

Planning Community Development Zoning Conservation Commission Historic District Commission Planning & Development Department City Hall - Second Floor 31 Wakefield Street ROCHESTER, NEW HAMPSHIRE 03867-1917 (603) 335-1338 - Fax (603) 335-7585 Web Site: <u>http://www.rochesternh.net</u>

# **APPLICATION FOR SPECIAL EXCEPTION**

TO:	BOARD OF ADJUSTM	DO NOT WRITE IN THIS SPACE										
10.	CITY OF ROCHESTER		CASE NO									
				DATE FILED								
Phon	e No			ZONING BOARD CI FRK								
Name	e of applicant <u>CPJ Prope</u>	erties, LLC										
Addre	ess 880 Central Ave., I	Dover, NH 03820										
		( if	same as applicant,	write "same")								
Owne	er of Property Concerned	Same										
		( if	same as applicant,	write "same")								
Addre	Same											
		( if same as applicant, write "same")										
Locat	ion of property <u>Milton</u> R	Road										
Map I	No. <u>205</u>	Lot No. 134	Zc	ne Highway Commercial								
The u	indersigned hereby reque	ests a special excep	tion as provided in									
Article	<b>e:</b> 42	Section: 18	of	the Zoning Ordinance								
18b4	(Table 18D)											
Desc	ription of Property	225.12'	328.72'/271.0'									
(give	length of the lot lines)	Frontage	Sides	Rear								
Propo	osed use or existing use a	affected <u>To allow e</u>	xpansion of a junk	yard on Map 205 Lot 134.								
				_								
Signe	ed		Date									

(Applicant)

# **Special Exception Application Checklist**

- It must be determined that your proposed use is not permitted without a special exception. Most often this determination is a denial of a building permit. Planning requires this prior to action on a site review
- $\overline{X}$  Complete the application form.
- X You must complete the 42.23 Special Exceptions sheet, addressing the 5 questions If the special exception is for a garage, you must also complete the Garage Setbacks sheet
- $\square$  A narrative explaining what you are requesting the special exception for.
- $\boxed{X}$  A sketch (see attached example) including the following.
  - ☑ Measurements of the distances from any existing structure to the lot lines. If the proposed structure is not attached to the building you will need the distance between buildings.
  - Dimensions of the lot. A certified plot plan of your property is required by the Zoning Board. If you do not have a certified plot plan you may request a waiver (see the secretary for details)
  - If for a garage, all appropriate information on proposed garage (see samples)
- $\mathbf{x}$  Photographs, if you have them.
- $\square$  Complete the abutter's list.
- Application fee \$175.00 (make check payable to City of Rochester).
- Cost of Certified mail (make check payable to City of Rochester) The amount is based on <u>\$3.56 per abutter</u>, and includes the applicant, owner of property, engineers, etc.

All of the above information must be completed and submitted to the Planing & Development Department Office on or before the deadline date, or the application will be considered incomplete and will be postponed until the next scheduled meeting, or until all the requirements have been met.

NOTE: All applications will be allowed one (1) postponement of the hearing on their application, and shall notify the Planning Office in writing of their intent to postpone such hearing at least two (2) days prior to the meeting at which their application is to be considered. If the applicant requests a second  $(2^{nd})$  postponement of the hearing, the application will be considered to have been withdrawn and the applicant must file a new application with the Board in order to receive a hearing. The provisions of this paragraph shall not apply to any postponement requested by an applicant as a result of the inability of the Zoning Board of Adjustment to provide the applicant with a five-member board for the hearing on the application.

# THE APPLICANT OR REPRESENTATIVE <u>MUST</u> ATTEND THE MEETING TO PRESENT THE CASE TO THE ZONING BOARD OF ADJUSTMENT

If you have any questions with any of these requirements, please call Karen at 332-3976



## **BERRY SURVEYING & ENGINEERING**

335 Second Crown Point Road Barrington, NH 03825 Phone: (603) 332-2863 Fax: (603) 335-4623 www.BerrySurveying.Com

City of Rochester Zoning Board of Adjustment Attention: Chairman Torr 31 Wakefield Street Rochester, NH 03867

RE: Colony Used Auto Parts CPJ Properties Located off NH Route 125 / Milton Road Highway Commercial District Tax Map 205, Lot 134 Special Exception

Chairman Torr and Members of the City of Rochester Zoning Board of Adjustment,

On behalf of Colony Use Auto Parts and CPJ Properties LLC, Berry Surveying & Engineering (BS&E) submits for your review a Special Exception request to allow the expansion of a "Junk Yard" in the Highway Commercial Zone. (HC). In 2015 the ZBA granted the applicant a special exception to install a Cold Storage Warehouse, to properly house the used parts, and part of the Site Review procedure, it was discovered that part of the existing use on this property had not been properly permitted.

Colony holds lot 134 separately from the remaining yard, and is looking for the expansion of that use onto this property, which is allowed by Special Exception in the HC Zone. No activity is planned to take place within 150 feet of the right of way of Milton Road, and the owner would gladly restrict the approval of a special exception to no closer than 150'. There is an existing earthen mount between the proposed use and the highway which blocks the sightline and access into the yard. Additionally, the owners own all but one of the abutting lots. The lot which is not under common ownership is found to the North. No cars are proposed to be parked along this common boundary line. This warehouse space is proposed in this location as allowed by this board in 2015.

