



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

pd 175.1
✓ 12557

DO NOT WRITE IN THIS SPACE

CASE NO. 2013-07

DATE FILED 2/26/13

Phone No. 332-6551

C. Lewis
ZONING BOARD CLERK

Name of Applicant McGroen Partners, LLC

Address 75 Chapman Drive; Rochester, NH 03839

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

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

Location of property 120 – 122 Washington Street

Map No. 123 Lot No. 65 & 66 Zone B-1

Description of property 236'80' 372'80' 386'±
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Office building

The undersigned hereby requests a variance to the terms of Article 42.9 Section (b)(7)
And asks that said terms be waived to permit less parking than required by the ordinance (78 spaces where 102 are required). Parking proposed meets the standard set forth in the Site Plan Review Regs.

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 applicant is confident that 78 spaces are more than sufficient to serve the needs of the proposed building.

Signed

[Signature]
(As Agent for the Applicant)

CRITERION FOR VARIANCE

CASE #

DATE

January 23, 2013

A variance is request by McGroen Partners, LLC

from Section 42.9

subsection (b)(7)

of the Zoning Ordinance to permit: less parking than what is required (78 where 102 is required).

at 120-122 Washington Street

Map 123

Lot 65&
66

Zone B-1

Facts supporting this request:

1.) The proposed use would not diminish surrounding property values because: The amount of parking will have no effect whatsoever on surrounding property values.

2.) Granting the variance would be of benefit to the public interest because: The City has historically taken the position that developers only build parking for the efficient use of the property, not necessarily by the numbers represented by the ordinance.

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: Besides the lack of space available for 24 more spaces, the applicant believes that given the nature of the businesses that will be in the building, 78 spaces will be more than sufficient.

4.) Granting the variance would do substantial justice because: It will allow the construction of a reasonable amount of parking to service the proposed building.

5.) The use is not contrary to the spirit of the ordinance because: As stated above, the city has always encouraged applicants to only build parking that is actually needed. Additionally, the number of spaces provided is in keeping with the guidelines established by the Site Plan Review Regulations.


(As Agent for the Applicant)

1/23/13

Date



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31 Wakefield Street
ROCHESTER, NH 03867-1917
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RF

FEB 20 2013

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Owner of property concerned SAME

(if same as applicant write "same")

Address SAME

(if same as applicant write "same")

Location of property 120 – 122 Washington Street

Map No. 123 Lot No. 65 & 66 Zone B-1

Description of property 236'/80' 372'/80' 386'±
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Office building

The undersigned hereby requests a variance to the terms of Article 42.19 Section (i)(1)(B)(i)

And asks that said terms be waived to permit a building to be constructed within the inner 25-ft. of the required wetland buffer.

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 subject lots are located in an urban, heavily commercialized area where strict conformance with the buffer requirement presents a major impediment to lot development.

Signed _____

(As Agent for the Applicant)

CRITERION FOR VARIANCE

CASE #

DATE

January 23, 2013

A variance is request by McGroen Partners, LLC

from Section 42.19

subsection (i)(1)(B)(i)

of the Zoning Ordinance to permit: a building to be constructed within the inner 25-foot wetland buffer when the buffer reduction for buildings in the B-1 zone are limited to the outer 25-feet.

at 120-122 Washington Street

Map 123 Lot 65&66 Zone B-1

Facts supporting this request:

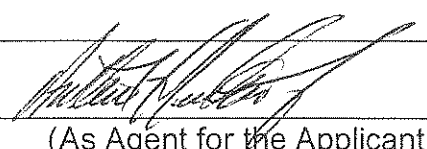
1.) The proposed use would not diminish surrounding property values because: The commercial use of the property will have no effect whatsoever on surrounding property values. In fact, the proposed office building will likely add to the overall value of the surrounding properties.

2.) Granting the variance would be of benefit to the public interest because: the development of this site as proposed will be a positive addition to this commercial area and the city in general.

