



City of Rochester, New Hampshire
Department of Building, Zoning & Licensing Services
31 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 509-1912

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 11, 2013** in the City Hall Council Chambers concerning the following:

2013-36— Application by Susan Paquette of Cornerstone, VNA for a variance under Article 42.8 Section (c2) (c5) of the City's Zoning Ordinance to allow a sign replacement when the lot has no frontage on the Farmington Rd.

Property Owner: Jon Robidas, Robidas Properties LLC,
Location: 176 Farmington Rd.
Map 208 Lot 8, Blk 1, Zone GRD

You are welcome to attend the public hearing and comment on the proposal. Be advised you will be allowed to speak at the meeting, however any paperwork **will not** be accepted at that time.

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 (December 09, 2013).

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, Secretary for Building, Zoning & Licensing Services

cc: file



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

Postage 24.92
Variance 175.00

APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

Phone No 603-332-1133

DO NOT WRITE IN THIS SPACE

CASE NO. 2013-36

DATE FILED 11-14-13

Ruth Garner
ZONING BOARD CLERK

Name of applicant Sue Paquette, Cornerstone VNA

Address 178 Farmington Rd, Rochester, NH 03867

Owner of property concerned Jon Robidas - Robidas Properties LLC

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

Address 176 Farmington Rd Rochester, NH

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

Location SAME

Map No. 208

Lot No. 8-1

Zone GRD

Description of property 11.61 Acre lot, L-shaped with 211.41' of frontage on rte 11

Proposed use or existing use affected Placement of an additional sign, ground mounted, to support the needs of Cornerstone VNA, whose lot has no frontage on the Farmington Rd for a sign of their own

The undersigned hereby requests a variance to the terms of Article 42.8, Section c2.c5 and asked that said terms be waived to permit A second sign to be permitted on the lot to replace and existing VNA sign. All other ordinances will be adhered to.

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

(Applicant)

Continue on Page 2

CRITERIA FOR VARIANCE

Case # 2013-36

Date: 11-14-13

A Variance is requested by Sue Paquette, Cornerstone VNA

from Section 42.8 Subsection c2 and c5

of the Zoning Ordinance to permit: An additional ground mounted main entrance sign of 75sq ft per side (150 sq ft total) to be allowed on behalf of Cornerstone VNA, Lot 9

at 176 Farmington Rd Map 208 Lot 8-1 Zone GRD

Facts supporting this request:

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

Name

Sue Paquette

Date:

11/14/13

2013-36

2088-1

Criteria For Variance

3/20/13

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

A: There is already an existing sign in the space. The sign that has been in place is basic and the sign that is being proposed would raise the aesthetic value compared to what is currently in place. The sign will blend in with all of the other signs on the southern side of the road and would be in line with all the other signs currently in place.

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

A: The sign is necessary to support a business that is not directly on Farmington Rd. The business is a non-profit that helps support the community and approving this variance will allow for placement of an aesthetically pleasing sign that will help provide visibility for this important service within the Rochester community. The granting of the variance for this sign will not impact the surrounding properties in any negative manner and will blend in with the other signs along the stretch of this road.

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

A: The property, lot #9, is "landlocked", and has no direct access to Farmington Rd., the main traffic thoroughfare. There is not a town ordinance that allows businesses that are landlocked to use the public right of way or access road for sign placement. Therefore, this variance is necessary to allow the same level of visibility for this business as all others are given by the city ordinances.

4. Granting the variance would do substantial justice because:

A: Granting this variance would allow for a business owner to provide a portion of his land to help support the needs of another organization in achieving the level of visibility with a main entrance sign as all other businesses on this stretch of road currently have. There are no laws in place to help support the needs of "landlocked" businesses along this stretch of road so this variance is necessary to overcome this obstacle.

