



BUILDING, ZONING & LICENSING DEPARTMENT
31 Wakefield Street,
Rochester, New Hampshire 03867-1917
(603) 332-3976- Fax (603) 509-1912
Web Site: 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, June 11, 2014** in the City Hall Council Chambers concerning the following:

2014-12 Application by Greg Colby for a Special Exception for use provided in Table 18-C, Section 42.22 (b) of the City's Zoning Ordinance to permit a food vendor cart in a Highway Commercial Zone.

Location: 21 Anctil Court
Map 137 Lot 34 Highway Commercial Zone

If you are planning to attend the meeting and have paperwork you wish to have reviewed, or if you are *not* planning to attend the meeting, you may comment by letter, fax or email (karen.grenier@rochesternh.net). However, for the Board to consider your comments they MUST be received NO LATER than 12:00 noon on the Monday before the meeting (June 9, 2014).

The project application is available for review by the public in the Department of Building Safety or you can view the entire application on the City's website – 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.

Karen Grenier, Building, Zoning & Licensing Secretary
cc: file



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>

pd CK# 1341
205.24 kg

APPLICATION FOR SPECIAL EXCEPTION

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2014-12

DATE FILED 5/21/14

ZONING BOARD CLERK

Phone No. 603-781-9564

Name of applicant Greg Colby

Address 65 Onyx Lane, Portsmouth, NH 03801

(if same as applicant, write "same")

Owner of Property Concerned Sovereign Family Investments

site location

(if same as applicant, write "same")

Address 21 Ancil Ct., Rochester, NH 03839 / 67 Allen St Rochester, NH

(if same as applicant, write "same")

Location of property 21 Ancil Ct, Rochester, NH

Map No. 137

Lot No. 34

Zone Highway Commercial

The undersigned hereby requests a special exception as provided in

Table

Article: 18-C Section: 42.22(b) of the Zoning Ordinance

to allow a food stand/mobile cart

Description of Property 255.58 X 17.81 X 265.34 X 68.17

(give length of the lot lines)

Frontage

Sides

Rear

Proposed use or existing use affected Mobile Food Cart (Hot Dog Cart)

Signed

Greg Colby
(Applicant)

Date 5/21/14

42.23 Special Exceptions

(a) General Provisions

- (1) Certain uses, structures, or conditions are designed as Special Exceptions (E) in this ordinance. Upon application, the Board of Adjustment may, subject to the appropriate conditions and safeguards, grant a permit for these special exceptions and no others.
- (2) Special Exceptions, for which conformance to additional standards is required, may be permitted in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Section 42.23, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess such special characteristics that each shall be considered as an individual case.
- (2) The Board of Adjustment may require that a site plan for development for a proposed Special exception be submitted showing the location of all buildings, parking areas, traffic access, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special exception is in harmony with the intent of this ordinance.

(b) Considerations Governing Granting Special Exceptions: In acting upon an application for a special exception, the Board of Adjustment shall take into consideration whether:

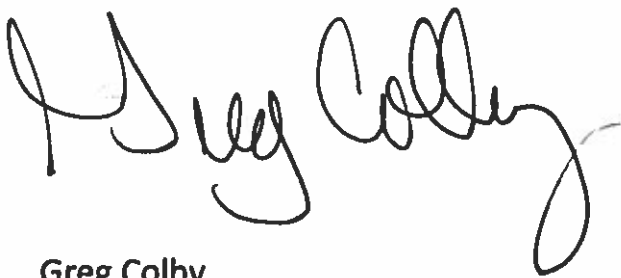
- (1) The specific site is an appropriate location for the proposed use or structure
YES ☒ NO ☐ Reasoning: *There are multiple types of business and food establishments along this road. When it was a Convenience Store they sold hot dogs and Sandwiches.*
- (2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood
YES ☐ NO ☒ Reasoning: *unit is small and not permanent*
- (3) There will be undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off street parking
YES ☐ NO ☒ Reasoning: *there are multiple entrances to the lot.*
- (4) Adequate and appropriate facilities and utilities will be provided to insure the Proper operation of the proposed use or structure
YES ☒ NO ☐ Reasoning: *unit is mobile and is Curry In and Curry out*
- (5) The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan
YES ☒ NO ☐ Reasoning: *Same as Reason 1*

Please check Section 42.23 (c) of the Rochester Zoning Ordinance for any additional specific conditions that apply to your Special Exception request.

