

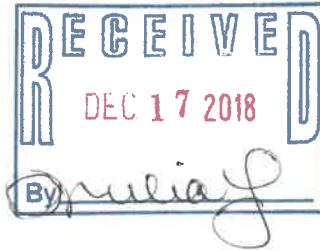


City of Rochester, New Hampshire

Department of Building, Zoning and Licensing Services
31 Wakefield Street * Rochester, NH 03867
(603) 332-3508

Variance Application

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER



DO NOT WRITE IN THIS SPACE	
CASE NO.	<u>2018-14</u>
DATE FILED	<u>12/17/18</u>
<u>Julia Libbey</u> ZONING BOARD CLERK	

Applicant: Peter LaPlante

E-mail: info@Buckhillbeers.com Phone: 603-562-6198

Applicant Address: Fayette Street, Cambridge, MA 02139

Property Owner: Gosport Properties, LLC

Property Owner Address: 750 Exeter Road, Hampton, NH 03842

Variance Address: 10 Main Street, Rochester, NH 03867

Map Lot and Block No: Map: 0142 Lot: 0003

Description of Property: Unit M114 in the Conic Mill

Proposed use or existing use affected: Brewery & taproom

The undersigned hereby requests a variance to the terms of Article 42, Section 18c ^{table} and asks that said terms be waived to permit the operation of our Brewery & taproom.

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] Date: 12/13/18

City of Rochester, NH
Zoning Department

We respectfully request that the City of Rochester grant a zoning variance so that my wife, Laura, and I can operate our brewery & taproom, Back Hill Beer Company, LLC, in the Gonic Mill at 10 Main Street, Rochester, NH 03839.

I was raised in New Hampshire and I am very excited about the prospect of opening a brewery in Rochester. We hope to help stimulate the local economy and to positively impact the Gonic & Rochester communities. We incorporated our business in NH at the beginning of 2018 and have been searching for months to find the right location; we believe the Gonic Mill, specifically suite M114, would make the perfect home. We are also eager to bring a form of manufacturing back to the Mill, restoring some of the rich history of the Gonic Manufacturing Company.

We sincerely believe that opening a brewery in this location would help bolster the economic development of the Mill and of the surrounding area. We also believe that the granting of a variance for this use will have no negative effect on the surrounding community. With most of our traffic coming and going after regular business hours, we do not believe that our clientele will create any additional strain on the existing businesses in the Mill. We do not plan to be open late, eliminating the potential for unwanted evening noise and traffic in the nearby residential communities. Last, but not least, with our current projections, we aim to hire a minimum of seven employees within the first three years of business.

We look forward to creating a comfortable community space where friends and families can congregate after work and on the weekend. With that as our focus, we plan to make a significant investment in the unit for improvements. We will replace the windows, upgrade the lighting, install a ventilation (HVAC) system, renovate the bathroom, and finish and seal the floors, among many other improvements. Our focus will be to revive, not reface, the Mill by highlighting the original character of the building. These improvements will increase the property value and the overall opinion of the Mill as an active and productive part of the Rochester economy and community.

Laura and I sincerely appreciate your time and consideration.

Peter LaPlante
Brewer | Owner
Back Hill Beer Company, LLC.
info@backhillbeer.com
603.562.6198

Variance Criteria

1) Granting the variance would not be contrary to the public interest because:

See Criteria for a Variance

2) If the variance were granted, the spirit of the ordinance would be observed because:

See Criteria for a Variance

3) Granting the variance would do substantial justice because:

See Criteria for a Variance

4.) If the variance were granted, the values of the surrounding properties would not be diminished because:

See Criteria for a Variance

5.) Unnecessary Hardship:

a. Owing to special **conditions of the property that distinguish it from other properties in the area**, denial of the variance would result in an unnecessary hardship because:

i. 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 because:

See Criteria for A Variance

And:

ii. The proposed use is a reasonable one because:

b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.