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

A: The spirit of the ordinance is to provide an equal allowance for ground-mounted entrance signs of 75 sq. ft. per side for all businesses within the Granite Ridge Development zone of the city of Rochester. The request for a variance is simply to allow for this equality to extend to this "landlocked" business. This sign will be in line with all other aspects of the sign regulations for the city and so we are looking to have this variance extend what is allowed via granted land from the owner of lot #8-1.

2013-36
088-1

Variance Request Narrative

November 11, 2013

A variance is requested by Susan Paquette on behalf of Cornerstone VNA to allow a new main entrance sign located at 178 Farmington Rd. Rochester, NH to replace the sign which is currently in place. Cornerstone VNA is "landlocked" with no frontage on Farmington Rd. VNA Cornerstone has a sign maintenance and easement agreement with Robidas Properties, LLC. who is the owner of the front property where the present sign exists. VNA is allowed a small area owned by Jon Robidas to allow the placement of the new sign. The variance will grant this placement and allow for Cornerstone to have a sign equal to all other businesses who have frontage on Farmington Rd.

2013.36

Request for waiver of requirement to have a Certified Plot Plan for Case # 2013-36

I request a waiver of the requirement to have a certified plot plan for the following reasons:

- There are no objections from any abutter, and:
- Based on the information provided, the distance into the setback will not create any problems to the abutting property because: the sign meets the required setbacks
- The property is described in its deed as being bounded, on the side for which relief is requested, by a natural feature like a: (stone wall/ row of large trees/roadway, etc.)
land locked on the roadside of Farmington Rd.
- The request for relief from the setback required is modest enough that the probability of a surveying error large enough to make a material difference is remote. Yes ☒ No ☐
- Information provided is based upon other surveyed parcels in the immediate vicinity and is consistent with the tax map information, so the probability of a surveying error large enough to make a material difference is remote. Yes ☒ No ☐
- The request for relief from the setback required is in a direction where any impact on the abutter is small or nonexistent and, should a large surveying error be found in the future, there is adequate land area to correct the problem through a lot-line adjustment. Yes ☒ No ☐
- Any other applicable information: _____

Check with the Planning Department to see if it is necessary to fill out this form

12478! LOT3 TAX DISTRICT LOT2 LOT 0001 INTERIOR INFORMATION Avg Ht/Ft: 16 Prim Int Wall: AVERAGE Sec Int Wall: % Partition: TYPICAL Prim Floors: AVERAGE Sec Floors: % Bsmnt Fir: Bsmnt Gar: Electric: TYPICAL Insulation: TYPICAL Int vs Ext: SAME Heat Fuel: GAS Heat Type: FORCED H/A # Heat Sys: 1 % AC: 15 % Solar HW: NO Central Vac: NO % Com Wal: % Sprinkled

LOT 0008 EXTERIOR INFORMATION Type: SVC GARAGE Sty Ht: 1 - 1 (Liv) Units: 1 Total: 1 Foundation: CONCRETE Frame: STEEL Prime Wall: CORREG STL Sec Wall: BRICK VENTR 10% Roof Struct: GABLE Roof Cover: STEEL Color: RED View Desir: AVERAGE

ACTIVITY INFORMATION Date Result By Name 1/26/2007 C U CHANGE TM TOM 3/25/2007 DEED CHANGE GN GAYE

PROPERTY FACTORS Item Code Descr % Item Code Descr Z GRD GRANITE 100 U 0 SEPTIC o 1 8 WELL n 1 4 NONE Expt:

DEPRECIATION Phys Cond: Average Functional: Economic: Special: Override: Total: 12478

CONDO INFORMATION Location: Rochester ParcelID: 0208-0008-0001 Pat Acct: 12478 Lump Sum Adj: 10700

DEPRECIATION Schedule: 5.00% Full Bath: Rating: A Bath: Rating: 3/4 Bath: Rating: A 3QBth: Rating: 1/2 Bath: 2 Rating: A HBth: Rating: Other Fix: Rating: KIts: Rating: A KIts: Rating: Frpl: Rating: WSFlue: Rating: OTHER FEATURES