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 subject property is located in an urban, commercialized area where buffers to wetlands are virtually non-existent.

4.) Granting the variance would do substantial justice because: It will allow the construction of a high value commercial building.

5.) The use is not contrary to the spirit of the ordinance because: The proposed building, although it will only encroach about 6-feet into the inner buffer, will be designed and constructed in such a manner as to ensure the wetland will not be compromised.


(As Agent for the Applicant)

1/23/13

Date



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APPLICATION FOR VARIANCE TO: BOARD OF ADJUSTMENT CITY OF ROCHESTER

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CASE NO. _____
DATE FILED _____

Phone No. 332-6551

ZONING BOARD CLERK

Name of Applicant McGroen Partners, LLC

Address 75 Chapman Drive; Rochester, NH 03839

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

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

Location of property 120 – 122 Washington Street

Map No. 123 Lot No. 65 & 66 Zone B-1

Description of property 236'80' 372'80' 386'±
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Office building

The undersigned hereby requests a variance to the terms of Article 42.19 Section (i)(1)(B)(II)(3)

And asks that said terms be waived to permit parking in the required 50-ft. wetland buffer

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 subject lots
are located in an urban, heavily commercialized area where strict conformance with the buffer require-
-ment presents a major impediment to lot development.

Signed _____
(As Agent for the Applicant)

CRITERION FOR VARIANCE

CASE #

DATE

January 23, 2013

A variance is request by McGroen Partners, LLC

from Section 42.19

subsection (i)(1)(B)(II)(3)

of the Zoning Ordinance to permit: parking in the required 50-foot wetland buffer.

at 122 Washington Street

Map 123

Lot 66

Zone B-1

Facts supporting this request:

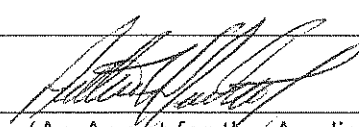
1.) The proposed use would not diminish surrounding property values because: There are parking lots servicing other commercial buildings both next door as well as across the street from the subject lot. (Note: Lot 65 was previously granted a variance to allow parking in the buffer.)

2.) Granting the variance would be of benefit to the public interest because: the development of this site as proposed will be a positive addition to this commercial area and the city in general.

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 subject property is located in an urban, commercialized area where buffers to wetlands are virtually non-existent.

4.) Granting the variance would do substantial justice because: It will allow the construction of a high value commercial building.

5.) The use is not contrary to the spirit of the ordinance because: The proposed parking, although one edge will only be 5-feet from the wetland, will be designed and constructed in such a manner as to ensure the wetland will not be compromised.


(As Agent for the Applicant)

1/23/13

Date

NORWAY PLAINS ASSOCIATES, INC.

SURVEYORS - ENGINEERS - TRANSPORTATION PLANNERS

31 Mooney Street
Alton, New Hampshire 03809
Alton Office (603) 875-3948
E-MAIL: anickless@norwayplains.com
WEB: www.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

February 20, 2013

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

**Re: McGroen Partners, LLC Variance Requests - Washington Street - Tax Map 123,
Lots 65 & 66**

Dear Councilor Torr:

On behalf of McGroen Partners, LLC, we hereby submit application and supporting data in support of three (3) variances for the above referenced lots. The applicant is proposing to construct a 3-story office building with a footprint of 65' x 105' (6,825 sf.) for a total floor area of 20,475 sf. In furtherance of this proposal, the applicant is requesting the Board grant relief from the following:

Section 42.9(b)(7) - Parking spaces required

The Zoning Ordinance requires 1 parking space per 200 sf. of gross floor area, or 102 spaces. The Site Plan Review Regulations recommend, depending on the type of office space, 1 space for every 250-300 sf. of floor area, or 68-82 spaces. As designed, the building will be supported by 78 spaces which the applicant feels is a sufficient number given the type of office to be constructed.