Criteria for a Variance

1. Granting the variance would not be contrary to the public interest because:

- Multiple vacancies in the Mill. Adequate space still available. The Mill has not been 100% occupied for the last 15+ years.
- Because of the current zoning, many business owners have had to obtain a variance to operate in the mill.
 - 10/26/06 Brickstone's Restaurant
 - 11/19/09 Gosport Properties – Multi use variance
 - 4/28/11 Spurwink School Services
 - 8/30/11 Strafford Learning Center
 - 5/23/14 Radio Station
 - 2/29/16 FURR Feline Rescue
 - 1/31/17 Gonic Mill Marketplace – flea market
 - 2/14/18 HP Construction and Sheds
- Create a community space in an economic revitalization zone.
- Employment opportunities. Per our current projections, a minimum of 7 jobs would be created in the first 3 years.

2. If the variance were granted, the spirit of the ordinance would be observed because:

- The structural integrity of the building would not be compromised. We will improve the space by accentuating the existing historic character of the mill in accordance with the Commercial Zoning Districts Document Section D2a.
 - We have included images of the space (Exhibit B) as it stands now and example images of how we will improve the space.
- Continued economic development in the zone and incentive for other businesses to move to the area.
- Traffic to our business will be compatible with other Mill businesses. We will operate primarily during "off hours" compared to the existing businesses in the Mill.
- There are 144 marked parking spaces for Mill tenants and customers. There are additional paved areas that could be marked if needed.
- "Office Commercial" is intended to have a variety of commercial uses. The Gonic Mill is a unique and historic structure that could accommodate many more uses.

3. Granting the variance would do substantial justice because:

- There are multiple vacancies in the Mill.
- We are reviving a section of the Mill while maintaining the historic integrity.

- The Economic Development Department has been actively seeking a beer brewing operation for two years as an amenity to the City, encouraging the craft brewing process in NH and a uniquely “Rochester” product.
- Substantial justice would be to rehabilitate a portion of the Gonic Mill for a beer brewing and sales operation and it would allow members of the public access to a unique historic structure and a new Rochester-made product.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

- No direct competitors in the Mill or in the town.
- Will increase the community's involvement with the Mill.
- Provide a community amenity and Gonic gathering spot, replacing Phagin's Tavern on Main Street that burned several years ago.

5. Unnecessary Hardship:

- Building provides economic opportunities for multiple uses that are not currently zoned. “Office Commercial” is intended to have a variety of commercial uses. Tavern is a use limited to the Downtown Commercial zone in Rochester.
- 9 variances have already been granted for businesses in the building.
- Significant vacancy (8 vacant spaces currently).
- Tavern designations are allowed in all commercial zones except for “Office Commercial”.
- The building's original use as strictly a manufacturing space is obsolete. Modern manufacturing standards require very advanced spaces for precision production. The existing Gonic Mill space is perfect for new adaptive uses such as the brewing and the sales of beer defined in the ordinance as a “Tavern”. Not allowing for this use in Gonic or East Rochester villages is a hardship.

a. Owning to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:

i. 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 because:

- This space has unique attributes that make it very conducive for a brewery.
- Necessary electric supply.
- Necessary load bearing floors and substrate (cement slab on gravel).
- Two water mains with adequate supply (a 1.25” and a 1.5”).
- Necessary waste water drainage.
- Necessary clear height.
- Finding all these specifics in one space is very challenging in the current real estate market.

- This building is uniquely suited to host a beer brewing and sales operation.

ii. The proposed use is a reasonable one because:

- There is plenty of vacancy
- We are reviving a section of the Mill while maintaining the historic integrity of the building.
- Community gathering space

b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.

- Operating the business will not cause any disruption to the surrounding area. Examples: no late-night noise, minimal commercial traffic, no large impact on municipal infrastructure. Regular truck traffic compared to the existing businesses in the Mill.
- The Gonic Mill is a mixed-use and multiple tenant building that was built over a long period of time. Some parts of the building are more than 100 years old. The designation of Office Commercial zoning was used to allow for more office uses. The zoning designation does not allow the full variety of uses that would be suitable to this unique and historic structure.