We have further reviewed the HC zone's specific requirements and found no additional criteria for a special exception, and therefore the five criteria found under the general ordinance, section 23 was used. We find that the expansion of this use within a zone that allows for it, is a better use of the land than an application for a new yard in a different location. No additional traffic, noise, dust or orders will be recognized by the expansion, whereas it is in use today, and the general use of this yard is recycling parts. Metal recycling is not done in this location and therefore there is little noise generated from the site. The master plan discusses automobile uses within this specific area of the city and zone, and therefore the modest expansion fits with the master plan. The master plan also discusses sensitivity to the local rivers and streams, and

Colony is the only Green yard in the area. By granting this special exception you are allowing the continued good work they are doing to better their yard.

We have enclosed our plan set for your review as part of this request. Thank you for your time and attention to this matter, and we hope you look favorably upon the request.

Please feel free to contact us with any questions or concerns. Very truly yours,

BERRY SURVEYING & ENGINEERING

Christopher R. Berry, Project Manager Principal, President



### **BERRY SURVEYING & ENGINEERING**



# **BERRY SURVEYING & ENGINEERING**

335 Second Crown Point Road Barrington, NH 03825 Phone: (603) 332-2863 Fax: (603) 335-4623 www.BerrySurveying.Com crberry@metrocast.net

August 24, 2016

City of Rochester Zoning Board 31 Wakefield Street Rochester, NH 03867

Re: Special Exceptions Application Colony Used Auto Parts Off Milton Road Rochester, NH Tax Map 205, Lot 134

Mr. Chairman and Members of the Rochester Zoning Board,

On behalf of Colony Use Auto Parts, (Colony) Berry Surveying & Engineering (BS&E) submits for Zoning Board approval a Special Exception Application and associated five base criteria listed.

1. *Location:* The specific site is an appropriate location for the proposed use or structure.

#### The proposed location is appropriate as it currently has an established junkyard operating on it.

2. <u>*Neighborhood:*</u> The proposed use would not be detrimental, injurious, obnoxious, or offensive to the neighborhood.

The proposed use would not be detrimental, injurious, obnoxious or offensive to the neighborhood as the owner also owns three of the abutting lots and the business will remain consistent with its current use.

3. <u>*Traffic:*</u> The proposed use would not create an undue hazard or nuisance to vehicular or pedestrian traffic.

#### The proposed use would not alter current pedestrian or vehicular traffic outside of the lot.

4. <u>Public Facilities:</u> Adequate and appropriate facilities and utilities would be provided to ensure the proper operation of the proposed use or structure.

#### Adequate facilities already exist and expansion of the facilities is not required.

Planning Board Application, Colony Use Auto Off Milton Road / Route 125 Page 2 of 2

5. <u>Master Plan:</u> The propose use or structure is consistent with the spirit of this chapter and the intent of the Master Plan.

In keeping with the goals and objectives of the Master Plan, this expansion would allow the business to continue operating in the same location without having to impose another industrial facility at another location. This will provide a balanced and sustainable pattern of land use that meets the city's stakeholders needs while maximizing the potential of an established business in its current location. Automobile intensive businesses are prevalent in this area and permitting this expansion would promote like industry in a zone it is suited for.

