



City of Rochester, New Hampshire

Building, Zoning & Licensing Dept.
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MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF November 12, 2014 (Amended and Approved December 12, 2014)

The Vice Chair called the meeting to order at 7:00 p.m. in the Council Chambers.

Roll Call:

Roll call was taken with the following members present:

Members Present

Ralph Torr, Chair
Lawrence Spector, Vice Chair
Robert Gates
Randy LaVallee
Robert Goldstein

Alternate Members

Rose Marie Rogers, Alternate
Fidae Azouri, Alternate
Leo Brodeur, Alternate

Also present: Jim Grant, Director, Director of Building, Zoning & Licensing
Karen Grenier, Building, Zoning & Licensing Secretary

These minutes are the legal record of the meeting and are in the format of an overview of the Zoning Board of Adjustment meeting. It is neither intended nor is it represented that this is a full transcription. A recording of the meeting is on file in the Building, Zoning and Licensing Office for a limited time for reference purposes. It may be copied for a fee.

Approval of Minutes:

The minutes of October 8, 2014 were reviewed. Mr. Gates made a motion to accept the minutes as written. Mr. Spector seconded the motion. The motion passed unanimously by roll call vote.

The Chair asked the Board Members if there were any conflicts with tonight's case. There were no conflicts. The Chair stated the five regular members would be voting on the case.

New Cases:

2014-19 Application by Elbridge Solar Farm, LLC for a variance to allow a Solar Power Generation Facility, Dimensional Regulations 42.19, Table 18-D in the agricultural zone, accordance to the City's Zoning Ordinance, when one is not allowed.

Location: 159A Walnut St.
Map 230 Lot 14 Block 2, Agricultural Zone

The Chair asked the applicant to the podium. Mr. Joseph Persechino, from Tighe & Bond Project Manager, approached the podium to address the Board and speak about the project. Mr. Persechino announced Mr. Andrew Keller the developer. Mr. Keller explained the background of the company and read the five criteria. Andrew shared the new information from the government about a new law SP98, governing solar facilities. Solar power generation facilities save money, generate clean power, are safe for the environment and this energy resource is State regulated.

The Chair asked if there were questions or concerns from the Board Members?

Mr. Goldstein had concerns about carcinogens being used by the equipment.

Mr. Brodeur asked about the sequence of the project. Mr. Spector had questions about the height of the equipment. Mr. Gates had questions about the monitoring of the equipment.

Mr. Andrew Keller stated PSNH's transformers and solar equipment is sealed. The panels are tempered glass and aluminum encased. Mr. Persechino assured there are no hazards. If the equipment gets tampered with the equipment shuts down. The equipment is remotely monitored at all times. Questions about fencing were referred to Planning. The project will still go through the review process with the Planning Department.

The Chair asked if anyone wanted to speak for or against this variance.

Mr. Pelletier of 119 Walnut St. approached the podium to speak in favor of the project. He has no opposition as this facility is quiet, safe and not an intrusion to the neighborhood. Mr. Pelletier stated that Mr. Keller said the project would increase property values of the property it was on, but he did not mention the surrounding abutter property values.

The Chair asked if anyone wanted to speak against the case. No one came forward

Jim Grant being an Electrician, is excited about the project on a personal note. There were no comments from the City Manager. The Chair closed the public hearing portion for this case and the members worked on their criteria sheets.

Mr. Gates made a motion to approve the variance as stated for the following reasons:

The variance will not be contrary to the public interest because: It will not increase congestion in the streets. The spirit of the ordinance is observed because: It will not negatively impact health and the general welfare. Substantial justice is done because, if granted, the benefit to this individual applicant, outweighs any harm to the community as a whole. The value of surrounding properties will not be diminished because: It will not generate levels of noise, light, activity or traffic that are significantly different from that which currently exists. Mr. LaVallee and Mr. Goldstein unanimously seconded the motion. The motion passed unanimously by the five voting members.

Mr. Grant advised that any person directly affected by this decision has the right to appeal 30 calendar days from today.

Mr. Goldstein referenced an error noted on the case and corrections will be made to reflect the change the case zone description to 42.19, Table 18-D.

Other Business:

Discussion of the By Laws.

Mr. Brodeur had questions about properties being in litigation and how we would know if they were. Mr. Grant answered his question.

Mr. Goldstein had questions about the by laws. The Chair said to take the By Laws home for review and we would discuss them at the December 10, 2014 meeting.

Mr. Gates made a motion to adjourn the meeting. Mr. Spector seconded the motion.

The motion passed unanimously by roll call vote.

The meeting adjourned at 7:32pm.

Respectfully Submitted,

Karen L. Grenier, Building, Zoning, Licensing Secretary