



Planning & Zoning  
Community Development  
Conservation Commission  
Historic District Commission  
Arts & Culture 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)

MAR 20 2013

\$175.00  
\$110.36 pd 175.-  
19073

### APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2013-14

DATE FILED 3/20/13

ZONING BOARD CLERK C. Levesque

Phone No 603-332-2863

Name of applicant BERRY SORRELLS + ENGINEERING

Address 335 SECOND CROWN POINT ROAD, BARRINGTON, NH 03825

Owner of property concerned WILLOW BROOK REALTY TRUST  
(If the same as applicant, write "same")

Address 197 SAWYER HILL ROAD, BERTON, MA 01503  
(If the same as applicant, write "same")

Location WILLOW BROOK DRIVE OFF HOWELL STREET

Map No. 128 Lot No. 77 + 77-1 Zone R2 + R1

Description of property EXISTING 40 UNITS PROPOSED 56 (VARIABLE REQ FOR 706 16 UNITS)

Proposed use or existing use affected MULTI FAMILY

The undersigned hereby requests a variance to the terms of Article 42,  
Section 16 and asked that said terms be waived to permit TABLE 42.16

If applicable in this case, the undersigned also requests a waiver from the requirement to  
provide a certified plot plan, (see attached request sheet) Yes \_\_\_\_\_ No \_\_\_\_\_

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 [Signature]  
(Applicant)

Continue on Page 2

## CRITERIA FOR VARIANCE

Case # \_\_\_\_\_

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

A Variance is requested by Willow Brook Apartments Owner Willow Brook Realty Trust from Section 42.16 Subsection Dimensional Table 42-16

of the Zoning Ordinance to permit: The combination of two lots, one in the R2 Zone, one in the R1 Zone, for the addition of 16 Units to land area within the R2 Zone.

At Willow Brook Apartments Map 128 Lots 77 & 77-1 Zone R1 & R2

Facts supporting this request:

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

The use is already permitted and constructed within the R2 Zone. Many other abutting properties are within the same zone, and those that are not will be across the Willow Brook. Those properties across Willow Brook (R1 Zone) will be protected by the existing lot to be merged with the land under the existing apartments. It will not be further under developed with the granting of this variance. Lots to the south are mostly commercial or multi unit. Lots to the east (72 through 68) will have the benefit of additional screening to what currently exists today.

2) *Granting the variance is not contrary to the public interest because:*

The public interest is in having larger density within the Urban Core. That is the function of the R2 Zone. This proposal preserves land area in the R1 Zone in and around Willow Brook for additional density within an appropriate zone. No additional infrastructure which will be maintained by the municipality is required for the additional density. This density is close to major traffic hubs and within walking distance of downtown. This is a prime In-Fill location.

3.) *Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property:*

Denial of the variance would not allow the owners to use the property to the fullest extend planned for in the past or to the fullest extend the R2 Zone was intended for. Denial of the variance would force the applicant to lose equity built into the property of the past years. Infrastructure has been installed, along with approval sought for the construction of a 16 unit building. Parking inefficiencies occur on site, which can be upgraded along with the addition of the additional units.

This property is located in an area of the City which is very unique. All of the existing infrastructure exists, and is privately owned and operated. It is a large parcel of land with ample open space on the property, which is unique to this area of the City. It is within walking distance and has good access to pedestrian paths to restaurants, groceries, pharmacy and convenience stores. There is direct access to traffic hubs such as the Spaulding and Route 125. This type of housing is needed in areas which provide all of these items.

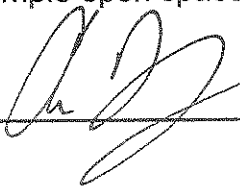
4.) *Granting the variance would do substantial justice because:*

A reasonable number of units will be built within a zone that is intended for this exact land use. Land area in the abutting zone will be preserved which abuts Willow Brook and a single family residential neighborhood. Buffer will be required by the Planning Board to the abutting parcels to the West, and parking can be brought closer into conformance. Environmental upgrades with respect to storm water can also be reviewed during this process in an effort to enhance Willow Brook's functions within the City. Lastly the existing foundation will be either removed or utilized depending on structural ability, which will enhance the view-scape and safety of the property.