Zoning Board of Adjustment

31 Wakefield Street,
Rochester, NH 03867

Peter LaPlante

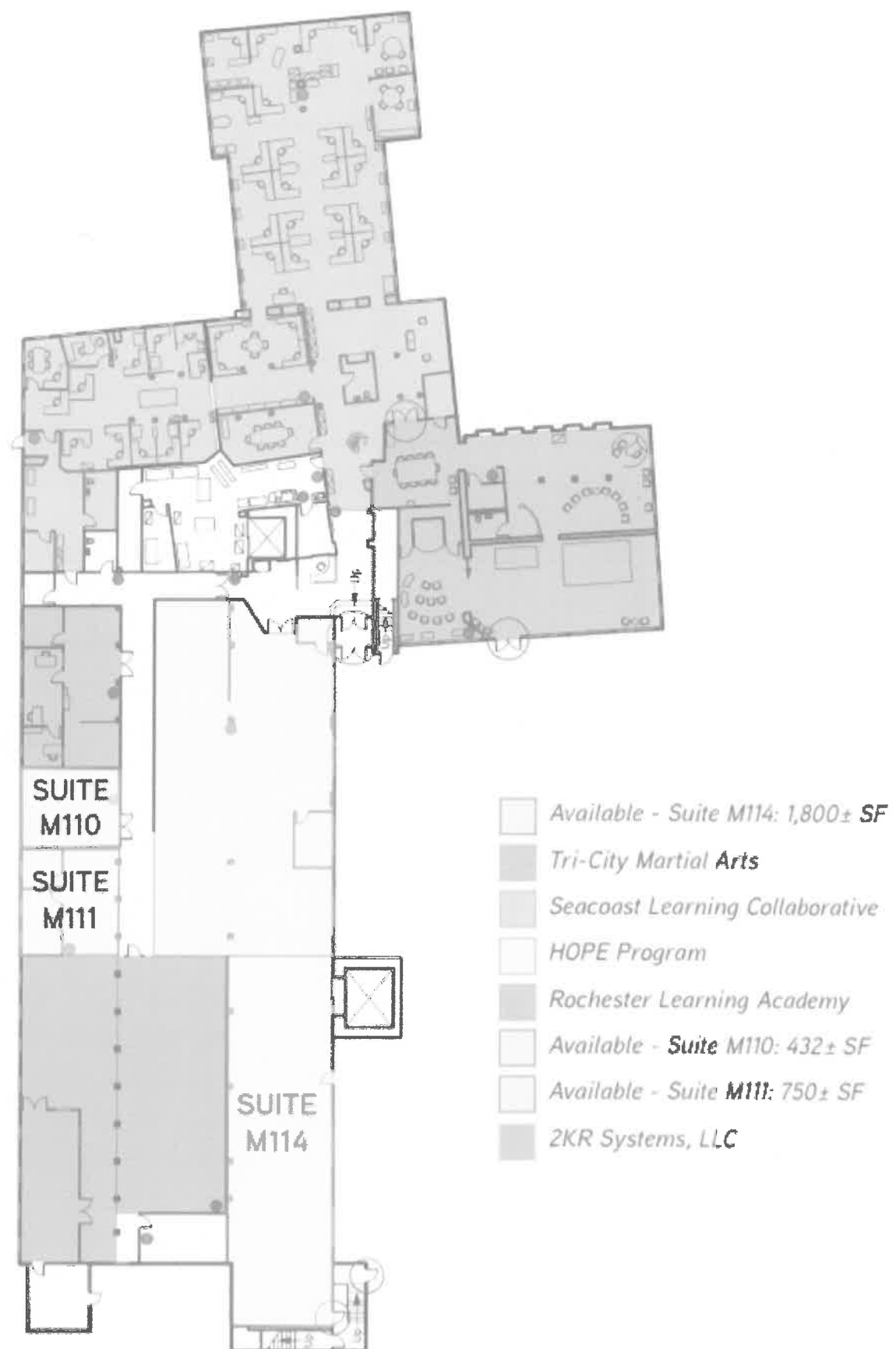
1 Fayette Street,
Cambridge, MA 02139

RE: Variance application

This is a letter confirming that the real estate owner, Steve Dumont (Gosport Properties, LLC.), is aware and authorizes Peter LaPlante and its counsel Beth Smith of Bernstein Shur to submit an application for a use variance for the Back Hill Beer Company LLC, a brewery and tap room to locate at 10 Main Street, Rochester, NH 03839.

X 

Steve Dumont
Gosport Properties, LLC.



