Elderly housing

Signed [Signature] Date 11/16/11
(Applicant)

NORWAY PLAINS ASSOCIATES, INC.

SURVEYORS - ENGINEERS - TRANSPORTATION PLANNERS

31 Mooney Street
P.O. Box 268
Alton, NH 03809
Telephone & Fax (603) 875-3948
Email: anickless@norwayplains.com

2 Continental Boulevard (03867) P. O. Box 249
Rochester, New Hampshire 03866-0249
Telephone (603) 335-3948
NH (800) 479-3948
Fax (603) 332-0098

November 16, 2011 (Revised 12-2-11)

Councilor Ralph Torr, Chair
Zoning Board of Adjustment
31 Wakefield Street
Rochester, NH 03867

Re: Steve Miller Project - Gagne Street - Map 121, Lot 32

Dear Councilor Torr:

In July 2006, Steve Miller obtained site plan approval for a 71-unit multi-family development off Gagne Street. The approved project consists of 71 housing units dispersed among duplexes, tri-plexes, townhomes and a large, mill-style building. The mill building was to include 51 of the proposed 71 units.

The subject of this Special Exception request is to propose that the mill-style building be changed to include 80 elderly housing units in lieu of the 51 standard units. Given the proximity of the project to downtown Rochester and the existing Wyandotte Falls 72-unit elderly housing units owned by the Rochester Housing Authority, Mr. Miller feels this use of the mill-style building will be a very marketable venture.

The original project proposed 102 parking spaces dedicated to this building including 51 to be constructed under the proposed building. Elderly housing requires 1 space per unit, so the 80 units will not require any additional parking. Consequently, the project will not result in any changes to the approved site plan.

The following addresses the criteria contained in Article 42.23(c)(26):

A. The number of dwelling units per acre shall not exceed fourteen (14). The property is zoned B-1 which allows 1 dwelling unit for every 1,000 square feet of land area. Given the size of the tract (4.88 acres) the property could technically support a total of 212 units. As proposed, the project would contain 100 units - 20 standard units and 80 elderly units. *In most zones, the density factor of 14 units per acre would be a bonus to anyone proposing elderly housing. In this case, because the B-1 zone allows virtually 43-units per acre, Mr. Miller would be penalized for building elderly housing. Therefore, a separate variance application has been submitted requesting that the density allowed by right in the B-1 zone be used in determining how many elderly units will be proposed.*

B. There shall be a minimum of sixty (60) feet of road frontage per development. The subject property has 673.7' of frontage along Gagne Street.

C. *Minimum rear setbacks shall be twenty-five (25) feet.* The proposed mill-style building will be located greater than the required 25-foot setback from the existing lot lines.

D. *Minimum parking spaces shall be one (1) space per dwelling unit.* As mentioned above, the approved site plan called for 102 parking spaces to be dedicated to this building. The 80 elderly units only require 80 spaces, so parking will be provided at a ratio of approximately 1.3 spaces per unit.

E. *All dwelling units shall be connected to City water and sewer.* The approved project called for all buildings to be connected to municipal utilities.

F. *All such developments shall be within one-half (.5) mile of some form of existing services and/or amenities such as shopping, public transportation and community facilities.* Not only is the site within .5 mile of services, it is within .5 mile of downtown Rochester! As you will note when you review the plan, Mr. Miller has proposed an extensive network of sidewalks tying into a river walk as part of the original project. Also note the proposed footbridge that will connect the project to Wyandotte Falls, a 72-unit elderly housing facility operated by the Rochester Housing Authority.

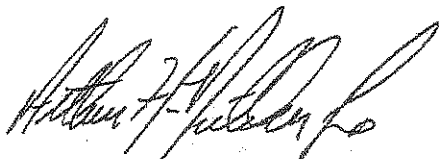
G. *Limited commercial uses may be allowed . . .* There are no commercial uses proposed at this time.

H. *The owner and/or developer . . . shall be required to enter into an agreement with the City of Rochester restricting the dwelling units . . . to occupancy by persons fifty-five (55) years of age or older. . . .* Mr. Miller will certainly be willing to enter into such an agreement with the city.

Thank you for your consideration.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.