Berry Surveying & Engineering

Christopher R. Berry Principal, President

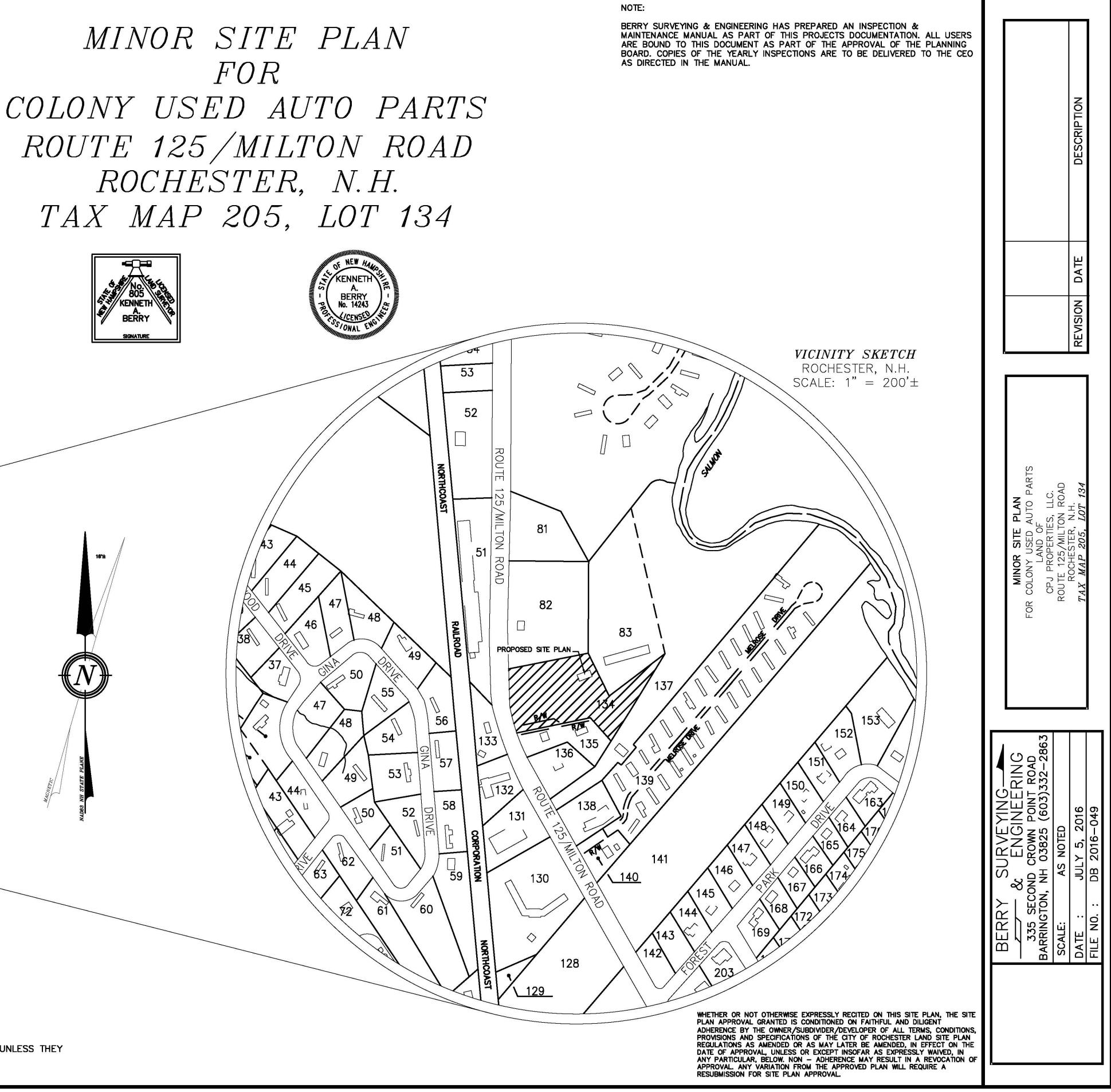


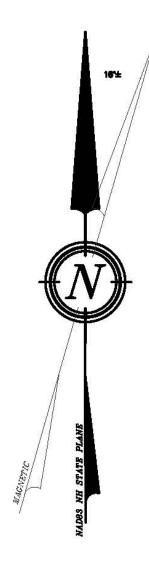
#### **BERRY SURVEYING & ENGINEERING**



Colony Auto CPJ Properties, LLC Tax Map 205, Lot 134

TABLE OF CO.	NTENTS:		
SHEET 2 ~ SHEET 3 ~	NEIGHBORHOOD PLAN EXISTING CONDITIONS PLAN 60 SCALE EXISTING CONDITIONS PLAN 20 SCALE		
SHEET 5 ~ I	SITE PLAN E101 SEDIMENT & EROSION CONTROL DETAILS E102 SEDIMENT & EROSION CONTROL DETAILS		
OWNER:			
(A)	CPJ PROPERTIES, LLC 880 CENTRAL AVE. DOVER, NH 03820	SURVEYOR OF RECORD:	KENNETH A. BERRY, PE, LLS CPESC, CESSWI, CPSWQ BERRY SURVEYING & ENGINEERING 335 CROWN POINT ROAD
(B)	CHARLES S. JR. & PAUL E. ARVENTIS 181A MILTON ROAD		BARRINGTON, NH 03825 (603) 332-2863
(C)	ROCHESTER, NH 03868-8714 CHARLES S. JR. & PAUL E. ARVENTIS & BRANSCOMBE, JOHN J. 181A MILTON ROAD ROCHESTER, NH 03868-8714	ENGINEER OF RECORD:	KENNETH A. BERRY, PE, LLS CPESC, CESSWI, CPSWQ BERRY SURVEYING & ENGINEERING 335 CROWN POINT ROAD BARRINGTON, NH 03825 (603) 332-2863
DEVELOPER:	COLONY USED AUTO PARTS ROUTE 125/MILTON ROAD ROCHESTER, NH 03867	WETLAND SCIENTIST:	STONEY RIDGE ENVIRONMENTAL CYNTHIA M. BALCIUS, CSS, CWS, CPESC 229 PARKER MOUNTAIN ROAD ALTON, NH 03809 603-776-5825
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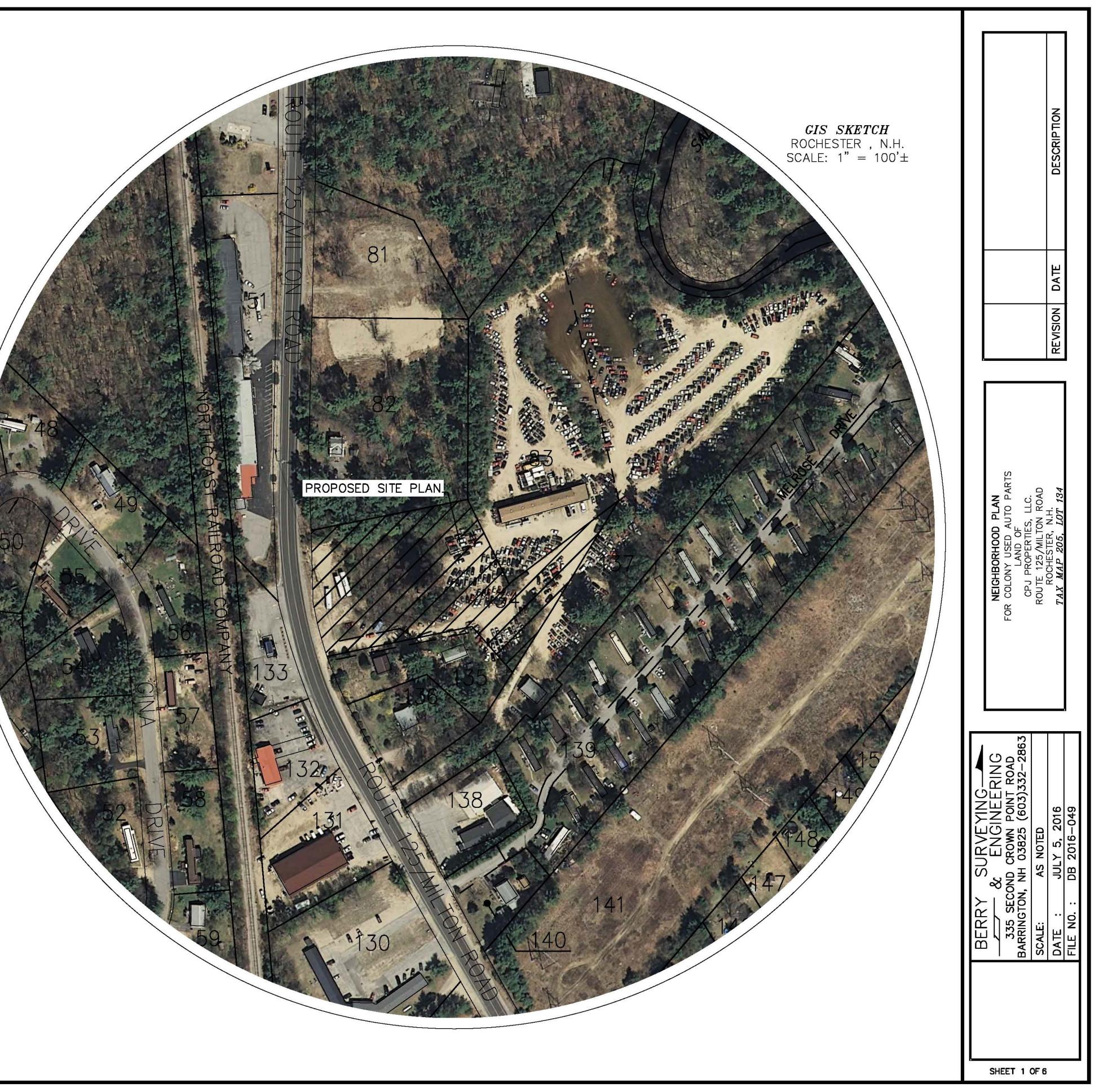


