

City of Rochester, New Hampshire

Department of Building Safety
31 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 509-P12-CETVED

AUG 2 4 2016

APPLICATION FOR A VARIANCE

TO: BOARD OF AD ILICTMENT	chin dan dan		
TO: BOARD OF ADJUSTMENT CITY OF ROCHESTER	DO NOT WRITE IN THIS SPACE		
OH TO ROOMESTER	CASE NO. 2016-22		
Phone No 603-522-663)	DATE FILED. 8 24 16 ZONNG BOARD CLERK		
Name of applicant Kerry T. Fox			
Address For Suevey Company Pr	5Box 489 Senbornville, NH 03872		
Owner of property concerned (If the same as appli	cant, write "same")		
Address Stephens Drive (If the same as applicant, write "sa	Rochester, NH 0886)		
Location 18 Stephens Drive			
Map No. <u> </u>	Zone Speicultural		
Description of property 1.36 acre para	el w/ 255.71' of road frontage		
Proposed use or existing use affected	ing use - single family resident		
The undersigned hereby requests a varian Section <u>\$16</u> and asked that said terms be waiv	nce to the terms of Article 42.19, ed to permit a lot line asj. 10/10+22		
If applicable in this case, the undersigned also re provide a certified plot plan, (see attached request s			
The undersigned alleges that the following circularity enjoyment of his land under the strict terms of the grounds for a variance. Signed			
(Applicant)			
FOXSURVEY & Yahoo. Continue on Page 2			

(Page 2)

CRITERIA FOR VARIANCE

Case # 20110

A Variance is requested by Stephen Broche from Section ____ 42.19 Subsection 516 of the Zoning Ordinance to permit: a boundary ina adjustment between 236-43 and hat 236-44 at 18 Stephens Drive Map 236 Lot 43 Zone Squicultural Facts supporting this request: SEE ATTACKED SHEETS" 1) The proposed use would not diminish surrounding property values because: 2) Granting the variance is not contrary to the public interest because: 3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property: 4.) Granting the variance would do substantial justice because: 5.) The use is not contrary to the spirit of the ordinance because: Date: 08/2/206 Name



FOX SURVEY COMPANY

PO Box 489 Sanbornville, NH 03872 Tel: 603-522-6637

AUTHORIZATION OF AGENT

Date: June 13, 2016

RE: Stephen Brochu, Lot 236-44, Stephens Drive, Rochester, NH

I do hereby authorize Kerry M. Fox to act on my behalf before such Boards and Agencies in the city of Rochester, NH as may be necessary to complete applications on my behalf. I do also authorize Kerry M. Fox to sign any applications as may be required to complete representations or applications on my behalf.

STEPHEN BROCHU

Signature



FOX SURVEY COMPANY

PO Box 489 Sanbornville, NH 03872 Tel: 603-522-6637

LETTER OF INTENT

August 23, 2016

RE: Stephen Brochu, Lot 236-43, 18 Stephens Drive, Rochester, NH

Dear Rochester Zoning Board Members,

Mr. Brochu would like to adjust the boundary between Lot 236-43 and Lot 236-44. Both parcels are owned by Mr. Brochu. His parents once resided on Lot 236-44 and Stephen plans to live there now and would be selling his home at 18 Stephens Drive, Lot 236-43, in the near future. The only caveat here is that there is a pet cemetery found on Lot 236-43 that he would like to have as part of Lot 236-44 and thus the need for adjusting the boundary between these two parcels.

I have been told by the Rochester Planning Department that Lot 236-43 meets all zoning requirements except for Section 42.19 (b) 16. This requires any approved lot to have at least 3,000 square feet of buildable footprint outside of any required setback and that it be rectangular in shape and at least 30 feet wide. Unfortunately with this older lot of record and the constraints created by the wetland found on the property this is not possible. The lot does have in excess of 3,000 square feet of buildable area but it is not contiguous. There are two small areas, one being in the area of the proposed boundary adjustment and the other by the existing mobile home. Please see attached plan.

The intent is to adjust the lot line between the two properties so the cemetery can be part of Lot 236-44 while still leaving at least 3,000 square feet of buildable envelope. I hope this adds some clarity to what is being asked for by Mr. Brochu and I look forward to discussing it with you in greater detail on the evening of September 14, 2016.

Sincerely

Kerry M. Fox L.L.S. 837



FOX SURVEY COMPANY

PO Box 489 Sanbornville, NH 03872 Tel: 603-522-6637

VARIANCE CRITERIA

August 23, 2016

RE: Stephen Brochu, Stephens Drive, Lot 236-43, Rochester, NH

- 1. The proposed use would not diminish surrounding properties because: Lot 236-43 is a developed lot of record. There is an existing home, septic system and well located on the property. An adjustment to the boundary with abutting Lot 236-44 in the area of the pet cemetery will require taking 2,083.93 square feet of land out of Lot 236-43. This adjustment will still leave Lot 236-43 as a conforming lot of record with regards to both road frontage and lot size. This change seems rather insignificant and certainly would have not diminish surrounding property values.
- 2. Granting the variance is not contrary to the public interest because: The variance is being applied for because Lot 236-43 does not comply with Section 42.19 (b) 16 and because of this Mr. Brochu cannot adjust the boundary to include the pet cemetery with Lot 236-44. This was where his mother and father resided and this is where Steve plans to live. He is going to sell Lot 236-43 but wants to retain ownership to the land around the cemetery. I think most of us who are animal lovers would want to do the same thing.
- 3. Denial of the variance would result in an unnecessary hardship to the owner because of the following special circumstances of the property: Section 42.19 (b)16 Dimensional Regulations-Lot Area-Usable land states no lot shall be approved unless a rectangle measuring at least 3,000 square feet can fit inside the lot beyond any required setbacks, wetlands, wetland buffers, or slopes >25 percent. The rectangle must be located in an accessible part of the lot and its width must measure at least 30 feet. The hardship in this case is in applying a regulation applicable to a newly created lot and trying to make it conform to a parcel that was created pre-1967. This lot is also rather special in that the entire

