



## City of Rochester, New Hampshire

Building, Zoning & Licensing Dept.

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### MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF August 12, 2015 (Approved September 9, 2015)

The Chair called the meeting to order at 7:01 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  
Fidae Azouri, Alternate  
Leo Brodeur, Alternate

#### Members Excused

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

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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 Department for a limited time for reference purposes. It may be copied for a fee.

#### Approval of Minutes:

The minutes of July 8, 2015 were reviewed, Mr. Spector made a motion to accept the minutes as written, Mr. Lavallee and Mr. Gates unanimously seconded the motion. The motion passed unanimously by roll call vote.

The Chair stated the five regular members would be voting on the cases this evening.

The Chair asked if any of the members had a conflict with this case being presented. There were no conflicts.

## **New Cases:**

**2015-18** Application by Brian J Carroll for a Special Exception to allow the side yard fence height to be taller than six feet allowed. This request is according to the City's Zoning Ordinance, Article 42.23 (b) 10, Section B. **Location:** 187 Old Dover Rd. Map 253 Lot 86 Block 4, Residential 1 Zone

Mr. Brian Carroll approached the podium and read the five criteria for the Special Exception request to allow an (8) eight foot fence when what is allowed is a (6) six foot fence. Mr. Goldstein asked the applicant if he knew where the City's right of way was, as opposed to his property line. Mr. Carroll stated all the lines were marked. No other Board Members had any questions. Mr. Grant read into record a letter from Jason Thomas in favor for Mr. Carroll's project. Chair Torr closed the public hearing portion of the case and the Board Members worked on their criteria sheets. Chair Torr asked who would make a motion for the case. Mr. Gates moved to grant the Special Exception as presented. Mr. Lavallee seconded the motion. The motion passed unanimously by the five voting members.

Mr. Grant advised anyone aggrieved by this decision has 30 days to appeal. He also advised the applicant come in to the Building, Zoning and Licensing Department to obtain a building permit before the project starts.

**2015-19** Application by 1110 Salmon Falls Rd., LLC, William C. Stowell, for a Variance to allow a pork chop subdivision with less than six acres total and less than average lot area of 120,000 square feet. **Location:** 1114 Salmon Falls Rd. Map 241 Lot 12, Block 1, Agricultural Zone.

Mr. Stowell approached the podium to speak of the porkchop subdivision and read the five variance criteria. Mr. Stowell had his Engineer present to answer the questions from the Board about Shoreland Protection.

Mr. Stowell approached the podium again to discuss the differences between V-1 and V-2 plans for the subdivision.

Chair Torr asked who was present to speak in favor of the case and no one came forward.

Chair Torr asked who was here to speak against the case and many hands went up. Six abutters one at a time approached the podium to share their concerns about this project as it is in the agricultural zone. All abutters that spoke were against this project.

Mr. Stowell approached the podium in rebuttal, stating the purpose was to try to do a less intense subdivision that would leave pertinent vegetation as is found in a pork chop subdivision.

The Board Members discussed the case again. Mr. Goldstein had concerns that the construction and septic would be too close to the river. Mr. Gates has mixed feelings about the project. Mr. Spector is concerned about the overcrowding of the land, and the wildlife issues. Chair Torr is not for this case. The Board decided to postpone the case. Mr. Grant asked the applicant's engineer to provide more detail about the shoreland protection and this development. Mr. Grant asked if Mr. Nickerson would bring back evidence and facts about the whippoorwills nesting site in this area.

Mr. Gates moved to postpone the case to the September 9, 2015 Zoning Board of Adjustment meeting. Mr. Spector seconded the motion. The motion passed unanimously by the five voting members.

**Other Business:** No other business.

**Adjournment:**

Mr. Gates moved to adjourn at 8:03 p.m. Mr. Spector seconded the motion. The motion passed unanimously by roll call vote.

Respectfully submitted,

Karen L. Grenier, Building, Zoning & Licensing Secretary