Section 42.19(i)(1)(B)(I) - Building in the inner 25-foot wetland buffer

The subject property is in the Business-1 zone. In the Business & Industrial Zones, the ordinance allows the Planning Board to consider buffer reductions for buildings up to a maximum of one-half (25-feet) of the required 50-foot buffer. The applicant is seeking to place the proposed building approximately 5-feet into the inner 25-foot buffer.

Section 42.19(i)(1)(B)(II)(3) - Parking in the wetland buffer

The applicant is proposing parking within the required wetland buffer in order to accommodate the needs of the proposed building. Also note that approximately 962 sf. of wetland fill is proposed to allow for circulation around the building. A retaining wall is proposed to protect the existing stream and adjacent wetland that will remain undisturbed by this proposal. *Please note that a*

similar variance was previously granted for Lot 123-65 (Nyberg) so this application only pertains to Lot 123-66.

Thank you for your consideration.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.

By: _____

Arthur H. Nickless, Jr., PLS, President



REVISIONS

WOODLAWN AVENUE

BROCK STREET



PARKING REQUIREMENTS:

ZONING ORDINANCE:
20,475 SF. RETAIL/OFFICE @ 1 SPACE/200 SF. = 102 SPACES

SITE REVIEW BEGS
20,475 SF. RETAIL/PROFESSIONAL OFFICE @ 1SPACE PER 250 SF. = 82 SPACES
20,475 SF. GENERAL OFFICE @ 1 SPACE PER 300 SF. = 68 SPACES
SPACES PROVIDED = 78 SPACES

