



City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Application

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2-23-49

DATE FILED 9/21/23

COJ
ZONING BOARD CLERK

Applicant:

NM Cook Development LLC & NM Cook 17 Farmington Road LLC

E-mail: mcook@metrocast.net Phone: 603-502-5200

Applicant Address: 22 Isaac Lucas Circle, Dove, NH 03820

Property Owner (if different): Same

Property Owner Address: Same

Variance Address: "0" Farmington Road & 17 Farmington Road

Map Lot and Block No: Tax Map 216, Lot 29 & Tax Map 221, Lot 164

Description of Property: Commercial Building, Tides Fish Market and Vacant Parking Lot

Proposed use or existing use affected: Proposing to Merge the parcels and redevelop the site with multiple buildings

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section _____

and asks that said terms be waived to permit _____

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 variance. **I understand that while presenting my case the testimony should be confined to the 5 criteria and how they pertain to my case.**

Signed: _____

- Chapter 275-12.8 Uses Allowed, to permit the corner of a proposed building within 50' of a wetland boundary.
- Chapter 275-12.8 (B)(8) to permit land disturbance within 25' of a wetland boundary
- Chapter 275, Article 23.2 (7)(a) to permit a drive through window to be placed on the front of a structure.
- Chapter 275-8.5B.10(a) (1) minimum setbacks to permit a building closer than 100' to the rear boundary line.
- Chapter 275-8.5B.10(a) (1) minimum setbacks to permit a building closer than 50' to the front boundary line to NH Route 11
- Chapter 275-8.5B.10(a) (5) to permit the development without the need for the 300' buffer requirement.



City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Criteria

1) Granting the variance would not be contrary to the public interest because:
See Narrative

2) If the variance were granted, the spirit of the ordinance would be observed because:
See Narrative

3) Granting the variance would do substantial justice because:
See Narrative

4.) If the variance were granted, the values of the surrounding properties would not be diminished because:
See Narrative

5.) Unnecessary Hardship:

a. Owing to special **conditions of the property that distinguish it from other properties in the area**, denial of the variance would result in an unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

See Narrative

And:

ii. The proposed use is a reasonable one because:

b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.



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September 20, 2023

City of Rochester Zoning Board

Attention: Shanna Saunders, Director of Planning & Development

33 Wakefield Street

Rochester, NH 03867

Re: NM Cook Development LLC & NM Cook 17 Farmington Road LLC

Property Located Between 21 and 17 Farmington Road

Farmington Road / NH Route 11

Tax Map 216, Lot 29 & Tax Map 221, Lot 164

Variance Request(s)

Ms. Saunders

On behalf of our client, NM Cook Development LLC & NM Cook 17 Farmington Road LLC, Berry Surveying & Engineering (BS&E) is requesting variances to six portions of the City of Rochester Zoning Ordinance.

- Chapter 275-12.8 Uses Allowed, to permit a portion of a proposed building within 50' of a wetland boundary.
- Chapter 275-12.8 (B)(8) to permit land disturbance within 25' of a wetland boundary
- Chapter 275, Article 23.2 (7)(a) to permit a drive through window to be placed on the front of a structure.
- Chapter 275-8.5B.10(a) (1) minimum setbacks to permit a building closer than 100' to the rear boundary line.
- Chapter 275-8.5B.10(a) (1) minimum setbacks to permit a building closer than 50' to the front boundary line of NH Route 11
- Chapter 275-8.5B.10(a) (5) to permit the development without the need for the 300' buffer requirement.

Background and General Narrative:

The existing primary sites for development are Tax Map 216, Lot 29 and Tax Map 221, Lot 164, which is situated between the new Meredith Village Savings Bank (MVSBS), located at 21 Farmington Road and the plaza located at 17 Farmington Road. The plaza is on Lot 164. The subject parcels and others noted below are all located within the Granite Ridge Development (GR) Zone. Mr. Cook, of NM Cook Development LLC & NM Cook 17 Farmington Road LLC the "applicant" has purchased a number of properties in the area over the years. The presented project combines and promotes uses on each one of the project sites and locations.

The subject parcels have a large amount of frontage along NH Route 11. The parcel has 410.49 feet along NH Route 11 in a contiguous format. There is an additional 35' on the north side of MVSB and there is frontage created along a perpendicular section to NH Route 11 which bumps out around the portion of the gas station on the parcel. The average depth of the parcel is approximately 254'.



