



# City of Rochester, New Hampshire

## Zoning Board of Adjustment

### Special Exception Application

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2-22-38

DATE FILED 11/16/22

C91  
ZONING BOARD CLERK

Applicant: Packy's Investment Properties, LLC

E-mail: Packyc@rsarealty.com Phone: 603-765-9101

Applicant Address: PO Box 77, Farmington, NH 03835-0077

Property Owner: Packy's Investment Properties, LLC

Property Owner Address: PO Box 77, Farmington, NH 03835-0077

Variance Address: 17 Sterling Drive

Map Lot and Block No: Map 208, Lot 18

Description of Property (give length of lot lines): See surveyed engineering plan attached

Proposed use or existing use affected: Solar use in GI Zone; to add 13 Solar Trackers to 11 existing trackers on 7 acre Ministorage site.

The undersigned hereby requests a special exception as provided in section Table of Uses 18-D of the Zoning Ordinance to permit installation of additional solar trackers in a mini-warehouse complex in the GI zone with existing solar on site.

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitute grounds for a Special Exception.

Signed: [Signature]

Date: 11/16/2022



# City of Rochester, New Hampshire

## Zoning Board of Adjustment

### 275.22 Special Exception Sheet

(a) General Provisions

- (1) Certain uses, structures, or conditions are designed as Special Exceptions (E) in this ordinance. Upon application, the Board of Adjustment may, subject to the appropriate conditions and safeguards, grant a permit for these special exceptions and no others.
- (2) Special Exceptions, for which conformance to additional standards is required, may be permitted in their respective districts, subject to the satisfaction of the requirements and standards set forth in this section 275.22, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess such special characteristics that each shall be considered as an individual case.
- (3) The Board of Adjustment may require that a site plan for development for a proposed special exception be submitted showing the location of all buildings, parking areas, traffic access, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special exception is in harmony with the intent of this ordinance.

(b) Considerations Governing Granting Special Exceptions: In acting upon an application for a special exception, the Board of Adjustment shall take into consideration whether:

- (1) The specific site is an appropriate location for the proposed use or structure. Yes No  
Reasoning: YES. Site is an approved Mini-Warehouse facility with 2 x 100kW AC systems approved by the City, already operating. This site was approved by PSNH for a total of 4 interconnection systems, so this SE will allow the other 2 to be built and connected. PSNH infrastructure exists to allow for additional solar power tied to the grid. Solar power generation is a permitted use in the GI zone.
- (2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood. Yes No  
Reasoning: NO; there is no change to the present use of the property. Area is commercial/industrial and use not detrimental. This site is already approved and constructed with solar trackers, so no change in the neighborhood uses by added trackers.
- (3) There will be undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off street parking. Yes No Reasoning: NO; absolutely no impact to traffic or pedestrians in the neighborhood. There are no impacts to travel ways, as these additional trackers are outside of all traffic and parking ways, and not in a pedestrian used area. Trackers have no impact on any traffic or parking lots.
- (4) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Yes No Reasoning: YES; site already has the electrical transformer installed to handle these additional trackers. The existing solar is already approved by by the City and PSNH, and infrastructure in place for additional solar power production connection to the utility.
- (T) The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan. Yes No Reasoning: Solar is a desirable use of all properties, specifically allowed by state law for customer generation a right granted by RSA 362 A-9. The use is a permitted use by SE in this zone per Table 18-D. Site Plan Regulation Article III Section 8(d) encourages solar, as reflected by the City planning dept. encouraging solar at TRG in Oct, 2020 for this site. Upon information and belief, Master Plan is silent on solar power generating or alternative "green" energy production.