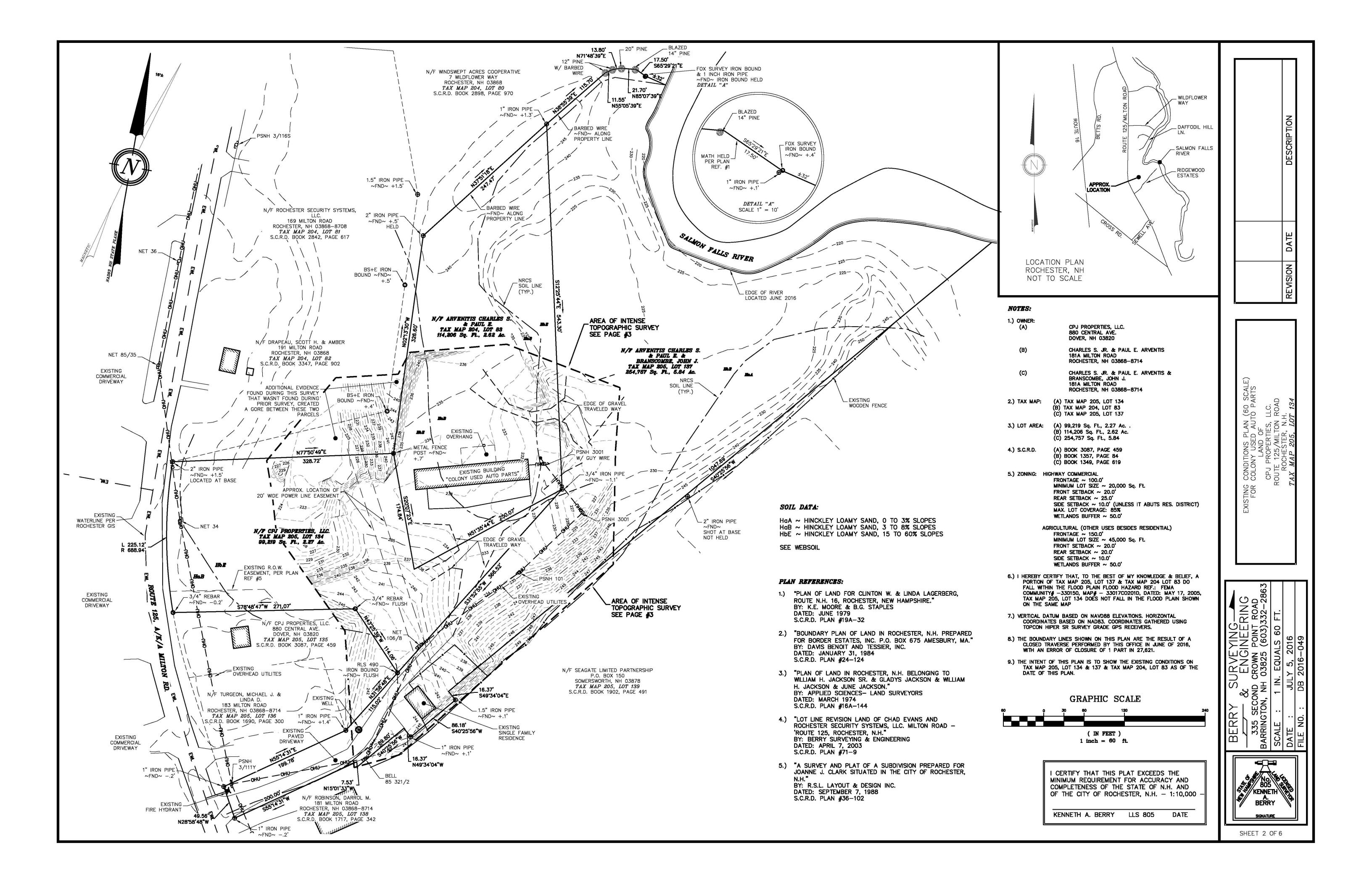
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