



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>

175. 1/17/12
RECEIVED
JAN 18 2012
Planning Dept

Planning
Community Development
Planning
Conservation Commission
Historic District Commission

APPLICATION FOR A VARIANCE

BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2012-03

DATE FILED 1-18-12

C. Lewis
ZONING BOARD CLERK

Case No. _____

Name of applicant Paul and Sue Normand

Address 70 Betts Road, Rochester, NH 03867

Owner of property concerned Paul and Sue Normand

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

Address 70 Betts Road, Rochester, NH 03867

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

Location 70 Betts Road

Map No. 203 Lot No. 27 Zone AG

Description of property 16 acre parcel of land with access off from Betts Road

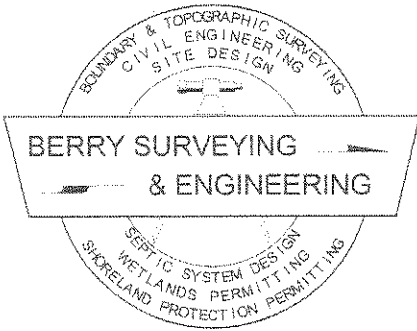
Proposed use or existing use affected Residential

The undersigned hereby requests a variance to the terms of Article 42-6 Section 25 ~Frontage~ and asked that said terms be waived to permit Two additional residential building lot and allow for the future subdivision of two existing residents on one lot, by allowing frontage and access of these properties off from a private road.

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)

Date 1-18-2012



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

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

January 18, 2012

RE: Normand Zoning Variance

RECEIVED
JAN 26 2012
Planning Dept.

Mr. Chairman and Members of the Rochester Zoning Board of Adjustments,

On Behalf of Paul & Sue Normand, Berry Surveying and Engineering is applying for a variance to allow a subdivision off from a private roadway.

Paul and his wife own 16 acres of land off from Betts Road. The easterly sideline of the property is the Spaulding Turnpike, with the access to the property being off from Betts Road, over an access road created by New Hampshire Department of Transportation during the development of the highway expansion.

Currently there are two houses on the 16 acre parcel which lies in the agricultural zone. This zone allows for residential structures to be placed on lots of forty thousand square feet (40,000) or more. In 2003 Mr. Normand constructed the second house on the property using Spaulding Turnpike as frontage for the calculation purposes. He commissioned a surveying company to draft a sketch plan to prove to the building officials the lot could meet the requirements of the zone. This was done and the building was erected. The two residents have access from a shared driveway that enters from Betts Road. There are two other parcels which also have access from the same place.

Paul and his wife had intended to further develop the property as time went on as both an investment asset as well as potentially meeting the needs of his family as housing grew more and more expensive. The size lot that they owned is larger than most in the general neighborhood as well as within the City limits.

Since 2003, the last time they contemplated any further improvement, the zoning regulations have changed to specifically disallow the use of the Spaulding Turnpike for frontage. This places a severe disadvantage to the property being that it is so large, already contains two residences, and has over fifteen hundred and eighty (1,580) feet of frontage along the Turnpike. Assuming that the frontage calculation along the Turnpike was still allowed today, there could have been 10-11 lots created. This action removed a very large asset from the Normand's family future.

What the Normands would like to accomplish is to add two (2) additional building sites on the property, and utilize the current roadway that is in place. Through the planning process they understand the Planning Board will most likely require some width improvement to the access road to improve traffic safety. They are prepared to provide a small turnaround as required for safety vehicles as well as develop a private road agreement, which is currently not in place. This will also allow them to subdivide the two structures on the same property which is a much more equitable situation in future estate planning, though currently there are no plans for this.

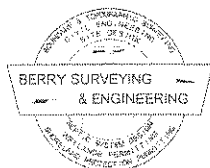
We have looked at the idea of a city owned and maintained roadway as would be typically seen, however there is an existing cemetery which makes this difficult. Additionally, the city would be required to take over the ownership and maintenance of the roadway, for no large additional tax revenue. The situation we are proposing increases the taxable land and adds no additional maintenance expense.

Lastly, the Normands are willing to place a restriction on their property, which would allow for no further development on this private road under present regulations or conditions. This limits the number of houses to six (6) off from this private roadway, four (4) of which already exist.

In conclusion the Normands would like to improve the existing private roadway to a suitable standard, providing better safety and maintenance assurance, for the use and development of two (2) additional building lots. This will also allow the Normands to separate the two existing structures and enjoy the use of their large parcel of land.

Below are the statutory questions required for granting a zoning request.