REMODELING Exterior: Interior: Additions: Kitchen: Baths: Plumbing: Electric: Heating: General: Print Date/Time: 12/03/13 09:30:28

PREVIOUS ASSESSMENT Tax Yr Use Building Value Yard Items Land Value Total Value 2013 036 197,600 35,900 11,610 328,401 561,901 2012 036 197,600 35,900 11,610 328,401 561,901

SOURCE: Market Adj Cost Total Assmnt per SQ unit /Card: 144.98 /Parcel: 144.9

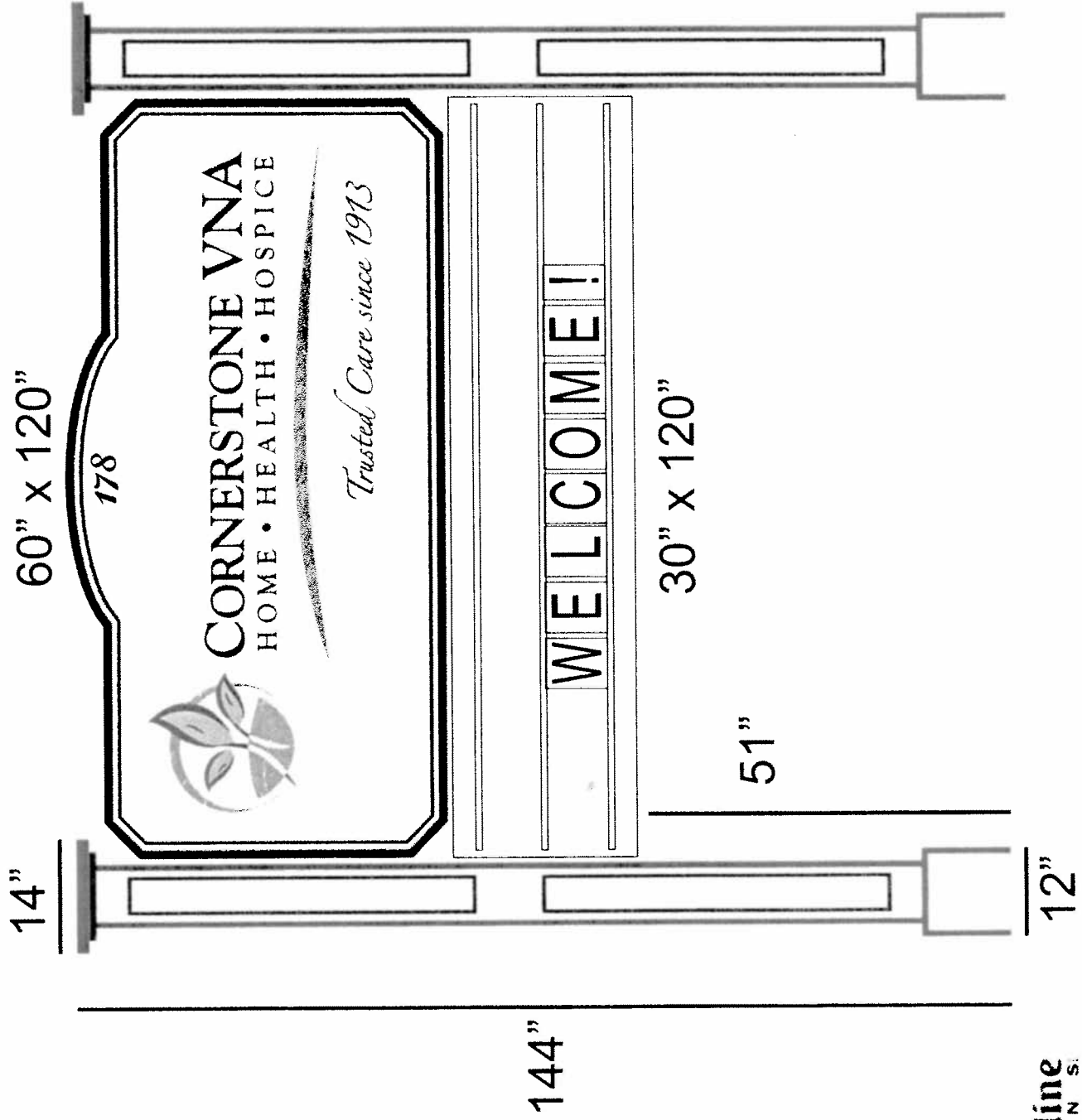
SALES INFORMATION Grantor Legal Ref Type Date Nat Desc Sale Price V Tst Verif Assoc PCL Value SMITH DIANE I. 3541-97 1 6/18/2007 Current Use 225,000 No No No COOK ERNEST P & 1232-710 5/31/1986