The Proposal:

Mr. Cook is proposing to develop the underutilized parking lot with a mix of commercial development in multiple buildings. This includes merging the two parcels to have one project site unencumbered by internal boundary lines. The rear of the site is proposed to be developed with a building that is approximately 12,500 Sq.Ft. in size. The building is proposed to contain a full basement for storage use of the abutting complimentary uses. The first-floor commercial space is designed with a large inviting sidewalk at the front to make way for integrated landscape features as well as activated space. The building's basement design is designed around the topographic feature at the rear of the site, and allows for the required slope of the drive aisle to work with the foundation wall. Additional parking is proposed at the rear of this building. The rear building is of regular increment, and is positioned as far to the south as the site will allow. The parking array to the south, parking adjacent to the plaza and the installation of sidewalk for walkability positions the building on the site. Due to this positioning the rear corner of the building is located within the 50' wetland setback, 41.77' at the closest point. A variance for the structure is requested whereas it is not a permitted use in the overlay district.

The drive aisle at the rear of the structure along the abutting boundary line, is proposed to continue to the lower section of the building. It will transition from a 24' aisle to a 15' paved access road which will traverse between the subject parcels and the Rochester Motorsports to the north. This will formally allow materials to travel to and from the sites without the need to enter and exit onto NH Route 11 and the existing traversing activities within the right of way will be discontinued. Though the proposed access road is permitted by Conditional Use, granted by the Planning Board, portions of the access and the associated grading will be located within 25' of the wetland boundary, which is not permitted within the overlay district and therefore requires a variance.

The center of the site contains the main drive aisle and is designed to promote all of the users of the site to enter and exit through the northern entrance previously discussed. The site proposes parking arrays opposing the drive aisle in a conventional design.

Two buildings are proposed at the front of the site. The northern building is approximately 3,600 Sq.Ft., and the southern building is approximately 3,200 Sq.Ft. in size. The intent of the two separated buildings is to promote internal landscaping, visual connection to the rear of the site and the creation of internal activated space. The walks ways adjacent to the center aisle are proposed to be an inviting 8' wide. Though the primary store fronts of the buildings will be internally facing, the architectural requirements of the GR zone will dictate the required features facing NH Route 11.

The southern building is proposed to contain a tenant that would require a drive-through order and pickup window and is logically proposed along the length of the building facing NH Route 11. Article 23.2 (7)(a) requires that these uses are placed on the side or rear of the structure. As noted above the best traffic pattern for NH Route 11 and the site is to promote activity at the



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northern most entrance. This entrance provides for the greatest queue length for the user and will remove the possibility of stacking into the entrance and exit lanes. Additionally, a by-pass lane is proposed to eliminate the potential for congestion. Placing the pickup window on the southern end of the building is not possible due to existing traffic conflicts with the gas station and access in and out of the existing plaza site at the southern entrance.

The design is careful to create an internal traffic connection, safe pedestrian connection and a cohesion between the proposed pad sites through the use of landscape, hardscape and activated space. If a drive through were forced to the internal facade of the building, required parking would be placed at the front of the site and the site will operate as multiple disjointed users which is contrary to modern design ideals.

Variance Criteria for Chapter 275-12.8 to permit a structure within 41.77' of the wetland boundary.

- 1) *Granting the variance would not be contrary to the public interest because:*
The public interest is in keeping the largest protections to the natural wetland system as practical while providing an opportunity for land owners to exercise property rights. In this case the area of the site where the building is proposed within the 50' required setback has historically been disturbed and is in an unnatural condition.
- 2) *If the variance were granted, the spirit of the ordinance would be observed because:*
If the variance were granted, the spirit of the ordinance would be observed. In other commercial zones buffer reductions such as this are permitted with the overlay district. This speaks to the balance placed in the ordinance to environmental sensitivity and economic growth. The incursion into the setback is small and is within an area of previous disturbance, and is within the spirit of allowing controlled development to take place in economically developing sections of the city.
- 3) *Granting the variance would do substantial justice because:*
Substantial justice in this case is achieved whereas the benefit to the applicant far outweighs the detriment to the general public or the ordinance as a whole. The ordinance permits disturbances within the 50' setback by Conditional Use for specific uses, however the building is not a listed use. The proposed building proposes no greater detriment to the wetland than an access road or prior disturbances found onsite. The reduction of the leasable space onsite for the purposes of removing the impact, within an impacted area is a detriment to the applicant and is avoidable with the granting of the variance.
- 4) *If the variance were granted, the values of the surrounding properties would not be diminished because:*



If the variance were granted, the values of the surrounding property values will not be changed. The uses proposed are commercial and are within the GR zone which is inherently commercial. The change in the wetland setback will have no bearing on the abutting land uses and therefore will not affect value.

