

Planning & Zoning  
Community Development  
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: [www.rochesternh.net](http://www.rochesternh.net)

### NOTICE OF PUBLIC HEARING

Dear Abutter:

You are hereby notified of a **Public Hearing** to be held at **7:00 p.m.** on **Wednesday, December 8, 2010** in the City Hall Council Chambers concerning the following:

**2010-34** Application by Derek W. Small for a variance under Article 42.6 Section (a)(28) of the City's Zoning Ordinance to allow the expansion of a home occupation beyond the 25% sq. ft. allowed.

**Location:** 152 Charles Street  
Tax Map 128 Lot 212, Residential 2 Zone

You are welcome to attend the public hearing and comment on the proposal. You can also submit comments by letter, fax, or email ([caroline.lewis@rochesternh.net](mailto:caroline.lewis@rochesternh.net)). The project application is available for review by the public in the Planning Department, or you can view the entire application on the City's website – [www.rochesternh.net](http://www.rochesternh.net). Click on *Boards & Commissions*, then *Zoning Board of Adjustment*, then *Zoning Board Projects*. Look under the map and lot number shown above.

Please feel free to contact this department with any questions or if you have any disability requiring special provisions for your participation.

**Office Hours are between 8:00 a.m. to 5:00 p.m. Monday through Friday.**

Caroline Lewis, Zoning Secretary

cc: file



Economic Development  
Community Development  
Planning & Zoning  
Conservation Commission

City Hall - Second Floor  
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175-1  
J#764

# APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2010-34

DATE FILED 11-17-10

ZONING BOARD CLERK C. Lewis

Phone No 603-817-6735

Name of applicant Derek W. Small

Address 152 Charles Street, Rochester, NH 03867

Owner of property concerned same  
(If the same as applicant, write "same")

Address same  
(If the same as applicant, write "same")

Location 152 Charles Street

Map No. 128 Lot No. 213 Zone B2

Description of property Primary Residence with 3<sup>rd</sup> floor unoccupied apartment.  
Previously approved existing Home Occupation.

Proposed use or existing use affected expansion of existing home occupation.

The undersigned hereby requests a variance to the terms of Article \_\_\_\_\_  
Section \_\_\_\_\_ and asked that said terms be waived to permit the continued growth and  
expansion of home occupation as we pursue establishment of new facilities in another  
location.

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 constitute  
grounds for a variance.

Signed Derek W. Small  
(Applicant)

Date: \_\_\_\_\_

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A Variance is requested by Derek Small

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from Section \_\_\_\_\_ Subsection \_\_\_\_\_

of the Zoning Ordinance to permit: expanded capacity of existingHome Occupation.at 152 Charles Street Map 128 Lot 212 Zone R2

Facts supporting this request:

1) The proposed use would not diminish surrounding property values because:

The proposed use does not create any permanent structures or alterations and does not change the skyline of other visual aspects of the neighborhood.2) Granting the variance is not contrary to the public interest because: The residentialappearance & characteristics are maintained without excessive noise, pollution, traffic or parking... and we have excellent abettor support.3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property: Denial would greatly inhibit thegrowth of the Granite State Zoo at an early and critical phase of it's business lifecycle as we work to continue delivering existing services while building a new zoo, potentially in the Rochester area.4.) Granting the variance would do substantial justice because: It would allow for thecontinued growth and maturation of a well-supported non-profit organization that enjoys tremendous community support and has significant potential to benefit the Rochester community in future years.5.) The use is not contrary to the spirit of the ordinance because: the use will notchange the fundamental characteristics of the residential environment.

Name

Derek Small

Date:

11/16/10

City of Rochester  
Planning Department & Rochester ZBA

11/16/10

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Planning Dept.

RE: Application for Variance

Derek W. Small  
152 Charles Street Rochester, NH 03867  
603-817-6735  
[Derek@gszoo.org](mailto:Derek@gszoo.org)

### Letter of Intent

To whom it may concern,

My name is Derek Small and I am the current property owner at the above address, as well as the Executive Director of a nonprofit organization called the Granite State Zoo.

