



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](http://www.rochesternh.net)

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

### APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

Phone No 603-365-6480

DO NOT WRITE IN THIS SPACE

CASE NO. 2015-19

07-22-15

DATE FILED \_\_\_\_\_

K Grenier

ZONING BOARD CLERK

Name of applicant 1110 SALMON FALLS RD, LLC ; WILLIAM C. SPWELL

Address 22 COACH RD, STRATHAM, NH 03885

Owner of property concerned SAME

(If the same as applicant, write "same")

Address SAME

(If the same as applicant, write "same")

Location 1114 SALMON FALLS ROAD

Map No. 241 Lot No. 12-1 Zone AG

Description of property 4.870 ACRE VACANT LOT WITH 192' OF FRONTAGE

Proposed use or existing use affected 2 LOT PORKCHOP SUBDIVISION.

The undersigned hereby requests a variance to the terms of Article 42,  
Section 42.21 and asked that said terms be waived to permit A PORKCHOP

SUBDIVISION WITH LESS THAN 6 ACRES TOTAL AND LESS THAN AN  
AVERAGE LOT AREA OF 120,000 SQUARE FEET.

If applicable in this case, the undersigned also requests a waiver from the requirement to  
provide a certified plot plan, (see attached request sheet) Yes \_\_\_\_\_ No \_\_\_\_\_

The undersigned alleges that the following circumstances exist which prevent the proper  
enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitute  
grounds for a variance.

Signed [Signature] MEMBER  
(Applicant)

Continue on Page 2

CRITERIA FOR VARIANCE

Case # 2015-19

Date: 7/22/2015

A Variance is requested by 1114 SALMON FALLS RD. LLC,  
WILLIAM STOWELL, MEMBER  
from Section 42.21 Subsection d. 10. B  
42.21 d. 10. E  
of the Zoning Ordinance to permit: A 2 LOT PORCHOD SUBDIVISION  
ON LESS THAN 6 ACRES WITH LESS THAN 120,000 SQ. FT. AVG.  
LOT SIZE  
at 1114 SALMON FALLS RD Map 241 Lot 12-1 Zone

Facts supporting this request:

1) The proposed use would not diminish surrounding property values because:

SEE ATTACHED VARIANCE REQUIREMENTS

2) Granting the variance is not contrary to the public interest because:

SEE ATTACHED VARIANCE REQUIREMENTS

3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property:


SEE ATTACHED VARIANCE REQUIREMENTS

4.) Granting the variance would do substantial justice because:

SEE ATTACHED VARIANCE REQUIREMENTS

5.) The use is not contrary to the spirit of the ordinance because:

SEE ATTACHED VARIANCE REQUIREMENTS

Name  MEMBER Date: 7/22/15

## NARRATIVE

The subject parcel is approximately 5 acres in area with 192' of frontage on Salmon Falls Rd and 436' (straight line) of frontage on the Salmon Falls River, in the Agricultural Zone.

The property was purchased with the intent of constructing a short road with a cul-de-sac, allowing for 3 new building lots, 2 having frontage on the Salmon Falls River.

The proposed Project is allowed both by the City of Rochester and the State of New Hampshire without any variances, waivers, or special exceptions.

After considerable deliberation, I have decided to pursue a less intense development of the Property preserving the integrity of this property and the surrounding properties.

The new approach is to develop the property under the guidelines of the "pork chop" subdivision.

This approach allows for 2 new building lots instead of 3, both being served by 1 common drive off of Salmon Falls Rd and does not include the construction of any new public ways.

It allows for the construction of 2 houses while limiting disturbance to the existing features of the properties. The majority of trees and vegetation will remain in their existing condition.

To pursue this "pork chop" subdivision approach, we are requesting variances to 2 of its dimensional requirements:

Total parcel area	42.2, d.10.B
Average lot size	42.2, d.10.E.

I'm sure it is rare for the Board to review a request for a variance for "less than allowed" development.

This approach does diminish the number of parcels, but it does allow me to utilize the property in a way that will be an asset to the area and the City of Rochester.