SUITE M114

Handwritten Annotations:

- Top Left:** Cold Room 13' x 6'
- Top Wall:** 6'8", 6'8", 24'3", 6'8", 6'8"
- Left Wall:** 17', 17', 24'3", 17', 17'
- Right Wall:** window, window
- Bottom Right:** Entrance
- Bottom Left:** Bathroom
- Central Area:** 40'5" x 45'20" Brandy, 10'2" x 11' Cold Room, 12' x 12' Base 14'
- Top Right:** Airframe, Green, Pine, Silver, Black

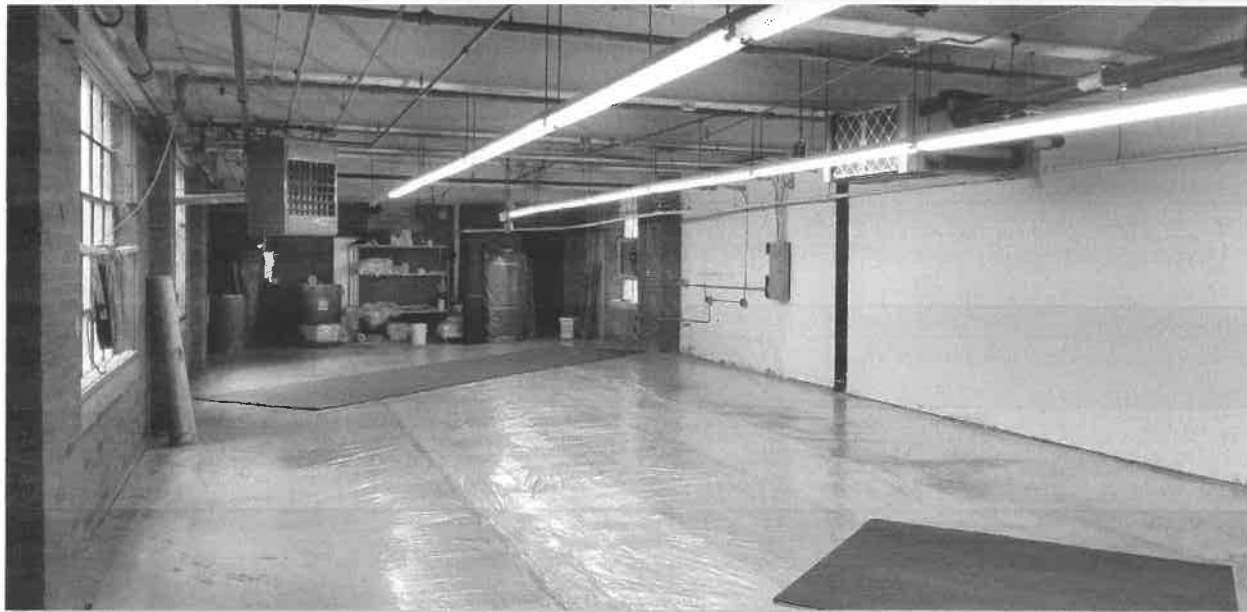
Dimensions:

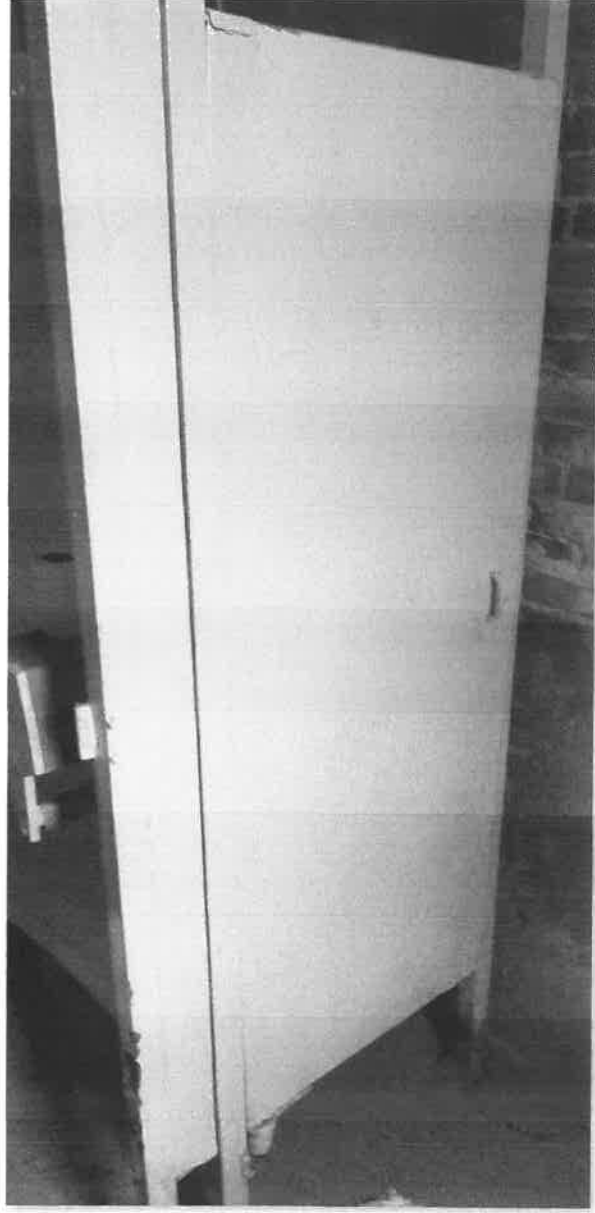
- Overall width: 24'3"
- Overall depth: 40'5" x 45'20"
- Room dimensions: 10'2" x 11' (Cold Room), 12' x 12' (Base), 17' x 17' (multiple sections)

