



# 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](http://www.rochesternh.net)

## MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF June 8, 2016 (Approved August 10, 2016)

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  
Robert Gates  
Robert Goldstein  
Fidae Azouri, Alternate  
Leo Brodeur, Alternate

#### Members Absent

Randy Lavallee  
Lawrence Spector, Vice Chair

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

### Approval of Minutes:

The minutes of May 11, 2016 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 asked if board members had any conflict with tonight's case. There were no conflicts. Chair Torr stated that all members present would be voting on the cases this evening.

## **New Cases:**

**2016-16** Michael Wentworth, applicant for a Variance to allow a shed to be three (3) feet from the back fence line and allow a pool as close as four (4) feet to the same fence in the Residential One Zone. This is according to the City's Zoning Ordinance Chapter 42.19, Table A.

**Location:** 2 Letourneau St. Map 0115 Lot 0133, Block 0000, Residential 1 Zone

Chair Torr asked who was representing this case tonight. Mr. Michael Wentworth approached the podium, introduced himself, and spoke about the hardship of the case.

Mr. Gates brought to attention the waiver requirement for the certified site plan. Mr. Gates moved to waive the requirement for the certified site plan because the applicant has the fence as a barrier for the property and the pool is contained inside the fence. Mr. Brodeur seconded the motion. The motion passed unanimously by roll call vote.

The Chair asked the board if they had questions. All the members discussed the case with Mr. Wentworth. The board members discussed the case. Mr. Wentworth stated he would modify the setback in the rear of the pool from four (4) feet to five (5) feet to the property line. The side setback will remain the ten (10) feet to the line. The Chair closed the public hearing portion of the meeting and the board worked on the criteria sheets.

Mr. Gates motioned to approve the variance with the stipulation presented by the applicant to modify the setback in the rear of the line from four (4) to five (5) feet to the property line. The side setback will remain the ten (10) feet to the line. The variance will not be contrary to the public interest because: It will not increase congestion in the street. The spirit of the ordinance is observed because: It will not negatively impact the health and general welfare. If granted, the benefit to this individual applicant outweighs any harm to the community as a whole. The value of the 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 exist.

Mr. Fidae seconded the motion. The motion passed unanimously by the voting members.

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

**2016-17** Robert & Karen Mathien, applicant for a Special Exception to allow an eight (8) foot high fence panel to provide privacy in the yard in the Residential One Zone. This is according to the City's Zoning Ordinance Chapter 42.23 b.10.B.

**Location:** 11 Cider Hill Rd. Map 0127 Lot 0057, Block 0000, Residential 1 Zone

Chair Torr asked who was presenting and Robert Mathien approached the podium and read the Special Exception criteria. The Chair asked if there was anyone in the audience to speak for or against the case. No one came forward. The board members discussed the case. The Chair asked for any city comment, there was none. Mr. Gates moved to grant the special exception as articulated by Mr. Mathien. Mr. Goldstein seconded the motion. The motion passed unanimously by the voting members.

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

**Other Business:**

The Chair asked if there was any other business and there was none.

**Adjournment:**

Mr. Goldstein moved to adjourn at 7:24 p.m., seconded by Mr. Gates.  
The motion passed unanimously by roll call vote.

Respectfully submitted,

*Karen Grenier*

Karen L. Grenier, Building, Zoning & Licensing Secretary