5) Unnecessary Hardship:

- a. Owning the special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:*
- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

In this case there is no fair and substantial relationship between the public purpose and the specific application to the property. The public purpose is designed to protect the wetland boundary by situating buildings a minimum of 50' away. The ordinance then allows for certain disturbances between the building and the 25' buffer. However, portions of the ordinance also permits buffer reductions for the purposes of building commercial sites. Applying a more stringent standard (50') without the benefit of the buffer reduction on a property that is clearly commercially used and within a commercial zone creates an inequitable relationship. The applicant has attempted to reduce the building structure to fit the site, fit the contour of the land, is of regular constructable shape, and meets the needs of the applicant

- ii. The proposed use is a reasonable one because:*

The request is small compared to the size of the wetland and given the impacted history on the project site. This is a reasonable request given the potential buffer reduction offered to other land owners in other commercial zones.

- b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owning to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use for it.*



The special condition of this parcel is the general dimension of the property in relation to the existing buildings already situated on the project site. When these factors are considered, adjacent to the wetland onsite, which cuts through the corner on an angle, the constraints pose an unnecessary hardship to the applicant.

The denial of the variance would cause an unnecessary hardship to the owner in that it places the site at an economic disadvantage to other identical sites in more favorable zones. This is unnecessary if the variance is granted for a minor encroachment within the 50'

Variance Criteria for Chapter 275-12.8 (B)(8) Land surface within 25' of a wetland is proposed to be altered.

- 1) *Granting the variance would not be contrary to the public interest because:*
The public interest is the balance between the environmental longevity of the natural resources in the City of Rochester and the growth potential and traffic connectivity of parcel within the GD Zone. In this case the applicant is proposing an access for the connectivity of multiple parcels to alleviate the need to enter into NH Route 11, which aids in the much-needed traffic management issue along the corridor.
- 2) *If the variance were granted, the spirit of the ordinance would be observed because:*
If the variance were granted, the spirit of the ordinance would be observed whereas the applicant has designed the access and associated grading to be the most limited needed which allows for a remaining buffer around the wetland boundary. Stormwater and buffer plantings will be evaluated during the planning process of the project to ensure current design philosophy is utilized.
- 3) *Granting the variance would do substantial justice because:*
Substantial justice in this case is achieved where the applicant gains and maintains access between the parcel without there being a detriment to the ordinance or abutting land owners. The disturbance within 25' of the wetland boundary will not cause harm to abutting land owners in the area and satisfies a need between the multiple project sites.
- 4) *If the variance were granted, the values of the surrounding properties would not be diminished because:*
If the variance were granted, the values will not be diminished whereas value is not determined by the breadth of wetland buffers. The reduction in the buffer will not pose environmental harm given the existing disturbance with the area of impact.



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5) *Unnecessary Hardship:*

- a. *Owning the special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:*
- i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

The special condition of this parcel is the shape in the context of the existing natural features as well as the topographic features at the rear of the site. The wetland buffer and setback in this area has some existing disturbance. The ordinance is designed to ensure the remaining buffer provides a level of protection to the wetland boundary. This can be done with innovative stormwater methods and enhanced plantings in the area and therefore there is no relationship between the purpose and this specific application.

The denial of the variance would cause an unnecessary hardship to the owner by not allowing access between the parcels in the most appropriate way possible given the context of NH Route 11 and the GR Zone. Connectivity is promoted throughout the GR ordinance and this proposal follows suit on a project specific level.

- ii. *The proposed use is a reasonable one because:*

The proposed use is a reasonable one because it allows for the reasonable development of the existing disturbed area around a wetland to be used for a traffic management purpose.

- b. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owning to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use for it.*

Though other properties in the immediate area have wetlands on them, this lot is special given the less uniform nature when compared to the property boundary and the existing buildings situated thereon. The need to traverse along the wetland boundary within the buffer is a direct result of the wetlands shape and position as it relates to the developable land on both



sites. Denial would pose an unnecessary hardship by not permitting a formal access between the parcels.

Variance Criteria for Chapter 275, Article 23.2 (7)(a) Drive Through Window must be on the side or rear of the building.

- 1) *Granting the variance would not be contrary to the public interest because:*
The public interest is ensuring the corridor is not lined with drive-thru services at the front of project sites, which tend to cause traffic congestion and queuing issues with public highways. In this case, the purpose of the request is to ensure there is adequate traffic management and queue length for the modern-day drive-thru and pick up window.
- 2) *If the variance were granted, the spirit of the ordinance would be observed because:*
The spirit of this ordinance is likely to promote building facades that face the corridor. Drive-thru location and proper building facades are not mutually exclusive items. The site will contain a landscape design between the aisles and the right of way and the building design can still contain architectural elements that are required in the GR Zone.
- 3) *Granting the variance would do substantial justice because:*
Substantial justice is provided by allowing the owner to develop the site in a cohesive manner that promotes the best traffic and pedestrian management. There is no detriment to the ordinance or the general public in light of the fact that the alternative options were reviewed and found to pose site related issues that are contrary to other section of the GR Zoning ordinance.
- 4) *If the variance were granted, the values of the surrounding properties would not be diminished because:*
If the variance were granted the values of the surrounding property values would not be diminished. There are no abutting properties that would be impacted by allowing the drive-thru components to be placed at the front of the site. In fact, the closest abutting residential user is at the rear of the project site.
- 5) *Unnecessary Hardship:*
 - a. *Owning the special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:*