SPEC FEATURES/YARD ITEMS Code Description A YFS City Size/Dim Qual Con Year Unit Price D/S Dep LUC Fact NB Fa Appr Value JCod JFac Ass'd Value 0D DOOR WDMT S 2 14X14 C AV 2007 6.30 B 5 330 3.001 2,300 LM LIGHT MPOLE Y 61 C AV 2007 312.50 T 20 330 3.001 1,500 PA PAVING ASPH Y 1 1X27000 C AV 2007 1.59 T 20 330 3.001 34,400 PK PARK'G SPACE Y 571 C AV 2007 T 0 330 3.001 3,001

LAND SECTION Code Description Fact Units Depth/PrUnit Unit Type Land Type Factor Base Price Adj NBC N INF N Mod Intf 1 % Intf 2 % Intf 3 % Appraised Alt Clas % Spec J Fact Use Value Notes 330 AUTO SALE: 1 PRIMARY ASITE 1.0 0 225,000 1,000 3001 225,000 330 AUTO SALE: 0.6 EXCESS A/EXCESS 1.0 0 15,000 0.965 3001 8,688 673 CARD 4.71 EXCESS A/EXCESS 1.0 0 15,000 0.965 3001 68,201 693 CUND 5.3 WASTE A/C WASTE 1.0 0 5,000 1,000 3001 26,500

Total AC/HA: 11.61000 Total SF/SM: 505731.59 Parcel LUC: 036 MIX COMM/CU Prime NB Desc: COMMERCIAL Total: 328,389 Spl Credit: 94,501 Total: 233,888 More: N

Disclaimer: This information is believed to be correct but is subject to change and is not warranted. Database: AssessPro 2014