Sincerely,

William C. Stowell,  
1110 Salmon Falls Rd, LLC

### **Variance Requirements:**

**1. Provide Proof that demonstrates the variance will not be contrary to the public interest.**

The Applicant respectfully submits that the proposed use represents a reasonable use of the property in question. By permitting the use, the public interest is served by permitting a development that preserves the scenic character of the neighborhood. These reasons are consistent with the purpose behind the Pork Chop Subdivision Regulations. As such, the proposed use will not be contrary to the public interest, as the use will not “alter the essential character of the locality.” See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577 (2005). Granting the variance will permit the location of dwellings in the most appropriate location, and, given the significant amount of natural buffering, would not threaten the public health, safety or welfare.

**2. Provide proof that demonstrates how a variance observes the spirit of the ordinance.**

The Applicant respectfully submits that if the variance was granted, the spirit of the ordinance would be observed because the use in question would permit a use that is suitable, considering the surrounding properties, and therefore result in the most appropriate use of the land. Further, the proposed use is consistent with the purpose behind the Pork Chop Subdivision, which mainly is to provide for preservation of the scenic character of family neighborhoods.

To be contrary to the public interest or injurious to the public rights of others, the variance must unduly and in a marked degree conflict with the ordinance, such that it violates the ordinance’s basic zoning objectives. See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577, at 581 (2005). It is respectfully submitted, that given the fact that the Applicant will maintain one shared driveway, the granting of the variance to allow for a relief from the parcel size and average parcel area, especially in light of the configuration of the lot itself, will not significantly conflict or violate the ordinance’s basic zoning objectives. Rather, the granting of the variance will promote the ordinance’s basic zoning objectives, by permitting the existence of a single-family homes on a portion of land that maintains the spirit of the ordinance.

**3. Provide proof that demonstrates how a variance will result in substantial justice.**

The grant of the variance would due substantial justice because it would allow the Applicant’s property to be utilized in a similar fashion to other properties located within the area, by allowing the location of a homes that would not impact the scenic quality of the neighborhood, and that would be consistent with the context of the area, where homes on agricultural land exist. See Nine v. Chesterfield, 157 NH 361, 368 (2008). This test requires of the balance of the benefit to the Applicant versus the burden to the public. See Farrar v. City of Keene, 158 NH 684, 692 (2009). In this instance, given proposed location of the structure and the buffering of the site, there will be no burden to the public whatsoever. Accordingly, the benefit to the Applicant would exceed the burden to the public, thus resulting in substantial justice being done.

**4. Provide proof that demonstrates the variance will not diminish the values of the surrounding properties.**

It is respectfully submitted that all of the surrounding properties have a value associated with them that is premised upon the existence of the same type of buildings located upon the Applicant's property. In this instance, the location of the homes in the area sought by the Applicant will have no affect upon any abutter, with respect to its property, as the use will be consistent with other uses in the near vicinity, and consistent with the existing zoning. In addition, the lot is unique, as there already exists a significant amount of buffering on both sides of the property.

**5A. Provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Unnecessary hardship standards are:**

**(i) Special conditions of the property that distinguish it from other properties in the area; and**

As one can see from the enclosed exhibit, the subject parcel in this case is significantly different than the parcels that are located in the same vicinity. Most of the parcels are square in shape, rather than the "long narrow" shape of the subject property. Given the shape of the parcel, a cul-de-sac cannot be avoided to develop the property.

**(ii) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and**

The general purpose of the ordinance is to promote orderly development and to protect the health, safety and general welfare of the public. In this instance, the Applicant seeks to locate two single-family residences on a Pork Chop Subdivision. We understand, after discussing the issue with the Planning Department, that the purpose of the Port Chop Subdivision is geared to context sensitive design, and, in this case that context appears to be maintaining scenic areas. Thus, the purpose of the ordinance, and the specific restriction itself will be preserved given the other agricultural homes within the area. Thus, the Applicant respectfully submits that there is no relationship at all between the general public purpose of the ordinance, and the specific application, which would require 6 acres and an acreage lot size of 120,000 square feet.

**(iii) The proposed use is a reasonable one because:**

The proposed use is reasonable because it provides for the location of the single-family residences within an area that is "context sensitive," due to the scenic value of the area.

**5B. If the criteria in subparagraph 5A above are not established, provide proof that an unnecessary hardship exists if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance of the ordinance and a variance is therefore necessary in order to enable the reasonable use of it.**

The Applicant respectfully submits that although it firmly believes it meets the criteria under Subsection A herein, that the parcel is one of the most uniquely shaped parcels located within the area. Given the shape of the lot, the Applicant cannot develop the property fully without a cul de sac. Thus, the variance is therefore necessary in order to enable this reasonable use of the property, eliminating the cul de sac and using a less intense development scenario.





