



PLANNING, DEVELOPMENT AND ZONING DEPARTMENT

City Hall – Second Floor  
31 Wakefield Street  
ROCHESTER, NH 03867-1917  
(603) 335-1338

RECEIVED

AUG 23 2012

Planning Dept.

City Planning  
Community Development  
Economic Development  
Zoning Development

APPLICATION FOR VARIANCE  
TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2012-27  
DATE FILED \_\_\_\_\_

Phone No. (603) 335-3948

\_\_\_\_\_  
ZONING BOARD CLERK

Name of Applicant NHDOT-Bureau of Turnpikes c/o HNTB Corporation

Address 340 County Road, Suite 6C; Westbrook, ME 04092

Owner of property concerned Louise J. Brown  
(if same as applicant write "same")

Address 121 Chestnut Hill Rd.; Rochester, NH 03867  
(if same as applicant write "same")

Location of property 121 Chestnut Hill Rd./Spaulding Turnpike Connector

Map No. 216 Lot No. 81 Zone A

Description of property 294.5' 896'/982' 308'  
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Subdivision of the tract into 2-lots.

The undersigned hereby requests a variance to the terms of Article 42.6 Section (a)(25)

And asks that said terms be waived to permit a lot to be created with frontage on a limited access highway.

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 constitutes grounds for a variance the lot being created will be conveyed to the State of New Hampshire for use by the NHDOT; whereas the State controls access to the limited access highway, the lot will technically have useable frontage.

Signed [Signature]  
(As Agent for the Applicant)

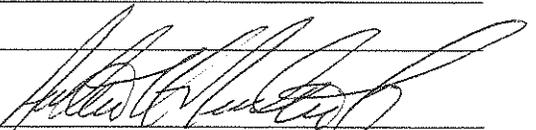
# CRITERION FOR VARIANCE

CASE # \_\_\_\_\_  
DATE \_\_\_\_\_

A variance is request by NHDOT-Bureau of Turnpikes  
from Section 42.6 subsection (a)(25)  
of the Zoning Ordinance to permit: a lot to be created with frontage on a limited access highway.  
at 121 Chestnut Hill Road Map 216 Lot 81 Zone A

Facts supporting this request:

- 1.) The proposed use would not diminish surrounding property values because: The creation of a lot that will abut the Spaulding Turnpike will not affect property values. Any future use of the lot by DOT will be located quite a distance away from any existing homes on Chestnut Hill Road.
- 2.) Granting the variance would be of benefit to the public interest because: the restriction on frontage on a limited access highway was put in place to prevent creating lots that would then have to take access from another Class V or better road. In this case, it will be better if DOT accesses the lot directly from the limited access Spaulding Turnpike Connector.
- 3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances that distinguish it from other properties similarly zoned: The lot being created will be conveyed to the State of New Hampshire for use by the NHDOT; whereas the State controls access to the limited access highway, the lot will technically have useable frontage and access will not have to be taken from Chestnut Hill Road.
- 4.) Granting the variance would do substantial justice because: it will allow DOT a strategically located parcel on the state's turnpike system.
- 5.) The use is not contrary to the spirit of the ordinance because: as stated above, the restriction on using limited access highways for frontage was to prevent the creation of lots with frontage on roads that were not accessible to the general public.

  
\_\_\_\_\_  
(As Agent for the Applicant)

8/22/12  
\_\_\_\_\_  
Date

# NORWAY PLAINS ASSOCIATES, INC.

SURVEYORS - ENGINEERS - TRANSPORTATION PLANNERS

31 Mooney Street  
Alton, New Hampshire 03809  
Alton Office (603) 875-3948  
E-MAIL: [anickless@norwayplains.com](mailto:anickless@norwayplains.com)  
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2 Continental Boulevard (03867) P. O. Box 249  
Rochester, New Hampshire 03866-0249  
Telephone (603) 335-3948  
NH (800) 479-3948  
Fax (603) 332-0098

August 23, 2012

Mr. Ralph Torr, Chair  
Zoning Board of Adjustment  
Planning, Development & Zoning  
31 Wakefield Street  
Rochester, NH 03867

**Re: Variance Request - NHDOT/Louise Brown - Chestnut Hill Rd. - Map 216, Lot 81**

Dear Ralph:

On behalf of the above referenced applicant and owner, we hereby submit application and supporting data for a variance. Specifically, we request that the terms of Article 42.9(a)(25) be waived to allow a lot to be created with frontage on a Limited Access Highway (LAH), i.e., the Spaulding Turnpike Connector. The ordinance specifically states that frontage for new lots can not be taken solely from that portion of the subject lot that abuts a LAH. This provision was added in the recent past in response to a subdivision that was approved by the Planning Board where lots were created using the frontage along the Spaulding Turnpike while taking access from a common right-of-way leading to and from a city street.