- i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

The special condition of this parcel is the width vs the depth of the property in conjunction with the two restricted, dedicated, access points on the property. The GR district promotes small commercial pods that are interconnected by walks, activated spaces, and cohesive traffic flow. On this property, the public purpose noted above and the public purpose of providing drive-thru items on the side and rear for traffic management reasons are in conflict with one another. Since the traffic management proposed is the reason for the placement of the drive-thru there is no substantial relationship between the two.

The denial of the variance would cause an unnecessary hardship in creating a disjointed development on the project site. If a drive-thru were forced on the rear or side of the building each pad site would be designed to work independently of each other creating disconnection on the entire site.

- ii. *The proposed use is a reasonable one because:*

The proposed use is reasonable whereas the traffic management component and the aesthetic purpose can be satisfied despite having the drive-thru on the front of the building.

- b. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use for it.*

As noted above, given the special nature of the parcel's width and depth in conjunction with the southerly abutting building, existing gas station location and existing dedicated driveway locations would not reasonably allow for a drive-thru (an allowed use) to be placed on the project site while maintaining a high level of traffic management and meeting the goals and objectives found in the GR Zone. Not permitting a much needed use on the site due to the location poses an unnecessary hardship to the applicant.



Variance Criteria for Chapter 275-8.5B.10(a) (1) minimum setbacks to permit a building closer than 100' to the rear boundary line.

- 1) *Granting the variance would not be contrary to the public interest because:*
The public interest is to provide separation of larger projects within the GR Zone from abutting users that are likely not within the GR Zone. In this case there is a large wooded buffer between the rear building and the closest abutting non-congruent use. (Residential). The building proposed is not imposing and is not proposed to be a tall mixed use building.
- 2) *If the variance were granted, the spirit of the ordinance would be observed because:*
If the variance were granted, the spirit of the ordinance would be observed whereas the project design is relatively small in horizontal and vertical scale. Larger setbacks are supported in projects that have larger massing associated with them. This can be seen later in the GR ordinance where larger buffers from larger structures is contemplated.
- 3) *Granting the variance would do substantial justice because:*
Substantial justice in this case is achieved where the applicant is allowed to develop a site that does not contain an abundance of depth, on a scale that is practical given the context of the site.
- 4) *If the variance were granted, the values of the surrounding properties would not be diminished because:*
If the variance were granted, the values will not be diminished whereas the proposed reduction in the rear setback is not outside the disturbances and constraints currently observed on the site now. The buildings are not proposed to be large or imposing and are on the same scale as what has been developed on the site in the past.
- 5) *Unnecessary Hardship:*
 - a. *Owning the special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:*
 - i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

The special condition of this parcel is the shape in the context of the scale of the proposed project. The lack of sizable depth makes



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compliance and reasonable development of a parcel in the GR Zone impossible and therefore constitutes an unnecessary hardship to the applicant. If the intent is to promote larger building projects to have larger setbacks, there is no substantial relationship to projects that are smaller in footprint and profile.

The proposed use is a reasonable one because:

The proposed use is reasonable given the scale that is contemplated.

- b. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use for it.*

It is unreasonable to think the properties in the GR Zone with such stout depths could reasonably be developed to a high potential with such a large rear setback. This poses an unnecessary hardship on the applicant by not permitting the highest in best use of a parcel in a zone that promotes the highest and best uses.

Variance Criteria for Chapter 275-8.5B.10(a) (1) minimum setbacks to permit a building closer than 50' to the front boundary line to NH Route 11

- 1) *Granting the variance would not be contrary to the public interest because:*
The public interest is to provide separation of larger projects within the GR Zone from the road right of way so that they are less imposing to the corridor. The proposed building is set further back from the corridor than the two abutting buildings to the north and south.
- 2) *If the variance were granted, the spirit of the ordinance would be observed because:*
If the variance were granted, the spirit of the ordinance would be observed whereas the project design is relatively small in horizontal and vertical scale. Larger setbacks are supported in projects that have larger massing associated with them. This can be seen later in the GR ordinance where larger buffers from larger structures is contemplated.
- 3) *Granting the variance would do substantial justice because:*
Substantial justice in this case is achieved where the applicant is allowed to develop a site that does not contain an abundance of depth, on a scale that is practical given the context of the site.