0241-0012-0001  
Rochester, NH

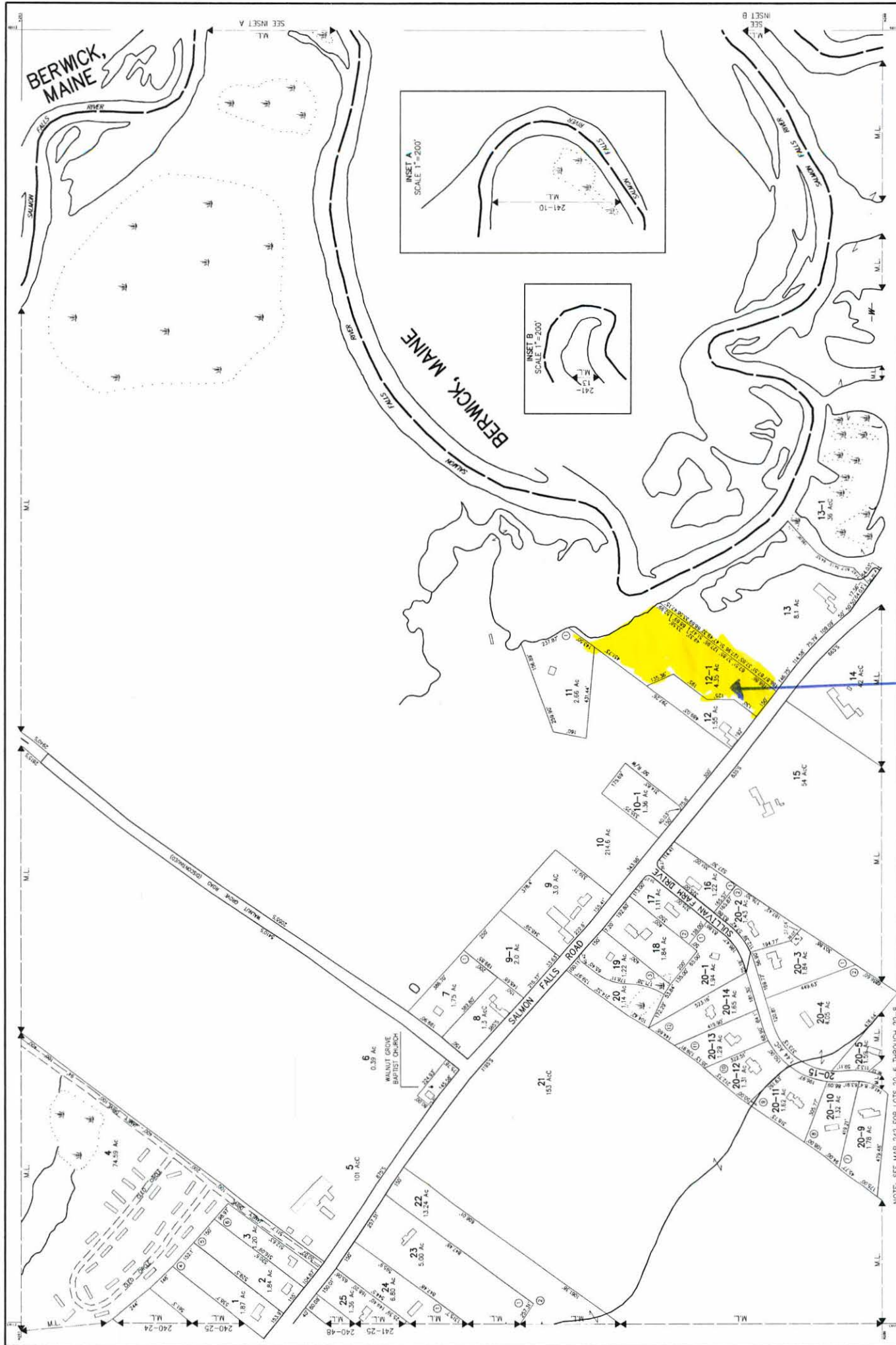
1 Inch = 233 Feet  
July 29, 2015











THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.

THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM.

