

**Application for Conditional Use**  
**Conditional Uses and Buffer Reductions**  
**Section 42.19 - Conservation Overlay District**  
**City of Rochester, NH**

Date: June 8, 2023

**Property information**

Tax map #: 138; Lot #(s): 11; Zoning district: R2

Property address/location: 10 Shelby Lane, Rochester, NH

Name of project (if applicable): \_\_\_\_\_

**Property owner**

Name (include name of individual): Lagasse Family Revocable Trust

Mailing address: 10 Shelby Lane, Rochester, NH 03839

Telephone #: 603-767-3619 Fax \_\_\_\_\_

**Applicant/developer** (if different from property owner)

Name (include name of individual): Northam Survey LLC

Mailing address: 686 Central Ave, Suite 100, Dover, NH 03820

Telephone #: 603-953-3164 Fax #: \_\_\_\_\_

**Engineer/designer**

Name (include name of individual): Northam Survey LLC

Mailing address: 686 Central Ave, Suite 100, Dover, NH 03820

Telephone #: 603-953-3164 Fax #: \_\_\_\_\_

Email address: info@northamsurvey.com/ Eric@northamsurvey.com Professional license #: 1052

**Proposed Project**

Please describe the proposed project: See Narrative

\_\_\_\_\_

\_\_\_\_\_

Please describe the existing conditions: See Narrative

\_\_\_\_\_

\_\_\_\_\_

(continued Conditional Use application Tax Map: 138 Lot: 11 )

*\*Please fill in **one** of the next two sections – for either Conditional Uses or Buffer Reductions\**

### **Conditional Uses**

For Conditional Uses only, justify the proposal in terms of each of the criteria below (in accordance with subsection 42.19 (i) (1) (A)). All four criteria must be satisfied.

(i) The proposed construction is essential to the productive use of land not in the COD.

The proposed construction will provide Jack & Lynn Lagasse additional residential space as well as additional garage space.

The area of the proposed construction is existing disturbed area. Limited tree cutting is proposed in part of the project.

(ii) Design and construction methods will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.

By spacing the deck board 1/4" and installing crushed gravel under the proposed deck, the deck will be consistent with best practices for installing a pervious deck, limiting runoff. The deck does not require any major land clearing or grading prior to construction.

(iii) There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact on the wetlands. Nothing in this Section shall limit the applicant from exploring alternatives with abutting property owners.

We've submitted the proposal to the Cocheco River Local Advisory Committee back in February in part of the Shoreland Permit.

Their response letter stated "the committee felt that minimal impact on the Cocheco River would occur". Copy of such response attached.

(iv) Economic advantage is not the sole reason for the proposed location of work.

The proposed construction project is not an economic decision. This project will increase the quality of life for the land owner. Having the deck in its proposed location will provide the owners with enough space to comfortably access their new unit as well as sit and enjoy the scenery the Cocheco River provides creating their own "slice of heaven".

*(Buffer Reductions on next page)*

(continued Conditional Use application Tax Map: 138 Lot: 11 )

## Buffer Reductions

For Buffer Reductions only, justify the proposal in terms of each of the criteria below (in accordance with subsection 42.19 (i) (2) (B)). All four criteria must be satisfied.

(i) The structure for which the exception is sought cannot feasibly, after consideration of all reasonable alternatives, be constructed on a portion or portions of the lot, which lie outside the CO district, *or* the application of the CO district eliminates greater than 50% of the buildable area located on the parcel *or* in the judgment of the Planning Board, the proposed site layout would result in a significantly higher quality design.

The front left corner of the proposed garage cannot move further north as it is pegged against the sideyard setback with the abutter.

Therefore, the placement of the proposed deck is as far away from the resource as we can get it.

(ii) The proposed structure and use must be consistent with the purpose and intent of Section 42.19 and provisions must be made to ensure that drainage from the structure will not adversely impact any wetlands.

We're proposing a minimum of 1/4" spacing between the deck boards with crushed gravel below to prevent any stormwater runoff.

(iii) There shall be no impervious areas for parking within the reduced buffer for which the Conditional Use Approval is sought.

There is no proposed parking within the 75' buffer.

(iv) The maximum building coverage is limited to 50% of the outer half of the buffer zone, as shown in the diagram below.

The total encroachment into the buffer zone is 86 Square feet of pervious deck.