By-way of background, I have for several years been operating under an approved Home Occupation - an environmental education outreach service from this location under the business name "Wildlife Encounters, LLC". The original approval for home occupation was issued in 2005. To this end we renovated the main floor and 2<sup>nd</sup> floor of an ancillary building (late 1800's barn) into a USDA-licensed and inspected wildlife sanctuary. The square footage of these 2 floors totals an area not more than 25% of the total square footage of our house.

As the organization grew and we became a trusted resource for both NH Fish & Game and Maine Inland Fisheries & Wildlife for placement or temporary holding facility for confiscated illegal or abandoned wildlife and exotic animals, our capacity and space were pushed to its limit - and we determined in the fall of 2009 that expansion was needed.

Code Enforcement issued a building permit for a small expansion off the back of the "barn" as well as an open storage area on the right-hand side. The expansion was to allow for entrance/exit from the facility to the area behind without having to open the perimeter fence, and also to facilitate safe and efficient renovation and use of the basement level of the structure for additional animal habitats. Since many of our animal species are native to more tropical climates... they require climate-controlled spacious indoor habitats during our winter months.

This spring we "shut-down" Wildlife Encounters, LLC as a business, and on May 4<sup>th</sup> the Granite State Zoo was incorporated as a NH non-profit and filed with the State of NH Corporate Division and Rochester's City Clerk's office. Operating under the guidance of a Board of Directors, it is our intention to continue to deliver our Outreach Programming and Services - as we develop and execute plans to design and build a public, family-destination Zoological & Educational Facility here in the NH Seacoast area - possibly in the immediate Rochester area.

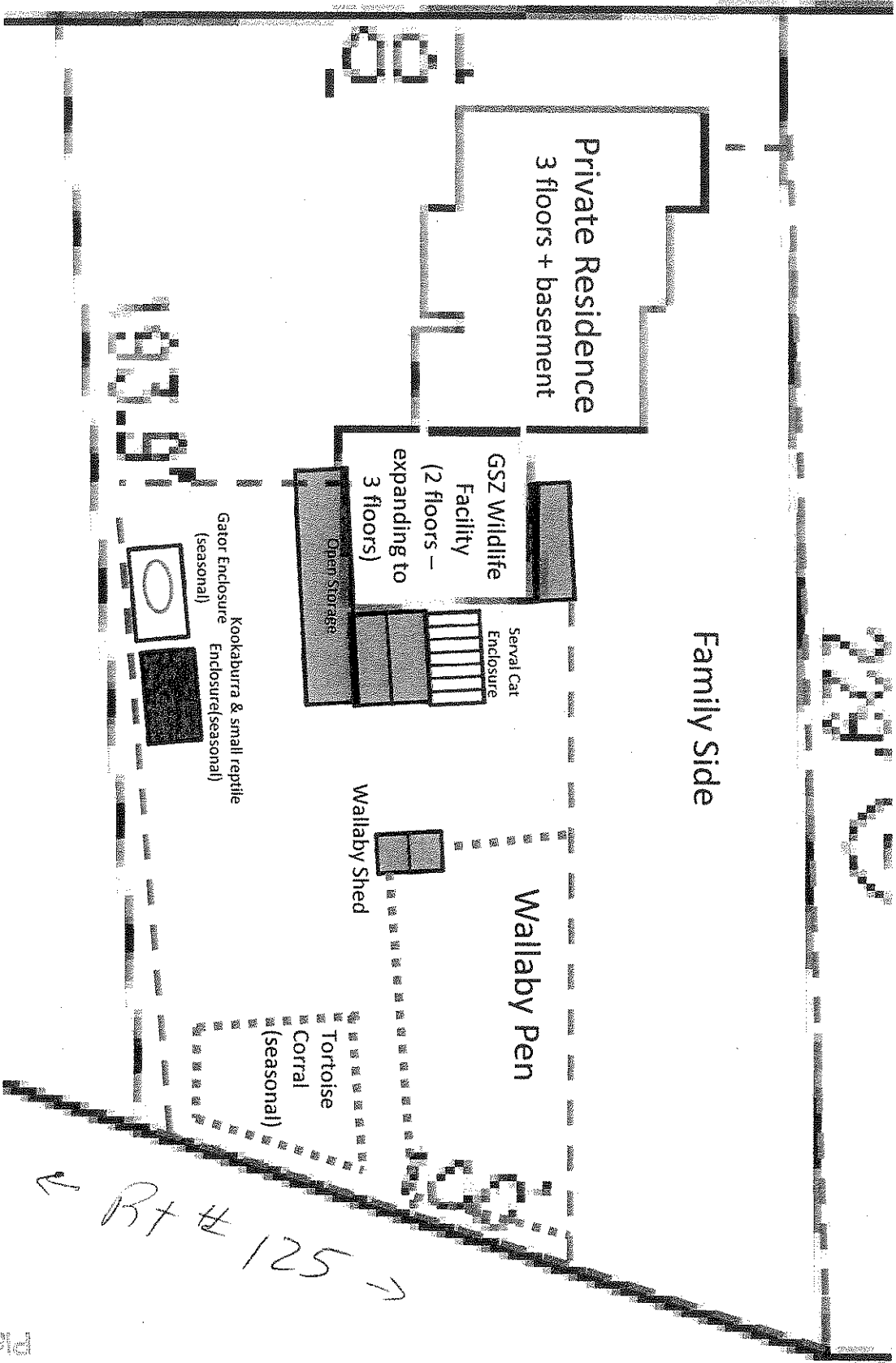
This request for a Variance is a continuation of last year's efforts to increase our capacity. In the last few weeks as we have submitted for permits to increase electrical and heating capacity it has come to my attention that our growth and success has caused us to push the limits of the standard "home occupation" parameters. In particular, a number of species such as the Zoo's Bennett's Wallabies have a large outdoor habitat behind the barn which I was unaware should be included in the home occupation square-footage calculation. The new functional capacity of the "basement" level of the facility alone would cause us to marginally exceed the 25% threshold.

