



PLANNING & DEVELOPMENT DEPARTMENT

City Hall - Second Floor
31 Wakefield Street
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 335-7585
Web Site: www.rochesternh.net

Planning & Zoning
Community Development
Conservation Commission
Historic District Commission
Arts & Culture Commission

MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF FEBRUARY 13, 2013

(Approved March 13, 2013)

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
Fidae Azouri, Alternate
Robert Goldstein, Alternate
Rose Marie Rogers, Alternate

Member Excused

Pete Meyer

Also present: Kenn Ortmann, Director, Planning & Development Department
Caroline Lewis, Zoning 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 Planning & Development Office for a limited time for reference purposes. It may be copied for a fee.

Approval of Minutes:

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

The Chair asked if members had any conflict with tonight's case. Mr. Goldstein stated he had a conflict with the second case. The Chair stated the following alternates would fill in for excused member Mr. Meyer. Mr. Goldstein will vote on the first case, Mr. Azouri on the second case, and Ms. Rogers on the third case.

New Cases:

2013-04 Application by Mark Murphy (Herbert Electric) on behalf of Dick's Realty, Inc. (Poulin Automotive) for a variance under Article 42.8 Section (c)(3) of the City's Zoning Ordinance to permit nine (9) wall signs where five (5) already exist and where only one (1) is allowed. **Location:** 401 North Main Street, Map 114 Lot 6 Business 2 Zone.

Mr. Brian Poulin addressed the Board on behalf of Mr. Murphy and Poulin Automotive. The Chair asked the members if they were familiar with the location of this property and if they had any questions. Mr. Poulin read through the five criteria.

The Chair asked if anyone wanted to speak for or against this variance. No one came forward. Mr. Ortmann stated there were no comments from him or the City Manager except to note the request was for wall signs only. Mr. Poulin confirmed the arch structure could be attached to the actual side of the building.

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

Mr. Gates made a motion to grant this variance with the stipulation that the arch structure be attached to the building. He gave the following reasons for granting the variance: The variance is not 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 health and the general welfare. if granted, the benefit to this individual applicant outweighs any harm to the community as a whole, and the value of surrounding properties will not be diminished because the hours of operation are such that impacts from increased levels of noise, light, activity or traffic are not problematic. Mr. Spector seconded the motion. The motion passed unanimously.

Mr. Ortmann advised anyone aggrieved by this decision has 30 days to appeal by asking for a rehearing.

2013-05 Application by Kevin Ryan for a variance under Article 42.8 Section (c)(3) of the City's Zoning Ordinance to permit two wall signs where one is allowed. **Location:** 35 Columbus Avenue, Map 120 Lot 378 Business 2 Zone.

Mr. Goldstein stepped down from his seat on the dais.

Mr. Kevin Ryan, applicant, addressed the Board. The Chair explained this was the former Lamper Hardware building on Columbus Avenue. Mr. Ryan read through the five criteria.

The Chair asked if anyone wanted to speak for or against this variance. No one came forward. Mr. Ortmann stated there were no City comments. He explained Mr. Ryan had applied for a permit to upgrade this signs and it was discovered a variance had never been granted for the second sign.

The Chair closed the public hearing portion of this case and asked the members to review the material and work on their criteria sheets.

Mr. Gates made a motion to grant this variance as presented for the following reasons: The variance is not 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 health and the general welfare, if granted, the benefit to this individual applicant outweighs any harm to the community as a whole, and 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. Lavallee seconded the motion. The motion passed unanimously.

Mr. Ortmann advised anyone aggrieved by this decision has 30 days to appeal by asking for a rehearing

2013-06 Application by Bethany Methodist Church for a variance under Article 42.16 Table 2 of the City's Zoning Ordinance to allow an addition that is too close to the side lot line. **Location:** 24 Main Street – East Rochester, Map 103 Lot 98 Residential 2 Zone.

Mr. Chester Moulton, representing Bethany Methodist Church, addressed the Board. He handed out a drawing that showed the area they propose to enclose. He explained they have had problems with young people breaking into the Church in that area where the Church building and education building meet.