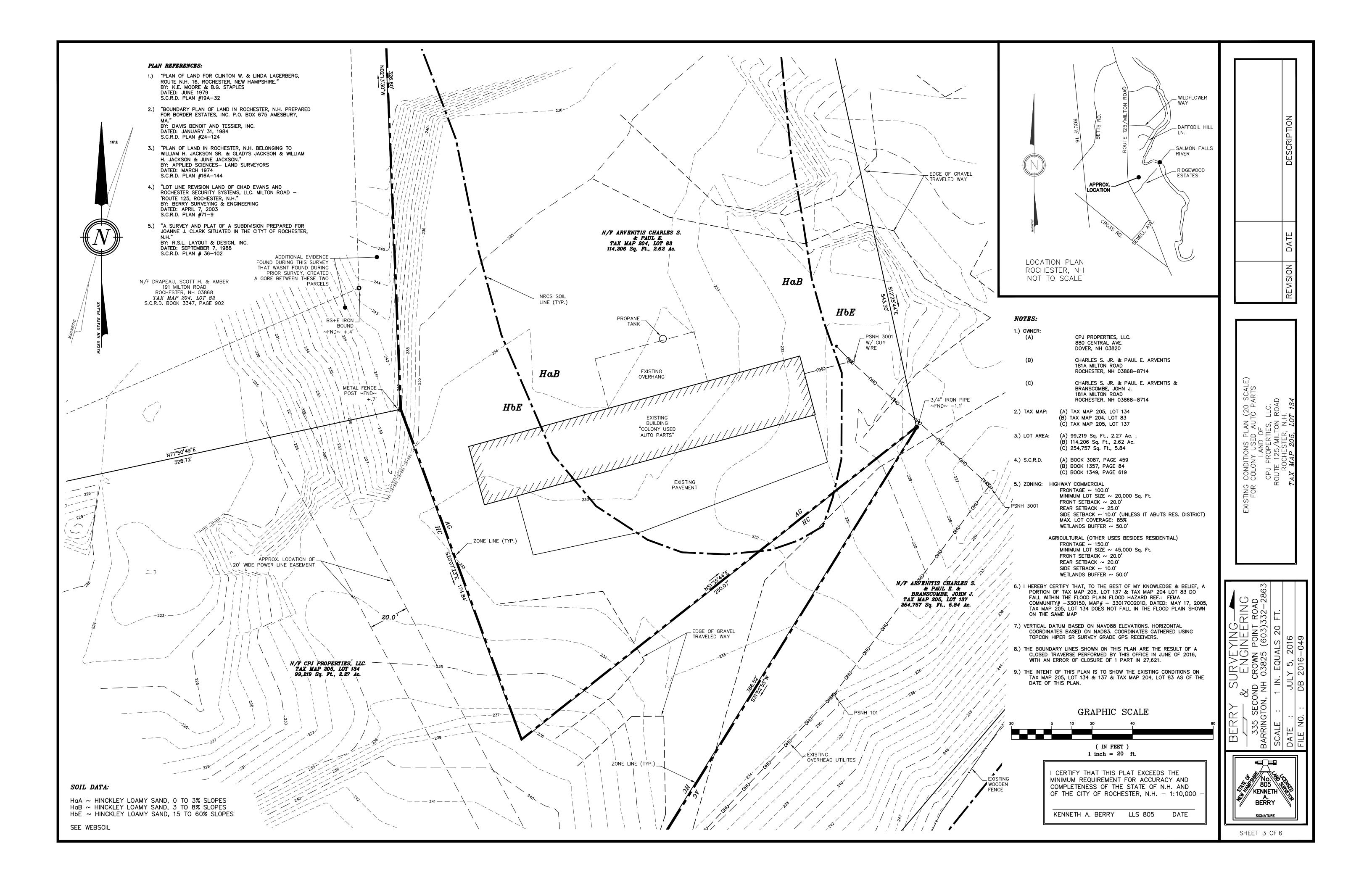
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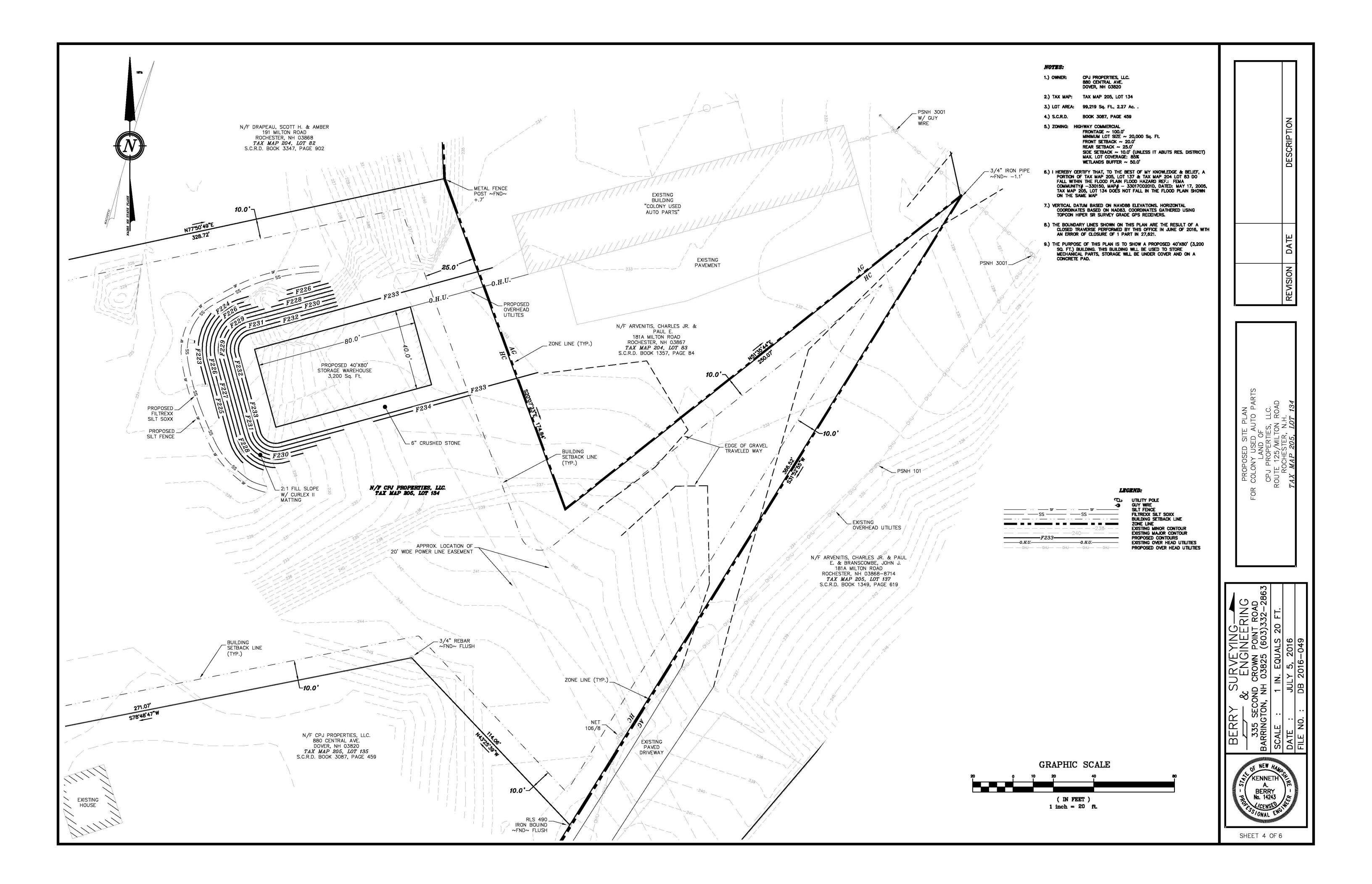