Therefore, this letter is a formal request to the Rochester Community and its leaders to grant a Variance of Use for the property at 152 Charles Street so that we may meet the immediate needs of our existing animals for this coming winter, and continue to move forward with our plans to build a new public Zoo in a location that will be determined by our Board of Directors in the future.

Sincerely,  
Derek Small



← Charles St. →



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New England's Teaching Zoo

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A NH Nonprofit Corporation  
Rochester, NH

603-817-6735

[www.GraniteStateZoo.org](http://www.GraniteStateZoo.org) or [www.GSZoo.org](http://www.GSZoo.org)

## Mission & Vision Statements

**Mission:** Granite State Zoo exists to connect children and adults with animals and nature while demonstrating and inspiring responsible stewardship of our planet's global biodiversity.

**Vision:** The Granite State Zoo is working to promote a deep appreciation for Earth's biodiversity, the adoption of healthy, sustainable living practices & technologies in all aspects of human existence, and endeavors to continually improve its high standards for excellence as it applies to hands-on, experience-based wildlife education, conservation and advocacy.

**Board of Directors:** Thomas Lancey (President), Jaryn Haines (Vice President), Roberta Large (Treasurer), Rebecca Nelson (Secretary), Carol Stark

**Executive Director:** Derek Small

**Core Staff:** Tiffanie Meekins, Krista Silva, Caroline Barr, Steve Renner, Erica Jacobus, Sean Kotkowski, Lindsay Gorgone

## Your Zoo!

Granite State Zoo is a non-profit corporation that aims to build a next-generation "green" Zoo & Sustainable Living Center in the southern/seacoast region of New Hampshire. Our goal is to use every public interaction as a teachable moment to facilitate appreciation and respect for wildlife and biodiversity! Our facilities will offer a major cultural & family-attraction where visitors can safely immerse themselves in their kids in healthy activities and experiential learning! Additional benefits include:

### Economic:

The construction of the public facilities will create jobs for dozens, if not hundreds of local companies, contractors and skilled laborers living in the NH seacoast region. Once open - dozens of permanent jobs in a variety of fields from administrative and customer service, to public education, retail sales, safety/security, landscaping / maintenance and animal husbandry will be available.