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- 4) *If the variance were granted, the values of the surrounding properties would not be diminished because:*

If the variance were granted, the values will not be diminished whereas the proposed reduction in the front setback is not outside the disturbances and constraints currently observed on the site now. The buildings are not proposed to be large or imposing and are on the same scale as what has been developed on the site in the past.

- 5) *Unnecessary Hardship:*

- a. *Owning the special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:*

- i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

The special condition of this parcel is the shape in the context of the scale of the proposed project. The lack of sizable depth makes compliance and reasonable development of a parcel in the GR Zone impossible and therefore constitutes an unnecessary hardship to the applicant. If the intent is to promote larger building projects to have larger setbacks, there is no substantial relationship to projects that are smaller in footprint and profile. Prior to the latest revisions on the zoning document there were not prescribed setback requirements within the zone.

The proposed use is a reasonable one because:

The proposed use is reasonable given the scale that is contemplated.

- b. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use for it.*

It is unreasonable to think the properties in the GR Zone with such shallow depths could reasonably be developed to a high potential with such a large front setback. This poses an unnecessary hardship on the applicant by not permitting the highest in best use of a parcel in a zone that promotes the highest and best uses.



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The special condition of this parcel is the shape and the fact that it is already fully developed. The development will bring the site closer to complying with the buffering regulations and therefore there is no fair and substantial relationship between this site and the need for full compliance within the zone. Full compliance would require the applicant to not develop the site to the highest and best use which places the land at an economic disadvantage, which is an unnecessary hardship but for the variance request.

The proposed use is a reasonable one because:

The proposed use is reasonable given the scale that is contemplated and the fact that it will be developed closer to compliance than the existing condition.

- b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use for it.*

It is unreasonable to think the properties in the GR Zone with such shallow depths could reasonably be developed to a high potential with such a large buffering requirement. This poses an unnecessary hardship on the applicant by not permitting the highest in best use of a parcel in a zone that promotes the highest and best uses.

We hope the board finds this project is worthy of a variance and approves the request. Thank you all for your time and attention this matter.

Respectfully submitted,
BERRY SURVEYING & ENGINEERING

Christopher R. Berry, SIT
Principal, President



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275-12.8 **Uses allowed.**

A. The CO District is an overlay district. Where the provisions of this article conflict with those of the underlying zoning district, the more restrictive standards shall apply.

B. The following uses are allowed in this district:

(1) Wildlife habitat development and management.

(2) Conservation areas and nature trails, provided that the Planning Board, in consultation with the Conservation Commission, reviews and approves plans of such areas and trails prior to their development.

(3) Recreation, including open-air recreational uses consistent with the purpose and intent of this article, such as cross-country skiing, ice skating, hiking, and photography.

(4) Education, including natural and environmental science walks, wildlife and botanical studies and similar activities.

(5) Seasonally permitted hunting and fishing, as regulated by New Hampshire Fish and Game Department.

(6) Forestry, including both logging operations and tree farming subject to RSA 227-J:9. Logging and any associated road building and/or skid trail construction shall be conducted in accordance with the then-current Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire published by the UNH Cooperative Extension and New Hampshire Department of Resources and Economic Development and the New Hampshire Division of Forests and Lands, on file with this article with the City Clerk.

(7) Production, cultivation, growing, and harvesting of any fruit, vegetable, floricultural or horticultural crops, conducted in accordance with Best Management Wetlands Practices for Agriculture, July 1993, amended September 1998 (on file with this article with the City Clerk), but not within 25 feet of the edge of the adjacent wetland.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

(8) The land surface within 25 feet of the edge of the wetland shall not be altered. Herbicides and heavy equipment are prohibited within 25 feet of the edge of the wetland. New lawns may be established beyond 25 feet from the edge of the wetland

provided the wetland has been delineated/flagged by a certified soil scientist. Fertilization shall be limited to lime and wood ash.

(9) Removal of hazardous trees.

(10) Removal of invasive vegetation (see Notes on Native Trees and Shrubs and Their Use in Landscaping, by the Rochester Conservation Commission, on file with this article with the City Clerk).

(11) Minor accessory structures of 200 square feet or less (in which there is no storage of petroleum products, hazardous chemicals or materials). Such accessory structures shall not be constructed with any of the following materials: asphalt shingles or pressure-treated or chemically treated/preserved wood.