City of Rochester, NH
Zoning Department

Current location images & example images for reference.

Current Location Images:





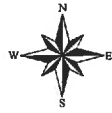
Examples of finished space:



TABLE 18-C FOOD-LODGING-PUBLIC RECREATION USES 8/7/2014

FOOD-LODGING-PUBLIC RECREATION USES	Residential Districts				Commercial Districts			Industrial Districts			Special		Criteria/Conditions Section Reference
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS	
Café	-	-	P	C	P	P	P	P	-	-	-	P	Section 42.21
Campground	-	-	-	E	-	-	-	-	-	E	-	-	Section 42.22
Caterer	-	-	P	-	P	P	-	P	P	P	-	-	
Club	-	-	C	-	P	P	-	P	-	-	-	-	Section 42.21
Community Center	-	-	P	-	P	P	P	P	-	-	-	-	
Conference Center	-	-	C	-	P	P	P	P	-	-	P	P	Section 42.21
Country Club	-	-	-	C	-	-	P	E	-	C	-	-	Section 42.21
Foodstand	-	-	E	-	E	E	P	E	E	E	E	E	Section 42.22
Function hall	-	-	-	-	P	P	P	P	-	-	-	-	
Golf Course	-	-	-	P	-	-	P	-	-	P	-	-	Section 42.22
Health Club	-	-	C	C	P	P	P	P	-	-	-	-	Section 42.21
Lodging, Bed and Breakfast	-	C	P	-	P	P	-	P	-	-	-	-	Section 42.21
Lodging, Hotel	-	-	C	-	P	C	P	P	-	-	C	C	Section 42.21
Lodging, Motel	-	-	-	-	-	-	P	P	-	-	-	-	Sections 42.20 & 42.21
Nightclub	-	-	-	-	E	-	P	P	-	-	-	-	
Recreation, Indoor	-	-	C	-	C	C	P	P	-	C	-	-	Section 42.21
Recreation, Outdoor	-	-	-	-	-	-	P	P	-	-	-	-	Section 42.21
Recreation, Park	P	P	P	P	P	P	-	P	-	C	-	-	Section 42.21
Restaurant	-	-	P	-	P	C	P	P	-	-	-	P	Section 42.21
Restaurant, Drive-through	-	-	-	-	P	-	P	P	-	-	-	-	
Tavern	-	-	C	-	P	-	P	P	-	-	-	P	Section 42.21
Theater/Cinema (5,000 s.f. or less)	-	-	P	-	P	P	P	P	-	-	-	-	Section 42.21
Theater/Cinema (over 5,000 s.f.)	-	-	-	-	C	-	P	P	-	-	-	-	Section 42.21

*LEGEND. P = Permitted Use, C = Conditional Use, E = Use Allowed by Special Exception