WASHINGTON STREET
NH ROUTE 202

STAPLES

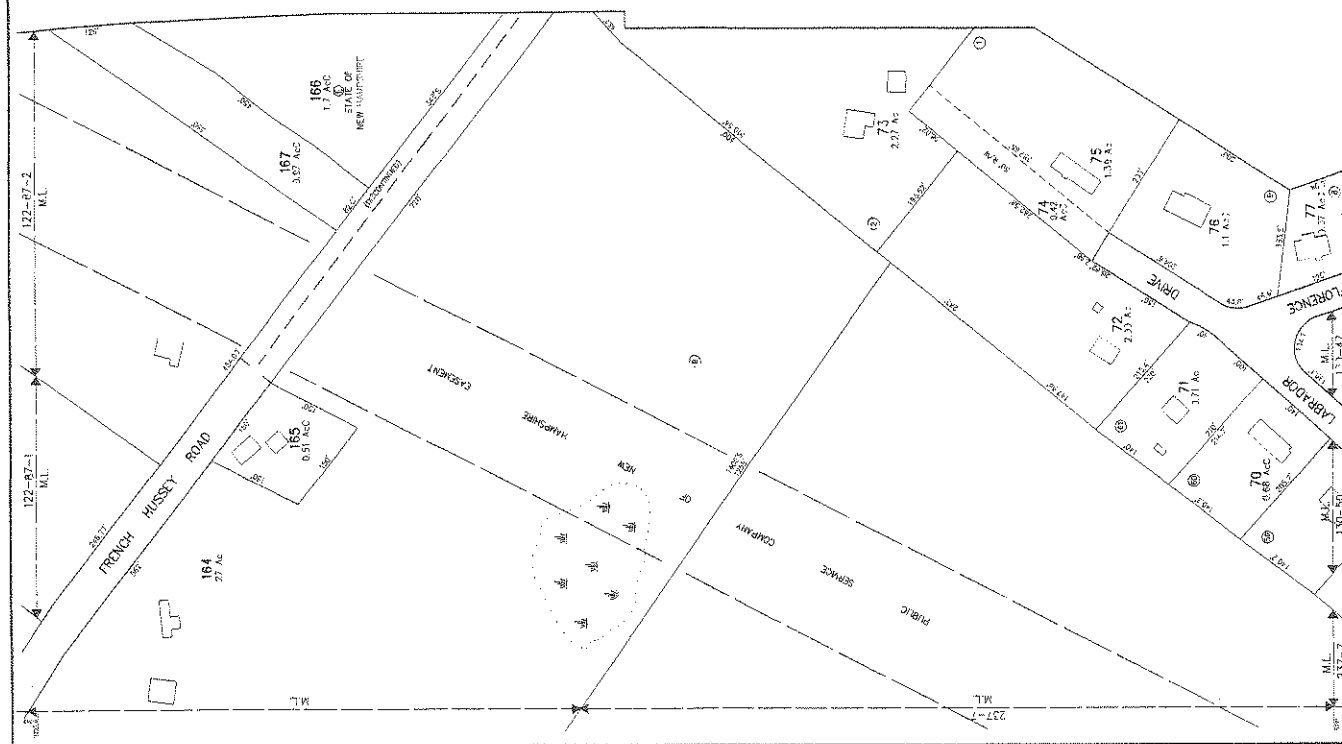
SHELL STATION

PROPOSED SITE PLAN
WASHINGTON STREET/RTE. 202
BROCK STREET
TAX MAP 123, LOTS 65 & 66
PREPARED FOR
MCGROEN PARTNERS, LLC
SCALE: 1" = 20' FEBRUARY 18, 2015



FILE NO. 110
PLAN NO.
DATE: 1/15/2015
P.E. NO. 347,000

NORWAY PLAINS ASSOCIATES, INC.

[illegible][illegible]

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID	0123-0065-0000	Account Number	30892
Prior Parcel ID	--	Property Location	120 WASHINGTON ST
Property Owner	E S D LLC	Property Use	SINGLE FAM
Mailing Address	113 N BAY ST	Most Recent Sale Date	8/20/2012
City	MANCHESTER	Legal Reference	4048-142
Mailing State	NH	Grantor	NYBERG JAMES J REV TRUST %
Zip	03101	Sale Price	188,267
Parcel Zoning	B1	Land Area	0.180 acres

Current Property Assessment

Card 1 Value	Building Value	6,400	Yard Items Value	100	Land Value	121,500	Total Value	128,000
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Building Description

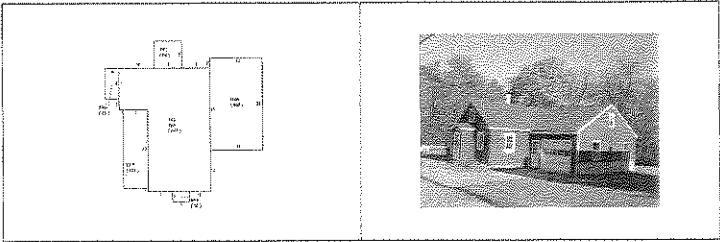
Building Style	COTTAGE	Foundation Type	CONC BLOCK	Flooring Type	AVERAGE
# of Living Units	1	Frame Type	WOOD	Basement Floor	CONCRETE
Year Built	1931	Roof Structure	GABLE	Heating Type	FORCED H/A
Building Grade	AVG. (-)	Roof Cover	STEEL	Heating Fuel	OIL
Building Condition	Average	Siding	CLAPBOARD	Air Conditioning	0%
Finished Area (SF)	805	Interior Walls	DRYWALL	# of Bsmt Garages	0
Number Rooms	5	# of Bedrooms	2	# of Full Baths	1
# of 3/4 Baths	0	# of 1/2 Baths	0	# of Other Fixtures	0

Legal Description

Narrative Description of Property

This property contains 0.180 acres of land mainly classified as SINGLE FAM with a(n) COTTAGE style building, built about 1931, having CLAPBOARD exterior and STEEL roof cover, with 1 unit(s), 5 room(s), 2 bedroom(s), 1 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID	0123-0066-0006	Account Number	13684
Prior Parcel ID	--	Property Location	122 WASHINGTON ST
Property Owner	GREENDECK LLC	Property Use	SINGLE FAM
Mailing Address	141 TEBBETTS RD	Most Recent Sale Date	9/16/2011
City	ROCHESTER	Legal Reference	3954-151
Mailing State	NH	Grantor	GREENDECK LLC,
Zip	03867	Sale Price	0
ParcelZoning	E1	Land Area	1.500 acres

