



City of Rochester, New Hampshire

Building, Zoning & Licensing Dept.

31 Wakefield Street * Rochester, NH 03867

(603) 332-3508 * Fax (603) 509-1912

Web Site: www.rochesternh.net

MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF October 14, 2015 (Approved November 23, 2015)

The 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
Robert Goldstein
Fidae Azouri, Alternate
Leo Brodeur, Alternate

Members Excused

Randy Lavallee

Also present: Jim Grant, Director of Building, Zoning & Licensing
Karen L. 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 Department for a limited time for reference purposes. It may be copied for a fee.

Approval of Minutes:

The minutes of September 9, 2015 were reviewed, Mr. Gates made a motion to accept the minutes as written. Mr. Goldstein seconded the motion. The motion passed unanimously by roll call vote.

The Chair stated the four Regular Members and two Alternate Members would be voting alternately, 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:

2015-23 Application by David Perreault for a Variance to allow a setback for the garage closer to the back lot line than what is allowed. This request is according to the City's Zoning Ordinance, Article 42.19, A2, Table 19-B.

Location: 59 Rochester Hill Rd. Map 127 Lot 33, Office Commercial Zone

The Chair asked who was presenting. Mr. Perreault approached the podium and stated his project and read his five criteria. The Chair asked if anyone was present to speak in favor of the case. No one came forward. The Chair asked if anyone wanted to speak against the case and no one came forward. Mr. Perreault explained his needs for the garage on his property. Mr. Goldstein asked if there was a marker or something on the back lot line that determined the back property line. Mr. Perreault stated he had a boundary marker at the back lot line. Mr. Brodeur asked the applicant how many vehicles he had to be stored. Mr. Perreault answered two vehicles. The board members had no other questions. Mr. Goldstein made a motion to waive the need for a certified site plan. Mr. Spector seconded the motion. The motion passed unanimously by the voting members.

The Chair closed the public hearing portion of the case and the board worked on their criteria sheets.

The Variance was APPROVED as requested for the following reasons: The variance will not be contrary to the public interest because: It will not negatively impact health and the general welfare. The spirit of the ordinance is observed because: It will not exacerbate undue concentration of population. 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. Spector and Mr. Goldstein unanimously seconded the motion. The motion passed unanimously by the voting members.

Mr. Grant advised anyone aggrieved by this decision has 30 days to appeal.

2015-24 Application by Colene Arnold for a Variance to allow a twenty-four hour residential rehabilitative facility for pregnant women with substance use disorder and their children. This request is according to the City's Zoning Ordinance, Article 42.22, section (c) (9), to permit the residential facility of more than (6) six residents to use the said property of 42,253 square feet. **Location:** 326 Rochester Hill Rd. Map 255 Lot 23, Agricultural Zone
The Chair asked who was representing the case. Dr. Coleen Arnold approached the podium and spoke about the case and what type of facility she is proposing. Direct requirement of the program is the pregnant women would be in recovery from addiction(s) and the women were only allowed a twelve month stay. Young children of the mothers would also be allowed to stay with their moms. Dr. Coleen Arnold also read the five criteria. The Chair asked if there was anyone present to speak against this case. Ms. Stephanie Deming approached the podium and shared her concerns. A direct abutter, Mr. Steve Richards approached the podium and shared his concerns. The Chair asked if there was anyone present to speak in favor of the case. Mr. Dean Lemire approached the podium to speak about his fight with heroin addiction, now recovered; he spoke in favor of the program called Hope on Haven Hill. Six others spoke in favor of the program and the case.

Ms. Coleen Arnold stated the variance was only needed to allow more than six (6) people at the facility. This case will need Planning approval as well as state approval. Mr. Grant stated the applicant is allowed to have six (6) residents by special exception.

The board members discussed many issues the business may have; parking, overcrowding, septic system overload and limitation of residents. The board members discussed the option of eight residents.

Mr. Grant stated on the city side he wanted it noted that this case was different than the previous case brought to the Zoning Board. That case was close in description to a boarding house and it was in the Residential One Zone.

The board members discussed stipulations to the variance: Mr. Gates moved to grant the variance with the following stipulations: *no more than eight (8) residences in house with a resident being defined as a human being more than twelve (12) months of age.*

Mr. Goldstein seconded the motion. The Chair stated the board members would work on the finding facts. Mr. Gates stated in regard to case 2015-24, he moved to grant the variance with the previously stated stipulations that were articulated for the following reasons:

The variance will not be contrary to the public interest because: It will not compromise the provision of adequate light and air. The spirit of the ordinance is observed because: It will not negatively impact health and the general welfare. If granted, the benefit to this individual applicant outweighs any or 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. Goldstein seconded the motion. The motion passed by a count of three to two by the five voting members.

Mr. Grant advised anyone aggrieved by this decision has 30 days to appeal.

Old Business:

1. In regards to case 2015-22, 69 Rochester Hill Rd, Melanie Venditti's case from September 9, 2015.

Additional Stipulations:

- No vehicles that are for sale will be displayed outside on the lot.
- All the vehicles that will be sold will be stored inside the building.

Ms. Venditti agrees to have no vehicles displayed outside on the property at 69 Rochester Hill Rd. at anytime. Ms. Venditti agreed to this in a meeting with the City Attorney. Chair Torr signed the document to be added to the case folder.

2. Other business was the upcoming Veterans Day Holiday. The next Zoning Board meeting is scheduled on November 11, 2015. The board members voted to hold the meeting on that date.

Adjournment:

Mr. Gates moved to adjourn at 8:43 p.m. Mr. Goldstein seconded the motion. The motion passed unanimously by roll call vote.

Respectfully submitted,

Karen L. Grenier, Building, Zoning & Licensing Secretary