back yard consists of poorly drained soils (wetlands) and after applying the 50 foot setback as required along with right-of-way and sideline setbacks this lot has only two small areas that would meet the definition of buildable area. One area contains 2,304 square feet the other contains 1,409 square feet. These are not contiguous areas.

- 4. Granting the variance would do substantial justice because: The variance will allow Mr. Brochu to continue on with the lot line adjustment process so that he may attach that portion of Lot 236-43, inclusive of the pet cemetery, to Lot 236-44 where he plans to reside. He would like the ability to care and maintain that area in the future and feels this is the best way.
- 5. The use is not contrary to the spirit of the ordinance because: The use will remain the same for Lot 236-43. This is a single-family residential lot with a State approved septic and existing artesian well. The variance and the following lot adjustment will not alter or change any of these existing conditions and in this proposal still will leave Lot 236-43 with a non-contiguous 3,007 square feet of buildable envelope.

Sincerely

Kerry M. Fox L.L.S. 837

Doiron Environmental LLC 720 Browns Ridge Road Ossipee, NH 03864

April 14, 2016

Kerry Fox Fox Survey Company PO Box 489 Sanbornville, NH 03872

RE: Wetland Delineation Report Brochu Property Tax Map 236, Lots 43 & 44 Stephens Drive Rochester, NH

Dear Mr. Fox.

Per your request and our contract dated April 5, 2016, Doiron Environmental LLC (DE) conducted a wetland delineation at the referenced properties on April 5, 2016. Approximately 4.4 acres were assessed for the presence of jurisdictional wetlands. This area lies within the "Approximate Extent of Wetland Delineation" boundaries as depicted in the attached sketch. The purpose of this delineation was to demarcate the wetland boundaries within these properties in order to assess layout options for a lot line adjustment project. The parcels are located at the northwest end of Stephens Drive and are partially developed with residential structures. The remaining areas are wooded or meadow.

The wetland delineation was performed in accordance with the Corps of Engineers Wetlands Delineation Manual and Regional Supplement using the Routine Determinations Method. The following standards were used to identify and classify jurisdictional wetlands.

- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1. U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.
- U.S. Army Corps of Engineers. 2011. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, C. V. Noble, and J. F. Berkowitz. ERDC/EL TR-12-1. U.S. Army Engineer Research and Development Center, Vicksburg, MS.
- United States Department of Agriculture, Natural Resources Conservation Service. 2010. Field Indicators of Hydric Soils in the United States, Version 7.0. L.M. Vasilas, G.W. Hurt, and C.V. Noble (eds.). USDA, NRCS, in cooperation with the National Technical Committee for Hydric Soils.
- New England Hydric Soils Technical Committee. 2004. 3rd ed., Field Indicators for Identifying Hydric Soils in New England. New England Interstate Water Pollution Control Commission, Lowell, MA.
- Lichvar, R.W., M. Butterwick, N.C. Melvin, and W.N. Kirchner. 2014. The National Wetland Plant List: 2014 Update of Wetland Ratings. Phytoneuron 2014-41: 1-42.

 United States Department of the Interior, Fish, and Wildlife Service. 1979. Classification of Wetlands and Deepwater Habitats of the United States. FWS/OBS-79/31.

Wetland boundaries are identified in the field with arctic pink flagging. No very poorly drained soils were observed within the parcels. The approximate locations of the delineated boundaries are shown on the attached sketch. DE recommends that the flags be survey located as soon as possible and depicted on a plan. The following flag numbers were used.

Wetlands:

A1 - A25 Both Open

According to the Classification of Wetlands and Deepwater Habitats of the United States, the wetland systems are classified as palustrine, forested, broad-leaved deciduous, seasonally flooded/saturated (PFO1E) and palustrine, emergent, persistent, seasonally flooded/saturated (PEM1E).

Plant species observed in or adjacent to the wetland system include red maple (Acer rubrum), meadowsweet (Spiraea latifolia), steeplebush (Spiraea tomentosa), sensitive fern (Onoclea sensibilis), broad-leaf cat-tail (Typha latifolia), purple loosestrife (Lythrum salicaria), lurid sedge (Carex lurida), fringed sedge (Carex crinita), and soft rush (Juncus effusus). Soils within the wetland system are dominated by poorly drained soils meeting the criteria of indicators All as defined in the Field Indicators of Hydric Soils in the United States. Observed wetland hydrology indicators include surface water, high water table, soil saturation, and oxidized rhizospheres.