To Whom it May Concern,

I would like a special exception to put a mobile hot dog cart at 21 Anctil Court. The cart will be will be removed from the site each day. There are multiple businesses in this area and food establishments along this road already. The lot has multiple entrances and ample parking as not to effect the flow of traffic on Route 125 or Anctil Court. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Colby". The signature is fluid and cursive, with the first name "Greg" and last name "Colby" clearly distinguishable.

Greg Colby

127-34



May 22, 2014

City of Rochester – City Hall
Department of Building and Zoning
31 Wakefield Street
Rochester, NH 03867

RECEIVED
MAY 22 2014
Planning Dept.

RE: Parcel 0137-0034-0000 - 21 Ancil Court

To Whom It May Concern:

The above property is owned by Sovereignty Family Investments, LLC in which myself, Jay Paul Cleary, Lawrence Cleary and Linda Cleary are managing members. Sovereignty's principal address is:

67 Allen Street
Rochester, NH 03867

We here by grant permission to the following individual and;

Greg Colby
65 Onyx Land
Portsmouth, NH 03801

his immediate family members to occupy the above outdoor property (entrance is not permitted in the existing building) for the sole purpose of fast food vending daily during the business hours dictated by the City of Rochester.

The occupancy dates being granted will be June 14th, 2014 to November 30th, 2014.

A certificate of insurance will be obtained from the above individual prior to any occupancy.

If you have any questions, please feel free to contact me at (603)332-2374.

Best Regards,


Julie Cleary

ATT: Supporting Documentation - 2014 State of NH Annual Report

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67 Allen Street, Rochester, NH 03867 Phone: (603)332-2374 Fax: (603)332-2850

137.34



# State of New Hampshire 2014 ANNUAL REPORT

The following information shall be given as of January 1  
preceeding the due date Pursuant to RSA 304-C:80.  
**REPORT DUE BY April 1, 2014**  
ANNUAL REPORTS RECEIVED AFTER THE DUE DATE  
WILL BE ASSESSED A LATE FEE.

Filed  
Date Filed: 03/03/2014  
Business ID: 476581  
William M. Gardner  
Secretary of State

SOVEREIGNTY FAMILY INVESTMENTS, LLC

67 ALLEN STREET  
ROCHESTER, NH 03867

## ADDRESS OF PRINCIPAL OFFICE:

67 ALLEN STREET  
ROCHESTER, NH 03867

## REGISTERED AGENT AND OFFICE:

MCEACHERN, ALEC L, ESQ  
282 CORPORATE DRIVE 1  
PORTSMOUTH, NH 03801

ENTITY TYPE: LLC  
BUSINESS ID: 476581  
STATE OF DOMICILE: NEW HAMPSHIRE

REAL ESTATE INVESTMENT

If changing the mailing or principal office address, please check the appropriate box and fill in the necessary information.

- ☐ The new mailing address  
☐ The new principal office address

PO Box is acceptable.

## MANAGERS

NAME AND BUSINESS ADDRESS (P.O. BOX ACCEPTABLE).  
LIST AT LEAST ONE MANAGER BELOW OR MEMBER ON RIGHT

NAME .....  
STREET .....  
CITY/STATE/ZIP .....  
NAME .....  
STREET .....  
CITY/STATE/ZIP .....  
NAME .....  
STREET .....  
CITY/STATE/ZIP .....  
NAME .....  
STREET .....  
CITY/STATE/ZIP .....