PHOTOGRAPHY DATE: APRIL 28, 1990

COMPLETION DATE: JUNE 30, 1992

PRODUCED IN 1992 BY

**CAI Technologies**

18 PLEASANT STREET, JEFFERSON, MA 01858  
800.332.4160 • 508.538.5256

**LEGEND**

AREA SURVEYED	AC	EXIST' PROPERTY
AREA CALCULATED	A-C	SUBDIVISION LOT NO.
SCALD DIMENSION	100'	BUILDING
SCALD DIMENSION	100'	RIGHT OF WAY
MATCH LINE		CORNER UNDERLAP
		WETLANDS

①  
②  
5x  
N

REVISÉ TO : APRIL 1, 2015

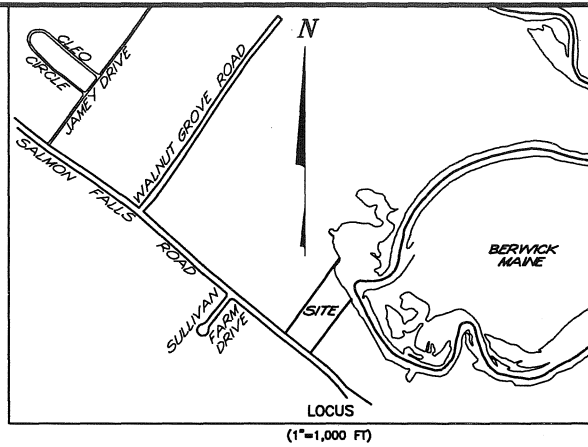
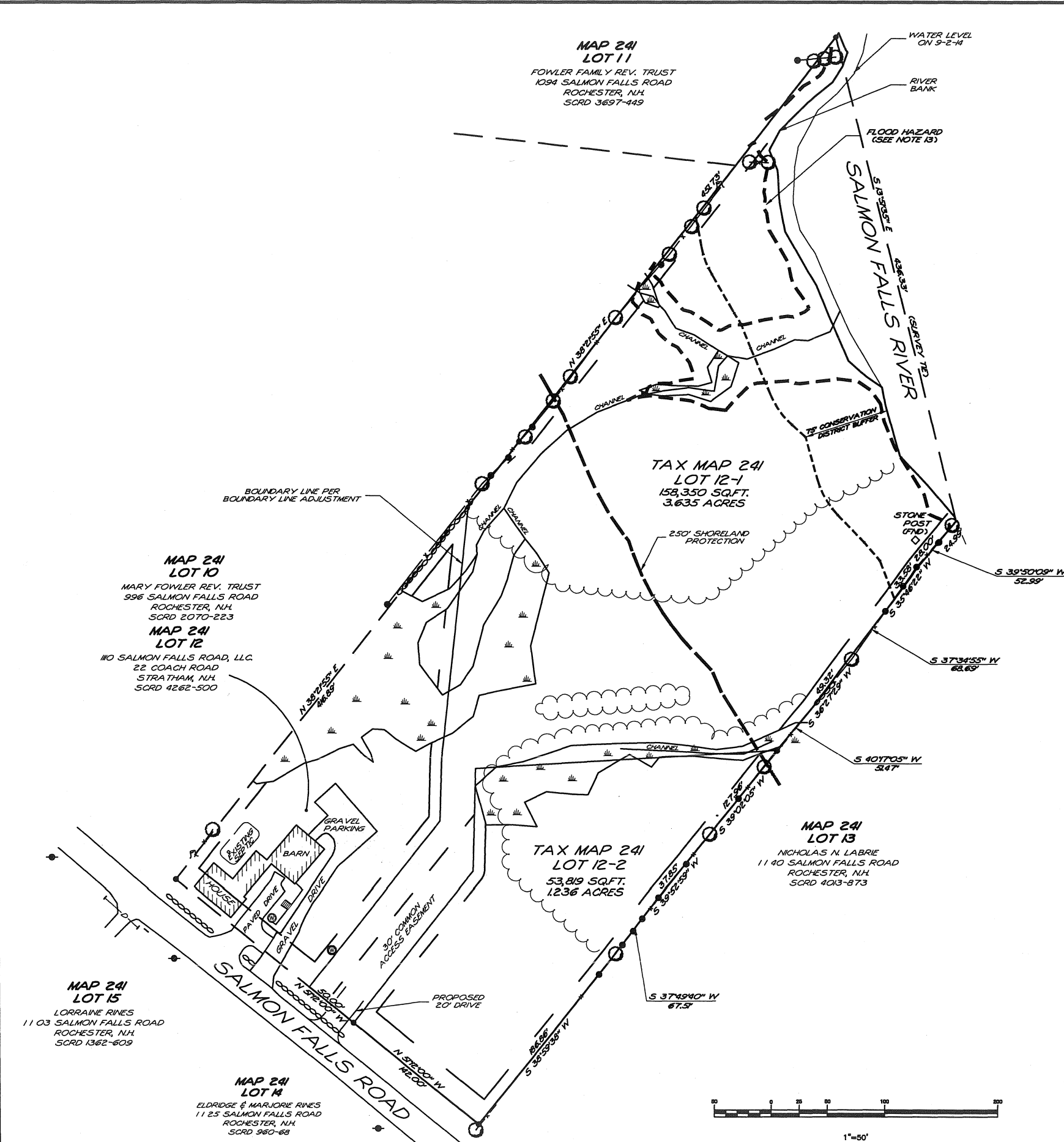
PROPERTY MAPS  
ROCHESTER  
NEW HAMPSHIRE