During the delineation, disturbed soils were observed within the flagged wetland area on Lot 43. Mixing within the upper four to eight inches of soil was present in portions of the wet meadow area. However, no evidence of fill material being placed in wetland was observed. Wetland permit jurisdiction under RSA 482-A:3, I or its predecessor statute, RSA 483-A:1, I, took effect on July 2, 1969 for freshwater wetlands. Any fill or soil disturbing activity occurring in wetlands without a permit since this date may be a violation and subject to fines and/or restoration requirements. Documentation verifying that the impacts occurred before July 2, 1969, or after this date with a permit, may be required if new permits are sought from the New Hampshire Department of Environmental Services (NHDES).

Please contact me at (603) 581-4478 with any questions.

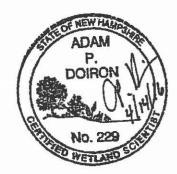
Sincerely.

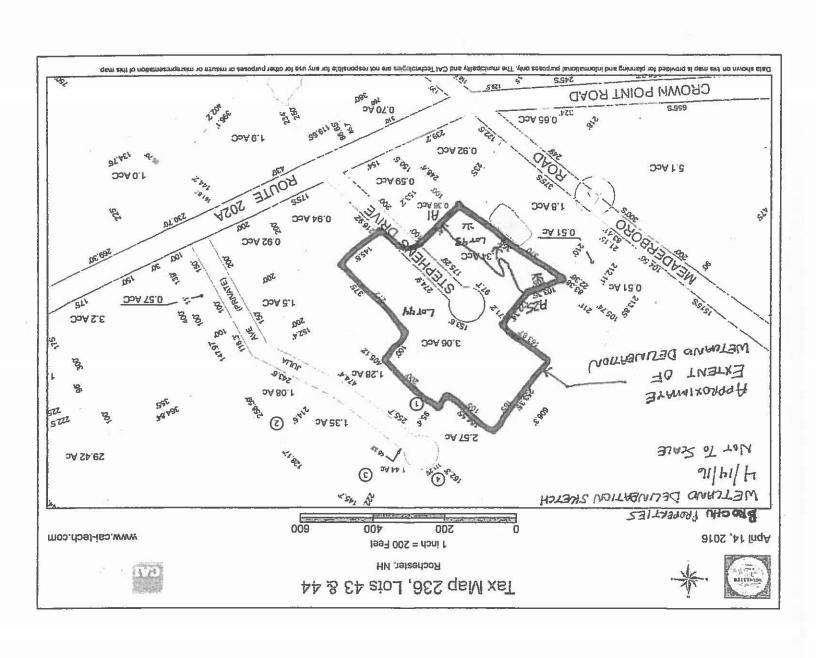
Doiron Environmental LLC

Adam P. Doiron CWS, CSS, CPESC

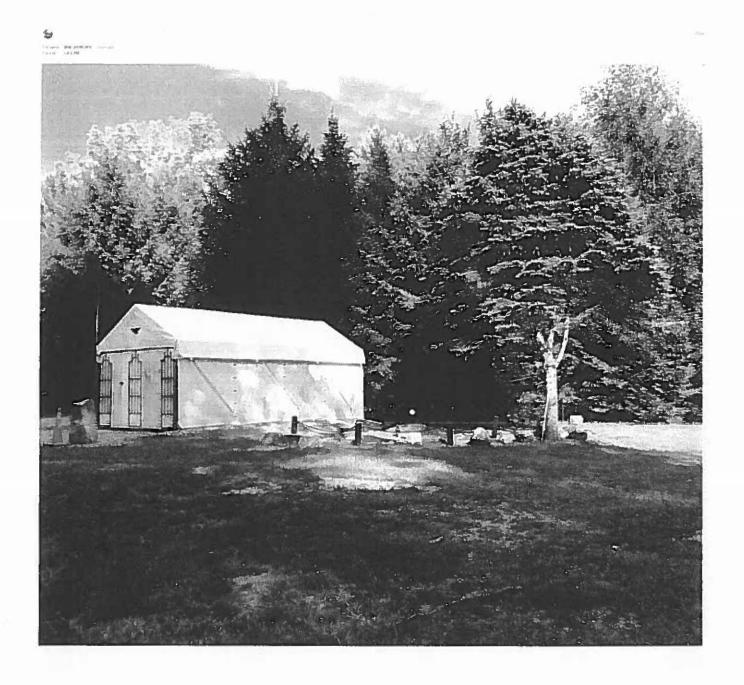
Principal

Enclosure

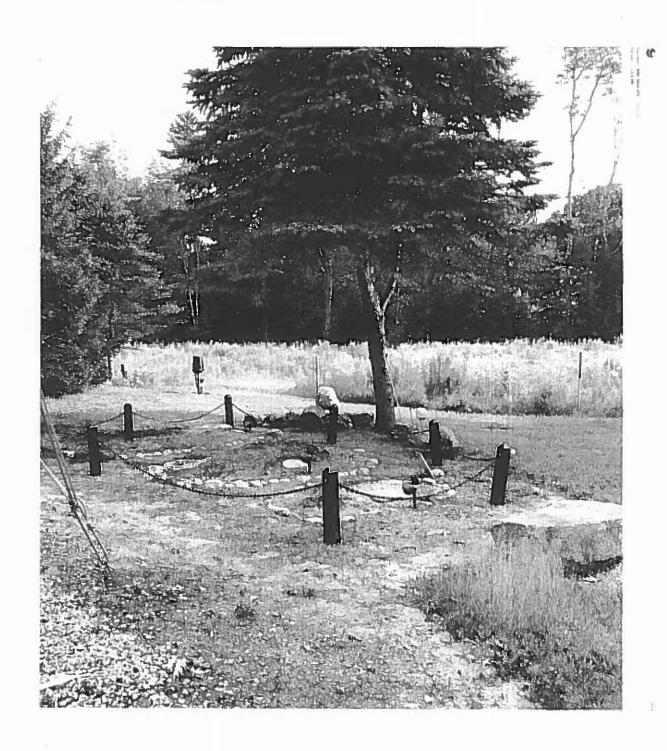


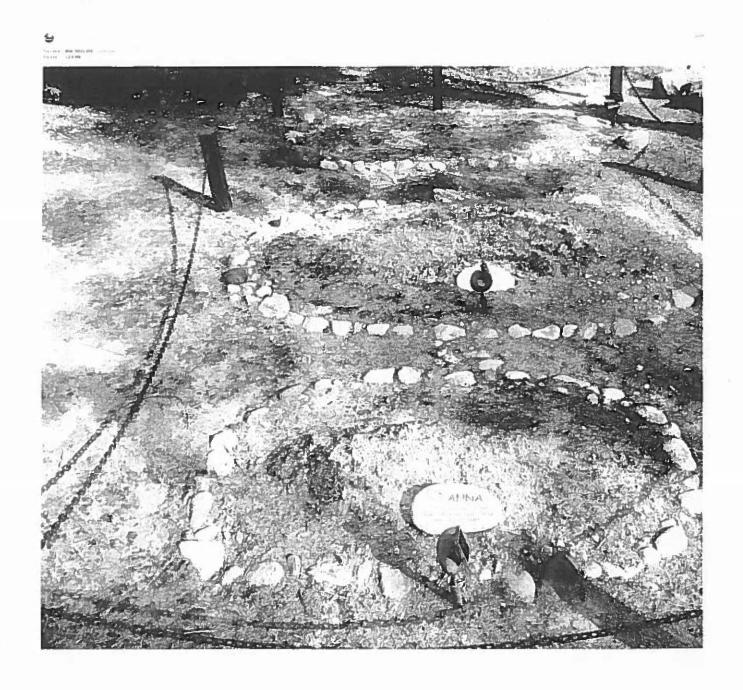


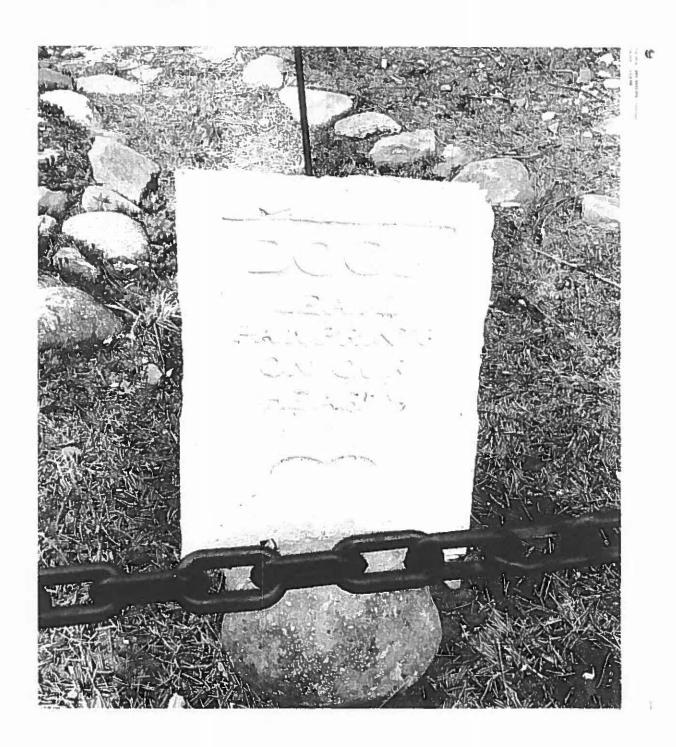


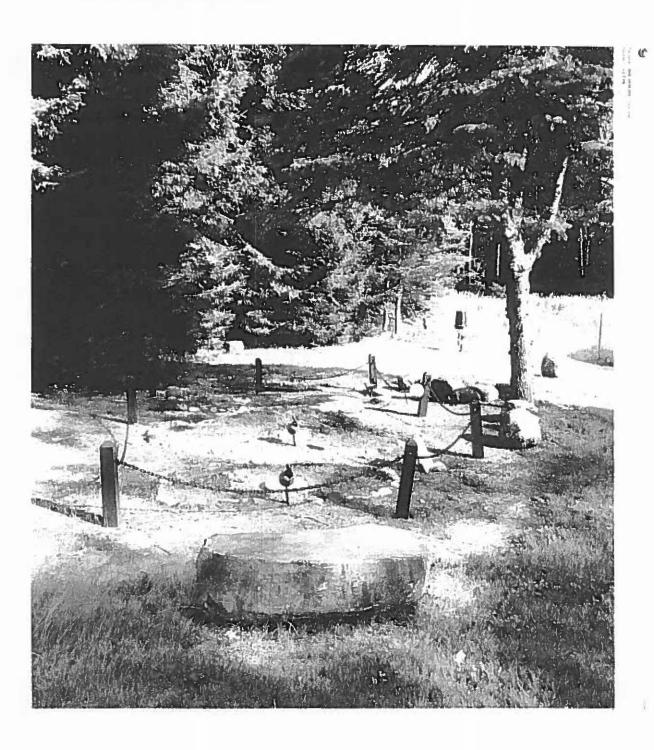












0236 186131 LOT LOT2 CARD MAP **BLOCK** LOT3 Rochester PROPERTY LOCATION IN PROCESS APPRAISAL SUMMARY Use Code Direction/Street/City **Building Value** Land Size Land Value Total Value Alt No Yard Items No Legal Description **User Acct** STEPHENS DR. ROCHESTER 105 1.340 45.100 18 22,400 67,500 35735 **GIS Ref** Unit #: **OWNERSHIP** Owner 