## MEMBERS

NAME AND BUSINESS ADDRESS (P.O. BOX ACCEPTABLE).  
MUST LIST AT LEAST ONE MEMBER BELOW IF NO MANAGERS

MEMB. Lawrence James Cleary  
STREET 76 Edgewater Drive  
CITY/STATE/ZIP Barrington NH 03825  
MEMB. Linda Jean Cleary  
STREET 76 Edgewater Drive  
CITY/STATE/ZIP Barrington NH 03825  
MEMB. Jay Paul Cleary  
STREET 76 Edgewater Drive  
CITY/STATE/ZIP Barrington Nh 03825  
MEMB. Julie Ann Cleary  
STREET 76 Edgewater Drive  
CITY/STATE/ZIP Barrington Nh 03825

NAMES AND ADDRESSES OF ADDITIONAL MANAGERS/MEMBERS ARE ATTACHED

To be signed by the manager, if no manager, must be signed by a member.  
I, the undersigned, do hereby certify that the statements on this report are true to the best of my information, knowledge and belief.

Sign here: Julie Ann Cleary

Please print name and title of signer: Julie Ann Cleary

NAME

MEMBER

TITLE

FEE DUE: \$100.00

E-MAIL ADDRESS (OPTIONAL):



047658120141009

WHEN THIS FORM IS ACCEPTED BY THE SECRETARY OF STATE, BY LAW IT WILL BECOME A  
PUBLIC DOCUMENT AND ALL INFORMATION PROVIDED IS SUBJECT TO PUBLIC DISCLOSURE  
REQUIRED INFORMATION MUST BE COMPLETE OR THE REGISTRATION REPORT WILL BE REJECTED

MAKE CHECK PAYABLE TO SECRETARY OF STATE

RETURN COMPLETED REPORT AND PAYMENT TO:

New Hampshire Department of State, Annual Reports, 107 N. Main St., Room 204, Concord, NH 03301

137-34

## Unofficial Property Record Card - Rochester, NH

## General Property Data

|                                                   |                                    |
|---------------------------------------------------|------------------------------------|
| Parcel ID 0137-0034-0000                          | Account Number 27524               |
| Prior Parcel ID -                                 |                                    |
| Property Owner SOVEREIGNTY FAMILY INVESTMENTS LLC | Property Location 21 ANCTIL CT     |
| Mailing Address 67 ALLEN ST                       | Property Use RETAIL/SVC            |
|                                                   | Most Recent Sale Date 8/28/2006    |
| City ROCHESTER                                    | Legal Reference 3396-190           |
| Mailing State NH Zip 03867                        | Grantor MUNCES SUPERIOR PETROLEUM, |
| Parcel Zoning B2                                  | Sale Price 495,000                 |
|                                                   | Land Area 0.270 acres              |

## Current Property Assessment

|              |                        |                        |                    |                     |
|--------------|------------------------|------------------------|--------------------|---------------------|
| Card 1 Value | Building Value 104,200 | Yard Items Value 1,200 | Land Value 258,200 | Total Value 363,600 |
|--------------|------------------------|------------------------|--------------------|---------------------|