Current Property Assessment

Card 1 Value	Building Value	3,700	Yard Items Value	0	Land Value	106,300	Total Value	110,000
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Building Description

Building Style	COTTAGE	Foundation Type	CONC BLOCK	Flooring Type	AVERAGE
# of Living Units	1	Frame Type	WOOD	Basement Floor	N/A
Year Built	1951	Roof Structure	GABLE	Heating Type	FORCED H/A
Building Grade	FAIR (+)	Roof Cover	ASPHALT SH	Heating Fuel	GAS
Building Condition	Average	Siding	CLAPBOARD	Air Conditioning	0%
Finished Area (SF)	476	Interior Walls	DRYWALL	# of Bsmt Garages	0
Number Rooms	3	# of Bedrooms	1	# of Full Baths	1
# of 3/4 Baths	0	# of 1/2 Baths	0	# of Other Fixtures	0

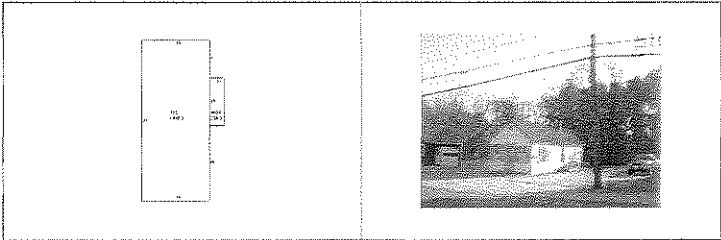
Legal Description

LLR W/ CITY OF ROCHESTER & TEMP CONST EASEMENT BK 3578 PG 301

Narrative Description of Property

This property contains 1.500 acres of land mainly classified as SINGLE FAM with a(n) COTTAGE style building, built about 1951 , having CLAPBOARD exterior and ASPHALT SH roof cover, with 1 unit(s), 3 room(s), 1 bedroom(s), 1 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

ABUTTER LIST

City of Rochester, NH

Please Print or Type

Applicant: McGroen Partners, LLC

Phone: 817-9352

FEB 20 2013

Project Address: 120-122 Washington Street

List the names and addresses of all parties below. For abutting lot owners, list each owner whose lot adjoins or is directly across the street or a body of water from the subject property. This form may not be completed more than five (5) days prior to the application deadline.

LEGAL OWNER OF SUBJECT LOT

Map	Lot	Zone	Owner Name	Mailing Address
123	65, 66	B1	Same as applicant	75 Chapman Drive; Rochester, NH 03839

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
123	51	Carroll R. & Sandra C. Jacobs	870 Ossipee Lake Rd.; Freedom, NH 03836
123	64	Arthur & Priscilla Larochelle	11 Brock Street; Rochester, NH 03867
123	67	Kelly A. & Erik E. Ickes	5A Janet St.; Rochester, NH 03867
123	68	GTY MA/NH Leasing, Inc.	125 Jericho Turnpike, Suite 103; Jericho, NY 11753
123	78	White Caps Acquisitions, LLC	15 Seal Cove Rd.; Hingham, MA 02043
123	86	Brent G. McKinney	6675 Fairfax Drive; Provo, UT 84604-9519

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
Arthur Nickless/Norway Plains Assoc., Inc.	P.O. Box 249; Rochester, NH 03866-0249

I, the undersigned, acknowledge that it is the responsibility of the applicant or his/her agent to fill out this form. 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 Assessing Office computer – Assess Pro (located in the Revenue Bldg at 19 Wakefield Street) on this date: 2/20/2013. This is page 1 of 1 pages.

Applicant or Agent: 

Planning Staff Verification: _____ Date: _____