**Please check section 275.22 of the Zoning Ordinance for any additional specific conditions that apply to your Special Exception request.**

**Packy's Investment Properties, LLC**

P.O. Box 77  
Farmington, NH 03835

Phone: (603) 332-1100  
Email: [packyc@rsarealty.com](mailto:packyc@rsarealty.com)

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November 16, 2022

Shanna Saunders, Dir. of Planning  
City of Rochester Planning Dept.  
33 Wakefield Street  
Rochester, NH 03867

***Re: Application for Special Exception  
17 Sterling Drive / Map 208, Lot 18***

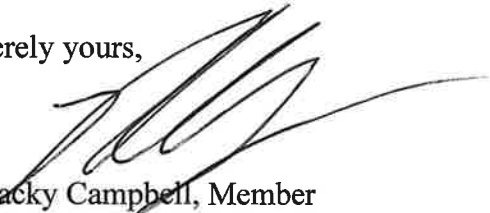
Dear Shanna:

Please find delivered herewith our application for a Special Exception for the above property for the construction of additional solar power trackers on the property.

For the record, we are applying for this Special Exception without agreeing with your administrative determination that this is an "power generation utility" use. An affiliated entity of mine, to wit GNM Solar 17, LLC, has already filed suit against the city for such a determination on another project at 60 Shaw Drive. We believe that your determination does not comply with state law, and therefore reserve the right to appeal the determination relative to this project at 17 Sterling Drive.

Please let me know if you require anything further to process this application.