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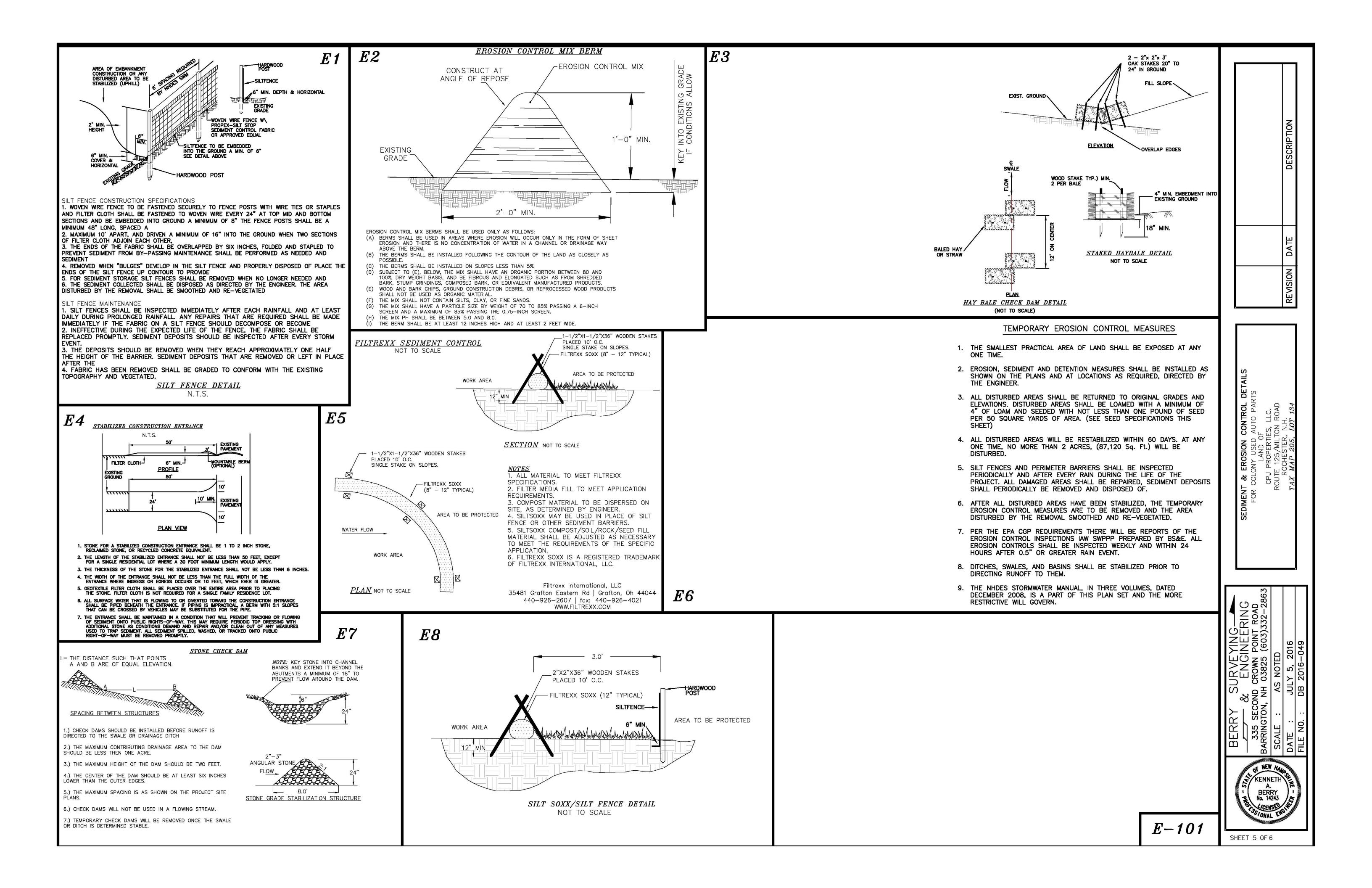