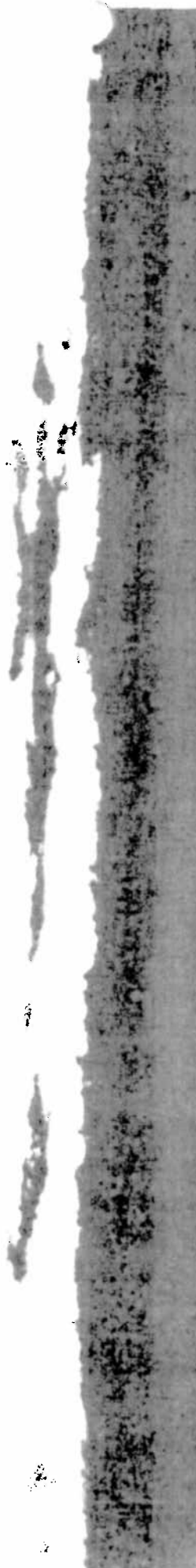
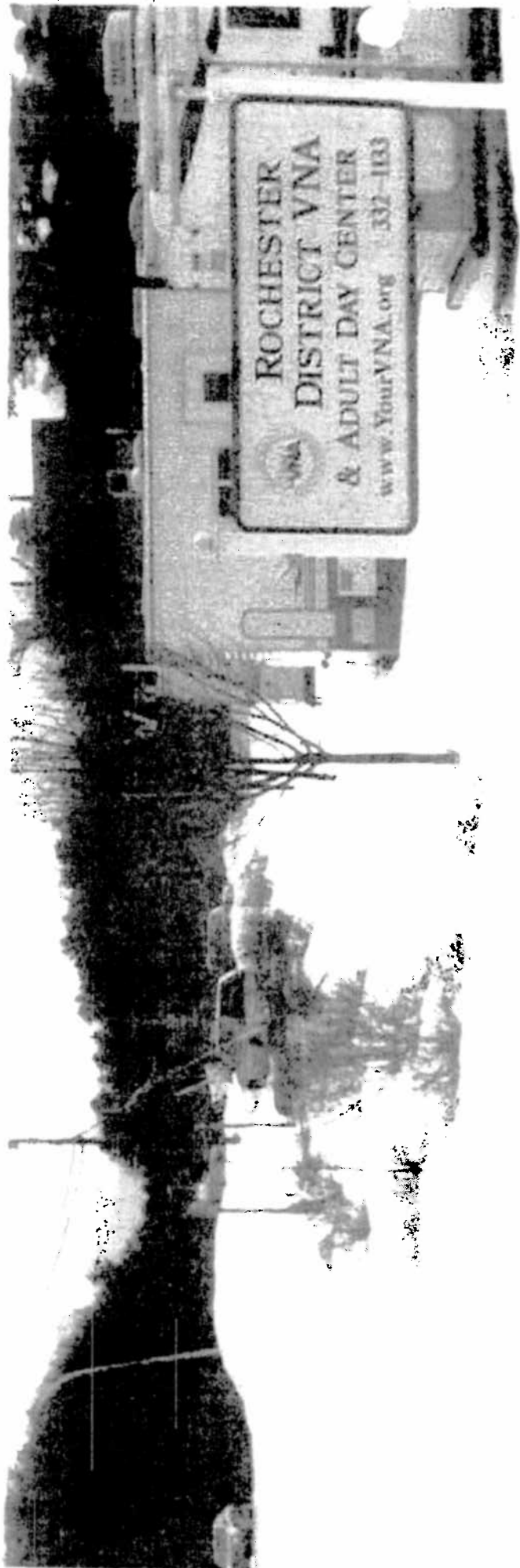
60" tall sign | 30" readerboard - 150 sq. ft.



802 Central Ave 740-9221

2013-36

208-8-1



Existing sign

COPY

SIGNAGE AND MAINTENANCE EASEMENT AGREEMENT

THIS AGREEMENT, made this 11 day of September 2013 between **ROBIDAS PROPERTIES, LLC**, a New Hampshire limited liability company with a principal place of business at 24 Porter Road, Milton, New Hampshire, (hereinafter referred to as "Grantor") and **CORNERSTONE VNA**, whose mailing address is 178 Farmington Road, Rochester, New Hampshire 03867 (hereinafter referred to as "Grantee").

WITNESSETH

That Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to Grantee, its successors and assigns, an exclusive Signage and Maintenance Easement for purposes of placement, maintenance and repair of signage, upon and across the real property legally described in Exhibit "A" attached hereto (the "Easement Premises").

Together with reasonable ingress and egress to the Easement Premises.

1. Signage: Grantor and Grantee acknowledge the present placement of Grantee's sign and any other pertinent improvements within the confines of the Easement Premises described on Exhibit "A". Any placement, manufacture and installation of said sign shall be in conformance with the allowed maximum square footage and comply with applicable setback requirements.
2. Maintenance and Repair: Grantee shall, at its sole cost and expense, maintain and repair the signage and any improvements within the confines of the Easement Premises.
3. Reasonable Use: The rights and interest conveyed hereunder are conditioned upon the reasonable exercise thereof by the Grantee. Grantee agrees not to unreasonably interfere with the Grantor's use and enjoyment of the Easement Premises. In the event that the Grantee ceases to use the Easement Premises for the purposes herein expressed, the Easement granted hereby shall become null and void.
4. Access: Grantee and its authorized agents shall have the right for ingress and egress over and across the Easement Premises as is reasonably necessary for the use of any right granted herein, provided the same shall not unreasonably interfere with Grantor's use and enjoyment of the Easement Premises.
5. Indemnification: Grantee, for itself, successors and assigns, agrees to indemnify and hold harmless the Grantor in relationship to any cause, action or other claim arising from or occurring as a result of Grantee's use and enjoyment of the above easement.