1: BROCHU STEPHEN M **GIS Ref** Owner 2: **Total Card** 22,400 1.340 45,100 67,500 **Entered Lot Size** Owner 3: 22,400 1,340 45,100 67,500 Total Parcel Total Land: 1.34 Street 1: 18 STEPHENS DR Insp Date Total Value per SQ unit /Card: 95.34 Source: Market Adi Cost /Parcel: 95.34 Properties Inc. Land Unit Type: AC Street 2: **USER DEFINED** Twn/City: ROCHESTER Parcel ID 0236-0043-0000 PREVIOUS ASSESSMENT Prior ld # 1: Own Occ. Y St/Prov. NH Cntry Yrd Items Land Size Land Value Total Value Asses'd Value Tax Yr Use Cat Bidg Value Notes Date Postal: 03867-4228 Prior ld # 2 Type: 2015 105 FV 22,400 1.34 45,100 67,500 67.500 Year-end 10/1/2015 PRINT Prior ld #3 2014 105 FV 22,400 0 1.34 45,100 67,500 67,500 Year End Roll 9/29/2014 PREVIOUS OWNER Date Time Prior ld # 1 105 0 79,300 Year End Roll 2013 FV 19,200 1.34 60,100 79,300 9/4/2013 Owner 1: 12:30:26 08/25/16 Prior Id # 2: 2012 105 FV 19,200 0 1.34 60,100 79,300 79,300 Year End Roll 9/20/2012 Owner 2: LAST REV 2011 105 FV 19,200 0 1.34 60,100 79,300 79,300 Year End Roll 9/27/2011 Prior ld # 3: Street 1: 2010 105 FV 25.500 1.34 60.100 85,600 85,600 roll 8/26/2010 Date Time Prior Id # 1 Twn/City: 2009 105 FV 28.300 0 1.34 60.100 88,400 88,400 Year End Roll 9/24/2009 08/12/14 12:00:07 Prior Id # 2: St/Prov. Cntry 105 FV 47,000 0 1,34 107,100 2008 60,100 107,100 8/25/2008 theresa Prior Id # 3: **Postal**: TAX DISTRICT SALES INFORMATION 8613 PAT ACCT. ASR Map: NARRATIVE DESCRIPTION Grantor Legal Ref Type Date Sale Code Sale Price Tst Verif Assoc PCL Value Notes Fact Dist: This Parcel contains 1.34 AC of land mainly classified