INDEX

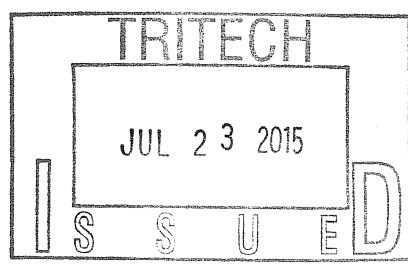
DIAGRAM

MAP NO.

241



- NOTES**
- INTENT: TO SHOW THE PROPOSED DEVELOPMENT OF ROCHESTER TAX MAP 241 LOT 12-1, INTO (2) LOTS, UNDER THE PORKCHOP SUBDIVISION REGULATIONS. THE FOLLOWING VARIANCES ARE REQUIRED:
    - ARTICLE 42.2, d, 10.B TOTAL PARCEL AREA
    - ARTICLE 42.2, d, 10.E AVERAGE LOT SIZE
  - CURRENT OWNER: 1110 SALMON FALLS ROAD, LLC. 22 COACH ROAD STRATHAM, N.H.
  - LOT AREA: 212,139 SQ.FT. - 4.870 ACRES
  - TAX MAP 241 LOT 12-1
  - PROJECT DEED REFERENCE: BOOK 4262 PAGE 500.
  - PROJECT PLAN REFERENCE: SUBDIVISION PLAN LUKE & MEGAN HYDOCK TAX MAP 241 LOT 12 1110 SALMON FALLS ROAD ROCHESTER, NEW HAMPSHIRE TRITECH ENGINEERING CORPORATION SCRD 108-92 SEPTEMBER 9, 2014
  - ZONING: AGRICULTURAL
    - MIN LOT SIZE: 45,000 SQ.FT.
    - MIN FRONTAGE: 150 FT
    - MIN SETBACKS
      - FRONT: 20 FT.
      - SIDE: 10 FT.
      - REAR: 20 FT.



- LEGEND**
- FENCE POST WITH WIRE
  - TREE WITH WIRE
  - STONEWALL
  - BARBED WIRE FENCE
  - TREE LINE
  - WETLAND BOUNDARY
  - WELL