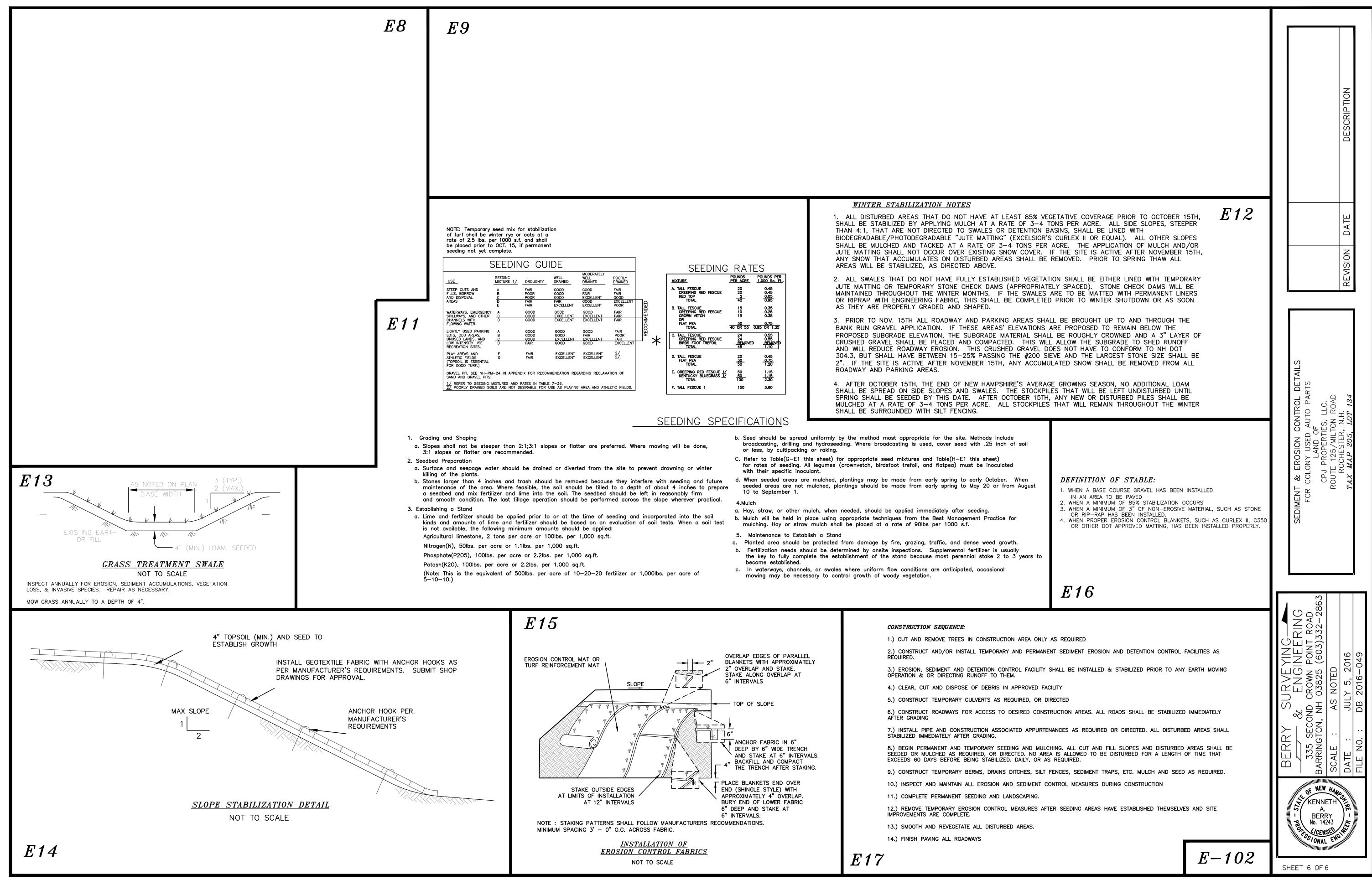












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# 0205-0134-0000, Milton Rd.