C. Any uses not listed in this section are prohibited in the CO District.

CURRENT OWNER		UTILITIES		TOPO		ZONING		CURRENT ASSESSMENT			VISION ROCHESTER, NH
								Description	LUC Co	Prior Assessed	
NM COOK 17 FARMINGTON RD LLC		0	CITY WATER C	0	LEVEL	G	GRANITE	BLDG LAND OB	325 325 325	705,900 203,000 97,000	748,300 203,000 97,000
		0	NONE		NEIGHBORHOOD		NHBD NAME				
		0	CITY SEWER		3001		COMMERCIAL RT11 N				
		UTIL/ST / TRAF		EXEMPTIONS							
22 ISAAC LUCAS CIR		0	NONE	Year	Code	Description					
		0	PAVED								
		0	HEAVY								
DOVER NH 03820-4910		LEGAL DESCRIPTION									
		ESMNTS BK3973 PG707 & PG709 TERMINATED BY BK- 4766, PG- 2									
									Total	1,005,900	1,048,300

RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE		SALE PRICE		SALE CODE		PREVIOUS ASSESSMENTS (HISTORY)					
										Year	Descri	Prior Assesse	Year	Descri	Prior Assesse
NM COOK 17 FARMINGTON RD LLC	4766	234	06-01-2020	1,000,000	02	2020	BLDG	624,700	2021	BLDG	705,900	2022	BLDG	705,900	
	4539	260	12-26-2017	0	40					LAND	203,000		LAND	203,000	
	4000	989	02-10-2012	100,000	45					OB	97,000		OB	97,000	
	3973	715	12-01-2011	900,000	02										
CARDINAL RENE & WAYNE	0	0	10-05-2006	0	81					Total	910,200	Total	1,005,900	Total	1,005,900

BUILDING NOTES		APPRAISED VALUE SUMMARY	
CARDINAL PLAZA: MOBIL & 3 VACANT		Appraised Building Value (Card)	748,300
		Appraised Extra Feature Value (Bldg)	0
		Appraised Outbuilding Value (Bldg)	97,000
		Appraised Land Value (Bldg)	203,000
		Total Appraised Parcel Value	1,048,300

BUILDING PERMIT RECORD		VISIT / CHANGE HISTORY	
07-21-2022	M-22-345	A/C	new condenser and evaporator coil
03-09-2022	P-22-36	PLUMBING	Rough plumbing for 1/2 bathroom
02-14-2022	P-22-19	PLUMBING	move toilet, install HWH, install mop sink, install 2 beaut
11-05-2021	SG-21-45	SIGN	WALL
04-16-2021	SG-21-17	SIGN	Covering basement to storage
03-04-2021	MJB-21-4	FIN BSMT	GAS PIPING, JR
02-03-2021	M-21-57	MANUAL	gas furnace and air conditioning, JR
01-19-2021	M-21-29	HEATING SYS	sewer and water connections for 6 units for future plumb
12-22-2020	P-20-186	PLUMBING	Lighting, Receptacles in Basement, lighting recess cans
12-04-2020	E-20-486	ELECTRIC	JR
07-27-2020	B-20-447	ROOFING	Gasline manifold for conversion oven and cooktop
05-03-2019	M-19-165	MANUAL	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	Inf13 Adj	Adj UnitPrice	Appraised Value	Assessed Value	Notes				
1	3250	RETAIL/SVC	1.160	PRIMARY	P	1,000	1.000000	1.00	3001	1.000					TIF-3		175,000	203,000	203,000					
Total Card Land Units											1.16	AC	Total Land Value											203,000
Parcel Total Land Area											1.16	AC												

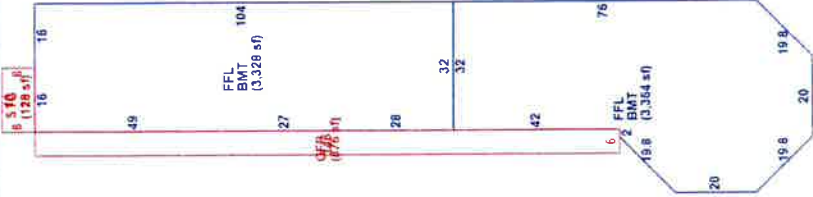
Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd	Description	Element	Cd	Description		
Model	94	Commercial	Half Bath Ratin	A	SAME		
Style	C39	MIX RETAIL	Extra Fixture(s)	0			
Grade	C	Average	Extra Fix Rating				
Stories	1						
Units							
Residential Unit	0						
Comm Units	6.00						
Wall Height	10.00						
Exterior Wall 1							
Exterior Wall 2							
2nd Ext Wall %	04	VINYL					
Roof Structure	0						
Roof Cover	11	MULTI TYPE					
Interior Wall 1	12	MULTIPLE					
Interior Wall 2	06	AVERAGE					
Interior Floor 1	08	AVERAGE					
Interior Floor 2							
Basement Floor							
% Heated	100.00						
Heat Fuel	10	CONCRETE					
Heat Type	01	PROPANE					
2nd Heat Type		FORCED W/A					
2nd % Heated	0.00						
# Heat Systems	2.00						
AC Percent	100.00						
Bedrooms							
Full Bath(s)	0						
Bath Rating	A	SAME					
3/4 Bath(s)	0						
3/4 Bath Rating							
Half Bath(s)	7						
Half Bath Ratin	A	SAME					
Extra Fixture(s)	0						