1. *"The proposed use would not diminish surrounding property values because"*
 - a. The proposed uses of the property are in-kind with all of the surrounding parcels of land. It will allow for the same enjoyment the surrounding properties have the benefit of, and will create a more equitable situation for those that currently use the private road. Currently there is no Private Road Agreement, or instrument which discusses maintenance of the roadway. Mr. Normand currently maintains the road. In mortgage lending this Private Road agreement is now required, and so this will better enable the sale of homes on this private road.
2. *"Granting the variance is not contrary to the public interest because"*
 - a. The public interest in this instance is mostly related to safety and reasonableness of use. As stated the proposed use is no more intense than surrounding property and the Normands are willing to invest time, money and energy into reasonable upgrades to the private roadway. In addition it will add taxable property to the City of Rochester with no additional maintenance requirements.



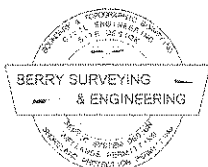
BERRY SURVEYING & ENGINEERING
335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
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3. *"Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property"*
 - a. Denial of the variance would specifically disallow any further use or development of the property, which is very large. Development was previously permitted and was removed through a zoning change, which has had a large impact on the Normands estate planning. Additionally there are currently two houses on one property, which is not typical. Lastly, the development of a City Street would be difficult given the placement of the cemetery.
4. *"Granting the variance would do substantial justice because:"*
 - a. It will allow for some further development on the property which has had much of its development potential removed. Additionally it would allow for the two structures to be separated at some point in the future creating a more equitable situation. Lastly, a proper road agreement would be developed removing maintenance concerns in the absence of Mr. Normand, and will allow for creation of a turnaround for safety vehicles.
5. *"The use is not contrary to the spirit of the ordinance because:"*
 - a. The ordinance is concerned with making sure there is safe and manageable access to properties being developed. In this instance the Normands are providing this situation where currently it does not exist. The ordinance also allows for the productive use and development of land within the underlying zoning, which this proposal accomplishes.

Thank you for your time and consideration to this matter.

Berry Surveying & Engineering

Christopher R. Berry President



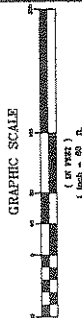
BERRY SURVEYING & ENGINEERING

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EXISTING BOUNDARY
FOR
PAUL & SUE NORMAND
BETTS ROAD & CROSS ROAD
ROCHESTER, N.H.
TAX MAP 203, LOT 27

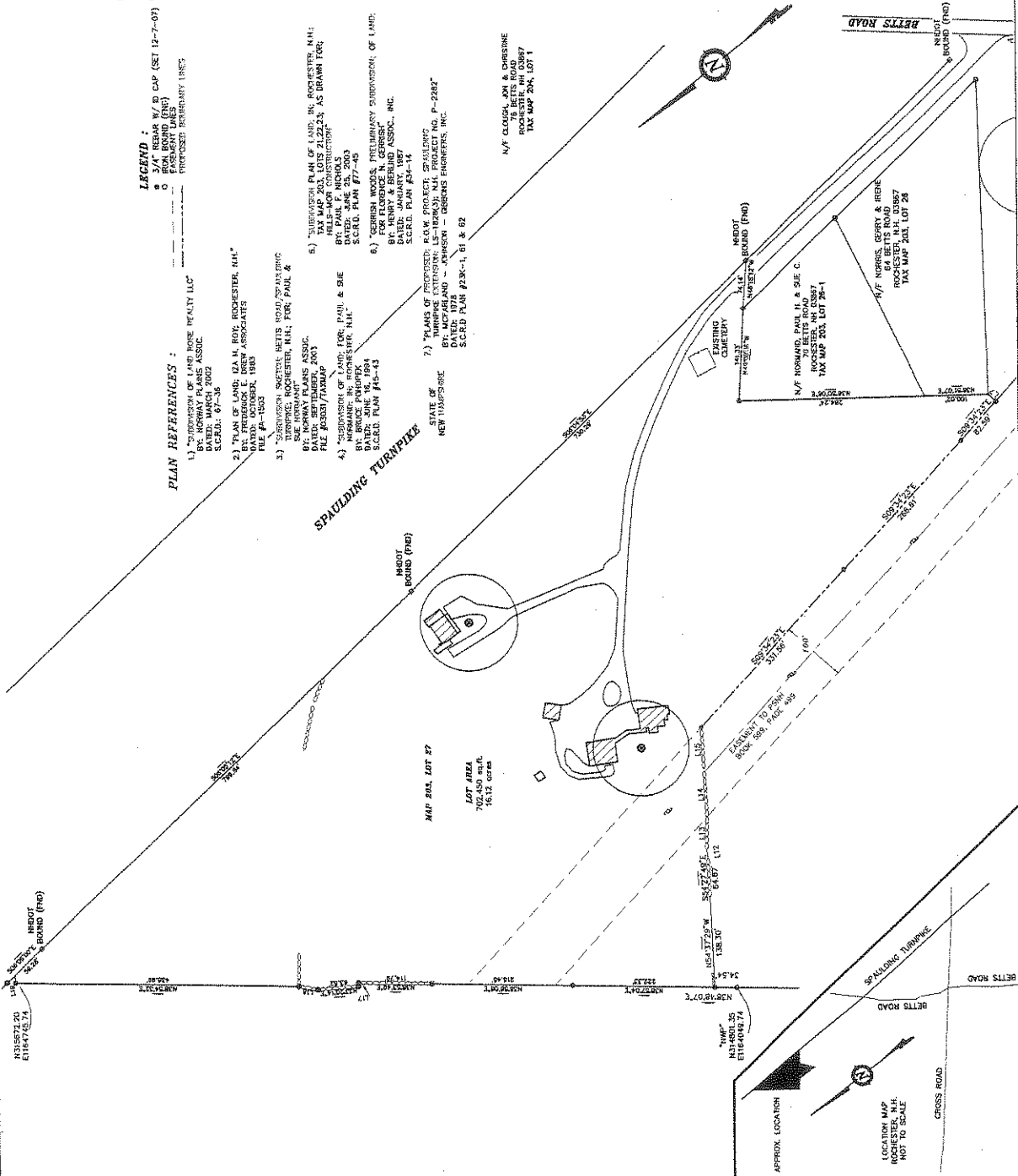
LINE TABLE		
LINE	LENGTH	BEARING
17	15.87	S89°22'20"W
112	12.28	S89°23'17"E
113	50.48	S81°04'17"E
114	71.54	S85°24'28"E
115	69.70	S89°01'02"E
117	5.20	N43°41'08"W
118	30.19	N47°41'37"E
119	11.85	S87°17'47"E