Sincerely yours,



W. Packy Campbell, Member





# ZONING

## 275 Attachment 4

### City of Rochester

**Table 18-D Industrial-Storage-Transport-Utility Uses  
[Amended 5-7-2019]**

#### LEGEND

P = Permitted Use

C = Conditional Use

E = Use Allowed by Special Exception

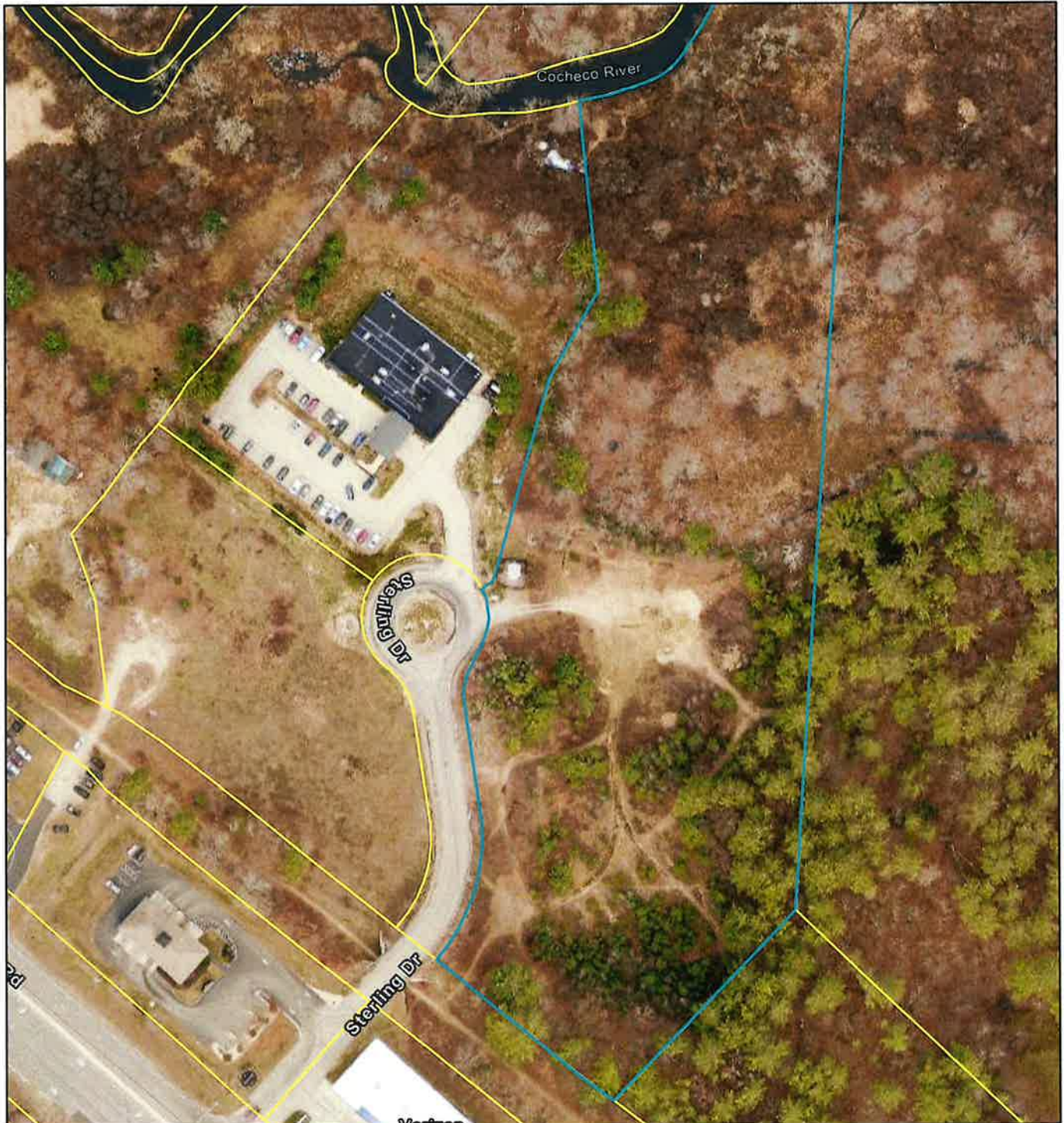
Industrial-Storage-Transport-Utility-Uses	Residential Districts				Commercial Districts				Industrial Districts		Special		Criteria/Conditions Reference
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS	
Airport	—	—	—	E	—	—	—	—	—	—	—	P	Article 21
Commercial parking facility	—	—	—	—	C	—	—	—	—	—	—	—	—
Contractor's storage yard	—	—	—	E	—	—	—	E	P	P	—	—	Articles 20 and 22
Distribution center	—	—	—	—	—	—	P	C	P	—	—	—	Article 21
Emergency services facility	—	—	—	—	C	C	—	C	C	—	P	—	Article 21
Fuel storage	—	—	—	—	—	—	P	E	E	—	—	—	Article 21
Helipad (accessory use)	—	—	—	E	—	E	P	E	P	P	P	P	Article 21
Industry, heavy	—	—	—	—	C	—	P	E	P	E	—	—	Article 21
Industry, light	—	—	—	—	—	—	P	P	P	—	—	—	Article 21
Industry, recycling	—	—	—	—	—	—	—	—	—	P	—	—	Articles 20 and 22
Junkyard	—	—	—	—	—	—	—	E	E	P	—	—	Articles 20 and 22
Laundry establishment-3	—	—	—	—	—	—	—	P	P	—	—	—	—
Mini-warehouse	—	—	—	—	—	—	P	C	P	—	—	—	Articles 20 and 21
Monument production	—	—	C	—	—	C	—	P	P	P	—	—	Article 21
Parking lot	—	C	C	C	C	C	—	P	C	P	C	P	Article 21
Printing facility	—	—	C	—	—	P	P	P	P	—	—	—	—
Public parking facility	—	—	—	—	P	—	—	—	—	—	—	—	—
Recycling facility	—	—	—	—	—	—	—	E	E	P	—	—	Articles 20 and 22
Research and development	—	—	—	—	E	P	P	P	P	—	—	—	Article 21
Sawmill	—	—	—	—	—	—	—	—	E	—	—	—	Article 21
Sawmill, temporary (accessory use)	—	—	—	P	—	P	—	P	P	P	—	P	Article 23

