



City of Rochester, New Hampshire

Zoning Board of Adjustment

MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING HELD ON FEBRUARY 12, 2020

The Chair called the meeting to order at 7:01 p.m. in the Council Chambers.

Roll Call:

The Zoning Secretary conducted the roll call.

Members Present

Lawrence Spector
Shon Stevens
Paul Giuliano, Alternate
Terry Garland, Alternate
Taylor Poro, Alternate
Sue DeLemus, Alternate

Members Excused

Robert Gates
Leo Brodeur

Also present: Jim Grant, Director for Building, Zoning and Licensing
Rob Lynch, Code Compliance Officer for Building, Zoning and Licensing
Dee Mondou, Secretary for Building, Zoning, and Licensing

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 for a limited time for reference purposes.

Approval of Minutes:

The minutes of February 12, 2020 were reviewed; Mr. Stevens made a motion to accept the minutes, Mr. Giuliano seconded the motion. The motion carried unanimously by a voice vote.

Seating of Alternates:

Chair Spector said the four regular members and Ms. DeLemus would be the voting members for the night.

New Cases:

Z-20-01 717 Rochester Holdings, LLC applicant seeks *Variance* from section 5.5(b)(3) and 5.5(c)(3) of the Zoning Ordinance to permit off-street parking spaces in the front yard of property in the NMU Zone.

Location: 717 Columbus Ave, Rochester NH 03867, MLB 0131-0007-0000 in the NMU Zone.

John Cronin introduced himself as well as Patrick McLaughlin, Engineer and Jim Mitchell representing applicant, Rochester Holdings, LLC. He briefed the board about the case and why a Variance should be

granted for off street parking spaces in the front yard in the NMU zone. Second Variance request addressed the screening of parking.

Chair Spector asked if there was anyone in the audience to speak for or against the case, no one came forward. He asked if any of the members had any questions. Mr. Giuliano asked to explain the traffic pattern going in and out.

Mr. Cronin explained how that would work. Mr Garland asked if it would be similar design to the one built in Barrington. Mr. Mitchell addressed this and the differences.

Chair Spector asked for the City's opinion. Mr. Lynch stated the City recommends approval of application for the reasons and facts stated in the application.

Chair Spector closed public hearing and asked for any additional comments before voting.

Ms. DeLemus motions to grant the variance. She reads each criteria followed with a vote from each voting member.

Chair Spector says the Variance is denied based on the hardship

Mr. Lynch advised that anyone affected directly by the decision has the right to appeal within 30 calendar days.

Z-20-02 Rochester Assembly of God DBA Revolution Church applicant seeks *Variance* from Table 18-B of the Zoning Ordinance to permit Office Professional offices in an R1 Zone.

Location: 87 Lowell St, Rochester NH 03867, MLB 0133-0044-0000 in the R1 Zone

Jim Stevens, Associate Pasture of Revolution Church introduced himself as applicant. He briefed the board about the case and why a Variance should be granted to allow office professional offices in the R1 zone.

Chair Spector asked if there was anyone in the audience to speak for or against the case. Abutters Mark Hoffman, Rian Bedard and Bob Barcelona each came forward expressing the concerns they have with allowing a business on the property.

Chair Spector closes the public hearing and asked for any additional comments. No one had any.

Chair Spector asked for the City's opinion. Mr. Lynch stated after reviewing the appropriateness of this variance we concluded the following fact. 1) Denied on criterial 1 & 2. 2) Facts: The R1 district is intended to allow ingle family neighborhoods and thus allows single family use with few other allowed uses. Most other allowed uses are directly associated with residential use. The current use of this property is non-conforming. Applicants suggested to make another non-conforming use which would violate principles of the zoning ordinances which is designed to bring all properties into conformity as rapidly as possible.

Chair Spector asks the board if they have anything to say. No one does. Asks if anyone wanted to make a motion.

Mr. Stevens motions to deny based on public interest. Vote is taken and carried unanimously.

Jim Grants recommends they continue and vote on all criteria so the applicant knows what they would need to appeal.

Mr. Stevens continues with each criteria. The board votes on each and also is denied in spirit of ordinance.

Chair Spector states the application is denied.

Mr. Lynch advised that anyone affected directly by the decision has the right to appeal within 30 calendar days.

Other Business:

Bylaws – Mr. Stevens makes a motion to accept the bylaws as presented. It was seconded by Ms. DeLemus and the motion carried unanimously

Election of Chair and Vice Chair – Mr. Stevens motions to postpone until all regular members are present. Mr. Giuliano seconds motion. Motion carried unanimously.

Notes from NHMA Land Use Conference brought in previously by member Leo Brodeur – Board agrees to wait until Mr. Brodeur is present to discuss.

Adjournment:

Mr. Stevens motioned to adjourn the meeting. It was seconded by Mr. Garland and the motion carried unanimously.

The meeting adjourned at 7:55 pm.

Respectfully Submitted,

Dee Mondou

Dee Mondou Secretary for
Building, Zoning, and Licensing Services