The purpose of the proposed 2-lot subdivision is so Mrs. Brown can convey a portion of her property to the NHDOT-Bureau of Turnpikes. At some point in the future, they plan to construct a maintenance facility on this property. Obviously, access to the lot will in fact be taken from the LAH as the maintenance facility will serve a valuable function to the State's turnpike system.

We look forward to discussing this matter with you and the other members of the ZBA and thank you in advance for your consideration.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.

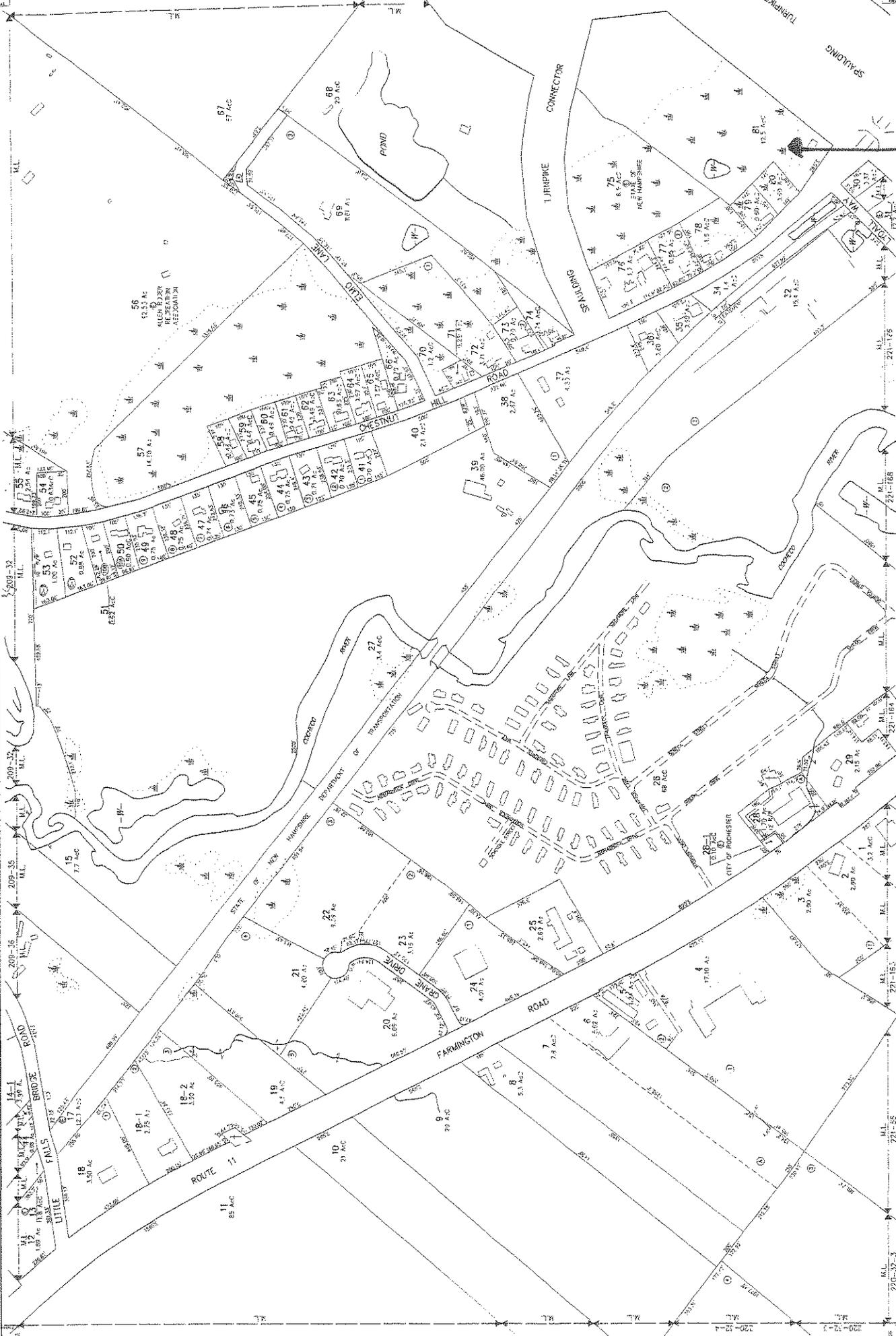
By: \_\_\_\_\_



Arthur H. Nickless, Jr., PLS, President

cc: Paul Danforth, PE., HNTB Corp.





THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONFORMANCE.  
 THE INFORMATION ON THIS IS THE NEW HAMPSHIRE STATE PLANS COORDINATE SYSTEM.  
 PHOTOGRAPHY DATE: APRIL 28, 1990  
 SAMPLING DATE: JUNE 30, 1992

PRODUCED IN 1992 BY  
**CARTOGRAPHIC ASSOC. INC.**  
 PROFESSIONAL CARTOGRAFIS  
 100 WASHINGTON STREET, LITTLETON, NEW HAMPSHIRE 03055  
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AREA SHOWN  
 AREA COVERED BY MAP  
 SCALE HORIZONTAL  
 SCALE VERTICAL  
 WHICH USE

LEGEND  
 AREA SHOWN  
 AREA COVERED BY MAP  
 SCALE HORIZONTAL  
 SCALE VERTICAL  
 WHICH USE

PROPERTY  
 BOUNDING  
 RIGHT OF WAY  
 COMMON INTEREST  
 WITHDRAWN

SCALE 1" = 200'  
 FEET  
 METERS

REVISIONS TO: APRIL 1, 2012

PROPERTY MAPS  
**ROCHESTER**  
 NEW HAMPSHIRE

INDEX DIAGRAM MAP N:  
 216  
 215  
 214  
 213  
 212  
 211  
 210  
 209  
 208  
 207

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0216-0081-0060 Account Number 34582  
Prior Parcel ID -- Property Location 121 CHESTNUT HILL RD  
Property Owner BROWN LOUISE J Property Use SINGLE FAM  
Mailing Address 121 CHESTNUT HILL RD Most Recent Sale Date 2/8/2001  
City ROCHESTER Legal Reference 2272-35  
Grantor BROWN LOUISE J  
Mailing State NH Zip 03867-5123 Sale Price 17,200  
Parcel Zoning A Land Area 12.500 acres

Current Property Assessment

Card 1 Value Building Value 56,200 Yard Items Value 280 Land Value 77,300 Total Value 133,700

Building Description

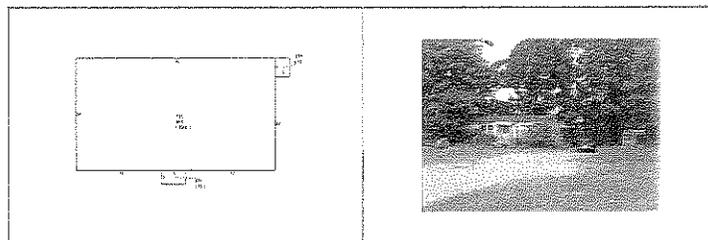
Building Style RANCH	Foundation Type CONCRETE	Flooring Type AVERAGE
# of Living Units 1	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1978	Roof Structure GABLE	Heating Type FORCED H/A
Building Grade AVG. (-)	Roof Cover ASPHALT SH	Heating Fuel GAS
Building Condition Poor	Siding COMP CLAP	Air Conditioning 0%
Finished Area (SF) 1008	Interior Walls AVERAGE	# of Bsm't Garages 0
Number Rooms 5	# of Bedrooms 3	# 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 12.500 acres of land mainly classified as SINGLE FAM with a(n) RANCH style building, built about 1978, having COMP CLAP exterior and ASPHALT SH roof cover, with 1 unit(s), 5 room(s), 3 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.

**ABUTTER LIST**

City of Rochester, NH

Please Print or Type

Applicant: N.H.D.O.T. Bureau of Turnpikes c/o Paul Danforth, HNTB Corporation Phone (207) 252-5989

Project Address: 121 Chestnut Hill Road

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
✓ 216	81		Louise J. Brown	121 Chestnut Hill Road, Rochester, NH 03867-5123

**ABUTTING LOT OWNERS**

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
✓ 216	80	David C. Jacobs	129 Chestnut Hill Road, Rochester, NH 03867-5123
✓ 216	79	Charles W. Moses	133 Chestnut Hill Road, Rochester, NH 03867-5123
✓ 216	78	Mark A. & Karen A. Tremblay	P. O. Box 866, Milton, NH 03851
✓ 216	68	Vincent A. & Diana L. Crout-Hamel	71 Elmo Lane, Rochester, NH 03867-5100
✓ 216	75	State of New Hampshire	P. O. Box 483, Concord, NH 03302-0483
✓ 216	34	Lydall Eastern, Inc.	P. O. Box 1960, Rochester, NH 03866-1960
✓ 216	30	Same as 216/34	
✓ 222	16	Thomas R. Miller	P. O. Box 1676, Rochester, NH 03866-1676
✓ 215	35	Lewis G. Potter	10 Pauls Way, Rochester, NH 03868
✓ 215	36	Old Milton Road, LLC	23 Meaderboro Road, Rochester, 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
Joseph W. Noel, CSS, CWS	P. O. Box 174, South Berwick, ME 03908
Steven M. Ferguson, LLS, Norway Plains Associates, Inc.	P. O. Box 249, Rochester, NH 03866-0249

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 (located in the Revenue Bldg at 19 Wakefield Street)

on this date: \_\_\_\_\_, This is page \_\_\_\_\_ of \_\_\_\_\_ pages.

Applicant or Agent: \_\_\_\_\_

Staff Verification: C.D. Sluolia

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AUG 15 2012

Plan 11-1-10