By: _____
Arthur H. Nickless, Jr., PLS, President

cc: Steve Miller



PLANNING, DEVELOPMENT AND ZONING DEPARTMENT

City Hall – Second Floor
31 Wakefield Street
ROCHESTER, NH 03867-1917
(603) 335-1338

City Planning
Community Development
Economic Development
Zoning Development

APPLICATION FOR VARIANCE
TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2011-32

DATE FILED 11-30-11

Phone No. (603) 335-3948

C. Leves
ZONING BOARD CLERK

Name of Applicant Fownes Mill Condominium

Address 95 Blackwater Road; Rochester, NH 03867

Owner of property concerned SAME
(if same as applicant write "same")

Address SAME
(if same as applicant write "same")

Location of property Gagne Street

Map No. 121 Lot No. 32 Zone B-1

Description of property 679' 264'/279' 910'
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Elderly housing

The undersigned hereby requests a variance to the terms of Article 42.23 Section C(26)(A)

And asks that said terms be waived to permit elderly housing with a greater density than 14 per acre in the B-1 zone where the allowed density is 1,000 s.f. per dwelling unit, or 43 per acre.

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land Under the strict terms of the Zoning Ordinance and thus constitutes grounds for a variance the density outlined in 42.23C(26)(A), i.e., 14 units per acre is intended to allow greater density in those zones (A & B-2) where the normal density is much less; conversely, the applicant should not be denied less density than what is otherwise allowed in the zone.

Signed

Arthur F. Leves

(As Agent for the Applicant)

CRITERION FOR VARIANCE

CASE # _____

DATE _____

A variance is request by Fownes Mill Condominium

from Section 42.23 subsection C(26)(A)

of the Zoning Ordinance to permit: elderly housing at the density allowed in the B-1 zone rather than the 14/acre allowance in the referenced section.

at Gagne Street Map 121 Lot 32 Zone B-1

Facts supporting this request:

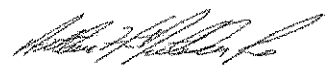
1.) The proposed use would not diminish surrounding property values because: the use will not alter the proposed development plan previously approved by the Planning Board. The use will still be multi-family, but intended for adults over the age of 55.

2.) Granting the variance would be of benefit to the public interest because: elderly housing will be in keeping with other similar housing located just across the Cocheco River at Wyandotte Falls, a 72 unit elderly housing facility operated by the Rochester Housing Authority.

3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances that distinguish it from other properties similarly zoned: The B-1 zone allows multi-family dwellings at a density of 1,000 s.f. of land area per unit, or 43 units per acre. Under the Special Exception criteria for elderly housing, a density of 14 units per acre is allowed. This factor provides a healthy bonus in most zones, but not the B-1 zone where 43 units per acre is allowed by right.