JAN 25 2012



PLAN REFERENCES :

13. "SUBDIVISION OF LAND HOME PEACE II LLC"
BY: HORMAY PLAINS ASSOC.
DATED: MARCH 2002
SCHEIDT: 07-24
DATE: OCTOBER, 1983
FILE #A-1503
21. "SUBDIVISION OF LAND, IN ROCKEFELLER, N.H."
BY: HORMAY PLAINS ASSOC.
DATED: OCTOBER, 1983
SCHEIDT: 07-24
DATE: OCTOBER, 1983
FILE #A-1503
22. "SUBDIVISION SECTION BETTS ROAD/SPAWLING
ROAD, ROCKEFELLER, N.H., FOR PAUL &
SUE NORMAN"
BY: HORMAY PLAINS ASSOC.
DATED: MARCH 2002
SCHEIDT: 07-24
DATE: OCTOBER, 1983
FILE #A-1503
23. "SUBDIVISION OF LAND, FOR PAUL & SUE
NORMAN, IN ROCKEFELLER, N.H."
BY: BRUCE PATRICK
DATED: JAN 2003
SCHEIDT: 07-24
DATE: OCTOBER, 1983
FILE #A-1503
24. "SUBDIVISION OF LAND, FOR PAUL & SUE
NORMAN, IN ROCKEFELLER, N.H."
BY: BRUCE PATRICK
DATED: JAN 2003
SCHEIDT: 07-24
DATE: OCTOBER, 1983
FILE #A-1503
25. "SUBDIVISION PLAN OF LAND, IN ROCKEFELLER,
TAX MAP 203, LOTS 21,22,23,
BY: PAUL & SUE NORMAN
DATED: JAN 2003
SCHEIDT: 07-24
DATE: OCTOBER, 1983
FILE #A-1503
26. "GERMIGNON HOUSE, PRELIMINARY SUBDIVISION;
BY: HENRY & BEHNOLD ASSOC., INC.
DATED: JANUARY, 1987
SCHEIDT: PLAN #38-14
27. "PLANS OF PROPOSED: ROW PROJECT; SPAWLING
ROAD, ROCKEFELLER, N.H., FOR PAUL &
SUE NORMAN" - JOHNSON - JOHNSON ENGINEERS, INC.
BY: WILLIAM B. JOHNSON
NEW HAMPSHIRE
STATE OF
NEW HAMPSHIRE