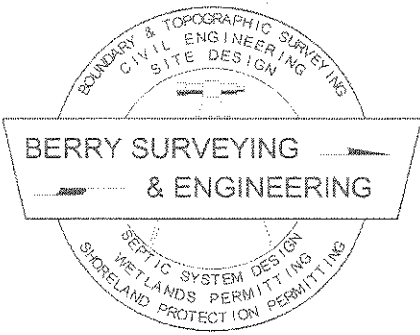
5.) *The use is not contrary to the spirit of the ordinance because:*

The use is specifically allowed by the ordinance. The density on the parcel after the lot is combined will be slightly larger than the dimensional table would allow; however there are no site constraints which would disallow the construction of the building. There still remains ample open space for recreation.

Name



Date: 3-20-13



## **BERRY SURVEYING & ENGINEERING**

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

[www.BerrySurveying.Com](http://www.BerrySurveying.Com)

March 20, 2013

City of Rochester Zoning Board  
Attn: Planning Department  
31 Wakefield Street  
Rochester, NH 03867

Re: Willow Brook Apartments  
Willow Brook Drive (Private)  
Rochester, NH

Mr. Chairman and Members of the Rochester Zoning Board,

On behalf of the owners of Willow Brook Apartments, Willow Brook Realty Trust, Berry Surveying & Engineering is applying for a Variance to Chapter 42, Section 16 (42.16) Dimensional Regulations Table -2.

In the existing condition there exist 40 apartments amongst three buildings which have access to Lowell Street through Willow Brook Drive a private access road. These buildings were constructed between the early 70's and the early-mid 80's.

There are two lots included in the application. Tax Map 128, Lot 77 & 77-1. Lot 77 contains the existing 40 units, while 77-1 is vacant land across Willow Brook. Lot 77 contains 266,630 SF of land in the R2 zone, while 77-1 contains approximately 48,000 SF of land in the R1 zone.

During the early 80's a site plan was approved for the existing 16 unit building found on site. One year later a site plan application was applied for and approved to construct another building with 16 additional units on what is now Lot 77. At some point in history a foundation was constructed for this building, though no building permit has been found in the building department. Since the time the foundation was installed the zoning requirements for density have changed, and are now more restrictive in the R2 zone.

Since the inception of the project, a large amount of infrastructure has been installed for the project. There is municipal water, sewer, parking areas, landscaping areas, utilities, and paved travel ways, to include the vacant foundation.

The proposal is to combine Tax Map 128, Lot 77 & 77-1 and utilize all of the land area under the R2 Zoning regulations, and request a total of 56 units on the combined parcel of land. The 16 additional units would be constructed in the area of the existing foundation. In the event it needs to be re-constructed it would be placed in a similar

position. Under the current land area, if the lots were merged a total yield of the property would be between 49-50 units. The additional units requested are to bring the yield of the property to the range of the original approval.

Due to current parking regulations and site plan review regulations, the project would need to undergo full site review. As part of this review the applicant is willing to bring the parking on site closer into compliance with current standards. In addition the applicant is willing install buffering along the residential neighbors along Hancock Street, through the use of a fence or vegetation.

Site plan design for grading, drainage, traffic impact analysis and landscaping are all items which will need to be reviewed during the Planning Board's Site Plan Review.

With respect to the site, it can more than handle the additional units requested by this variance. As stated above, municipal services are provided, and there is ample land area to construct the additional building and infrastructure required. From a larger scale planning perspective, this project provides in-fill housing within the core of the City. It can be accomplished in a manner so as not to disrupt abutting parties, and provides work force housing stock close to the Route 16 / 125 transportation hubs within Rochester. Increased taxes will be derived from the project as a whole with very little burden on municipal services. Water and sewer usage will increase, but is paid for by the user. The roadway is private as are the utilities. No expense is seen by the municipality with that regard.