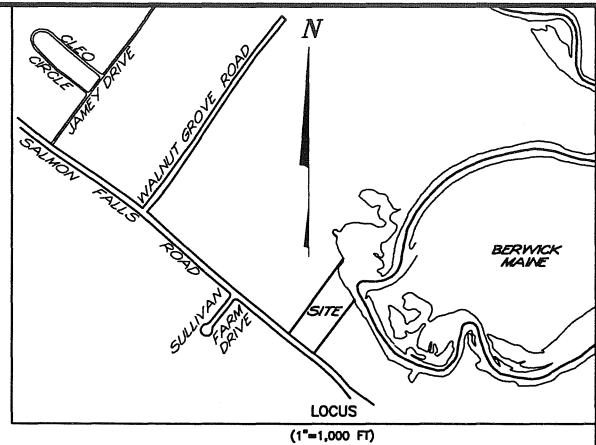
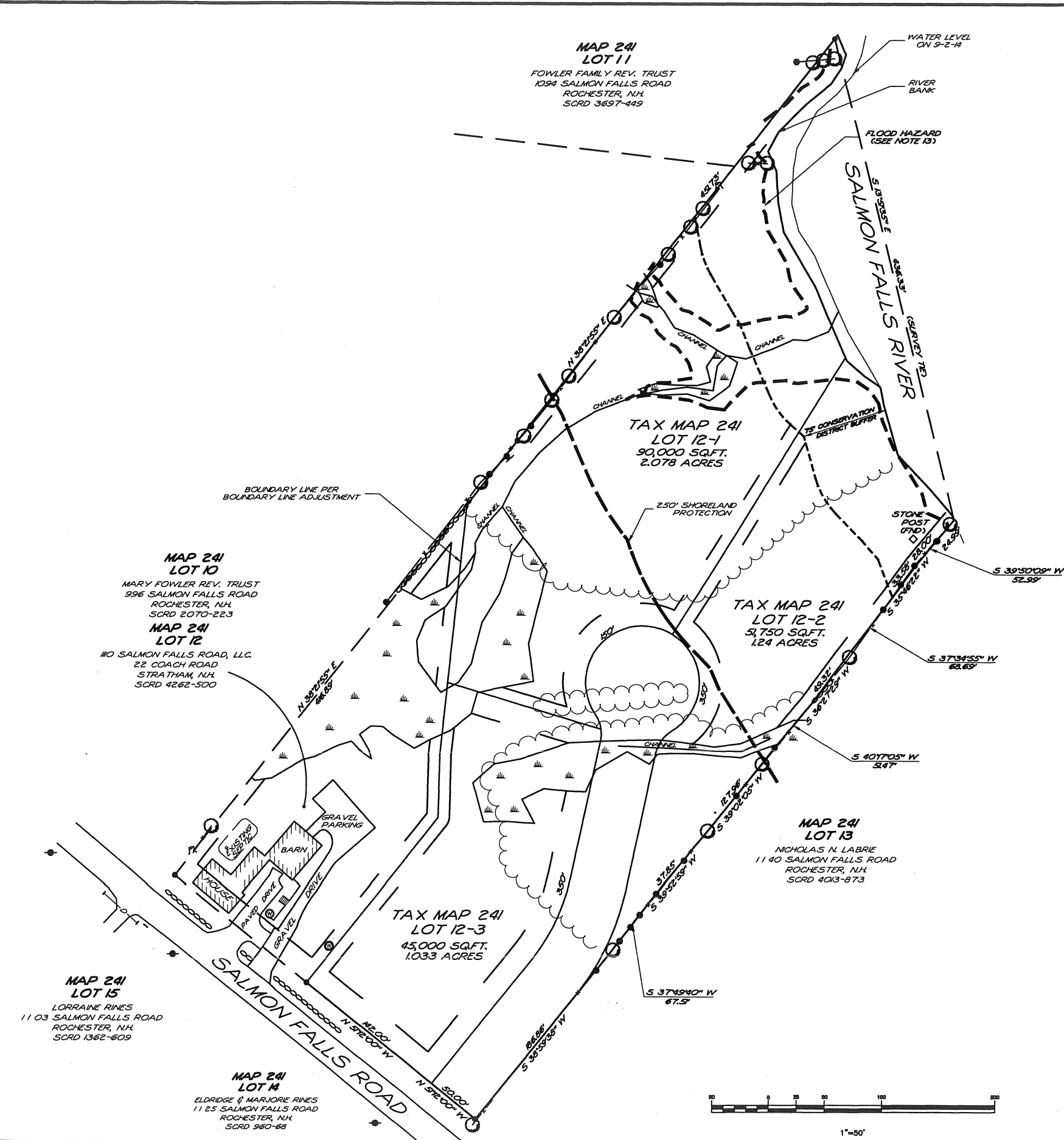
**TRITECH**  
ENGINEERING CORPORATION