1. "SUBDIVISION OF LAND ROSE REALTY U.C.
BY NORWAY PLANS ASSOC.
DATED: MARCH 2002
S.C.R.D. #7-58
2. "PLAN OF LAND: IZA M. RON. ROCHESTER,
N.H. NORWAY PLANS ASSOCIATES
DATED: OCTOBER, 1983
FILE #A-1503
3. "SUBDIVISION LOT: BETTS ROAD/SPAIN
TURNPIKE, ROCHESTER, N.H.; FOR: PAUL,
SUE NORWAY PLANS ASSOC.
DATED: SEPTEMBER, 2003
FILE #00303/TAMPAH
4. "SUBDIVISION OF LAND: FOR: PAUL & SUE
NORWAY: IN. ROCHESTER, N.H.
BY: BRUCE W. CHOPIN
DATED: MARCH 1984
S.C.R.D. PLAN #45-43

LEGEND :

- 3/4" REBAR W/ 10 CAP (SET
IRON BOUND (END)
EASEMENT LINES
PROPOSED BOUNDARY LINES

- 1.) OWNER : NORMAN, PAUL & SUE
70 BETTS ROAD
ROCHESTER, NH 03867
- 2.) TAX MAP 203, LOT 27

- S.C.R.D. : BOOK 1765, PAGE 509

- 4.) FOR MORE INFORMATION ABOUT THIS SUBDIVISION, CONTACT THE CITY OF ROCHESTER PLANNING DEPARTMENT, 31 MARKET STREET, ROCHESTER, NH 03667, (603) 335-1338.

- S.B.) *SUBDIVISION PLAN OF LAND: IN: ROCHESTER, N.H.;
TAX MAP 203, LOTS 21, 22, 23; AS GRANT FOR

- 3.) "GERRIS4 WOODS; PRELIMINARY SUBDIVISION: OF 4 AND;
FOR FLORENCE N. GERBISH"
BY: HENRY & HENRIED ASSOC. INC.

- 3) PLANS OF PROPOSED; R.O.W. PROJECT; SP-ALL-2210
TURNPIKE EXTENSION; LS-1879(3) N.M. PROJECT NO. P-2282"
BY: MCCABLAND - JOHNSON - GIBBONS ENGINEERS, INC.
DATED: 1978

S.C.R.D. PLAN #23K-1, 51 & 62

CONCEPT PLAN
FOR
PAUL NORMAND
BETTS ROAD
ROCHESTER, N.H.
TAX MAP 203, LOT 27

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, N.H. 332-2863
SCALE : 1 IN. EQUALS 80 FT.
DATE : DECEMBER 1, 2011
FILE NO. : DB 2007-016

JAN 25 2012

(continued)

