



# City of Rochester, New Hampshire

## *Zoning Board of Adjustment*

**Agenda - Wednesday, May 13, 2020**  
**7:00 PM**

*Due to the ongoing situation with the COVID-19 crisis and per Executive Order by Governor Sununu, the Zoning Board of Adjustment will be holding this month's meeting electronically. **The meeting will be broadcast on Cable Channel 26 for Atlantic Broadband customers, and audio of the meeting will stream live on the City's website at [www.RochesterNH.net](http://www.RochesterNH.net).***

The Public may call in to: 1 585-318-2007  
Conference ID: 117 341 009#

The above number will be to "listen-in" on the meeting only – there will be no public comment taken during the live meeting.

For Abutters wishing to share comment with the Zoning Board of Adjustment you may do so by email ([dee.mondou@rochesternh.net](mailto:dee.mondou@rochesternh.net)) or by leaving a voicemail (603-332-3976).

All correspondence through email should be received no later than 5:00 pm of said meeting date and voicemail must be received no later than 12:00 pm on said meeting date in order to be transcribed.

City of Rochester, NH

### 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.

**Agenda - Wednesday, May 13, 2020**  
**7:00 PM**

1. Call to Order
2. Roll Call
3. Seating of Alternates
4. Approval of minutes from April 15, 2020
5. New Cases:

**Z-20-07** Brianne St. Pierre applicant seeks a *Special Exception* from Table 18-A and Article 23.2(a)(1)(a) of the Zoning Ordinance to permit a detached accessory apartment in the R1 Zone.

**Location:** 54 Church St, Rochester, NH 03867, MLB 0142-0019-0000 in the Residential 1 zone.

**Z-20-08** Boudreau Living Trust, Bruce Boudreau, Trustee applicant seeks a *Variance* from Table 19-A, to be waive to permit the subject lot to be subdivided into 2 lots consistent with the R-1 frontage and lot area requirements.

**Location:** 68 Ten Rod Rd, Rochester, NH 03867, MLB 0221-0049-0000 in the Agricultural Zone

**Z-20-9** EIP Communications I, LLC applicant seeks *Special Exception* to permit construction, operation and maintenance of wireless communications facility including without limitation 150' tower, associated radio communications equipment and fenced compound in the Agricultural Zone

**Location:** 133 Blackwater Rd, Rochester, NH 03867, MLB 0257-0024-0000 in the Agricultural Zone

6. Rehearing of Case:
  - a. **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.

7. Motion to Rehear:

**Z-19-13** Thomas Demchak applicant seeks a *Variance* from section 20.2(q) of the Zoning Ordinance to permit a commercial stable where none of the following requirements will be met:

- i. 1. The minimum lot size required shall be 5 acres.
- ii. 2. The side and rear setbacks for structures housing horses shall be 100 feet from any property line.
- iii. 3. Any storage areas for manure shall be set back at least 200 feet from any lot lines. Manure must be handled according to best management practices.

**Z-19-14** Thomas Demchak applicant seeks a *Variance* from section 23.2(a)(3)(e) of the Zoning Ordinance to permit the keeping of the horses as an accessory use to a residence, not carried out as a business, where the following requirements will not be met:

- i. A lot in the AG District is at least 3 gross acres;
- ii. A lot in all other districts is at least 2 gross acres;
- iii. There is an additional ¼ acre of land beyond the minimum specified in iii. and iv, above, for each animal kept beyond the first one;
- iv. No area or structure for the housing, stabling, storage of manure/animal waste, or feeding of animals shall be located within 100 feet of any property line;
- v. Handling of manure/animal waste must follow best management practices and not be a nuisance for neighbors;
- vi. No animals shall be pastured within 25 feet of any side or rear property line except where the abutting property owner consents to a reduced setback.

**Z-19-15** Thomas Demchak applicant seeks a *Variance* from section 23.2(a)(3)(e) of the Zoning Ordinance to permit the keeping of the horses as an accessory use to a residence where the following requirements will not be met:

- i. The activity is not carried out as a business;
- ii. A lot in the AG District is at least 3 gross acres;
- iii. A lot in all other districts is at least 2 gross acres; 11
- iv. There is an additional ¼ acre of land beyond the minimum specified in iii. and iv, above, for each animal kept beyond the first one;
- v. No area or structure for the housing, stabling, storage of manure/animal waste, or feeding of animals shall be located within 100 feet of any property line;
- vi. Handling of manure/animal waste must follow best management practices and not be a nuisance for neighbors;
- vii. No animals shall be pastured within 25 feet of any side or rear property line except where the abutting property owner consents to a reduced setback.

**Location:** 72 Crown Point Rd, Rochester, NH 03867, MLB 0235-0050-0000 in the Agricultural Zone.

**8.** Other Business:

**9.** Adjournment: