



City of Rochester, New Hampshire

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MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF OCTOBER 12, 2016 (Approved November 9, 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
Randy Lavallee
Robert Goldstein
Fidae Azouri, Alternate
Leo Brodeur, Alternate

Members Absent

Larry Spector, excused

Also present: Michelle Mears, Staff Planner, City of Rochester
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 Office for a limited time for reference purposes. It may be copied for a fee.

Approval of Minutes:

The minutes of September 14, 2016 were reviewed. Mr. Goldstein made a motion to accept the minutes as proposed. Mr. Brodeur 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 four regular members and Mr. Brodeur would be voting on the first case. Mr. Fidae Azouri would be voting on the second case with the regular members

New Cases:

2016-28 Benjamin Locke applicant requests a Variance to the terms of Article 42, Table 19-A, asked that said terms be waived allow 5,663 square feet of lot area, when 15,000 square feet of lot area is required, for a four family building in the Residential 2 Zone.

Location: 16 Pine St, 0121-0119-0000, Residential 2 Zone.

Chair Torr asked if the members had any conflicts with tonight's cases, and they did not.

Chair Torr asked who was presenting. Mr. Benjamin Locke approached the podium, introduced himself and briefed the board about his case.

Chair Torr asked if there was anyone in the audience to speak against the case, Ms. Andrea Lemire of 17 Pine Street came forward to speak. She aired her concerns about the density of the neighborhood and concerns about parking and the limitations there of. She did speak against the four unit and lack of land, as opposed to allowing a two family building. Chair Torr asked if there was anyone present to speak for the case and no one came forward. He then asked the board members for questions or concerns. Mr. Goldstein shared his concerns about parking and had questions about the access to Chestnut Street. Mr. Locke stated the access was a right of way.

Chair Torr asked Mr. Locke to read the five criteria questions. Mr. Locke also made comparison to the other buildings in the neighborhood.

Chair Torr asked for the City View. Ms. Mears read statements from the Director of Building Zoning and Licensing that it is "too dense as a duplex requires 9,000 square feet, a four unit requires 15,000 square feet, all that is provided on this lot is 5,663 square feet." She also stated the City Manager's comment was the neighborhood was too dense. The board members discussed the case further. Mr. Gates referenced Mr. Locke to check with the Fire Marshall Tim Wilder to make sure life safety was properly addressed. Mr. Gates also suggested Mr. Locke request a postponement to next month's meeting on November 9th and to come back with more information on his project. Mr. Locke requested a postponement to the November 9, 2016 Zoning Board of Adjustment meeting, to bring back more information about his project.

Mr. Gates made a motion to postpone case 2016-28 to the November 9, 2016 Zoning Board of Adjustment meeting. Mr LaVallee seconded the motion. The motion passed unanimously by roll call, from the voting members.

2016-29 Ekimbor, LLC applicant request a Variance to the terms of Article 42.20, Section b.11.B, and asked that said terms be waived to permit a Multifamily Development within 43.6 feet of a single family residence where 100 feet is required.

Location: 15 Norway Plains Road, 0215-0017-0000, Residential 2 Zone

Mr. Torr asked who was representing the case. Mr. Robert Graham approached the podium to represent. Mr. Torr then asked the board members if there were any questions. Mr. Goldstein asked when the single family house abutting this development would be sold. Mr. Graham stated the sale would possibly happen in the spring. Mr. Torr asked if there was anyone in the audience to speak for or against the case, no one came forward. Mr. Goldstein had concern about the setback between the house and the development as it is less than half of the requirement. Mr. Graham stated if the variance does not get granted the City would have to take on the road for maintenance. The board members discussed the case further, the Chair then asked Mr. Graham to read the five criteria questions.

The Chair asked for the city view. Ms. Mears read the statement from Mr. Grant, Director of Building Zoning and Licensing Services. The request seems to be bending the rules a little too much as the hardship was self created. There was no comment from the City Manager.

Chair Torr closed the public hearing portion of the meeting and the board worked on the criteria sheets. Mr. Gates moved to grant the variance as requested for the following reasons: The variance will not be contrary to the public interest because: It will not diminish the value of buildings. The spirit of the ordinance observed because: It will not hamper the proper use of natural resources. 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. Lavallee seconded the motion. The motion passed four to one.

Ms. Grenier, Board Secretary stated if anyone was aggrieved by this decision they had thirty days from tonight to appeal.

Other Business:

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

Adjournment:

Mr. Brodeur motioned to adjourn the meeting at 7:50pm. Mr. Gates seconded the motion. The motion passed unanimously by roll call vote.

Respectfully submitted,

Karen Grenier

Karen L. Grenier, Building, Zoning & Licensing Secretary