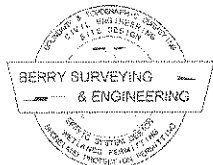
The burden on the school system is very small. In a study published in 2012 by New Hampshire Housing Finance Authority (NHHFA) the average rate derived for child per multi-family unit is 0.17. This means that the added units to this project (16) will create only 3 children under the age of 18 dispersed over three schools.

In conclusion the request is to combine the two lots of record and create an infill project within the R2 zoning district. The request is for 16 total additional units, 6-7 units needing special consideration by the zoning board. This will allow the project to be finalized as it was intended, no additional density would be sought over Willow Brook, and while keeping the impact to the City and neighboring community low. Please find the criteria for variance under separate attachment.

Thank you for your time and attention to this matter, we hope you look favorably upon this request.

Berry Surveying & Engineering

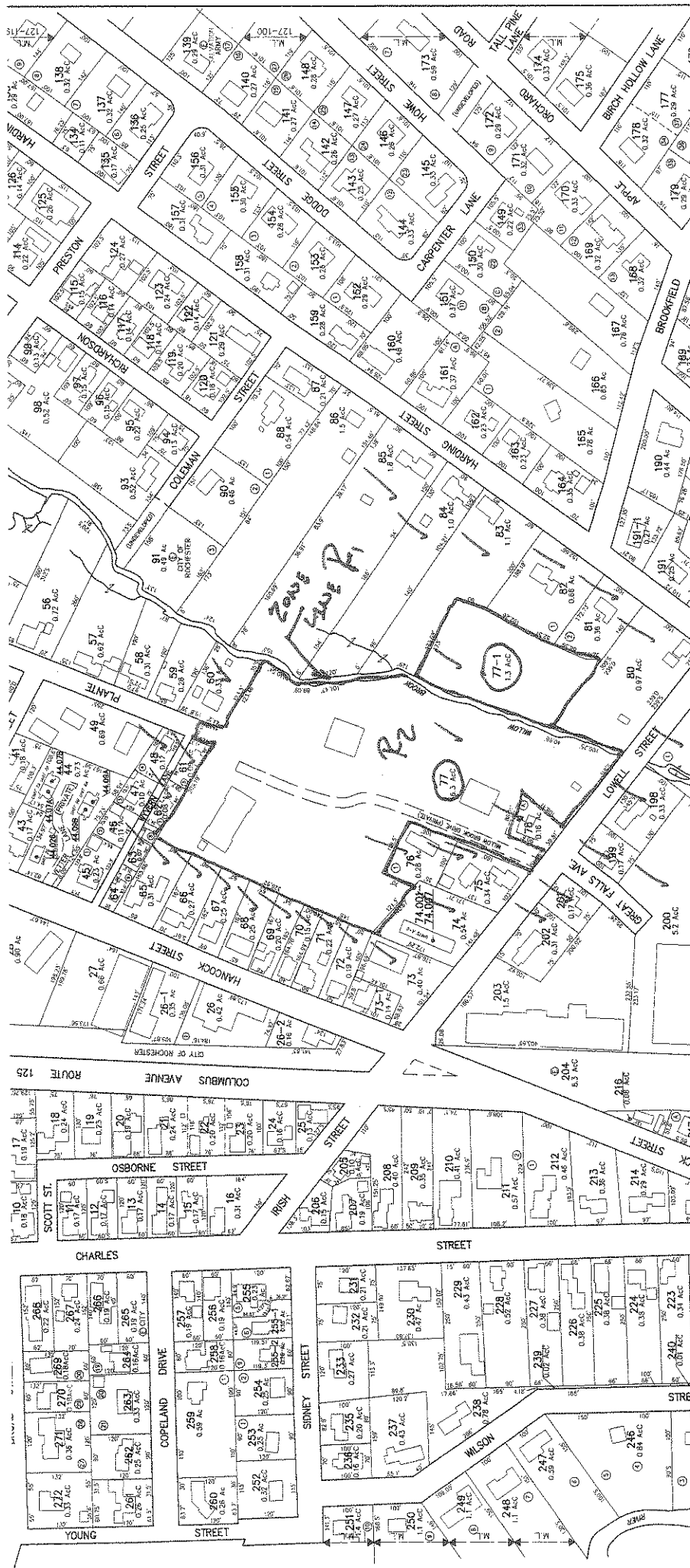
Christopher R. Berry President.