2013-36

2018-8-1


6. Duration of Easement: This easement shall be deemed to run with the land in perpetuity and shall bind the Grantor and Grantee and their respective heirs, successors and assigns, subject to the provisions of Paragraph 3 above.
7. Approvals: The granting of this easement shall be contingent upon the Grantee obtaining all required approvals from the City of Rochester and the State of New Hampshire.
8. Payment: The Grantee will make payments to the grantor to secure the above agreement; the first payment of \$10,000 will be disbursed upon obtaining all required approvals as noted above and the second and final payment of \$5,000 is due by July 1, 2014.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in their respective names on the dates set forth below.

Grantor:

ROBIDAS PROPERTIES, LLC

By:


Duly Authorized Member



Grantee:

CORNERSTONE VNA

By:

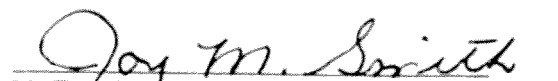

Julie Reynolds, CEO

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

September 11, 2013

Personally appeared the above-named Jon Robidas, duly authorized member of Robidas Properties, LLC, known to me or satisfactorily proven to be the same person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

Before me,


Notary Public/Justice of the Peace
Print Name: Joy M. Smith
My Commission Expires: 5/9/17

2018-8-1
21

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

_____September 11, 2013

Personally appeared the above-named Julie Reynolds, chief executive officer of CornerStone VNA, known to me or satisfactorily proven to be the same person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.

Before me,

Joy M. Smith
Notary Public/Justice of the Peace
Print Name: Joy M. Smith
My Commission Expires: 5/9/17

 **COPY**

2013-36
28-1

EXHIBIT A

A certain tract or parcel of land, together with any buildings and improvements thereon, situate on the southwesterly sideline of Route 11 - Farmington Road, Rochester, Strafford County, New Hampshire, and shown as LOT 208/8-1 on plan entitled "Lot Line Revision, Rte. 11 - Farmington Rd., Rochester, NH for Diana L. Smith," dated April, 2006, drawn by Norway Plains Associates, Inc., approved by the Rochester Planning Board on March 30, 2007, recorded at the Strafford County Registry of Deeds as Plan 89-93, more particularly bounded and described as follows:

