



**City of Rochester, New Hampshire**  
**Department of Building, Zoning & Licensing**  
**Services**

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**MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT**  
**MEETING OF December 11, 2013**

**(Corrected and Approved)**  
**(January 8, 2014)**

The Chair called the meeting to order at 7:01 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  
Robert Goldstein  
Fidae Azouri, Alternate  
Rose Marie Rogers, Alternate  
Leo Brodeur, Alternate

Members Excused

Also present: Jim Grant, Director of Building, Zoning and Licensing Services  
Karen Grenier, Secretary for Building & Zoning

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

**Approval of Minutes:**

The minutes of October 9, 2013 were reviewed. Mr. Gates made a motion to accept the minutes as written, Mr. LaValle seconded the motion. The motion passed unanimously by roll call vote.

There were no minutes for the November 13, 2013 meeting as it was cancelled. The case was withdrawn per the applicant.

The Chair asked if members had any conflict with tonight's case. There were no conflicts.

The Chair stated the five regular members would be voting on the cases this evening.

**New Cases:**

**2013-36**— Application by Susan Paquette of Cornerstone, VNA for a variance under Article 42.8 Section (c2) (c5) of the City's Zoning Ordinance to allow a sign replacement when the lot has no frontage on the Farmington Rd.

**Property Owner:** Jon Robidas, Robidas Properties LLC,  
**Location:** 176 Farmington Rd.  
Map 208 Lot 8, Blk 1, Zone GRD

Ms. Susan Paquette from Cornerstone, VNA addressed the Board. She then read through the five criteria for the need of this variance.

The Chair asked if anyone wanted to speak for or against this variance. No one came forward.

The Board members discussed the case. Mr. Grant made a statement referencing businesses without frontage on a well traveled roadway needs an avenue to advertise their location. The existing non-conforming sign has not generated any concerns within the Building, Zoning and Licensing Department. The City Manager had no comments.

Mr. Gates made a motion to grant a waiver for a certified plot plan as Mr. Robidas has an original on this case. Mr. LaValle seconded the motion. Motion passed unanimously.

The Chair closed the public hearing portion of this case and the members worked on their criteria sheets.

Mr. Gates made a motion to approve this variance as presented 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 reduce safety from fires, panic, and other dangers. Substantial justice is done because if granted, the benefit to this individual applicant outweighs any harm to the community as a whole. The value of 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 exists. Mr. Goldstein seconded the motion. The motion passed unanimously.

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

**2013-37**— Application by Tina Weaver for a variance under Article 42.14 Section (D) (13) of the City's Zoning Ordinance to allow a day care center at her home where there is a home day care in the R-1 zone.

**Location:** 19 Thomas St.  
Map 221 Lot 131, Zone Residential 1

Mrs. Weaver addressed the Board. She read through the five criteria.

The Chair asked if anyone wanted to speak for or against this variance. No one came forward. The Board members discussed the case. There were questions about the time of operation, parking, and amount of employees. Mr. Grant stated if approved, the day care center would limit the number of children to specifically match up with the request as the definitions of child care between the City and State have discrepancies. Mrs. Weaver had already concurred with this statement. There were no comments from the City Manager. The Chair closed the public hearing portion of this case and the members worked on their criteria sheets.

Mr. Gates made a motion to grant this variance, as presented, for the following reasons: The variance will not be contrary to the public interest because it will not increase congestion in the streets. The spirit of the ordinance is observed because it will not negatively impact health and the general welfare. Substantial justice is done because if granted, the benefit to this individual applicant outweighs any harm to the community as a whole. The value of 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 exists. Mr. LaValle seconded the motion. The motion passed with three in favor and two against of the five voting board members. The Chair stated the applicant would now go to the Planning Board for approval. Mr. Grant said the applicant submitted a letter of intent tonight for Planning and they would state what type of review would be required.

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

#### **Other Business:**

Letter to the Board from the Conservation Commission .

The Chair stated that he thought the letter was self explanatory. Everyone has an opinion. He feels that the board members give a lot of thought and consideration to each case that comes to the board. The Chair then asked for each Board Member's thoughts and opinions about the letter. Each shared their opinion in conversation. The Chair did state that the letter got their attention. The perception of the Conservation Commission that their recommendations are dead upon arrival is not in agreement with the Zoning Board Members. Mr. Torr suggested a representative be invited from the Conservation Commission to attend the ZBA meetings when situation arise addressing the wetlands, buffers and streams etc. Mr. Gates agreed.

#### **Adjournment:**

Mr. Spector moved to adjourn at 7:39 p.m., seconded by Mr. Gates. The motion passed unanimously.



Respectfully submitted,  
Karen Grenier, Building, Zoning Secretary