# ROCHESTER CODE

Industrial-Storage- Transport-Utility-Uses	Residential Districts					Commercial Districts					Industrial Districts		Special		Criteria/Conditions
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS			
Solid waste facility	—	—	—	—	—	—	—	—	—	P	—	—	Articles 20 and 22		
Tank farm	—	—	—	—	—	—	P	C	P	—	—	—			
Trade shop	—	—	C	—	C	C	P	P	P	P	—	—	Article 21		
Transportation service	—	—	C	—	C	—	P	P	C	C	—	—	Article 21		
Truck terminal	—	—	—	—	—	—	P	—	C	C	—	—	Article 21		
Utility - substation	E	E	E	E	E	C	E	P	P	P	E	E	Article 21		
Utility - power generation	—	—	—	—	E	—	E	—	E	E	—	—	Article 21		
Warehouse	—	—	C	—	C	C	P	P	P	C	—	C	Articles 20, 21 and 23		
Wireless communications facility	—	—	—	E	E	E	P	E	P	P	E	E	Articles 20 and 22		

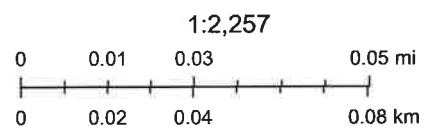


# 17 Sterling Drive




11/16/2022, 11:47:35 AM

 Tax Parcels  
Parcel Info



Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS, Esri Community Maps Contributors, Rochester GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



CURRENT OWNER			UTILITIES		TOPO		ZONING		CURRENT ASSESSMENT			VISION															
PACKYS INVESTMENT PROPERTIES LLC P O BOX 77  FARMINGTON NH 03835-0077	0	NONE	0	CITY SEWER	0	LEVEL	G	GRANITE	Description	LUC Co	Prior Assessed	Current Assesse															
	0	CITY WATER	0	WTR PBO	3001	NEIGHBORHOOD	NHBD NAME		LAND	390	211,000	211,000															
	0	UTILITY	0	ST / TRAF		EXEMPTIONS	COMMERCIAL RT11N																				
	0	PAVED	0	MEDIUM			Description																				
	LEGAL DESCRIPTION																										
SALES INFORMATION- GRANTEE																											
Issue Date	Permit Id	Description	Price	Insp Date	% C	Stat	Notes		PREVIOUS ASSESSMENTS (HISTORY)																		
02-11-2021	MJB-21-18	COMM BLDG	470,000	03-22-2021	0	O	Mini-warehouse self storage buildings, with ancillary sol		Year	Descri	Prior Assesse	Year	Descri	Prior Assesse	Year	Descri	Prior Assesse										
02-05-2021	E-21-45	SOLAR	280,000	03-22-2021	0	O	8-48solar panel dual axis trackers on 4 storage unit buil		2019	LAND	184,800	2020	LAND	211,000	2020	LAND	211,000										
01-11-2021	SG-20-20	SIGN	12,000	03-22-2021	0	O																					
09-19-2006	06-1363	DEMOLITION	7,900	01-04-2007	100	CE																					
04-20-2001	201	ADDITION	500		100	C																					
BUILDING PERMIT RECORD																											
APPRaised VALUE SUMMARY																											
Appraised Building Value (Card)																		211,000									
Appraised Extra Feature Value (Bldg)																		0									
Appraised Outbuilding Value (Bldg)																		0									
Appraised Land Value (Bldg)																		211,000									
Total Appraised Parcel Value																		211,000									
Valuation Method																		C									
VISIT / CHANGE HISTORY																											
Date	Id	Purpost/Result	Notes																								
04-28-2020	DF	MAPPING CHG	REVISED AC T																								
04-19-2020	CK	MAPPING CHG	COMBINED WI																								
03-18-2020	DF	DEED CHANGE	PER EMAIL FR																								
12-01-2015	VS	OWN ADD CHG	CORRECTED L																								
11-30-2009	TM	CORRECTION	EASEMENT TO																								
09-08-2008	VS	DEED CHANGE	EASEMENT 36																								
05-30-2008	GN	DEED CHANGE																									
LAND LINE VALUATION SECTION																											
B	LUC	Description	LandU	Land Type	Loc Adj	UnitPric	Size Adj	Cond	Nbhd	Nb Adj	Inf11	Inf11 Adj	Inf12	Inf12 Adj	Inf13	Inf3 Adj	Adj UnitPrice	Appraised Value	Assessed Value	Notes							
1	3900	COM DEVL	1.000	PRIMARY	UN	1,000	175,000	1.00	3001	1,000							175,000	175,000	175,000								
1	3900	COM DEVL	2.450	EXCESS A	E	1,000	15,000	1.00	3001	1,000	E	0.850			TIF3		12,750	31,200	31,200								
1	3900	COM DEVL	3.220	EXCESS A	S	1,000	15,000	1.00	3001	1,000	W	0.100					1,500	4,800	4,800								
Total Card Land Units																		6.67 AC		Parcel Total Land Area		6.67 AC		Total Land Value		211,000	