as MFG 8/25/1999 PINE HILL MO HO 2167-697 2 No No OWN LAND with a(n) MANUFACTURED Building Built about Reval Dist: BROCHU ROBERT & 2131-609 8/11/1999 Fam/Friends Yes No 4 1971. Having Primarily ALUM/VINYL Exterior and N/A Roof Year MARCHAND NORMAN 944-305 4/19/1974 No No 4 Cover, with 1 Units, 1 Baths, 0 HalfBaths, 0 3/4 Baths, 4 Rooms LandReason LACHANCE DONALD 856-174 4/14/1969 No No Total, and 2 Bdrms BldReason OTHER ASSESSMENTS Amount Com. Int Descrip/No **BUILDING PERMITS** ACTIVITY INFORMATION Amount C/O Last Visit Date Number Descrip Fed Code F. Descrip Comment Result Ву Name PROPERTY FACTORS 8/31/1999 7,500 **NEW MOBILE** 7/20/2011 CORRECTION GN GAYE Code Descio % Item Code Descrip 3/28/2000 NO INSP TG **THERESA** 100 U SEPTIC Z AGRICULT 1/19/2000 NO INSP GN GAYE WELL 0 12/15/1999 MEAS+INSPCTD TM TOM NONE n Census Exmpl Flood Haz: LEVEL D RO ROCHESTER Topo Street PAVED Traffic 4 MEDIUM Sign: VERIFICATION OF VISIT NOT DATA LAND SECTION (First 7 lines only) LT LUC Depth / Base Neigh Neigh Appraised Alt Spec No of Units Unit Type Land Type Unit Price Adi Neigh Infi 2 Infl 3 Use Value Fact Notes Code Fact **PriceUnits** Factor Value Influ Class Mod Value Land Code 105 MFG OWN LA PRIMARY A SITE 1.0 45.000. 1,000 1030 45.000 0 45,000 105 MFG OWN LA 0.34 **WASTE ACFWASTE** 1.0 100. 1.000 1030 34 0 100 Total AC/HA: 1.34000 Total SF/SM: 58370.40 Parcel LUC: 105 MFG OWN LAND Prime NB Desc RESIDENTIAL 45,034 Spl Credit Total: Total: 45,100 Disclaimer: This Information is believed to be correct but is subject to change and is not warranteed. Database: AssessPro kareng 2016