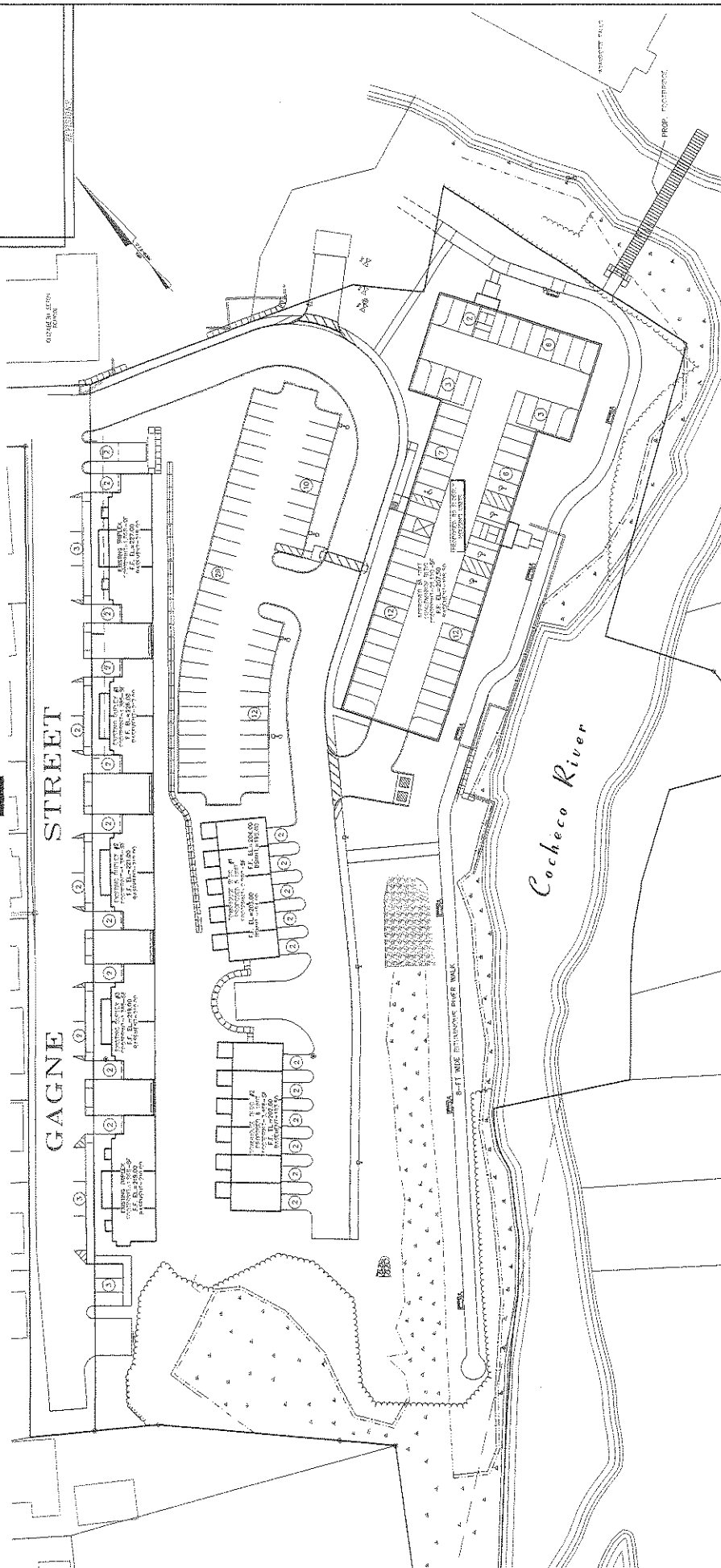
4.) Granting the variance would do substantial justice because: The owner should not be penalized for proposing a type of housing which will actually have less impact on the area in general, i.e., less traffic, no school children, etc.

5.) The use is not contrary to the spirit of the ordinance because: The density factor contained in the ordinance relative to elderly housing was clearly intended to provide a bonus to those types of units. For example, in the A zone, the most density allowed with sewer and water is 20,000 sf. per unit or 2 per acre; in the R-2 zone, 6,000 sf. per unit or 7 per acre is allowed. Obviously, the allowance of 14 units per acre would provide a significant bonus to properties located in these zones.


(As Agent for the Applicant)

11/30/11

Date



AMENDED
SITE PLAN
FOWNES MILL CONDOMINIUM
GAGNE STREET
TAX MAP 121, LOT 32
ROCHESTER, NH

PREPARED FOR

TAX MAP 121, LOT 32
OWNER OF RECORD:
FOWNES MILL CONDOMINIUM
95 BLACKWATER ROAD
ROCHESTER, NH 03867

STEVEN MILLER

1"=30' NOV. 2011

NOV 16 2 02 PM '66

(IN FEET)

OVERVIEW



FILE NO. 271
PLAN NO. C-2325-SP-A
DWG. NO. 06080/SP-E
F.B. NO. "33"

NORWAY PLAINS ASSOCIATES, INC.



City of Rochester, New Hampshire

DEPARTMENT OF CODE ENFORCEMENT
31 Wakefield Street • Rochester, NH 03867
(603) 332-3508 • Fax (603) 332-8601

Code Office Denial of a Building Permit or Use

Name of Applicant Fownes Mill Condominium

Location Gagne Street

Map 121 Lot 32 Block - Zone B1

Date Denied 12/1/2011

Your application for a building permit / use has been denied due to a violation of

Article 42 Section 23 Subsection (C)(26)(A) of the Rochester

Zoning Ordinance adopted March 3, 1986, and / or a violation of Article -

Section - Subsection - of the ICC Building Code, 2000
edition.

The exact reason for this denial is: the applicant wants
to amend his initial approval to
allow elderly housing. The proposed density
exceeds that allowed by 42.23(C)(26)(A).
Elderly housing requires a special exception

Notice: You may make application to the Zoning Board of Adjustment for an
Appeal of an Administrative Decision, a Variance, or a Special Exception.