# TRG Staff Review of Site Plan Self Storage at 17 Sterling Drive [Map 208 Lot 18]

Date: October 22, 2020

To: Scott Lawler, PE

From: Seth Creighton, Chief Planner

Re: TRG's review of Preliminary Site Plan Application for Self Storage

The TRG reviewed the following:

- Non-Residential Preliminary Site Plan Application, cover letter
- Existing Features Plan, Overall Site Plan, and Site Plan Layout for Tax Map 208, Lots 18, 17 Sterling Drive Rochester NH Prepared for Packys Investment Properties LLC, dated October 2020.

## **Project description:**

Proposed self-storage facility at 17 Sterling Drive, a 6.67 acre lot located in the Granite Ridge Development District, Aquifer Protection Overlay District, and Flood Hazard Overlay District. Four steel buildings totaling 26,800 square feet and a 24-foot wide one-way travel way are proposed. Stormwater management is proposed. A chain link fence will be installed on the sides of the parcel.

Note that the tax map and City GIS map do not reflect the lot merger of Map 208 Lot 18 and Map 208 Lot 18-3 approved in March 2020.

## **Waiver Requests:**

None at this time.

## **Conditional Use Permits:**

None at this time.

## **Staff's TRG Review Comments:**

### **Planning Department Comments:**

- 1) Self-storage facilities fall within the definition of mini-warehouse, which is a permitted use in the GR District. Zoning Ordinance Article 20, Standards for Specific Permitted Uses, applies to this use in the GR District. Per 275-20.2(H), the front setback for all storage structures shall be 100 ft, and side and rear setbacks from any residential property shall be 75 ft. Please add these setback to the plan notes.
- 2) The plan shows wetlands. Please add a note to the plan that the lot is within the Conservation Overlay and add wetland setbacks to the dimensional standards notes section.
- 3) We would support no fences on this project. The industry norm now is to use cameras instead of fences. What security features are proposed here?
- 4) Please provide a landscaping plan, with particular attention to providing a vegetated screen between the cemetery and storage units. Landscaping buffers of 15 ft and 10 feet are required along the front right of way and side of the lot, respectively. Dressing up the front of the lot is key- this will help showcase the product.

- 5) Architectural drawings for the units should be submitted. Please refer to Site Plan Review Section 2(H)(2) for specific design considerations for self-storage facilities.
- 6) A lighting plan will be required.
- 7) If any signage is proposed, a sign permit will be required.
- 8) Please note hours of operation and show snow storage areas. Refer to Site Plan Regulation Article III Section 9.
- 9) No parking is provided. 1 space per 1,000 sf is required for warehouses. Minimum parking requirements may be reduced per Site Plan Regulation Article III Section (10)(C), or by requesting a waiver; either of which Planning Staff will support.
- 10) Are there any intentions of working within 25-feet of the cemetery?  
Zoning Ordinance 275.27.2 prohibits construction, excavation, development, or placement of any buildings, structures, signage, or parking inside or within 25 feet of a cemetery. No healthy tree with a DBH of 8 in or more may be cut or removed within 25 feet of the cemetery except by special exception for good cause and with appropriate mitigation. No new chain link fence shall be installed in or around any cemetery.
- 11) Please use LID stormwater systems, per Site Plan Regulation Article III Section 13.
- 12) We recommend the installation of solar panels, per Site Plan Regulation Article III Section 8.D.
- 13) The plans show a FEMA flood zone line. Please label which FEMA flood zone is on each side of the line.
- 14) Please show the Aquifer Protection Overlay area/boundary. Refer to the City's GIS maps for this location.
- 15) Provide a copy of the deed.