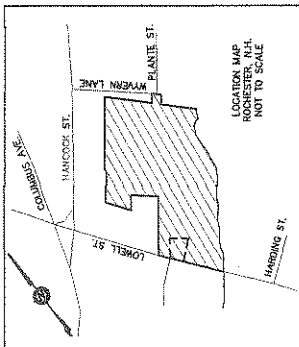
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[illegible]

**LARGE:**

- a 3/4" REGULAR W/D C/W (TBS)
- c SYNTHETIC MONUMENT (TBS) - ARTS ON PLANS-

**Q** UTILITY POLE

**A** APPROXIMATE TALL FLOOD HAZARD LINE

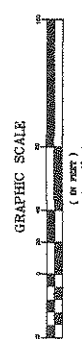
**TOP OF BANK**

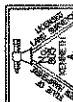
**EDGE OF MALLOW BROOK**

**EASTERN LIMB**

**TO LINE (NOT A BOUNDARY LINE)**

**SURF**



1 inch = 40 ft.				
6-25-10	ADJ. BRANDS SET	DESCRIPTION	ALTA/ACSM SURVEY	
REASON	DATE	FOR WILLOWBROOK REALTY TRUST LOWELL STREET BROOKFIELD, ILL. TAX MAP 12B, LOTS 77 & 78		
		BERRY SURVEYING & ENGINEERING 148 SECOND DROWN POINT RD. BARRINGTON, ILL. 332-2863 SCALE : 1 IN. EQUALS 40 FT. DATE : MAY 7, 2010 FILE NO. : DB 2010-0148		

THE MERRY LANE BOOKERY





Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID	0128-0077-0000	Account Number	27462
Prior Parcel ID	-	Property Location	5 WILLOW BROOK DR
Property Owner	WILLOWBROOK REALTY TRUST % LEWIS J BUSCONI	Property Use	APT COMPLEX
Mailing Address	167 SAWYERHILL RD	Most Recent Sale Date	10/21/1986
City	BERLIN	Legal Reference	1266-288
Mailing State	MA	Grantor	GREGOIRE LOUIS E & CAROLYN F
Zip	01503-1206	Sale Price	4,000
Parcel/Zoning	R2	Land Area	6.300 acres

Current Property Assessment

Card 1 Value	Building Value 367,900	Yard Items Value 21,800	Land Value 191,500	Total Value 581,200
Total Parcel Value	Building Value 1,589,000	Xtra Features Value 33,600	Land Value 191,500	Total Value 1,815,100

Building Description

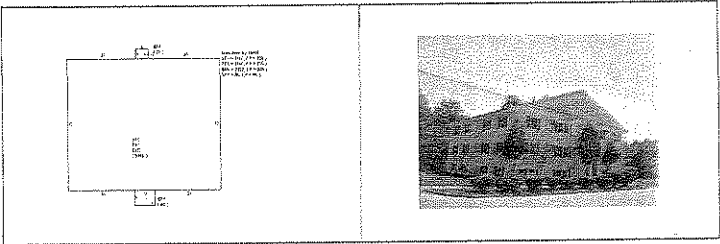
Building Style	MULTIFAMILY	Foundation Type		Flooring Type	AVERAGE
# of Living Units	12	Frame Type	WOOD	Basement Floor	CONCRETE
Year Built	1971	Roof Structure	GABLE	Heating Type	ELECTRIC
Building Grade	AWG (-)	Roof Cover	ASPHALT SH	Heating Fuel	ELECTRIC
Building Condition	Average	Siding	ALUMINUM	Air Conditioning	0%
Finished Area (SF)	9546	Interior Walls	DRYWALL	# of Bsm Garage	0
Number Rooms	47	# of Bedrooms	23	# of Full Baths	12
# of 3/4 Baths	0	# of 1/2 Baths	0	# of Other Fixtures	0