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)												
Code	Description	L/B	Qty	Dim 1	Dim 2	Grade	Condition	Yr Blt	% Gd	Unit Price	Grade Adj.	Appr. Value
TF	TANK I/G FIB	L	1	1	15000	C	AV	2017	90	1.25	1.00	16,900
TF	TANK I/G FIB	L	1	1	12000	C	AV	2017	90	1.25	1.00	13,500
GC	COMM CANO	L	1	30	45	C	AV	1986	30	23.25	1.00	9,400
GP	GAS PUMPS	L	4	1	1	C	AV	1986	30	15000.00	1.00	18,000
PA	PAVING ASPH	L	1	1	32000	C	FR	1980	45	2.57	1.00	37,000
PK	PARK'G SPAC	L	1	1	43	C	AV	1980	100	0.00	1.00	0

BUILDING SUB-AREA SUMMARY SECTION					
Code	Description	Living Area	Floor Area	Est Area	Unit Cost
BMT	BASEMENT	0	6,682	1,671	24.42
FFL	1ST FLOOR	6,682	6,682	6,682	97.66
OPF	OPEN PORCH	0	876	0	61.27
STG	FRAME SHED BULKHEAD/FRAME UTILIT	0	128	0	40.41
TOTAL Gross Liv / Lease Area		6,682	14,368	8,353	

9	5.16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16
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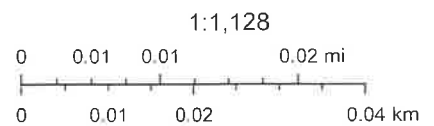
[illegible]

0 & 17 Farmington Road



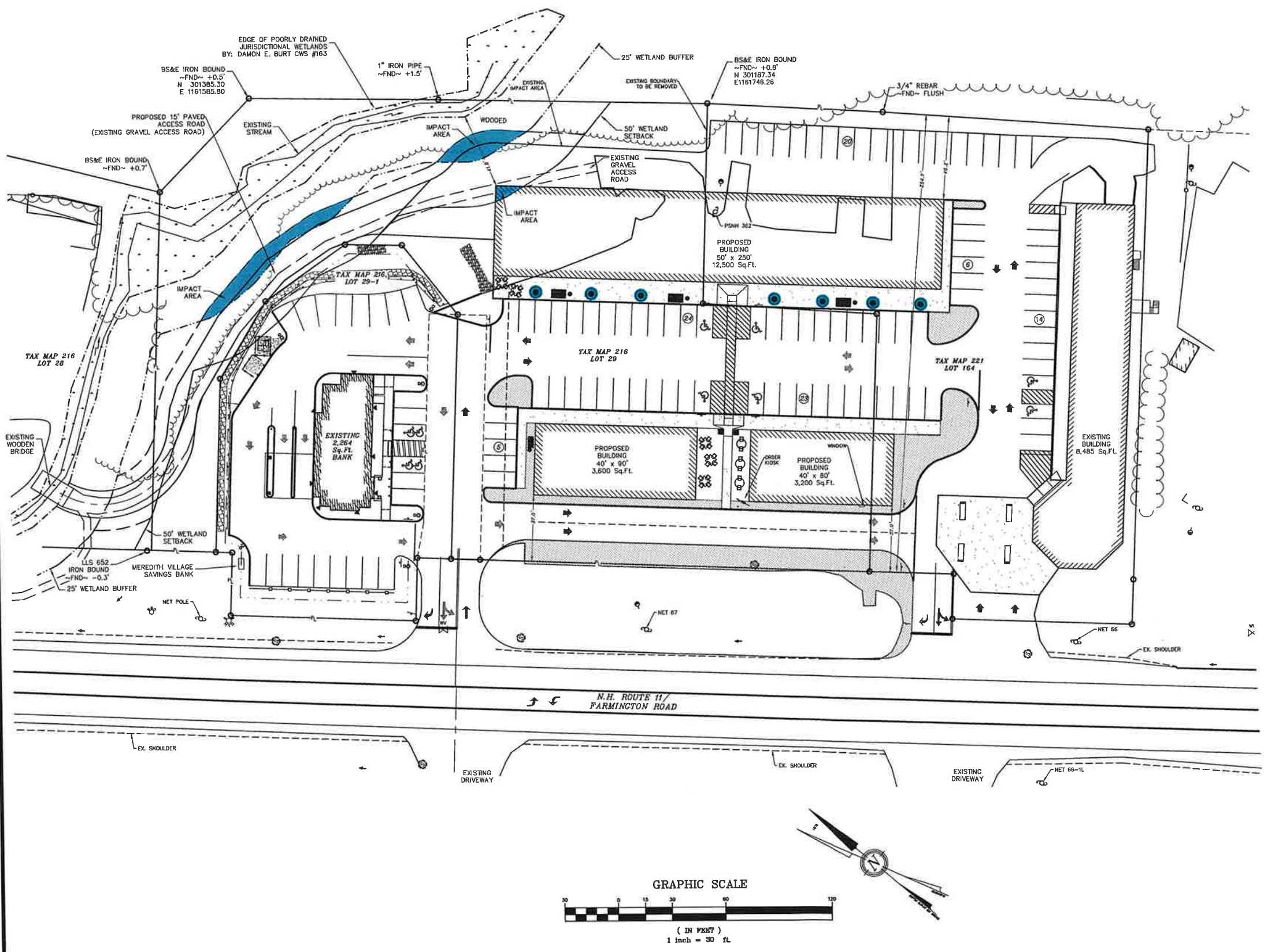
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 Tax Parcels