GRAPHIC SCALE

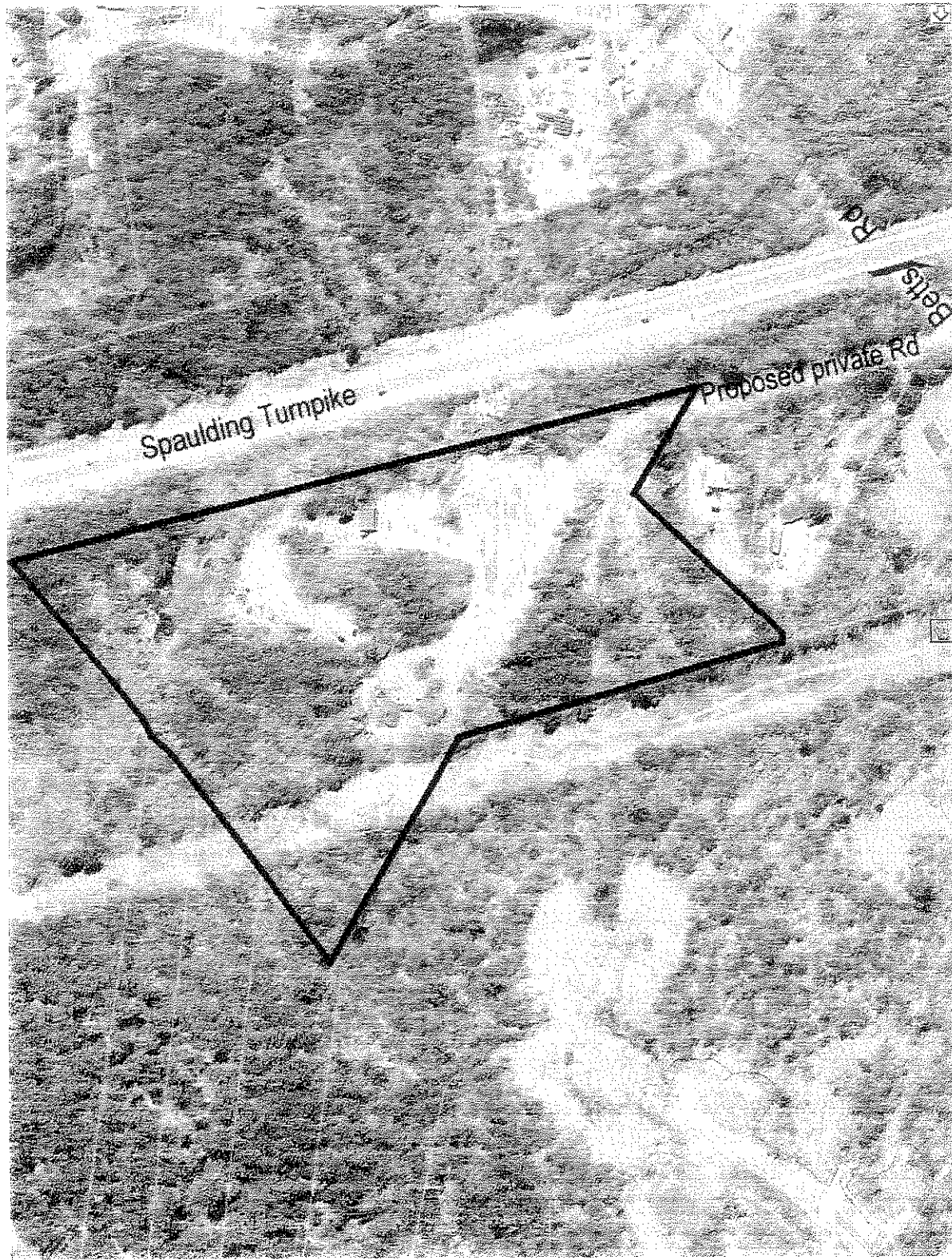
(IN FEET)

APPROX. LOCATION

LOCATION MAP
ROCHESTER, N.H.
NOT TO SCALE

NOT TO SCALE

NOT TO SCALE



Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0203-0027-0000	Account Number 33343
Prior Parcel ID -	Property Location 70 BETTS RD
Property Owner NORMAND PAUL & SUE C	Property Use MIX RES/CU
Mailing Address 70 BETTS RD	Most Recent Sale Date 10/10/2007
City ROCHESTER	Legal Reference 3604-67
Mailing State NH Zip 03867-1348	Grantor NORMAND PAUL & SUE C.
Parcel/Zoning A	Sale Price 45,000
	Land Area 16.120 acres

Current Property Assessment

Card 1 Value	Building Value 117,000	Yard Items Value 1,100	Land Value 94,566	Total Value 212,666
Total Parcel Value	Building Value 214,100	Xtra Features Value 1,100	Land Value 94,566	Total Value 308,766

Building Description

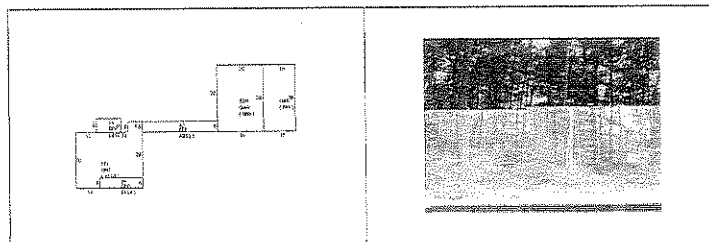
Building Style RANCH	Foundation Type FULL	Flooring Type N/A
# of Living Units 1	Frame Type WOOD	Basement Floor N/A
Year Built 1998	Roof Structure	Heating Type FORCED HW
Building Grade AVERAGE	Roof Cover	Heating Fuel OIL
Building Condition Average	Siding FRAME	Air Conditioning 0%
Finished Area (SF) 1120	Interior Walls N/A	# of Bsm't Garages 2
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

Narrative Description of Property

This property contains 16.120 acres of land mainly classified as MIX RES/CU with a(n) RANCH style building, built about 1998, having FRAME exterior and 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.

ZONING BOARD CASE COMMENT SHEET

Case # 2012-03

Department of Planning & Development
Director Comments

Relatively large landlocked parcel.
Note: Will also require PB AND City Council
approval.

Signed Kurt L. dt Date 1/27/12

City Manager Comments

Applicant should clarify
ownership and responsibility
of "so-called" private road

Signed 

Date JAN 27 2012