



City of Rochester, New Hampshire

Zoning Board of Adjustment

Special Exception Application

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. _____

DATE FILED _____

ZONING BOARD CLERK

Applicant: Thomas R. & Dianne C. Aubert

E-mail: Taubert@metrocast.net

Phone: 603-534-5990

Applicant Address: 5 Gary Drive Rochester, NH 03867

Property Owner: Thomas R. & Dianne C. Aubert

Property Owner Address: 5 Gary Drive Rochester, NH 03867

Variance Address: 36 Cross Road Rochester, NH 03867

Map Lot and Block No: Tax Map 205, Lot 18

Description of Property (give length of lot lines): 1,171.83', 510.57', 448.41', 102.94', 397.88', 101.92', 615.13', 1,215.03', 249.50'

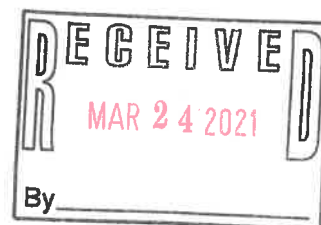
Proposed use or existing use affected: Excavation Operation

The undersigned hereby requests a special exception as provided in section 275, Attachment 5 of the Zoning Ordinance to permit an excavation operation

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 Special Exception.

Signed: _____

Date: 3-24-21





City of Rochester, New Hampshire

Zoning Board of Adjustment

275.22 Special Exception Sheet

(a) General Provisions

- (1) Certain uses, structures, or conditions are designed as Special Exceptions (E) in this ordinance. Upon application, the Board of Adjustment may, subject to the appropriate conditions and safeguards, grant a permit for these special exceptions and no others.
- (2) Special Exceptions, for which conformance to additional standards is required, may be permitted in their respective districts, subject to the satisfaction of the requirements and standards set forth in this section 275.22, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess such special characteristics that each shall be considered as an individual case.
- (3) The Board of Adjustment may require that a site plan for development for a proposed special exception be submitted showing the location of all buildings, parking areas, traffic access, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special exception is in harmony with the intent of this ordinance.

(b) Considerations Governing Granting Special Exceptions: In acting upon an application for a special exception, the Board of Adjustment shall take into consideration whether:

(1) The specific site is an appropriate location for the proposed use or structure. Yes ☒ No ☐

Reasoning: See attached narrative

(2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood. Yes ☐ No ☒

Reasoning: See attached narrative

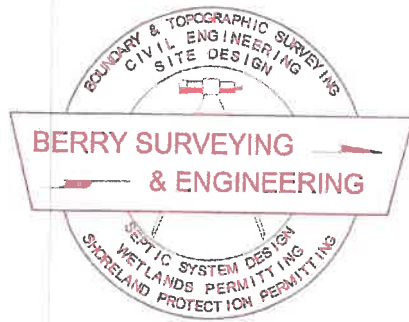
(3) There will be undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off street parking. Yes ☐ No ☒

Reasoning: See attached narrative

(4) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Yes ☒ No ☐ Reasoning: See attached narrative

(5) The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan. Yes ☒ No ☐ Reasoning: See attached narrative

Please check section 275.22 of the Zoning Ordinance for any additional specific conditions that apply to your Special Exception request.



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City of Rochester Zoning Board of Adjustment
Attention: ZBA Chair, Larry Spector
33 Wakefield Street
Rochester, NH 03867

March 23, 2021

Re: Site Plan/Excavation Operation
36 Cross Road
Rochester, NH 03867
Tax Map 205, Lot 18

Mr. Spector,

On behalf of our clients, Thomas & Dianne Aubert, Berry Surveying & Engineering (BS&E) is submitting to the Zoning Board of Adjustment for a special exception of an excavation operation within the Agricultural Zoning District.

Background and General Narrative:

Thomas & Dianne Aubert own the parcel known as 36 Cross Road in Rochester, NH (Tax Map 216, Lot 29). Berry Surveying & Engineering has conducted an on-site survey of the parcel which includes a topographic analysis as well as a wetlands location. Wetlands were found along the existing stream and pond as delineated by John P. Hayes III, CWS, CSS. The parcel is vacant with the exception of a cell phone tower and existing traveled way for access. The subject parcel has been used in previous years as a gravel pit.

The Proposal:

The applicant is proposing to excavate earthen material from the existing gravel pit area. No disturbance is proposed within the wetland buffer. As part of the excavation, proper erosion and sediment control measures will be installed to ensure that all sediment is contained within the excavation area.

Considerations Governing Granting Special Exception:

1) The specific site is an appropriate location for the proposed use or structure. (YES)

This specific site is an appropriate location for the proposed use. The site is a pre-existing sand and gravel pit that has experienced material excavation historically. Surrounding land uses are congruent and are not residential with the exception of the

north and west of the subject parcel access. The proposed use is heavily screened from surrounding uses as further explained in consideration #2.

2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood. (NO)

This proposed is not detrimental, injurious, obnoxious, or offensive to the neighborhood. Located at 36 Cross Road, access to the proposed excavation area is taken from a shared/common driveway with Tax Map 205, Lot 24 to the north. This lot is a commercial use consisting of self-storage units that are screened by fence and vegetation. Access to the subject parcel must also cross Tax Map 205, Lot 20, which is a utility use with powerlines. Abutting the subject parcel to the west is N.H. Route 16 and to the east is an area of substantial wetland and rail road tracks. To the south is vacant land that is primarily composed of wetlands, as shown by the Rochester GIS. The excavation operation will be partially visible from NH Route 16, however is surrounded by commercial and utility uses heavily screened by natural vegetation on the remaining sides and will not be visible from Cross Road or any residential land uses.