Furthermore, our Sustainable Living Center and Education / Conference Facilities will be available for many businesses to hold seminars, conferences, corporate events and a more... drawing tourism and visitor-revenue to the local and neighboring communities and contributing positively to the NH economy. We further aim to not only support, but drive the adoption of "green technologies" and sustainable living practices by regional business, organizations, communities and the public at-large. Supplemental facilities we hope to provide in Zoo property, such as:

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New England's Teaching Zoo

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[www.GraniteStateZoo.org](http://www.GraniteStateZoo.org) or [www.GSZoo.org](http://www.GSZoo.org)

- a public Farmers Market where local growers can offer their products to Zoo Members and visitors.
- A "green-living" showcase area where area businesses can publicize and offer to the public information about their products and services.
- A retail / gift shop where local crafters and artists may have the opportunity to market their products
- Organic and healthy food facilities for Zoo Members and visitors.

### Community:

As a member of the NH Nonprofit community and the NH Seacoast business community, Granite State Zoo will strive in all areas of its operations to facilitate services for the public good, and that engage members of our local community. Examples of areas in which we see major community benefit from our presence and services are:

- Employment opportunities
- A family-destination attraction that will spur economic growth for area business and the host and neighboring communities while delivering fun and educational programs and opportunities to students, youth, families and other wildlife enthusiasts.
- An educational resource for businesses, communities and the public in the areas of sustainable living practices, local and global ecology, conservation
- We aim to provide a safe, quite place where visitors, members and families can spend time in a beautiful NH setting and enjoy the beauty of outdoors. Facilities such as a water attraction, educational nature paths and a bike-walk path around the perimeter of the Zoo's property are some of the options we look to provide. Ideally the bike-walk path could integrate with NH Rails-to-Trails initiative or other similar efforts being engaged by the Bike-Walk Alliance of NH. It would also be a resource for the public and students for training and exercise activities such as running, cycling, cross-country skiing, snowshoeing and more. This aspect of our facilities and community benefit is supported by our philosophy that "Sustainable Living" is not just about recycling, driving an electric car and using solar panels... but that as important as those are, we must also live a healthy, active life that maximizes quality-of-life, encourages healthy-eating habits, reduces our health risks and health-care costs, and facilitates the essential family and community relationships that NH is known for.
- Partnerships with other area businesses and educational institutions such as Waste Management, The University of New Hampshire, etc. It is our hope that relationships over time with the UNH System can also offer UNH students new opportunities to expand their education in a variety of fields of study, such as Zoology, Wildlife Management, Veterinary Medicine, Biology, Conservation Ecology, Organic Gardening, Alternative Technologies and much more. Examples of which may include field trips to the Zoo,

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internships, work-study programs, Zoo-sponsored field-work and trips abroad, and teaching public-education classes in our Education Center.

- A cooperative relationship and possibly joint-marketing relationship with other organizations and non-profits in the area with a similar mission such as, The Center for Wildlife in York, ME, NH Audubon, the Squam Lakes Natural Science Center and the Seacoast Science Center.

**COMMUNITY OUTREACH:** The Wildlife Encounters™ Outreach Services Division of the Granite State Zoo offers a wide range of outreach programming to enhance the school experience overall and specifically science curricula for grades K-12, pre-K and collegiate applications. Additionally, we offer on-location programming, wildlife shows and short-term exhibits on a year-round basis for nearly all other conceivable venues including libraries, nature centers, summer camps, corporate and community events, elder-care facilities, holiday and birthday parties, fundraising events and much more!