December 19, 2018

10 Main Street

Rochester, NH

1 inch = 130 Feet



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

PROPERTY LOCATION

IN PROCESS APPRAISAL SUMMARY

Rochester

No	Alt No	Direction/Street/City
10		MAIN ST, ROCHESTER

OWNERSHIP

Owner 1:	GOSPORT PROPERTIES LLC
Owner 2:	
Owner 3:	
Street 1:	750 EXETER RD
Street 2:	

Town/City:	HAMPTON
St/Prov:	NH
Postal:	03842
Own Occ:	N
Type:	

PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Town/City:	
St/Prov:	
Postal:	

NARRATIVE DESCRIPTION

This Parcel contains 5.27 AC of land mainly classified as MIX IND/COMM with a(n) INDUST MILL Building Built about 1900, Having Primarily BRICK Exterior and MULTIPLE Roof Cover, with 1 Units, 0 Baths, 4 HalfBaths, 0 3/4 Baths, 0 Rooms Total, and 0 Bdrms

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int
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USER DEFINED

Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Bid Reason:	

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes
DOVER MILLS PAR	2757-353	1	3/19/2003	Business Aff	1,000,001	No	No	4		
DOVER MILLS PAR	1930-532		5/14/1997	Convenience	4,000	No	No	4		
DOVER MILLS PAR	1652-185		12/28/1992			No	No			
GONIC REALTY TR	1418-680		7/2/1988			No	No			
SAWTELLE JOSEPH	1209-397		2/6/1986			No	No			
	1004-328		9/27/1977			No	No			

BUILDING PERMITS

Date	Number	Descrp	Amount	C/O	Last Visit	Fed Code	F. Descrp	Comment
6/22/2018	M-18-252	REPAIRS	500.0					repair gas line
2/16/2018	M-18-67	MANUAL	2,980.0					install 2 PSI Natu
2/15/2018	E-18-19	ELECTRIC	4,000.0					Re-feed sub panel,
2/14/2018	B-17-1025	INT RENO	6,000.0					Construct an offic
12/4/2017	M-17-556	HEATING	2,900.0					install new gas fi
1/19/2017	M-17-7	HEATING	2,245.0		2/7/2017			Replace modine hea
8/16/2016	B-16-491	INT RENO	14,600.0		2/7/2017			Frame new classroo
8/16/2016	E-16-246	ELECTRIC	5,200.0		2/7/2017			Wiring for school
2/29/2016	M-16-39	MANUAL	1,375.0		3/22/2016			NEW GAS LINE
1/19/2016	12699	PLUMBING	2,980.0		3/22/2016			UNIT 98-NEW TOILET

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Adj	Neigh	Neigh Infru	Mod
400	MANUFACTU		5.27		PRIMARY A SITE		1.0	0	60,000.	1,000	4004	

ACTIVITY INFORMATION

Date	Result	By	Name
6/1/2017	SENT NOTICE	NM	NANCY
10/7/2008	MEAS-INSPECTD	TM	TOM
1/16/2003	OWN ADD CHG	VW	VIRGINIA
10/17/2001	NO INSP	GN	GAYE
3/21/2001	EXT ONLY	TM	TOM
3/16/1999	NOT AT HOME	DH	DAVID

Sign: _____

Appraised Value	Alt	%	Spec	J	Fact	Use Value	Notes
316,200						316,200	

Total AC/HA: 5.27000	Total SF/SM: 229561.20	Parcel LUC: 043	MIX IND/COMM	Prime NB Desc: INDUSTRIAL
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Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro

Total:	316,200	Spl Credit:	Total:	316,200
		julia		2019



Abutters List Report

Rochester, NH
December 18, 2018

Subject Property:

Parcel Number: 0142-0003-0000
CAMA Number: 0142-0003-0000
Property Address: 10 MAIN ST

Mailing Address: GOSPORT PROPERTIES LLC
750 EXETER RD
HAMPTON, NH 03842

Abutters:

Parcel Number: 0138-0031-0000
CAMA Number: 0138-0031-0000
Property Address: 11 MAIN ST

Mailing Address: KNOX MARSH DEVELOPMENT LLC
242 CENTRAL AVE
DOVER, NH 03820-4130

Parcel Number: 0138-0032-0000
CAMA Number: 0138-0032-0000
Property Address: 0 TUTTLE CT