Legal Description

Narrative Description of Property

This property contains 6.300 acres of land mainly classified as APT COMPLEX with a(n) MULTIFAMILY style building, built about 1971, having ALUMINUM exterior and ASPHALT SH roof cover, with 12 unit(s), 47 room(s), 23 bedroom(s), 12 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	0128-0677-0061	Account Number	27462
Prior Parcel ID	--	Property Location	5 WILLOWBROOK DR
Property Owner	WILLOWBROOK REALTY TRUST	Property Use	PT DEV RS LD
	% LEWIS J BUSCONI	Most Recent Sale Date	10/21/1986
Mailing Address	107 SAWYERHILL RD	Legal Reference	1266-288
		Grantor	GREGOIRE LOUIS E & CAROLYN P
City	BERLIN		
Mailing State	MA	Zip	01503-1209
ParcelZoning	R1	Sale Price	4,000
		Land Area	1.300 acres

Current Property Assessment

Card 1 Value	Building Value	0	Yard Items Value	0	Land Value	100	Total Value	100
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Building Description

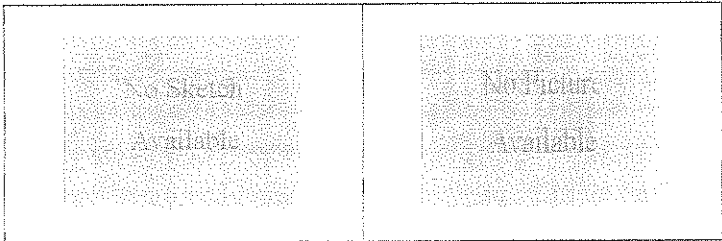
Building Style	Foundation Type	Flooring Type	N/A
# of Living Units	Frame Type	Basement Floor	N/A
Year Built	Roof Structure	Heating Type	N/A
Building Grade	Roof Cover	Heating Fuel	N/A
Building Condition	Siding	Air Conditioning	0%
Finished Area (SF)	Interior Walls	# of Bmnt Garages	0
Number Rooms	# of Bedrooms	# of Full Baths	0
# of 3/4 Baths	# of 1/2 Baths	# of Other Fixtures	0

Legal Description

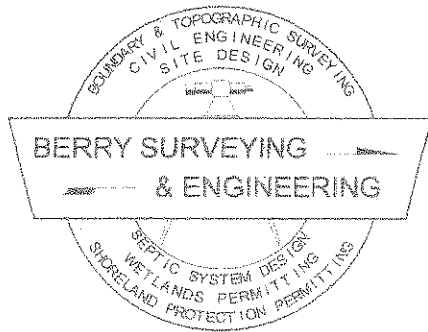
Narrative Description of Property

This property contains 1.300 acres of land mainly classified as PT DEV RS LD with a(n) style building, built about N/A , having exterior and roof cover, with 0 unit(s), 0 room(s), 0 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.



## **BERRY SURVEYING & ENGINEERING**

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March 20, 2013

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### **Abutters List**

#### **Owner of Record**

Tax Map 128, Lot 77 & 77-1

Willowbrook Realty Trust  
Lewis J. Busconi  
197 Sawyerhill Rd  
Berlin, MA 01503-1209  
Book 1266 Page 288

Tax Map 128, Lot 78

Willowbrook Realty Trust  
Lewis J. Busconi  
197 Sawyerhill Rd  
Berlin, MA 01503  
Book 1266 Page 294

#### **Abutters**

Tax Map 128, Lot 76

Shultz, Kevin J. & Helen  
60 Heights Rd  
Barrington, NH 03825-3934  
Book 2564 Page 281

Tax Map 128, Lot 75

Clark, Lisa  
32 Lowell St  
Rochester, NH 03867-3556  
Book 1973 Page 534

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Tax Map 128, Lot 68

Colwell, Anthony  
44 Hancock St  
Rochester, NH 03867  
Book 4024 Page 640

(3)

Tax Map 128, Lot 67

Warburton, Cecil H. & Edwina C.  
202 Milton Rd  
Rochester, NH 03868-8712  
Book 1610 Page 34