D. DeCoteau
Building Inspector

12/1/2011
Date

Zoning Board Case # 2011-32

City of Rochester, NH
Abutter List

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Planning Dept

Applicant: Steven Miller

Phone: 396-3977

Mailing Address: 95 Blackwater Road

City: Rochester **State:** NH **Zip:** 03867

Project Address: Gagne Street

(1) List the name and address of each owner whose lot adjoins or is directly across the street or body of water from the Project Lot.

(2) Note: It is the **APPLICANT'S RESPONSIBILITY** to insure that all legal abutters are notified. **This form may not be completed more than 5 days prior to the application deadline.**

Map	Lot	Owner of Project	Mailing Address
121	32	Fownes Mill Development, LLC	95 Blackwater Road; Rochester, NH 03867

Legal Abutters To Project Lot:

Map	Lot	Owner	Mailing Address
121	30	Roman Catholic Bishop of Manchester	P.O. Box 310; Manchester, NH 03105-0310
121	31	City of Rochester	31 Wakefield St., Rochester, NH 03867-1917
121	46	Thomas & Julie Fergus	P.O. Box 1123; Wolfeboro Falls, NH 03896-1123
121	45	Michael S. Perreault	82 Chamberlain St., Rochester, NH 03867-3301
121	44	Dean B. Fancy	355 Lincoln Avenue #2; Portsmouth, NH 03801-5119
121	43	Jonathan E. & Lauren M. Arnold	7 Gagne Street; Rochester, NH 03867
121	42	Legard (Sargent D. & Rachel L. & Sargent E. & Jane C.)	125 Wednesday Hill Road, Lee, NH 03824
121	41	Sargent D. Legard	125 Wednesday Hill Road, Lee, NH 03824
121	40	Nathan & Michelle Gagne	15 Gagne St.; Rochester, NH 03867
121	39	Miranda A. & Jeremy A. Royer	809 Dennis Ave.; Leesville, LA 71446
121	38	Stephen L. Hopping, Jr. & Rebecca Dyes-Hopping	19 Gagne St., Rochester, NH 03867-2617
124	42	Phillip H. Joe, III	23 Gagne St.; Rochester 03867
124	45	Frederick J. & Elaine J. Ayotte	8 Highland Ave., Hampton, NH 03842
124	30	Charles P. Xenos Jr.	657 Portland St.; Rochester, NH 03867
124	31	Robert R. & Mary L. Small	32 Cross St.; Farmington, NH 03855
124	32	Michael Perkins & Sandra & Christina Laroche	265 Rochester Hill Rd.; Rochester, NH 03867
124	37	Steven & Sherry Beaudoin	24 Hemlock St., Rochester, NH 03867
124	38	Trent M. Lefebvre	35 Richardson Dr.; Barrington, NH 03825
124	41	Denise S. Butler	61 Congress St., Rochester, NH 03867-2909
121	4	William E. Day & Joseph Burkholder	59 Congress St., Rochester, NH 03867
121	32-1	Melanie Legrow & Steven Bowker	24 Gagne St., Unit 1; Rochester, NH 03867
121	32-2	Lisa A. Gonthier	22 Gagne St., Unit 2; Rochester, NH 03867

121	32-4	Anthony E., III & Anthony E., II McKnight & Jamie McKnight	18 Gagne St., Unit 4; Rochester, NH 03867
121	32-5	Ruth M. Morrow	16 Gagne St., Unit 5; Rochester, NH 03867
121	32-6	Kara S. Langlois	14 Gagne St., Unit 6; Rochester, NH 03867
121	32-7	Douglas M. Colwell	12 Gagne St., Unit 7; Rochester, NH 03867

PROFESSIONALS AND EASEMENT HOLDERS. *Engineers, Surveyors, Soil Scientists, and Architects whose seal appears or will appear on the plans (other than any agent submitting this application); holders of conservation, preservation, or agricultural easements; and upstream dam owners/NHDES.*

Name of Professional or Easement Holder

Mailing Address

Norway Plains Assoc., Inc.	P.O. Box 249; Rochester, NH 03866-0249
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I, the undersigned, acknowledge that it is the responsibility of the applicant or his/her agent to fill out this form and mail certified notices to abutters and other parties in a complete, accurate, and timely manner, in accordance with applicable law. I understand that any error or omission could affect the validity of any approval. The names and address listed on this form were obtained from the City of Rochester, Patriot Database on this date: 11/17/11, This is page 2 of 2 pages.

Applicant or Agent: _____

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