765 CENTRAL AVENUE  
DOVER, NEW HAMPSHIRE 03800  
TELEPHONE 603 748 8007  
FAX 603 748 9830

REVISIONS	DATE	DESCRIPTION

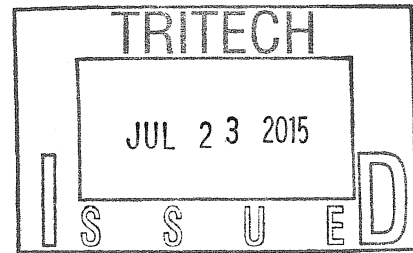
VARIANCE APPLICATION PLAN  
1110 SALMON FALLS ROAD, LLC  
TAX MAP 241 LOT 12  
1114 SALMON FALLS ROAD  
ROCHESTER, NEW HAMPSHIRE  
JULY 23, 2015 JOB No. 14114  
SCALE: 1" = 50'

SHEET NO. **V-1**



**NOTES**

1. INTENT: TO SHOW AN ALTERNATIVE DEVELOPMENT OF ROCHESTER TAX MAP 241 LOT 12-1, WITH A CUL-DE-SAC AND (3) LOTS.
2. CURRENT OWNER: 1110 SALMON FALLS ROAD, LLC.  
22 COACH ROAD  
STRATHAM, N.H.
3. LOT AREA: 212,139 SQ.FT. - 4.870 ACRES
4. TAX MAP 241 LOT 12-1
5. PROJECT DEED REFERENCE: BOOK 4282 PAGE 500.
6. PROJECT PLAN REFERENCE: SUBDIVISION PLAN  
LUKE & MEGAN HYDOCK  
TAX MAP 241 LOT 12  
1110 SALMON FALLS ROAD  
ROCHESTER, NEW HAMPSHIRE  
TRITECH ENGINEERING CORPORATION  
SCRD 108-92 SEPTEMBER 9, 2014
7. ZONING: AGRICULTURAL  
MIN LOT SIZE: 45,000 SQ.FT.  
MIN FRONTAGE: 150 FT  
MIN SETBACKS:  
FRONT: 20 FT.  
SIDE: 10 FT.  
REAR: 20 FT.



- LEGEND**
- FENCE POST WITH WIRE
  - TREE WITH WIRE
  - STONEWALL
  - X — BARBED WIRE FENCE
  - TREE LINE
  - WETLAND BOUNDARY
  - ⊙ WELL

**TRITECH**  
ENGINEERING CORPORATION

788 CENTRAL AVENUE  
DOVER NEW HAMPSHIRE 03830  
TELEPHONE 603 745 8107  
FAX 603 742 3850

REVISIONS  
DATE: DESCRIPTION:

VARIANCE APPLICATION EXHIBIT  
1110 SALMON FALLS ROAD, LLC  
TAX MAP 241 LOT 12  
1114 SALMON FALLS ROAD  
ROCHESTER, NEW HAMPSHIRE  
JULY 23, 2015  
JOB No. 14114  
SCALE: 1" = 50'

SHEET NO.

**V-2**



53,400

## Rochester

**Patriot**  
Properties Inc.

Insp Date

## Type:

Postal:	03868
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## 13493

BldReason:	
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## 2015



Type:		
Sty Ht:		
(Liv) Units:		Total: 0
Foundation:		
Frame:		
Prime Wall:		
Sec Wall:		%
Roof Struct:		
Roof Cover:		
Color:		
View / Desir:		

Full Bath:	Rating:
A Bath:	Rating:
3/4 Bath:	Rating:
A 3QBth	Rating:
1/2 Bath:	Rating:
A HBth:	Rating:
OthrFix:	Rating:

[illegible]

Grade:	
Year Blt:	Eff Yr Blt:
Alt LUC:	Alt %:
Jurisdic:	Fact:
Const Mod:	
Lump Sum Adj:	

Kits:		Rating:	
A Kits:		Rating:	
Frpl:		Rating:	
WSFlue:		Rating:	

Location:	
Total Units:	
Floor:	
% Own:	
Name:	

1st Res Grid	Desc:										# Units	
Level	FY	LR	DR	D	K	FR	RR	BR	FB	HB	L	O
Other												
Upper												
Lvl 2												
Lvl 1												
Lower												
Totals												
	RMs:				BRs:				Baths:		HB	

Exterior:	
Interior:	
Additions:	
Kitchen:	
Baths:	
Plumbing:	
Electric:	
Heating:	
General:	

[illegible]