11/30/2012



## **BERRY SURVEYING & ENGINEERING**

335 Second Crown Point Road Barrington, NH 03825 Phone: (603) 332-2863 Fax: (603) 335-4623 www.BerrySurveying.Com

August 24, 2016

#### **Abutters List**

#### **Owners of Record**

#### Tax Map 205, Lot 134

CPJ Properties LLC 880 Central Ave Dover, NH 03820

#### Tax Map 204, Lot 083

Charles S Arvenitis, Jr Paul E Arvenitis John J Branscombe 181 A Milton Rd Rochester, NH 03867

#### Tax Map 205, Lot 137

Paul E Arvenitis Charles S Arvenitis, Jr. John J Branscombe 181 A Milton Rd Rochester, NH 03868

#### ABUTTERS

#### Tax Map 204, Lot 051

Dyment Realty LLC 194 Milton Rd Rochester, NH 03868

#### Tax Map 204, Lot 080

Windswept Acres Cooperative Inc 7 Wildflower Way Rochester, NH 03868

#### Tax Map 204, Lot 080-053

Alyssa M Baribeault 140 Daffodil Hill Ln Rochester, NH 03868-8750

#### Tax Map 204, Lot 080-054

Lucille R Clarke 142 Daffodil Hill Ln Rochester, NH 03868-8750

#### Tax Map 204, Lots 080-055

Anthony R Michaud & Rhonda M Berry 144 Daffodil Hill Ln Rochester, NH 03868-8731

#### Tax Map 204, Lot 080-056

George A Buck 11 Hill St Shrewsbury, MA 01545-1924

#### Tax Map 204, Lot 080-057

Donald R Stanley 159 Daffodil Hill Ln Rochester, NH 03867

#### Tax Map 204, Lot 080-058

Petra Chamberlin 157 Daffodil Hill Ln Rochester, NH 03868-8750

#### Tax Map 204, Lot 080-059

Melanie Stafford & Jeffery Creeden 155 Daffodil Hill Ln Rochester, NH 03868-8731



### **BERRY SURVEYING & ENGINEERING**

#### Tax Map 204, Lot 081

Rochester Security Systems LLC 169 Milton Rd Rochester, NH 03868-8708

#### Tax Map 204, Lot 082

Scott H &Amber Drapeau 191 Milton Rd Rochester, NH 03868

#### Tax Map 205, Lot 131

Prewitt Family LLC 184 Milton Rd Rochester, NH 03868-8712

#### Tax Map 205, Lot 133

BGF-A LLC 240 Riverside Dr Augusta, ME 04330-4135

#### Tax Map 205, Lot 135

CPJ Properties LLC 880 Central Ave Dover, NH 03820

#### Tax Map 205, Lot 136

Michael J & Linda D Turgeon 183 Milton Rd Rochester, NH 03868-8714

#### Tax Map 205, Lot 138

Darrol M Robinson 181 Milton Rd Rochester, NH 03868-8714

#### Tax Map 205, Lot 139

Seagate Limited Partnership II PO Box 150 Somersworth, NH 03878



### **BERRY SURVEYING & ENGINEERING**

#### Tax Map 205, Lot 139-001

Rodney S Miller 12 Melrose Dr Rochester, NH 03868-8711

#### Tax Map 205, Lot 139-002

Michael A & Julie J Plaisted, Jr 14 Melrose Dr Rochester, NH 03868-8711

#### Tax Map 205, Lot 139-003

Stephen D Chellis 18 Melrose Dr Rochester, NH 03868-8711

#### Tax Map 205, Lot 139-005

James F & Gail S Moulton, Jr PO Box 443 Rochester, NH 03866-0443

#### Tax Map 205, Lot 139-006

Virginia S & Tracie L Runnels 26 Melrose Dr Rochester, NH 03868-8711

#### Tax Map 205, Lot 139-007

Gregory S Ward 28 Melrose Dr Rochester, NH 03868-8711

#### Tax Map 205, Lot 139-008

Meredeth S Lineweber 30 Melrose Dr Rochester, NH 03868-8711

#### Tax Map 205, Lot 139-009

Alexander R & Allison K Lingard 32 Melrose Dr Rochester, NH 03868-8711



#### **BERRY SURVEYING & ENGINEERING**

#### Tax Map 205, Lot 139-010

Russel K & Bette M Laney 36 Melrose Dr Rochester, NH 03868

#### Tax Map 205, Lot 139-011

Richanne J & Scott D Webber 38 Melrose Dr Rochester, NH 03868-8711

#### Tax Map 205, Lot 139-012

Helen D Blaney 40 Melrose Dr Rochester, NH 03868-8711

#### Tax Map 205, Lot 139-013

Peter T Dubois 44 Melrose Dr Rochester, NH 03868

#### Tax Map 205, Lot 139-014

Stephen F Carroll 57 Melrose Dr Rochester, NH 03867

#### Tax Map 205, Lot 139-015

Darren E & Brenda R Eveleth 55 Melrose Dr Rochester, NH 03868-8711

#### Professionals

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