## Building Description

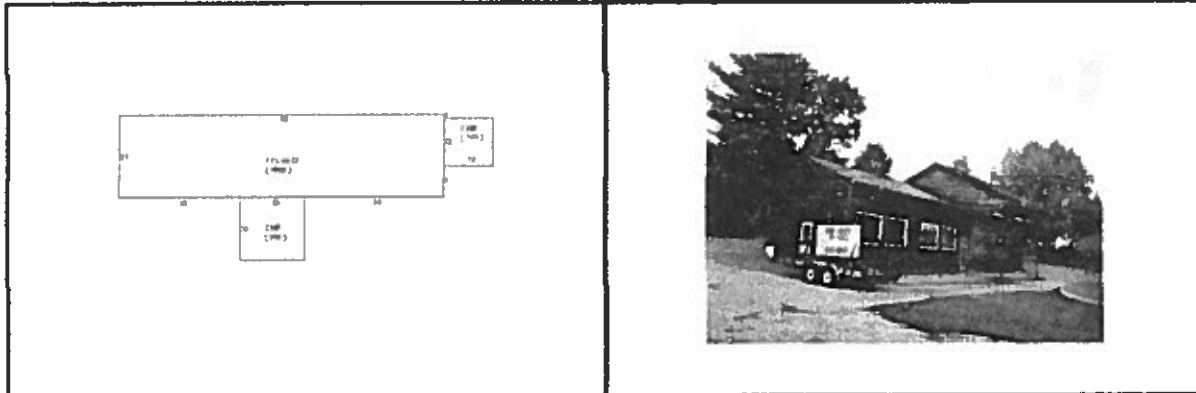
|                            |                          |                         |
|----------------------------|--------------------------|-------------------------|
| Building Style MARKET      | Foundation Type CONCRETE | Flooring Type CONCRETE  |
| # of Living Units 1        | Frame Type WOOD          | Basement Floor N/A      |
| Year Built 1968            | Roof Structure GABLE     | Heating Type FORCED H/A |
| Building Grade AVG. (-)    | Roof Cover ASPHALT SH    | Heating Fuel GAS        |
| Building Condition Average | Siding CLAPBOARD         | Air Conditioning 100%   |
| Finished Area (SF) 1680    | Interior Walls AVERAGE   | # of Bsmt Garages 0     |
| Number Rooms 0             | # of Bedrooms 0          | # of Full Baths 0       |
| # of 3/4 Baths 0           | # of 1/2 Baths 1         | # of Other Fixtures 0   |

## Legal Description

## Narrative Description of Property

This property contains 0.270 acres of land mainly classified as RETAIL/SVC with a(n) MARKET style building, built about 1968, having CLAPBOARD exterior and ASPHALT SH roof cover, with 1 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 1 half bath(s).

## Property Images



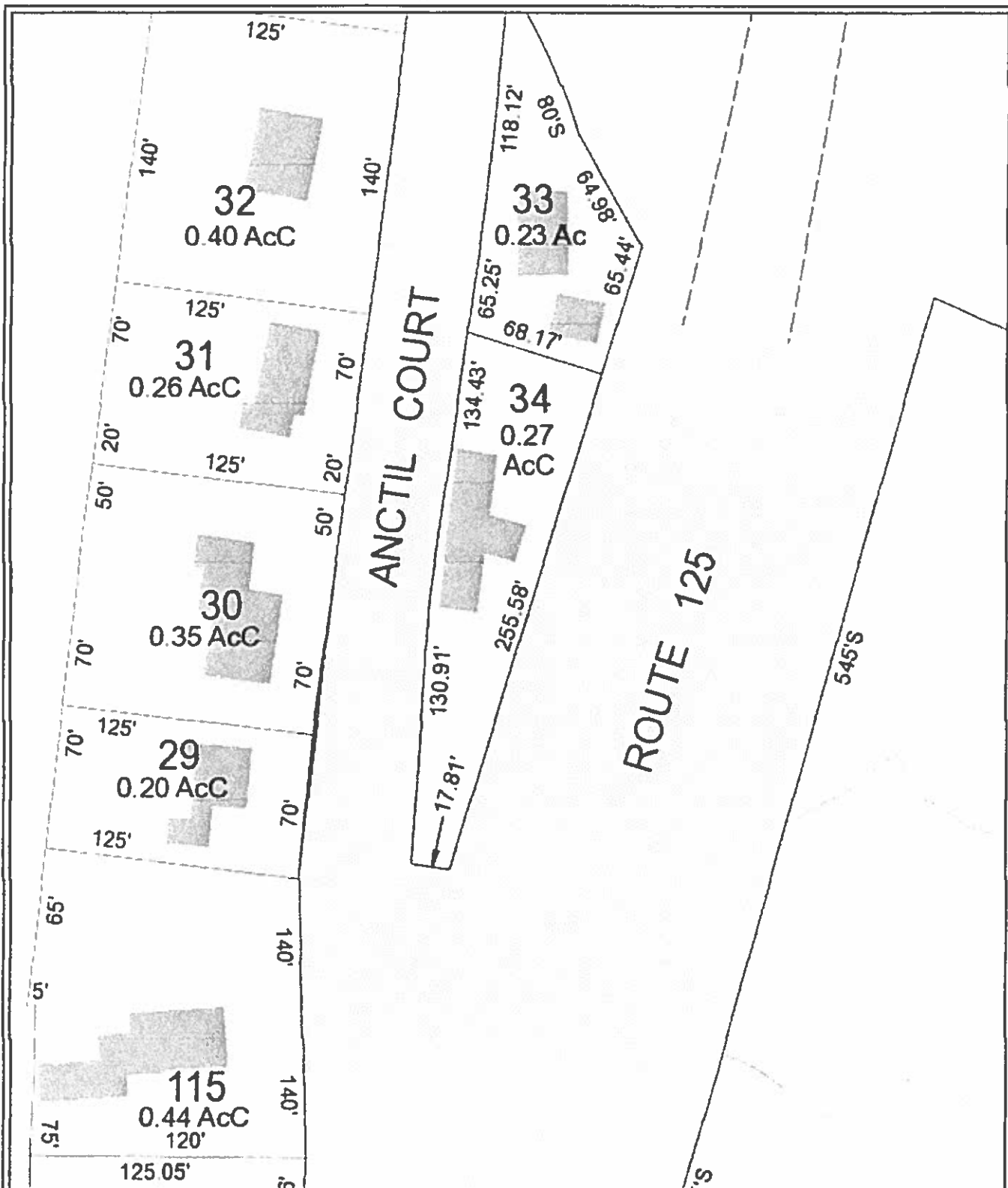
Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