Mailing Address: CITY OF ROCHESTER
31 WAKEFIELD ST
ROCHESTER, NH

Parcel Number: 0142-0001-0000
CAMA Number: 0142-0001-0000
Property Address: 5 MAIN ST

Mailing Address: STATE OF NEW HAMPSHIRE %
INNOVISION REALTY GROUP LLC
470 MAST RD
GOFFSTOWN, NH 03045-5248

Parcel Number: 0142-0002-0000
CAMA Number: 0142-0002-0000
Property Address: 1 PICKERING RD

Mailing Address: ONE PICKERING ROAD LLC
P O BOX 7399
ROCHESTER, NH 03839-7399

Parcel Number: 0142-0003-0000
CAMA Number: 0142-0003-0000
Property Address: 10 MAIN ST

Mailing Address: GOSPORT PROPERTIES LLC
750 EXETER RD
HAMPTON, NH 03842

Parcel Number: 0142-0004-0000
CAMA Number: 0142-0004-0000
Property Address: 2 CHURCH ST

Mailing Address: ROSEWOOD MANOR ASSISTED LIVING
RESIDENCE LLC
247 HAYDEN RD
HOLLIS, NH 03049-6288

Parcel Number: 0142-0005-0000
CAMA Number: 0142-0005-0000
Property Address: 4 CHURCH ST

Mailing Address: TOWLE KEVIN P & KATHY LYNN
4 CHURCH ST
ROCHESTER, NH 03839-5200

Parcel Number: 0142-0006-0000
CAMA Number: 0142-0006-0000
Property Address: 6 CHURCH ST

Mailing Address: 6 CHURCH STREET LLC
78 DEER RIDGE DR
BARRINGTON, NH 03825

Parcel Number: 0142-0007-0000
CAMA Number: 0142-0007-0000
Property Address: 8 CHURCH ST

Mailing Address: ACACIA LLC
664 COLUMBUS AVE STE 5B
ROCHESTER, NH 03867-3498

Parcel Number: 0142-0008-0000
CAMA Number: 0142-0008-0000
Property Address: 12 CHURCH ST

Mailing Address: CHAN ANDREA D
P O BOX 7109
GONIC, NH 03839-7109



www.cai-tech.com



City of Rochester, New Hampshire

Economic & Community Development

31 Wakefield Street, Rochester NH 03867

(603) 335-7522 www.RochesterEDC.org

Date: December 18, 2018

To: Zoning Board of Adjustment
James Grant, Zoning Officer

From: Karen Pollard, Economic Development Manager

Re: 10 Main Street, Gonic – The Gonic Mill

Members of the Rochester Zoning Board of Adjustment:

You have coming before you a well thought out request for a Variance at 10 Main Street, popularly known and identified as the Gonic Mill. Granting this variance would do substantial justice because it would allow the Tavern use, in this case a “brew pub” to locate in an underutilized structure.

The Gonic Mill was built and used for manufacturing at an important time in Rochester’s history when mill buildings lined our waterways and manufacturing was the principal employment. While a few manufacturers remain in the Gonic Mill, much of the space has transitioned to new and popular uses such offices, service businesses and dance studio space. It has been a great challenge for Mr. Steve Dumont to lease space in the Mill and the Economic Development Team has worked closely with him for 15 years during this difficult time. He has applied for variances when circumstances require a new use be added to the mix of businesses at the Gonic Mill, as is happening now with the request to allow a “tavern”. Mr. Dumont has also worked closely with the Fire Department and Code Enforcement, investing regularly in bringing the spaces up to standards. This building is unique in its structure and status, and this creates a hardship for Mr. Dumont in identifying and leasing to tenants for the many different sections of the Mill building.

Taverns are allowed in all of the commercial zones, Downtown, Commercial and Granite Ridge, but not Office Commercial, which was intended to be for office parks, not for obsolete manufacturing spaces such as the historic Gonic Mill. Taverns and brew pubs are springing up in exactly these kind of spaces and would be an excellent fit for the location identified by Mr. LaPlante. He intends to utilize the rusticness of the bricks and ducts to make an attractive space for patrons in Gonic and Rochester. It will be a neighborhood style pub and be an amenity for those living in the area. The parking provides a buffer in both distance and elevation from residential units.

Thank you for your consideration of this application,

Karen Pollard, CEcD, MBA