Tax Map 128, Lot 66

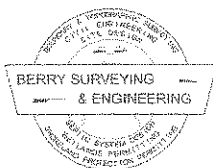
Marshall, Dennis J. Sr & Karen A.  
36 Hancock St  
Rochester, NH 03867-3530  
Book 3244 Page 839

Tax Map 128, Lot 65

Dupre, Roy J. &  
Dowling, Tonya  
32 Hancock St  
Rochester, NH 03867-3530  
Book 2211 Page 252

Tax Map 128, Lot 63

Brown-Hall, Teresa A. &  
Hall, Floyzell Jr  
5 Wyvern Lane  
Rochester, NH 03867-3560  
Book 3953 Page 171



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Tax Map 128, Lot 62

Wuelper, Erik &  
Lindsey-Wuelper, Joanne  
9 Wyvern Lane  
Rochester, NH 03867-3560  
Book 3904 Page 779

④

Tax Map 128, Lot 61

D'Ambroise, David D. & Beverly Ann  
P O Box 846  
Rochester, NH 03866-0846  
Book 2231 Page 423

Tax Map 128, Lot 60

Greene, Mark A. & Claudia J.  
30 Plante St  
Rochester, NH 03867  
Book 2453 Page 446

Tax Map 128, Lot 80

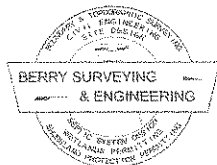
Schrier, Rebecca L.  
44 Lowell St  
Rochester, NH 03867  
Book 3380 Page 159

Tax Map 128, Lot 81

Kaban, Jonathan A. & Wendy M.  
61 Harding St  
Rochester, NH 03867-3726  
Book 3399 Page 560

Tax Map 128, Lot 82

Hatch, Aimee R.  
59 Harding St  
Rochester, NH 03867-3726  
Book 3858 Page 50



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Tax Map 128, Lot 83

Flathers, Paul & Gayle &  
Flathers, Matthew  
90 Northeast Pond Rd  
Milton, NH 03851  
Book 3982 Page 424

Tax Map 128, Lot 84

Hayes, Arline R.  
53 Harding St  
Rochester, NH 03867-3726  
Book 752 Page 422

Tax Map 128, Lot 85

Fisher, Colleen L.  
51 Harding St  
Rochester, NH 03867-3726  
Book 1834 Page 388

Tax Map 128, Lot 48

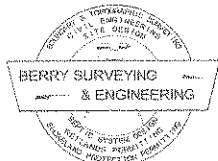
Plaisted, Richard R. & Edwina W.  
109 England Rd  
Rochester, NH 03867-4617  
Book 3369 Page 960

Tax Map 128, Lot 197

City of Rochester  
31 Wakefield St  
Rochester, NH 03867  
Book 1989 Page 75

Tax Map 128, Lot 198

Toner, David C. Jr. &  
Boyle, Dawn M  
37 Lowell St  
Rochester, NH 03867-3557  
Book 1597 Page 530



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Tax Map 128, Lot 199

Daudelin, Brian C.  
2 Great Falls Ave  
Rochester, NH 03867-3523  
Book 3834 Page 360

Tax Map 128, Lot 200

Great Falls Ave LLC  
9 Great Falls Ave Suite 3  
Rochester, NH 03867  
Book 3932 Page 115

Tax Map 128, Lot 201


Mowry, Matthew J. & Lisa A.  
1 Great Falls Ave  
Rochester, NH 03867  
Book 3084 Page 435

Tax Map 128, Lot 202

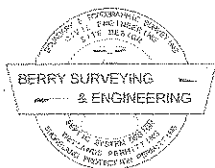
McKuhlen, Alan W. & Gail M.  
29 Lowell St  
Rochester, NH 03867-3546  
Book 2222 Page 242

### Professionals

Christopher R. Berry  
David A. Berry, P.E., LLS  
Berry Surveying & Engineering  
335 Second Crown Point Road  
Barrington, NH 03825

CHECKE 3/20/13  


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