0043

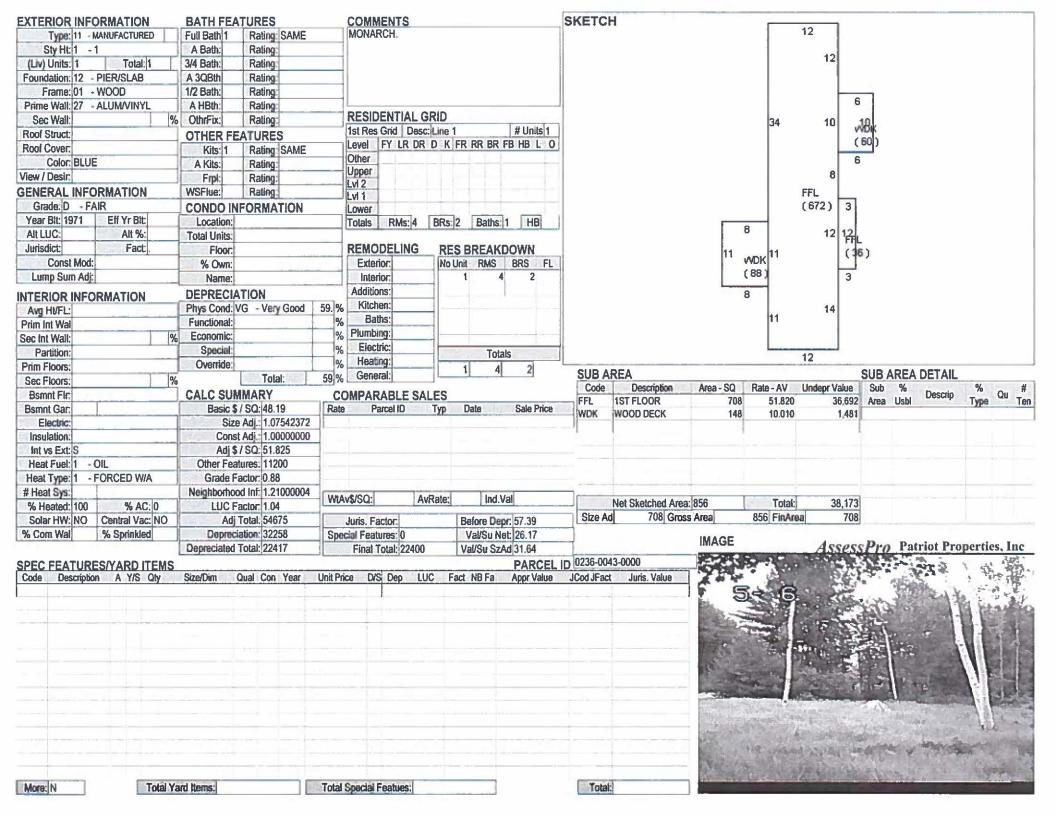
0000

MOBILE HOME

TOTAL ASSESSED:

67,500

1 of 1



!8614! CARD **BLOCK** LOT MAP LOT2 LOT3 Rochester IN PROCESS APPRAISAL SUMMARY PROPERTY LOCATION Direction/Street/City **Building Value** Land Size Land Value Total Value Alt No **Use Code** Yard Items No Legal Description User Acct 300 3.060 25 STEPHENS DR. ROCHESTER 105 27,600 50,100 78,000 35736 **GIS Ref OWNERSHIP** Unit#: Owner 1: BROCHU STEPHEN Owner 2: **GIS Ref** 300 3.060 **Total Card** 27,600 50,100 78,000 **Entered Lot Size** atriot Owner 3: **Total Parcel** 27,600 300 3.060 50,100 78,000 Total Land: 3.06 Street 1: 25 STEPHENS DR Insp Date Source: Market Adj Cost /Parcel: 79.27 Total Value per SQ unit /Card: 79.27 Properties Inc. Land Unit Type: AC Street 2: Parcel ID | 0236-0044-0000 **USER DEFINED** Twn/City: ROCHESTER PREVIOUS ASSESSMENT Prior Id # 1: St/Prov: NH Cntry Own Occ: Y Yrd Items Land Size Land Value Total Value Asses'd Value Notes Date Tax Yr Use Cat Bldg Value Prior Id # 2: Postal: 03867-4228 Type: 2015 107 FV 26,500 300 3.06 50,100 76,900 76,900 Year-end 10/1/2015 PRINT Prior Id # 3: 2014 107 FV 26,500 300 3.06 50,100 76,900 76,900 Year End Roll 9/29/2014 PREVIOUS OWNER Date Time Prior Id #1 2013 107 FV 20.900 300 3.06 67,200 88,400 88,400 Year End Roll 9/4/2013 Owner 1: BROCHU ROBERT & CORRINE -08/25/16 12:30:59 2012 107 FV 20,900 300 3.06 67,200 88,400 88,400 Year End Roll 9/20/2012 Prior Id # 2 Owner 2: -LAST REV 2011 107 FV 20.900 300 3.06 67.200 88.400 88,400 Year End Roll 9/27/2011 Prior Id # 3: Street 1: 25 STEPHENS DR 2010 107 FV 32.000 300 3.06 67,200 99,500 99,500 roll 8/26/2010 Date Time Prior Id # 1 Twi/City: ROCHESTER 2009 107 FV 32,000 300 99,500 Year End Roll 3.06 67.200 99.500 9/24/2009 06/09/16 15:18:33 Prior Id # 2: St/Prov. NH Cntry 122,900 2008 107 FV 54,500 200 3.06 68,200 122.900 8/25/2008 Prior ld # 3: vema Postal: 03867 **TAX DISTRICT** SALES INFORMATION 8614 PAT ACCT. ASR Map NARRATIVE DESCRIPTION Grantor Legal Ref Type Date Sale Code Sale Price V Tst Venif Assoc PCL Value Notes Fact Dist: This Parcel contains 3.06 AC of land mainly classified as MFG **BROCHU CORRINE** 4372-761 2/3/2016 Life/Defer'd 35.000 No No 4 2 OWN LAND with a(n) MANUFACTURED Building Built about Reval Dist MARCHAND NORMAN 944-305 4/19/1974 No No 4 1974, Having Primarily ALUM/VINYL Exterior and N/A Roof Year 9/14/1964 ROBBINS DELMONT 784-307 No No Cover, with 1 Units, 1 Baths, 0 HalfBaths, 0 3/4 Baths, 5 Rooms LandReason RAND ELIZABETH 764-462 7/9/1963 No No Total, and 2 Bdrms BidReason OTHER ASSESSMENTS Code Descrip/No Amount Com. Int **BUILDING PERMITS** ACTIVITY INFORMATION Date Number Descrio Amount C/O Last Visit Fed Code F. Descrip Comment Resul Name By PROPERTY FACTORS 5/17/2016 DEED CHANGE VK **VERNA** Item | Code Descip % Item Code Descrip 5/2/2016 EXMPT OUT VK **VERNA** Z AGRICULT 100 U SEPTIC 1/22/2016 CORRECTION TG **THERESA** WELL 0 VK **VERNA** 1/5/2016 VETERAN ADD NONE n 4/21/2011 EXMPT ADD GN GAYE Exmpt Census: V6 VET WIDOW 1 GN **GAYE** 12/9/2005 EXMPT ADD Flood Haz: 12/9/2004 EXMPT ADD **GAYE** GN D RO ROCHESTER LEVEL Topo 12/8/2004 CORRECTION TM TOM Street PAVED S 12/16/2002 OWN ADD CHG GN GAYE LIGHT Traffic 2 Sign: VERIFICATION OF VISIT NOT DATA LAND SECTION (First 7 lines only) Use LUC Depth / LT Base Neigh Alt Neigh Appraised Spec Description No of Units Infl 1 Infi 2 Infl 3 % Unit Type Land Type Unit Price Adi Neigh Fact Use Value Notes Value Code Fact **PriceUnits** Factor Influ Mod Value Class Land Code 105 MFG OWN LA PRIMARY A SITE 1.0 0 45,000. 1,000 1030 45.000 45,000 105 MFG OWN LA 2.06 **EXCESS ACEXCESS** 1.0 2,500. 1.000 1030 5,150 5.100 Total AC/HA: 3.06000 Total SF/SM: 133293.59 Parcel LUC: 105 MFG OWN LAND | Prime NB Desc RESIDENTIAL 50,150 Spl Credit Total: Total: 50,100 Disclaimer: This Information is believed to be correct but is subject to change and is not warranteed. Database: AssessPro kareng 2016

MOBILE HOME

1 of 1

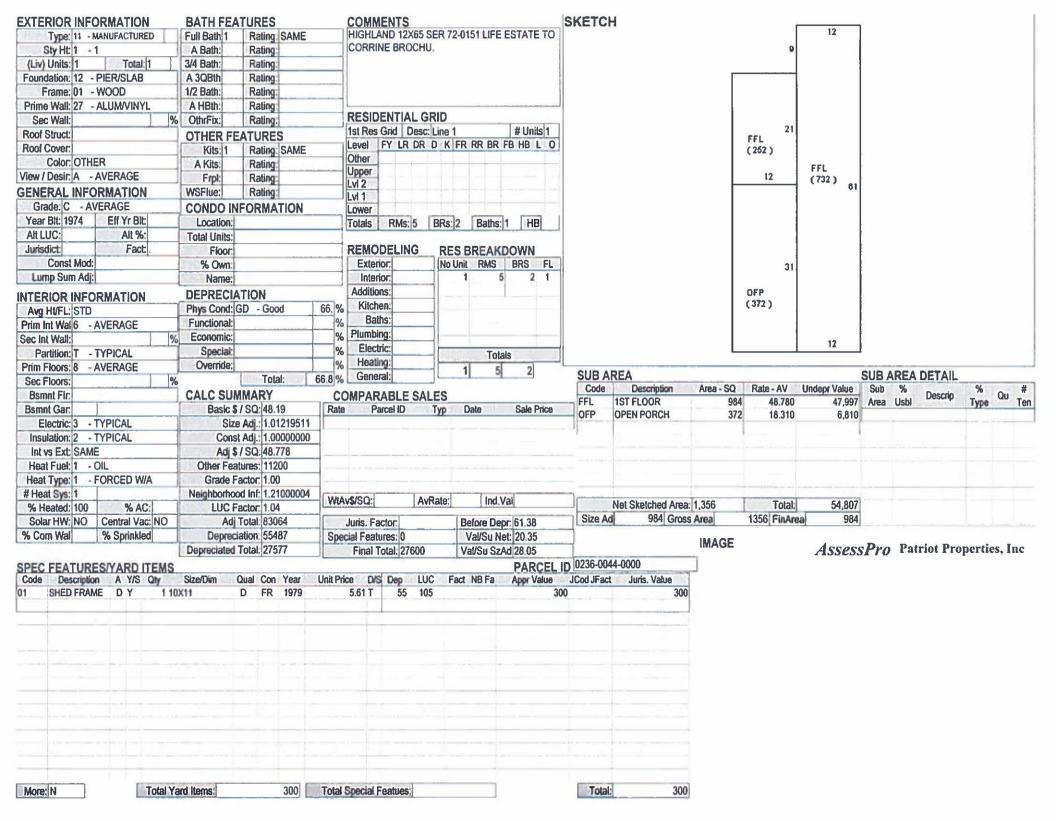
TOTAL ASSESSED:

