



# City of Rochester, New Hampshire

## *Zoning Board of Adjustment*

### MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING HELD ON AUGUST 14, 2019

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**

Lawrence Spector  
Robert Gates  
Shon Stevens  
Randy Lavallee  
Leo Brodeur, Alternate

#### **Members Excused**

Also present: Julia Libby, Secretary of Building, Zoning, and Licensing Services  
Jim Grant, Director for Building, Zoning, and Licensing Services

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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 neither is intended nor is it represented that this is a full transcription. A recording of the meeting is on file online at [www.rochesternh.net](http://www.rochesternh.net) for a limited time for reference purposes.

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

The minutes of July 10, 2019 were reviewed; Mr. Stevens made a motion to accept the minutes, Mr. Brodeur seconded the motion. The motion passed unanimously by a voice vote.

#### **Seating of Alternates:**

There were no conflicts for the night.

Case numbers Z-19-13, 14, and 15 had been postponed via e-mail earlier in the day.

#### **Postponed Cases:**

Z-19-19 Waste Management of NH applicant seeks a *Special Exception* according to table 18-D of the Zoning Ordinance to permit a contractors storage yard in the agricultural zone.

**Location:** 214 Rochester Neck Rd, Rochester, NH 03867, MLB 0268-0002-0000 in the Agricultural Zone.

Lisa Damiano, approached the podium in representation of her clients, Waste Management of NH. She introduced herself and briefed the Board on their Special Exception application and the five criteria.

Chair Spector asked if there were any questions from the Board members, no one had any. He asked if there was anyone in the audience to speak for or against the case and no one came forward.

Chair Spector asked for the City's opinion. Mr. Grant stated that the city feels the special exception should be granted for the reasons contained in the application.

Mr. Stevens motioned to grant the special exception, Mr. Lavallee seconded and the motion carried with a unanimous voice vote.

Mr. Grant advised that any one affected directly by the decision have the right to appeal within 30 calendar days.

#### **New Cases:**

**Z-19-20** Community Baptist Church applicant seeks a *Variance* from section 29.14(A)(1) of the Zoning Ordinance to permit the replacement of a sign that exceeds 6 square feet in area, in the residential 1 district.

**Location:** 276 Eastern Ave, Rochester, NH 03867, MLB 0110-0014-0000 in the R1 Zone.

JR Jones approached the podium to introduce himself as a member of the Community Baptist Church. He briefed the Board on the current sign as well as the proposed.

Chair Spector asked if he had his criteria to read into the record. He did not, Mr. Grant then read the five criteria the City found as follows: Granting the variance would not be contrary to the public interest because it will aid the public in locating the church, creating a safer environment and less confusion. Denying the variance would cause an unnecessary hardship because the property is a church and deals with the public, because of that people come from all around to attend. Substantial justice would be observed because there is an expectation that a church would have signage identifying it and it would not be contrary to the spirit of the ordinance. The city also pointed out similar case studies, Harbor Side Associates vs. Parade Residents Hotel and Monarch School of New England.

Chair Spector specified that was the City's findings on the criteria and that they would like to hear the applicants as well. Mr. Grant then read into the record the five criteria that the applicants submitted.

Chair Spector asked the audience if there was anyone to speak for the case.

Arnie Powers of 670 Salmon Falls Rd approached the podium and spoke in favor of the application. Stephen Weaver, the pastor of the church who also resides on the same property approached the podium to speak in favor of the application.

Chair Spector asked if there was anyone to speak against the application and no one came forward. He asked the Board if there were any questions.

Mr. Brodeur said that the existing sign has descriptions in addition to the name of the church and wanted to know if they were going to end up needing additional signage in the future. JR Jones said that the church committee agreed to reduce the verbiage on the sign and that they would not.

Mr. Gates verified the actual size of the sign they are proposing with the applicant.

Chair Spector asked for a motion.

Mr. Gates motioned that granting the variance would not be contrary to the public interest because the replacement sign is not of similar design, but modern and elegant. The motion carried with a unanimous voice vote.

Mr. Gates motioned that the spirit of the ordinance would be observed because it would not impede the character of the neighborhood or public rights. The motion carried with a unanimous voice vote.

Mr. Gates motioned that substantial justice would be observed because no harm to the abutter or the general public would be inflicted. The motion carried with a unanimous voice vote.

Mr. Gates motioned that surrounding property values would not be diminished because they are replacing an existing sign. The motion carried with a unanimous voice vote.

Mr. Gates motioned that owing to special conditions of the property denial of the variance would result in an unnecessary hardship because the church is in a residential area no relationship between residential and church property. The proposed use is a reasonable one because it will identify the church to those travelling on the roadway. The motion carried with a unanimous voice vote.

Mr. Grant advised that any one affected directly by the decision have the right to appeal within 30 calendar days.

**Z-19-21** Phillip Stiles applicant seeks a *Special Exception* from section 22.3(c) of the Zoning Ordinance to permit a contractor's storage yard in the HC Zone.

**Location:** 89 Milton Rd St, Rochester, NH 03868, MLB 0210-0050-0000 in the HC Zone.

Phil Stiles approached the podium in representation of his client, We Dig It Excavation and Trucking, LLC. He briefed the Board on the application and asked if they had any questions.

Chair Spector asked if there was anyone in the audience to speak for or against the case and no one came forward. He asked to hear from the City, and Mr. Grant stated that the City feels the special exception should be granted for the reasons contained in the application.

Mr. Stevens motioned to grant the special exception, Mr. Lavallee seconded and the motion carried with a unanimous voice vote.

Mr. Grant advised that any one affected directly by the decision have the right to appeal within 30 calendar days.

**Other Business:**

No other business.

**Adjournment:**

Mr. Stevens motioned to adjourn the meeting, Mr. Lavallee seconded and the motion carried unanimously.

The meeting adjourned at 7:30 pm.

Respectfully Submitted,

*Julia Libby*

Julia Libby Secretary for  
Building, Zoning, and Licensing Services