Beginning at an NPA rebar on the southwesterly sideline of Rte. 11 - Farmington Rd., said point marking the northeasterly corner of Tax Map 208, Lot 8 as shown on the plan; then running along Tax Map 208, Lot 8 the following courses and distances: S 56° 55' 21" W a distance of three hundred twenty-eight and five hundredths (328.05') feet, more or less, to an NPA rebar; then turning and running S 47° 31' 13" W a distance of four hundred sixty-five and eighty-nine hundredths (465.89') feet, more or less to an NPA rebar; then continuing S 47° 31' 13" W a distance of one hundred seventy and no hundredths (170.00') feet, more or less, to a NPA rebar; then turning and running N 39° 48' 42" W a distance of seven hundred eighty-six and forty-one hundredths (786.41') feet, more or less, to an NPA rebar and the approximate Town/City line between Rochester and Farmington; then turning and running N 36° 01' 37" E along the approximately Town/City line between Rochester and Farmington a distance of one hundred seventy-five and fourteen hundredths (175.14') feet, more or less, to a chiseled "X" in the end of a stone wall; then turning and running N 35° 35' 57" E along the stone wall and the approximate Town/City line between Rochester and Farmington a distance of two hundred thirty-two and sixteen hundredths (232.16') feet, more or less, to a point marking the westerly corner of Tax Map 208, Lot 9; then turning and running along Tax Map 208, Lot 9 the following courses and distances: S 47° 21' 44" E a distance of ninety-one and seven hundredths (91.07') feet, more or less, to a drill hole found in a stone wall; then turning and running S 47° 38' 50" E along the stone wall a distance of four hundred thirty-four and seventy-eight hundredths (434.78') feet, more or less, to a drill hole found at the end of the stone wall; then turning and running S 39° 28' 58" E a distance of sixty-four and twenty-four hundredths (64.24') feet, more or less, to a GLD steel stake; then turning and running N 53° 51' 07" E a distance of two hundred eighty-seven and sixty-three hundredths (287.63') feet, more or less, to a point marking the southerly corner of Tax Map 208, Lot 10; then turning and running N 53° 37' 24" E along Tax Map 208, Lot 10 a distance of two hundred thirty and thirty hundredths (230.30') feet, more or less, to an iron rod and the southwesterly sideline of Rte. 11 - Farmington Road; then turning and running along Rte. 11 - Farmington Road on a curve having a radius of 9897.86 feet, a distance of fifty and two hundredths (50.02') feet, more or less, to a point; then turning and running S 35° 31' 45" E along Rte. 11 - Farmington Road a distance of two hundred eleven and forty-one hundredths (211.41') feet, more or less, to a NHHB; then turning and running along Rte. 11 - Farmington Road on a curve having a radius of 14841.53 feet, a distance of eighteen and fifty-seven hundredths (18.57') feet, more or less, to the point of beginning. Lot 208/8-1 contains 505,780 square feet (11.61 acres) more or less.

SUBJECT TO the fifty (50') foot wide right of way as shown on Plan 89-93 for the benefit of Tax Map 208, Lots 9 and 10, and as reserved in deed of Margaret B. Cook to Wilfred and Sylvia Turcotte dated June 9, 1975, recorded at Book 965, Page 44, and as reserved in deed of Margaret B. Cook to William J. Turcotte dated June 9, 1975, recorded at Book 965, Page 46.

SUBJECT TO AND TOGETHER WITH the fifty (50') foot wide access right of way (approximately 25 feet wide on each side of the common boundary line between Tax Map 208, Lots 8 and 8-1) as shown on Plan 89-93 for the benefit of Tax Map 208, Lots 8 and 8-1.

SUBJECT TO all notes, conditions, setbacks, wetlands, as shown or stated on Plan 89-93 recorded at the Strafford County Registry of Deeds.

 **COPY**

2013-36
2008.1

ABUTTER LISTCity of Rochester, NH
Please Print or TypeVariance 24.92
Variance 175.00

Applicant: Sue Paquette, Cornerstone VNA

Phone 603-332-1133

Project Address:

176 Farmington Rd, Rochester, NH 03876

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
✓ 208	8-1	GRD	Robidas Properties LLC	24 Porter Rd Milton, NH 03851

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
✓ 208	8	Smith, Allen T.	174 Farmington Rd. Rochester, NH 03867
✓ 208	9	Rochester/Rural Dist. VNS & Hospice.	178 Farmington Rd. Rochester, NH 03867
✓ 208	10	WAH Realty Corporation	180 Farmington Rd. Rochester, NH 03867
216	13	State of NH Dept of Transportation.	1 Hazen Dr. Concord, NH 03305
804	015	Bonnie J O Shea	184 Farmington Rd. Rich NH 03867

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

Coastline Signs LLC.	802 Central Ave, Dover, NH 03820

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: 11/14/13. This is page ____ of ____ pages.

Applicant or Agent:

Planning Staff Verification

Date: 11/30/13

2013-36
2013-8-1