### **Environment:**

Granite State Zoo among its primary objectives will be an organization focused on wildlife advocacy and conservation. Throughout all aspects of its in-facility and "Wildlife Encounters" Outreach Services... will be promoted the concepts of responsible stewardship of Earth's biodiversity of flora & fauna.

GSZ will be a fierce advocate for the natural environment both locally and globally, and will speak and act in opposition to unsustainable deforestation, unsustainable agricultural practices and other unsustainable harvesting of our global land and water resources - poaching, capturing, or otherwise causing harm to our planet's most threatened and endangered species, and the irresponsible exploitation of wild-caught or captive-bred wild animals for private pleasure or recreation devoid of ecologically-educational value.

Furthermore, we aim to not only serve as a safe-haven and wildlife sanctuary for injured, orphaned, abandoned and confiscated native and non-native wildlife... but GSZ looks forward to the construction of a state-of-the-art Wildlife Hospital and Re-release facilities so that we may provide the essential care needed by injured and orphaned wildlife.

Granite State Zoo will also lead and teach through example. Our public facilities will themselves be a showcase in currently-available best-practices for green-building construction, recycling, alternative energy generation, and as close as possible to carbon-neutral business practices.

## **GET INVOLVED!**

**CALL TODAY!! 603-817-6735**



Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID	0128-0212-0000	Account Number	31889
Prior Parcel ID	--		
Property Owner	SMALL DEREK & TAMARA	Property Location	152 CHARLES ST
		Property Use	TWO FAMILY
Mailing Address	152 CHARLES ST	Most Recent Sale Date	11/1/2005
		Legal Reference	3287-826
City	ROCHESTER	Grantor	NILAND JAMES & BRENDA J.
Mailing State	NH	Zip	03867
Parcel Zoning	R2	Sale Price	235,000
		Land Area	0.460 acres

Current Property Assessment

Card 1 Value	Building Value	109,200	Yard Items Value	10,000	Land Value	50,500	Total Value	169,700
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Building Description

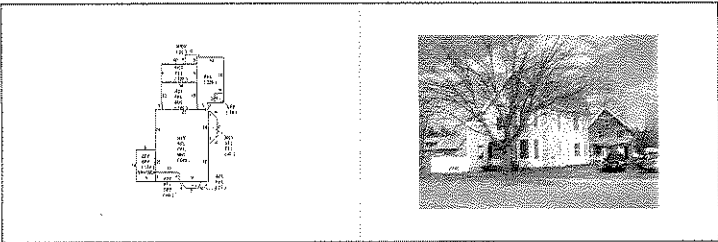
Building Style	DUPLEX	Foundation Type	BRICK/STONE	Flooring Type	AVERAGE
# of Living Units	2	Frame Type	WOOD	Basement Floor	CONCRETE
Year Built	1989	Roof Structure	GABLE	Heating Type	FORCED HW
Building Grade	AVG. (+)	Roof Cover	ASPHALT SH	Heating Fuel	GAS
Building Condition	Avg-Good	Siding	VINYL	Air Conditioning	0%
Finished Area (SF)	2376.05499	Interior Walls	PLASTER	# of Bsmt Garages	0
Number Rooms	10	# of Bedrooms	5	# of Full Baths	0
# of 3/4 Baths	3	# of 1/2 Baths	0	# of Other Fixtures	0

Legal Description

Narrative Description of Property

This property contains 0.460 acres of land mainly classified as TWO FAMILY with a(n) DUPLEX style building, built about 1989 , having VINYL exterior and ASPHALT SH roof cover, with 2 unit(s), 10 room(s), 5 bedroom(s), 0 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.