**Assessing Dept. Comments:**

No comments.

**DPW Comments:**

- 1) Label City's utility easement for the sewer pump station on the plans.
- 2) Show edge of gravel access to sewer pump station (existing). Show proposed improvement and curb cut from new driveway.
- 3) Confirm no City water or sewer is needed for the proposed development. Specifically confirm fire protection needs are met with existing hydrant on Sterling.
- 4) Provide stormwater management design drawings, grading and drainage plans and drainage calculations.

**Fire Dept. Comments:**

Confirm hydrant location and access.

**Police Dept. Comments:**

- 1) Would like to see a security lighting plan for the site.

- 2) Applicant should consider continuing the fencing around the whole site not just the back and sides to keep unauthorized people out. Should the fence cross the entrance radio frequency gate access should be provided for both police and fire.
- 3) Will there be security cameras monitoring the premise?

**Economic Development Dept. Comments:**

As of 10-21-20 written comments have not been issued.

**Building/Zoning/Licensing Services Dept.:**

Nice project!

## **ABUTTER LIST**

**City of Rochester, NH**

**Please Print or Type**

**Applicant:** Packys Investment Properties LLC

**Phone** 603-765-9101

**Project Address:** 17 Sterling Drive, Rochester, NH

**List the names and addresses of all parties below. For abutting lot owners, list each owner whose lot adjoins or is directly across the street or a body of water from the subject property. This form may not be completed more than five (5) days prior to the application deadline.**

### **LEGAL OWNER OF SUBJECT LOT**

<b>Map</b>	<b>Lot</b>	<b>Owner Name</b>	<b>Mailing Address</b>
208	18	Packys Investment Properties LLC	PO Box 77, Farmington, NH 03835

### **ABUTTINI LOT OWNERS**

<b>Map</b>	<b>Lot</b>	<b>Owner Name</b>	<b>Owner Mailing Address (NOT property location)</b>
208	18-1	Same as applicant	
208	18-2	Elliott Bay Healthcare Realty LLC	617 Eastlake Avenue Suite 305, Seattle, WA 98109
208	19-1	Hermitage Place Limited Partnership	PO Box 648, Concord, NC 28025
209	9	Ralph W. Torr & Pauline Torr Revocable Trust of 2000	283 Chestnut Hill Road, Rochester, NH 03867
209	17	Kelley Kathleen & Robert J. Torr	214 Blackwater Road, Dover, NH 03820
216	13	State of New Hampshire Department of Transportation	PO Box 483, Concord, NH 03302
216	14-1	Merrick E. & Dolores A. Lane	12 Little Falls Bridge Road, Rochester, NH 03867-4307

**PROFESSIONALS AND EASEMENT HOLDERS.** *Engineers, Surveyors, Silencers, and Architects, whose legal appearance shall appear on the plan (other than an Agent submitting this application); holders of Conservation Easements, Agricultural Easements; and Drought Damages, etc./NHDER.*

### **Name of Professional or Easement Holder**

### **Mailing Address**

Scott A. Lawler, PE; Norway Plains Associates, Inc.	PO Box 249; Rochester, NH 03866-0249
Damon E. Burt, CWS; Fraggie Rock Environmental	38 Garland Road, Strafford, NH 03884

**Applicant or Agent:** Norway Plains Associates, Inc.

**Staff Verification:** \_\_\_\_\_