



# City of Rochester, New Hampshire

Building, Zoning & Licensing Dept.  
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## MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF AUGUST 10, 2016 (Approved September 14, 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  
Lawrence Spector, Vice Chair  
Robert Gates  
Randy Lavallee, excused  
Robert Goldstein  
Fidae Azouri, Alternate  
Leo Brodeur, Alternate

#### Members Absent

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 June 8, 2016 were reviewed. Mr. Goldstein made a motion to accept the minutes as corrected, and resubmitted. Mr. Spector 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 the five regular members would be voting on the cases this evening.

## **New Cases:**

**2016-21** Donald and Bonnie Toy applicants request a Variance to the terms of Article 42, Table 18-A and ask that said terms be waived to permit the expansion of an existing manufactured housing park/ mobile home park and allow the application of the Chapter 43 Mobile Home Park Ordinance after April 22, 2014.

Variance to the terms of Article 42, Table 18- B and ask that said terms be waived to permit the expansion of an existing manufactured housing park/ mobile home park and allow the application of the Chapter 43 Mobile Home Park Ordinance after April 22, 2014.

**Location:** 418 Old Dover Rd. Map 0256 Lot 0054 Block 0001, Agricultural Zone

### **Case 2016-21 was moved from the fourth case to the first case of the evening.**

As advised by the City Attorney O'Rourke, case number 2016-21 misfiled and had to be administratively denied. A simple mistake of referencing the wrong ordinance section determined the Attorney's decision. Chair Torr stated a yes vote to approve the postponement of case 2016-21 to the September 14, 2016 meeting. The motion was approved by a yes vote from all the board members.

Mr. Grant suggested keeping the packets as the only thing that will change is the ordinance section for the September 14, 2016 meeting.

**2016-18** Ronald Couture applicant for a Variance request to allow a carport to be two (2) feet to the side property line, where ten (10) feet is the allowed set back in the Residential One Zone. This is according to the City's Zoning Ordinance Chapter 42.19, Table A.

**Location:** 17 Letourneau St., Map 0116 Lot 0089 Block 0000, Residential 1 Zone

Chair Torr asked who was presenting. Mr. Couture approached the podium and addressed the board. Mr. Wayne Colby, the applicant's contractor approached the podium to answer any board members building questions. After discussion and questions about the distance to the property line, the board members decided to make stipulations with the variance decision.

Mr. Grant read into record an email in favor of the project from abutters who are directly affected by this project, Shirley and Kenneth Varney of 15 Letourneau St. Rochester, NH 03867. The board members discussed the details of concerns with the tight setback to the line.

Mr. Grant provided information of the code change to the setbacks of structures. Mr. Grant's comments stated the neighborhood was an old neighborhood and the setbacks were tight, to add to that the house was fifty years old.

The Chair asked the Mr. Couture to read the five criteria items for the variance.

Mr. Gates motioned to grant the variance with the stipulation the setback between the wall of the carport and the property line be no closer than three (3) feet instead of the requested two (2) feet; and applicant will provide a certified site plan. Mr Goldstein seconded the motion. The motion passed unanimously by roll call vote.

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

**2016-19** William C Stowell, applicant for a Variance to allow the subdivision of an existing parcel into two, 2 acre building lots. One with 150' of frontage; and one with less than 150' of the required frontage. This is according to the City's Zoning Ordinance Chapter 42, Table 19 A- Dimensional Standards- Residential Districts.

**Location:** 56 Whitehouse Rd. Map 0256 Lot 0010, Block 0000, Agricultural Zone

Chair Torr asked who was presenting and Mr. Bob Stowell was at the podium to answer questions and read the five criteria for the variance. He also read the narrative for the application. Chair Torr asked if there was anyone in the audience for the case. No one came forward. Chair Torr asked if anyone was present to speak against the case, Mr. Stephen Cantelli of 62 Whitehouse Rd. approached the podium to speak. Mr. Cantelli was concerned about an increase in traffic and concerned about houses that would be built that would not fit to the character of the neighborhood.

Chair Torr asked for the City's view on this variance. Mr. Grant stated for an inch and a quarter per lot difference, there were no concerns. The Chair closed the public hearing portion of the case and the board members worked on the criteria sheets.

Mr. Gates moved to Approve the variance 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 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 be visible from the street.

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 from today to appeal.

**2016-20** Ekimbor, LLC applicant requests a Variance to permit 5,452 sq. ft. of lot area for each unit on lot 1, instead of the required 7,500 sq. ft. per unit. This request is according to the City's Zoning Ordinance Chapter 42.19, Section b.8.

**Location:** 15 Norway Plains Rd. Map 0215 Lot 0017 Block 0000, Residential 2 Zone.

Mr. Robert Graham approached the podium and shared the different projects he has done over the years in Rochester; such as the Walgreens, a Bank, The Ridge and now Village at Norway Plains. Mr. Graham spoke briefly about the project; he then introduced Ken Mavrogeorge of Tighe and Bond, to go over the technical questions about the project. Plan one allows the project with separate lots and city maintained road approved by Planning only. Ten four unit townhouse buildings with only two bedrooms each is allowed by right and would not need a variance. Plan two is to reduce the square feet allowed to about 5,200 sq feet each unit.

Also have the buildings in a more condensed area and provide less ground disturbance. A private road would be maintained for plan two as well, so as not add to the City's maintenance of additional streets. The applicant has talked to the neighbors and they have signed a petition in favor of the project which was submitted to Mr. Grant and is recorded.

The board members discussed. The Chair asked if there was anyone present in the audience who was in favor of the case. Ms. Lea Orr approached the podium with questions about utilities being overhead or underground. She also had questions about the road. Chair Torr asked if there was anyone present to speak against the case and there were none. Chair Torr asked for the city comments and there were none.

Chair Torr closed the public hearing portion of the meeting and the board members worked

Mr. Gates moved to grant the variance with the following stipulations:

1. The road is to remain privately maintained.
2. No more than forty (40) two bedroom units.

The variance will not be contrary to the public interest because: It will not reduce safety from fires, panic, and other dangers. The spirit of the ordinance is observed because: It will not reduce safety from fires, panic, and other dangers. 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 be visible from the abutting properties.

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

**Other Business:** None presented

### **Adjournment:**

Mr. LaVallee moved to adjourn at 8:31 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