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## NOTICE OF DECISION

January 5, 2007

Mr. Derek Small  
Wildlife Encounters, LLC  
152 Charles Street  
Rochester, NH 03867

**RE: Amendment to Approved Home Occupation**  
**152 Charles Street**  
**Map 128, Lot 213, Residential 2 Zone**

Dear Mr. Small:

After reviewing your application dated December 22, 2006, we have determined that your proposal of outdoor housing for a Barred Owl as regulated by USDA & NH Fish & Game regulations, which will be approximately 8 ft. wide x 8 ft. high x 12 ft. long and attached to the rear of the barn is approved on the basis of your representation subject to the following conditions:

- Submit copies of the U.S. Department of Fisheries & Wildlife and NH Fish & Game stating you are in compliance with the required specifications
- Fully cover with plywood or similar material, the north side and a portion of the east side and a portion of the top of the enclosure closest to the abutting property to the north to minimize the audible and visual impact in this direction.

**PLEASE NOTE** that, with the exception of condition #3 modified as stated above, all other conditions stated in the Notice of Decision dated September 23, 2004 are still in force and if you violate any one of the conditions for a home occupation this amended application will become null and void.

It is the applicant's responsibility to obtain any other applicable permits from local, state, and federal agencies. Contact the City of Rochester Code Enforcement Department at 332-3508 to determine the necessary permits that may be required.

If you have any questions or concerns, please feel free to contact me at 335-1338.

Sincerely,

Cecile M. Cormier  
Staff Planner

cc: L. Hamer, Codes  
T. Mullen, Assessing Dept.  
File 128-213-R2-04&06-HO



Economic Development  
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### NOTICE OF DECISION

September 23, 2004  
Mr. Derek Small  
152 Charles Street  
Rochester, NH 03867

**RE: Application for Home Occupation,  
152 Charles Street  
Map 128, Lot 212, Residential 2 Zone**

Dear Mr. Small:

After reviewing your application dated September 13, 2004, we have determined that your proposal of housing of animal species as regulated by USDA and NH Fish & Game Regulations, as well as dry goods, feed, bedding and other office and business supplies meet the definition of a Home Occupation Section 42.6 (28) of the Rochester Zoning Ordinance.

On the basis of your representation your home occupation application has been approved subject to the following conditions:

- 1) **Submit copies of the USDA-license and inspection,**
- 2) **there shall be no exhibition of the animals on the premises,**
- 3) **it must be conducted entirely within a dwelling or an accessory building,**
- 4) **it must be clearly incidental and secondary to the use of the dwelling purposes,**
- 5) **it cannot change the character of the residential purpose,**
- 6) **there can be no outside display or storage, nor emission of dust, noise, fumes, vibration or smoke beyond the lot line,**
- 7) **the use cannot occupy a floor area greater than twenty-five percent (25%) of the floor area of the dwelling unit,**
- 8) **this permit is for you personally while you live at this location, and**
- 9) **if you violate any one of the conditions for a home occupation this application will become null and void.**

It is the applicant's responsibility to obtain any other applicable permits from local, state, and federal agencies. Contact the City of Rochester Code Enforcement Department at 332-3508 to determine the necessary permits that may be required.

If you have any questions or concerns, please feel free to contact me at 335-1338.

Sincerely,

Cecile M. Cormier  
Staff Planner

cc: L. Hamer, Codes  
V. Lambert, Assessing Dept.  
File 128-213-R2-04-HO

Applicant: Derek Small Phone 603-817-6735

Project Address: 152 Charles Street

NOV 17 2010

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
128	212	R2	Derek & Tamara Small	152 Charles Street Rochester, NH 03807

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
128	211	Thomas & Constance Mann	148 Charles St. Rochester, NH 03807
128	213	Andrea & Thomas Lancey	156 Charles St. Rochester, NH 03807
128	226	Loomis Mortene M. Trust & Kenneth Wagner	155 Charles Street Rochester, NH 03807
128	227	Leah & Jonathan Roth	153 Charles Street Rochester, NH 03807
128	204	City of Rochester	31 Wakefield St. Rochester, NH 03807

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

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 Assessing Office computer Patriot Database

on this date: 11/10/10, This is page 1 of 1 pages.

Applicant or Agent: Derek W. Small