3) There will be undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off street parking. (NO)

There will be no undue nuisance or serious hazard to pedestrian or vehicular traffic. No new access ways are to be designed as part of the proposal and no off street parking is proposed or will be modified. Traffic generated by the operation is expected to be minimal and not have a substantial impact on surrounding roadways. From the attached Traffic Impact memo, the operation has the potential to generate seven vehicle trips during the AM and PM peak hours. This assumes constant operation of the excavation area, which is most likely to be operated on a sporadic, as-needed basis.

4) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. (YES)

Adequate and appropriate facilities will be provided to ensure the proper operation of the excavation operation. While no utilities are required, proposed erosion and sediment control measures in the form of construction fence and silt fence will be installed. See Erosion and Sediment Control Plan.

5) The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan. (YES)

The proposed excavation operation is consistent with the spirit of the ordinance and the intent of the master plan. The excavation operation use is allowed within the agricultural zone via special exception. One of the intents of the Master Plan is to preserve ecological resources and the rural character of the Agricultural Zoning District. By



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adhering to required buffers, this excavation operation is a proposal to responsibly remove earthen material and preserve the remaining tract of land. This excavation is also heavily screened by natural vegetation and does not detract from the rural character of Rochester.

Conditions for Particular Use (275-22.3.D.1-6):

- 1) The excavation operation will conform to the following criteria, in addition to those stated by RSA 155-E.
 - 1a) The excavation operation will not cause unreasonable soil erosion or reduce the capacity of the land to hold water during the operation. Appropriate erosion and sediment control measures are proposed and the excavation will increase the amount of water that can be stored on site in flooding conditions.
 - 1b) The excavation does not propose any activity that will modify or impact ground water quality
 - 1c) The excavation operation will not cause unsafe conditions on or excessive use of nearby roads. See attached traffic memo.
 - 1d) The excavation operation will not have an undue adverse effect on the scenic or natural beauty of the area. The operation is heavily screened by vegetation with the exception of the N.H. Route 16 side of the parcel.
 - 1e) The applicant understands that appropriate bonding for the reclamation of the site shall be required prior to the start of excavation.
- 2) The excavation operation will be performed in compliance with RSA 155-E.
- 3) N/A
- 4) The following buffers are provided to the excavation operation:
 - 4a) A fifty-foot buffer along every lot line
 - 4b) A seventy-five foot buffer from any perennial stream or wetland
 - 4c) Buffers specified in Article 12 are less restrictive
 - 4d) A one-hundred foot setback is established from any existing dwelling located to the side or rear of the lot (N/A)



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- 5) The water table has been determined, and excavation is proposed to take place within 2' of the e.s.h.w.t.

5a-d) No activity is proposed that is not permitted under RSA 155-E. No activity is proposed that will modify the quality of the ground water. The applicant understands that the site is to be reclaimed with 4" of quality loam and seed at the end of the operation.

- 6) The applicant understands the action taken against in a situation where the reclamation is not completed. The applicant understands that a lien shall be created against the property and shall be enforced and collected in the same manner as provided for real estate taxes.

Respectfully submitted,
BERRY SURVEYING & ENGINEERING



Kevin Poulin, EIT
Project Engineer



Christopher R. Berry, SIT
Principal, President



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Photo #1



Photo #2



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Photo #3



Photo #4



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Photo #5



Photo #6



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19-148 Aubert
36 Cross Road, Rochester, NH

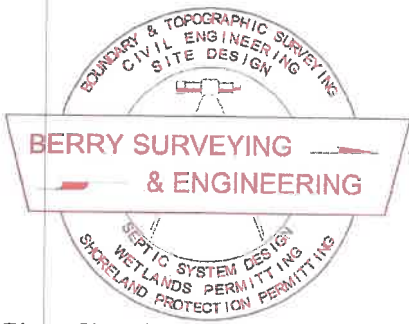
March 23, 2021
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Photo #7



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March 23, 2021

City of Rochester Planning & Development Department
Attention: Seth Creighton
33 Wakefield Street
Rochester, NH 03867

RE: Trip Generation Summary
Thomas & Dianne Aubert
36 Cross Road Rochester, NH 03868
Tax Map 205, Lot 18

Mr. Creighton,


Pursuant to the City of Rochester Land Site Review Regulations, Berry Surveying & Engineering (BS&E), on behalf of Thomas & Dianne Aubert, has prepared a Trip Generation Summary for the excavation operation at 36 Cross Road. This estimate assumes a full operation for the duration of the project, when in reality it will be operated more sporadically. The following assumptions have been made for peak hour traffic generation during the AM peak hour of 7-9AM and PM peak hour of 4PM to 6 PM:

- Two dump trucks will be operating between the excavation operation and 828 Portland Street (Carole Court).
- According to Google Maps, it is approximately 3.3 miles or 9-10 minutes from 36 Cross Road to 828 Portland Street.
- It is assumed that a dump truck will take 5 minutes to load and unload, making a dump truck cycle approximately 20 minutes long. A dump truck will be able to make 3 cycles per hour.
- During the AM and PM peak hour, two dump trucks will make a combined 6 trips per hour, plus the excavator operator arriving in the AM and departing during the PM.
- This results in the excavation operation generating 7 trips during the AM peak hour and 7 trips during the PM peak hour.
- It is recommended that the existing and surrounding infrastructure will be sufficient to handle the minimal temporary increase in vehicle trips and peak hour and all other hours for Cross Road.

Respectfully Submitted,

BERRY SURVEYING & ENGINEERING


Christopher R. Berry, SIT
Principal, President


Kenneth A. Berry, PE, LLS,
CPSWQ, CPESC, CESSWI
Principal, VP-Technical Operations