Avg Ht/FL:		
Prim Int Wal		
Sec Int Wal:		%
Partition:		
Prim Floors:		
Sec Floors:		%
Bsmnt Flr:		
Bsmnt Gar:		
Electric:		
Insulation:		
Int vs Ext:		
Heat Fuel:		
Heat Type:		
# Heat Sys:		
% Heated:		% AC:
Solar HW: NO		Central Vac: NO
% Corn Wal		% Sprinkled

Phys Cond:		0.0%
Functional:		%
Economic:		%
Special:		%
Override:		%
	Total:	0%

Basic \$ / SQ:	
Size Adj:	1.00000000
Const Adj:	1.00000000
Adj \$ / SQ:	
Other Features:	0
Grade Factor:	
Neighborhood Inf:	1.17999995
LUC Factor:	1.00
Adj Total:	0
Depreciation:	0
Depreciated Total:	0

[illegible][illegible][illegible][illegible][illegible]

**AssessPro** Patriot Properties, Inc

Total:

**Abutters List**  
Minor Subdivision of Land  
**1110 Salmon Falls Road, LLC**  
Tax Map 241, Lot 12-1  
1114 Salmon Falls Road  
Rochester, New Hampshire  
Job No. 14114  
Page 1 of 1

**Abutters:**

Map 241, Lot 10	Mary T. Fowler Revocable Trust Mary T. Fowler, Trustee 996 Salmon Falls Road Rochester, NH 03867
Map 241, Lot 11	Fowler Family Revocable Trust Philip L. & Cynthia Fowler, Trustees 1094 Salmon Falls Road Rochester, NH 03867
Map 241, Lot 13	Nicholas N. Labrie 1140 Salmon Falls Road Rochester, NH 03867
Map 241, Lot 14	Daniel & Dana Rines 1125 Salmon Falls Road Rochester, NH 03867
Map 241, Lot 15	Lorraine S. Rines 1103 Salmon Falls Road Rochester, NH 03867

**Owner:**

Map 241, Lot 12	1110 Salmon Falls Road, LLC 22 Coach Road Stratham, NH 03885-2259
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**Applicant:**

William C. Stowell  
470 High Street  
Somersworth, NH 03878

**Agent:**

Tritech Engineering Corp.  
755 Central Avenue  
Dover, NH 03820





# 0' Abutters List Report

Rochester, NH

July 21, 2015

## Subject Property:

Parcel Number: 0241-0012-0001  
CAMA Number: 0241-0012-0001  
Property Address: 1114 SALMON FALLS RD

Mailing Address: 1110 SALMON FALLS ROAD LLC  
22 COACH RD  
STRATHAM, NH 03885-2259

---

## Abutters:

Parcel Number: 0241-0010-0000  
CAMA Number: 0241-0010-0000  
Property Address: 1088 SALMON FALLS RD

Mailing Address: FOWLER MARY T REVOCABLE TRUST  
% MARY FOWLER TRUSTEE  
996 SALMON FALLS RD  
ROCHESTER, NH 03868

Parcel Number: 0241-0011-0000  
CAMA Number: 0241-0011-0000  
Property Address: 1094 SALMON FALLS RD

Mailing Address: FOWLER FAMILY REVOCABLE TRUST %  
FOWLER PHILIP L & CYNTHIA  
1094 SALMON FALLS RD  
ROCHESTER, NH 03868

Parcel Number: 0241-0012-0000  
CAMA Number: 0241-0012-0000  
Property Address: 1110 SALMON FALLS RD

Mailing Address: 1110 SALMON FALLS ROAD LLC  
22 COACH RD  
STRATHAM, NH 03885-2259

Parcel Number: 0241-0013-0000  
CAMA Number: 0241-0013-0000  
Property Address: 1140 SALMON FALLS RD

Mailing Address: LABRIE NICHOLAS N  
1140 SALMON FALLS RD  
ROCHESTER, NH 03868-5708

Parcel Number: 0241-0014-0000  
CAMA Number: 0241-0014-0000  
Property Address: 1125 SALMON FALLS RD

Mailing Address: RINES DANIEL M & RINES DANA M  
1125 SALMON FALLS RD  
ROCHESTER, NH 03868-5722

Parcel Number: 0241-0015-0000  
CAMA Number: 0241-0015-0000  
Property Address: 1103 SALMON FALLS RD

Mailing Address: RINES LORRAINE S  
1103 SALMON FALLS RD  
ROCHESTER, NH 03868