



City of Rochester, New Hampshire

Zoning Board of Adjustment

MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING HELD ON October 14, 2020

The Chair called the meeting to order at 7:00 PM.

Roll Call:

The Zoning Secretary conducted the roll call.

Members Present

Larry Spector – Chair
Bob Gates – Vice Chair
Leo Brodeur
Paul Giuliano, Alternate
Taylor Poro, Alternate
Susan DeLemus, Alternate
Terry Garland, Alternate

Members Absent

Members Absent (Unexcused)

Also present: Jim Grant, Director for Building, Zoning and Licensing
Dee Mondou, Secretary for Building, Zoning, and Licensing

These minutes serve as 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 online at www.rochesternh.net for a limited time for reference purposes.

MEETING PREAMBLE DURING COVID-19 EMERGENCY

Good Evening, as Chairman of the ZBA, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name and ward, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

Approval of Minutes:

The minutes from August 12, 2020 were reviewed; Mr. Brodeur made a motion to accept the minutes, Vice Chair Gates seconds the motion. The motion carried unanimously by a voice vote.

Seating of Alternates:

Chair Spector assigns Paul Giuliano and Taylor Poro as the alternates to vote with regular members at tonight's meeting.

New Cases:

Z-20-14 Aneka Market Inc. applicant seeks a *Special Exception* from table 18-B of the Zoning Ordinance to permit a grocery store in the Office Commercial District.

Location: 159 Rochester Hill Rd, Rochester, NH 03867, MLB 0243-0060-0000 in the OFC Zone

Aneka Market's Representative Jane Albertina present their case and reviews the 5 criteria stating why they feel a Special Exception should be granted.

Chair Spector asks the board if anyone had any questions for the applicants. Mr. Brodeur asks if this market will be open to the public and about signage. Applicant addresses his questions.

Chair Spector asks if there is any input from abutters. Mr. Grant reads an email that was received from John C & Elvira Knowlton. Applicant answers abutters questions.. Chair Spector and Vice Chair Gates ask the applicant to elaborate on some of the abutters concerns including hours of operation and items being sold. Ms. DeLemus asks about refrigeration. Applicant discusses in more detail the concerns brought forth.

Chair Spector asks the board if anyone wants to make a motion. Vice Chair Gates makes a motion to grant the request for a Special Exception based on their submittal with the following conditions.

1. The store is to remain no larger than 800 sq ft.
2. Hours of operation will be no more than 12:00 PM to 6:00 PM Monday through Saturday

Mr. Brodeur seconds the motion. The motion carried unanimously by a roll call vote.

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

Other Business:

Chair Spector brings discussion to the table on whether to bring meetings back to the Council Chambers or continue virtual. After options discussed with the Board Chair Spector says they will make the decision on a case by case bases.

Adjournment:

Mr. Brodeur makes a motion to adjourn. Chair Spector seconds the motion. Motion carried unanimously by voice vote. Meeting adjourned at 7:26 PM.

Respectfully Submitted,

Dee Mondou

Dee Mondou Secretary for
Building, Zoning, and Licensing Services