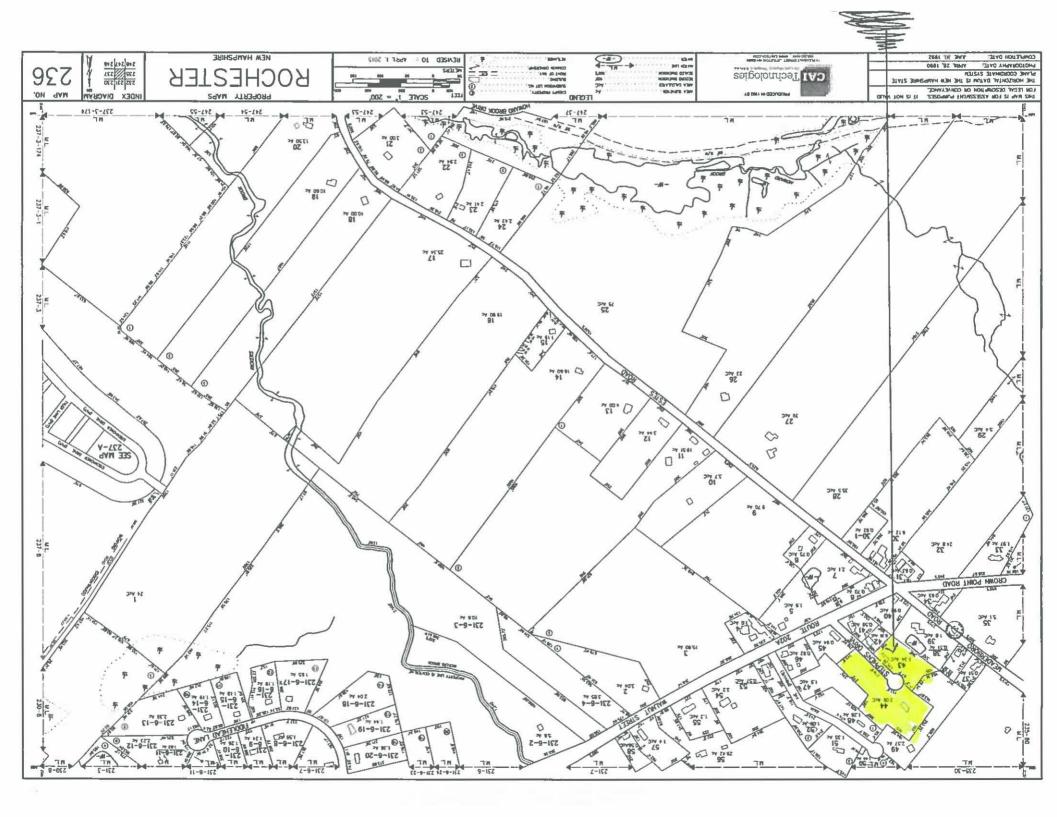
78,000

0236

0044

0000





0236-0043-0000



0236-0044-0000



ABUTTER LIST

City of Rochester, NH Please Print or Type

175.00
205.08
pd CKLOSDY

riease riiit or Type		
Applicant:		Phone (43 52 (43)
Project Addres	ss: 18 Stephens Drive	AUG 2 4 2016
List the names and addresses of all parties below. For abutting lot owners, list each owner whose lot adjoins or is directly across the street or a body of water from the subject property. This form may not be completed more than five (5) days prior to the application deadline.		
	ER OF SUBJECT LOT one Owner Name	Mailing Address
334 43	L Stephen Brochu	18 Stephens Diwe, Pochester, NH 0381
ABUTTING LO		Owner Mailing Address (NOT property on)
36 38	Robert d Pony Meader	9 Meaderboro Rd, Roduster, NH
236 39	Marybeth Schofield	3 Measerboro Rd. " ",
236 40	Paul & Christine Lanoix	1 Meaderboro Rd. " "
236 42	Eleanor Lewis	12 Stephens Drive, Roch, NH.
236 49	Eugene Keller	Po Box 839 Rochester, NH
PROFESSIONALS AND EASEMENT HOLDERS. Engineers, Surveyors, Soil Scientists, and Architects whose seal appears or will appear on the plans (other than any agent submitting this application); holders of conservation, preservation, or agricultural easements; and upstream dam owners/NHDES.		
Name of Professional or Easement Holder Mailing Address		
KERRY FOX FOX SLEVEY CO. POBOX 489 Sanbornville, NH 03872		
Adam Doiron Doies Environmental L.L.C. The Browns Ridge Rd. Ossipec, NH		
form. I unders address listed Pro (located in on this date:	ned, acknowledge that it is the responsibility of the stand that any error or omission could affect the on this form were obtained from the City of Rotathe Revenue Bldg at 19 Wakefield Street) This is page 1 of page 1	e validity of any approval. The names and
Applicant or Agent: KERS, M. Fox		