



## City of Rochester, New Hampshire

Building, Zoning & Licensing Dept.  
31 Wakefield Street \* Rochester, NH 03867  
(603) 332-3508 \* Fax (603) 509-1912  
Web Site: [www.rochesternh.net](http://www.rochesternh.net)

### MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF NOVEMBER 9, 2017

The Chair called the meeting to order at 7:00 p.m. in the Council Chambers.

#### **Roll Call:**

The Zoning Secretary conducted the roll call.

#### Members Present

Ralph Torr, Chair  
Randy Lavallee  
Robert Gates  
Robert Goldstein  
Lawrence Spector

#### Members Excused

Shon Stevens, Alternate  
Leo Brodeur, Alternate

Also present: Joe Devine, Compliance Officer Building, Zoning and Licensing Services  
Julia Libby, Secretary of Building, Zoning, and Licensing Services

---

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 and online at [www.rochesternh.net](http://www.rochesternh.net) for a limited time for reference purposes. It may be copied for a fee.

#### **Approval of Minutes:**

The minutes of October 11, 2017 were reviewed, Mr. Spector made a motion to accept the minutes, Mr. Gates seconded the motion. The motion passed unanimously by roll call vote.

The Chair asked if any of the board members had any conflict with tonight's case. Mr. Goldstein recused himself for case number **2017-14**.

## **New Cases:**

Chair Torr pointed out that there would only be four voting members for case 2017-14, since the two alternates are excused and one regular member has recused himself.

**2017-14** Frederick Abbey, applicant for a Commercial Kennel permitted only by Special Exception according to Article 42.22 Section (c)(8).

**Location:** 100 Meaderboro Rd Rochester, NH 03867, 0232-0012-0000, in the Agricultural Zone.

Frederick Abbey approached the podium to introduce himself to the board and asked for a continuance for his case.

Mr. Gates made a motion that the board postpones the case until the December 13<sup>th</sup> meeting. Mr. Spector seconded, and the motion carried unanimously.

**2017-15** Thomas Fergus, applicant for a request to appeal an administrative decision according to Article 42.4 Section (a)(1).

**Location:** 53-55 River St, Rochester, NH 03867, 0121-0046-0000, in the Residential 2 Zone.

Mr. Fergus approached the podium and briefed the board that he is seeking relief from the administrative decision because he simply did not have enough time.

There was discussion back and forth between the applicant and the board about why things have taken as long as they have and what exactly Mr. Fergus is appealing.

The Board members asked to hear from the Fire Department and Joe Devine regarding the case.

Mr. Devine approached the podium and briefed the board on exactly what it is that he does for the Fire Department and why. He then gave the podium to Mr. Powers from the Fire Department to speak more to the communication between himself and Mr. Fergus.

Mr. Powers approached the podium and informed the board of some e-mails sent back and forth, and clarified that no one was singled out. He explained to the board that the Fire Department gives a multi-family unit owner a 30 day template to do one of two things, fix the discrepancies or submit an action plan with a time line showing when they expect to have the issues fixed by. Mr. Powers also mentioned that the Fire Department is willing to work with property owners on these dates and understands that these things can take some time.

Mr. Torr asked the audience if anyone would like to speak in favor of the case, Mr. Fergus asked to say one last thing. He came up to the stand and said that tonight was the first time he had heard that they wanted to set up an action plan and that he would be happy to do that.

Mr. Powers approached the podium again to point out that the template of an inspection report that they send to anyone in a situation like that specifically mentions in the last paragraph that the property owner has 30 days to submit an action plan or correct the violations.

Mr. Gates moved that the board deny the appeal for administrative decision.

Mr. Lavallee seconded the motion. The motion carried unanimously.

Ms. Libby advised that anyone aggrieved by this decision has 30 calendar days to appeal.

**2017-16** Eco-Site and T-Mobile, applicant for a request a Special Exception for the construction of a wireless communication facility according to Article 42.22 Section (14).

**Location:** 144 Meaderboro Rd, Rochester, NH 03867, 0232-0016-0003, in the Agricultural Zone.

**2017-17** Eco-Site and T-Mobile, applicant for a request a Variance to permit a wireless communication facility taller than maximum building height according to Article 42. Table 19a.

**Location:** 144 Meaderboro Rd, Rochester, NH 03867, 0232-0016-0003, in the Agricultural Zone.

Mr. Gates motioned that the Board go into non public session under RSA 91-A:3 (2) (L) for the purposes of legal counsel. Mr. Spector seconded, and the motion carried unanimously.

The non-public session lasted 8 minutes and 22 seconds.

Mr. Gates then motioned to come out of non public session and seal the minutes. Mr. Lavallee seconded and the motion carried unanimously.

Mr. Gates briefed the audience that the opposing parties submitted a lot of information that the Board needs to read and come to understanding of. He also said that they would like an independent RF engineer to produce a study to verify that what T-Mobile is suggesting is in fact accurate and correct. He motioned that they postpone the applicant's appearance until the December 13 meeting.

Mr. Lavallee seconded the motion.

Ricardo Sousa in representation of T-Mobile approached the podium, introduced himself and said he has no objection to postpone the case but wanted to verify that there would be enough time for the RF study. The Board members said that there would be.

The Board gathered back to the motion they were on and it carried unanimously by roll call vote.

**Other Business:**

Chair Torr asked if there was any other business, there was none.

**Adjournment:**

Mr. Torr asked for a motion to adjourn. Mr. Gates motioned to adjourn the meeting, Mr. Spector seconded. The motion carried unanimously.

The meeting adjourned at 7:45 pm.

Respectfully submitted,

*Julia Libby*

Julia Libby, Secretary of Building, Zoning, and Licensing Services