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Owner1	Owner2	BillingAddress	City State Zip
COOK N MILES III	ROCHESTER MOTORSPORTS	23 FARMINGTON RD	ROCHESTER, NH 03867
SECKENDORF REAL ESTATE	HOLDINGS LLC	11 FARMINGTON RD	ROCHESTER, NH 03867
20 FARMINGTON LLC		1346 BALD HILL RD	WARWICK, RI 02866
GARZILLO MICHAEL V & JEAN F	REV TRUST TRUSTEES	18 FARMINGTON RD	ROCHESTER, NH 03867-4304
NM COOK DEVELOPMENT LLC		22 ISAAC LUCAS CIR	DOVER, NH 03820
20 FARMINGTON LLC		1346 BALD HILL RD	WARWICK, RI 02866
NM COOK 17 FARMINGTON RD LLC		22 ISAAC LUCAS CIR	DOVER, NH 03820-4910
MEREDITH VILLAGE SAVINGS BANK		PO BOX 177	MEREDITH, NH 03253
10 FARMINGTON ROAD LLC		549 ROUTE 1 BY-PASS	PORTSMOUTH, NH 03801
DONALD TOY REVOCABLE TRUST	BONNIE TOY REVOCABLE TRUST	7497 NE 8TH COURT	BOCA RATON, FL 33487
KAREN & BRIAN TUCKER	JEFFERY TUCKER	23 SHILOH DRIVE	ROCHESTER, NH 03867
JANET MCDONALD		27 SHILOH DRIVE	ROCHESTER, NH 03867
MANSON LIVING TRUST	ROBERT & ISABEL MANSON	29 SHILOH DRIVE	ROCHESTER, NH 03867
DWIGHT & ANNE HARVEY		33 SHILOH DRIVE	ROCHESTER, NH 03867
JAMES & THERESE GORSUCH		37 SHILOH DRIVE	ROCHESTER, NH 03867
VIRGINIA CHAPPELL REV TRUST	VIRGINIA CHAPPELL	5772 COUNTY ROAD 4712	LARUE, TX 75770-3519
EDWARD & KATHLEEN WILENT		41 SHILOH DRIVE	ROCHESTER, NH 03867
LESLIE & ANN HEISLER		45 SHILOH DRIVE	ROCHESTER, NH 03867
GOLONKA FAMILY TRUST	WILLIAM & JOANNE GOLONKA	49 SHILOH DRIVE	ROCHESTER, NH 03867



STANDARD SITE PLAN NOTES:

1.) APPLICANT: NM COOK DEVELOPMENT, LLC
22 ISAAC LUCAS CIRCLE
DOVER, NH 03820
TAX MAP 216, LOTS 29
LOT AREA: 70,028 Sq.Ft., 1.61 Ac.
S.C.R.D. BOOK 4842, PAGE 928

2.) APPLICANT: NM COOK 17 FARMINGTON RD, LLC
22 ISAAC LUCAS CIRCLE
DOVER, NH 03820
TAX MAP 221, LOT 164
LOT AREA: 50,790 Sq.Ft., 1.17 Ac.
S.C.R.D. BOOK 4766, PAGE 234

REVISION		DATE	DESCRIPTION
#1	10-20-21		ADD F. DRAINS AND ROOF DOWN SPOUT

ZBA OVERVIEW SITE PLAN

FOR
NM COOK DEVELOPMENT, LLC &
NM COOK 17 FARMINGTON RD, LLC
FARMINGTON ROAD
ROCHESTER, N.H.
TAX MAP 216, LOTS 29,
TAX MAP 221, LOT 164

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603)332-2863
SCALE : 1 IN. EQUALS 30 FT.
DATE : FEBRUARY 7, 2023
FILE NO. : DB 2023 - 021