(v) Best management practices must be demonstrated to the satisfaction of the Planning Board.

See note 14 on the plan.

## Submission of application

This application must be signed by the property owner, applicant/developer (if different from property owner), and/or the agent.

*I (we) hereby submit this Conditional Use application to the City of Rochester Conservation Commission and Planning Board pursuant to the City of Rochester Zoning Ordinance and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant/developer (if different from property owner)/as agent, I attest that I am duly authorized to act in this capacity.*

Signature of property owner: See Letter of Authorization *Josh Fyass*  
Date: *6/10/23*

Signature of applicant/developer: *Eric Salovitch*  
Date: *6/8/23*

Signature of agent: *Eric Salovitch*  
Date: *6/8/23*

## Authorization to enter subject property

I hereby authorize members of the Rochester Conservation Commission and Planning Board, and other pertinent City departments, boards and agencies to enter my property for the purpose of evaluating this application including performing any appropriate inspections. This authorization applies specifically to those particular individuals legitimately involved in evaluating, reviewing, or inspecting this specific application/project. It is understood that these individuals must use all reasonable care, courtesy, and diligence when entering the property. (It is not necessary to sign this provision if a Planning Board application has been submitted.)

Signature of property owner: *Josh Fyass*  
Date: *6/10/23*

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**Conservation Commission Recommendation:**

*[office use only]*

\_\_\_\_\_  
Name of project

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

Recommendation:

- ☐ Approval
- ☐ Approval with conditions
- ☐ Denial

Comments/recommended conditions:

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Conservation Commission

\_\_\_\_\_  
date

\_\_\_\_\_  
Planning Department

\_\_\_\_\_  
date

Northam Survey, LLC  
686 Central Ave Suite 100  
Dover, NH 03820  
(603) 953-3164  
eric@northamsurvey.com



June 10, 2023  
Planning & Development  
33 Wakefield Street  
Rochester, NH 03867

**Re: 10 Shelby Lane, Rochester, NH – Tax map 138 Lot 11**  
**Project: NS #485**

Dear Conservation Commission:

On behalf of the Lagasse Family Revocable Trust we're submitting a Conditional Use Permit Application to the City of Rochester for review. Lynn and Jack Lagasse, trustees of the trust, reside at 10 Shelby Lane, Rochester. The property exists as a 4 dwelling multi-unit property in the R-2 zoning district. The parcel is over-sized in comparison to abutting parcels being nearly 70,000 S.F. or 1.60 Acres. This provides ample space for the development of an additional unit. This parcel is unique as it has frontage along Shelby Lane as well as ample frontage along the Cocheco River.

The parcel is not subject to a flood zone, determined to be outside the 0.2% annual chance of flood per firm map #33017C0213D (see note 5 on the survey for additional information). The parcel is subject to RSA483-B, the shoreland water quality protection act. A shoreland permit has been submitted to the State for approval.

The proposed project includes the expansion of the existing driveway to accommodate a 3-car garage with a dwelling unit above the garage. Although the proposed 12' wide deck is 71.7' from the high-water mark inside the Cocheco River Buffer, no major tree clearing or site grading is necessary for construction. Part of the proposal is to construct a rain garden off the driveway which will serve as an infiltration basin for stormwater runoff and snow storage. The proposed deck will be constructed as a pervious structure with deck board spaced a minimum of ¼" with crushed gravel installed below (see note 14).

The project went before the Zoning Board of Adjustment at their April 12<sup>th</sup>, 2023 meeting in which the Board voted to approve the variance to allow the construction of a detached garage with a single-family unit on the same lot as an existing multi-family building. See ZBA case Z-23-09.

This project has been approved by the Special Site Review Committee on May 25, 2023. See attached notice of decision.

We look forward to presenting this project before the board.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Salovitch', with a stylized flourish at the end.

Eric Salovitch, LLS  
*President*



## Letter of Authorization

I, Jack Lagasse, hereby authorize Northam Survey LLC, 686 Central Ave, Suite 100 , Dover, NH, to act on my behalf concerning property owned by me, located at 10 Shelby Road, Rochester, NH, 03839 known as Tax Map 138, Lot 11.

I hereby appoint Northam Survey LLC as my agent to act on my behalf in the review process, to include any required signatures.

  
Jack J Lagasse (Jan 27, 2023 09:55 EST)

Client Name

Jan 27, 2023

Date

Witness

Date