The Board members discussed the need for requiring a certified plot plan of this property. They discussed this enclosure not extending beyond the sides of the Church or the education building and they voted unanimously to waive the request for a certified plot plan.

Mr. Moulton described what they intend to do and included items consistent with the five criteria.

The Chair asked if anyone wanted to speak in favor of this variance. Ms. Linda Hurd, Bethany Methodist Church Trustee, stated this area is unseen from the street, and kids get in there and have caused severe damage to the Church.

The Chair asked if anyone wanted to speak against this variance. No one came forward. Mr. Ortmann stated there were no City comments.

The Chair closed the public hearing portion of this case and asked the members to review the information and work on their criteria sheets.

Mr. Gates made a motion to grant this variance as presented for the following reasons: The variance is not contrary to the public interest because will not increase congestion in the streets, the spirit of the ordinance is observed because it will not impact health and the general welfare, if granted, the benefit to this individual applicant outweighs any harm to the community as a whole, and the value of surrounding properties will not be diminished because it will not be visible from the abutting properties. Mr. Spector seconded the motion. The motion passed unanimously.

Mr. Ortmann advised anyone aggrieved by this decision has 30 days to appeal by asking for a rehearing.

Other Business:

Information from Abutters night of meeting

Mr. Ortmann gave each member some information about how other towns/cities deal with this issue. He asked the members to look it over and decide if they would like to have something in their policies and procedures, or just deal with each situation as it happens.

Mr. Ortmann and the Board members discussed being able to acquire information prior to the meeting from the applicants, but there is no way to inform abutters prior to the meeting. Mr. Ortmann suggested if they wanted something in their policies to be sure to word it so they have an opportunity to waive something if they wanted to.

Too much information and side bar conversations

The members discussed long 'speeches' that have nothing to do with the case, and Board members being more attentive when someone is speaking. Most applicants are regular citizens with no experience being before a City Board. It is important that members listen while the person is speaking, and wait to ask questions or have discussions with other members until the person has completed their presentation.

The members discussed having time limits for applicants, representatives and abutters to speak. It was suggested that the Chair instruct them to keep their comments short, or for the Planning Department staff to supply an "outline" showing exactly what the Board wants for information when they do their presentation.

ZBA meeting televised

Mr. Ortmann stated one of the reasons why the Zoning Board meetings are now televised is to help the public understand what the Board deals with and how the decisions are made. It will help the public perception, and give applicants a chance to see what is expected if they watch a meeting before having to attend one. The meetings are now available through the computer and not just Metrocast television.

Other Zoning meetings and joint meetings

Some of the Board members have thought of going to another town/city zoning board meeting just to see how it is run. Mr. Ortmann will check and see if any of the surrounding towns/cities have meeting available through the computer.

The Board members had questions about the City Council and Planning Board meeting to discuss the new zoning. The consensus is that the Zoning Board should be involved in this. Mr. Ortmann explained the meeting that was scheduled and postponed from the 11th to possibly the 26th is a workshop meeting. Mr. Ortmann had questioned before if the Zoning Board wanted to present thoughts to the Planning Board about the new zoning as they were working on it, now if the Zoning Board wants to have a separate meeting to go over the new zoning and offer suggestions to the Planning Board time is running out.

Alternate members voting

Mr. Ortmann and the members discussed the current regulations regarding alternate members being able to have input in discussions and being involved in the processes, even if not voting. The Chair appreciated being able to have each of the three alternates involved in the cases this evening.

October 2012 Zoning Board of Adjustment Handbook

There were questions about the cost of these handbooks for the members. The cost is absorbed by the Planning Department and the question was if members wanted printed copies or not. Each member would like a printed copy (eight copies total)

Adjournment:

Mr. Spector moved to adjourn at 7:55p.m., seconded by Mr. Lavallee. The motion passed unanimously.

Respectfully submitted,
Caroline Lewis, Zoning Secretary