**21 ANCTIL CT. 0137-0034-0000**

**Print Date:** 05/27/2014  
**Image Date:** 11/30/2012  
**Level:** Neighborhood





Rochester, NH  
1 Inch = 67 Feet  
May 21, 2014



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com



115-118-119-120-121-122-123-124-125



# 0' Abutters List Report

Rochester, NH  
May 21, 2014

## Subject Property:

Parcel Number: 0137-0034-0000  
CAMA Number: 0137-0034-0000  
Property Address: 21 ANCTIL CT

Mailing Address: SOVEREIGNTY FAMILY INVESTMENTS  
LLC  
67 ALLEN ST  
ROCHESTER, NH 03867

## Abutters:

Parcel Number: 0137-0029-0000  
CAMA Number: 0137-0029-0000  
Property Address: 12 ANCTIL CT

Mailing Address: CLARKE ROBERT W & ANNA M  
12 ANCTIL CT  
ROCHESTER, NH 03839

Parcel Number: 0137-0030-0000  
CAMA Number: 0137-0030-0000  
Property Address: 16 ANCTIL CT

Mailing Address: ANCTIL STEPHEN N & JANET M  
16 ANCTIL CT  
ROCHESTER, NH 03839-5524

Parcel Number: 0137-0031-0000  
CAMA Number: 0137-0031-0000  
Property Address: 20 ANCTIL CT

Mailing Address: GRENIER RYAN & LENA  
20 ANCTIL CT  
ROCHESTER, NH 03839

Parcel Number: 0137-0032-0000  
CAMA Number: 0137-0032-0000  
Property Address: 26 ANCTIL CT

Mailing Address: MCGLOUGHLIN R M SR & K A % JOHN  
LAROCHELLE  
152 CHESLEY HILL RD  
ROCHESTER, NH 03839-5525

Parcel Number: 0137-0033-0000  
CAMA Number: 0137-0033-0000  
Property Address: 25 ANCTIL CT

Mailing Address: COLBY WAYNE G  
25 ANCTIL CT  
ROCHESTER, NH 03839-5518

Parcel Number: 0138-0001-0000  
CAMA Number: 0138-0001-0000  
Property Address: 48 GONIC RD

Mailing Address: TAYLOR TROY J & KAREN I  
48 GONIC RD  
ROCHESTER, NH 03839-5217

8X3.78  
30.24

Verified 5/21/2014 - pg 181

Karen L Grenier ZBA Secretary  
www.cai-tech.com

5/21/2014

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Page 1 of 1