

**TO: BOARD OF ADJUSTMENT** 

**CITY OF ROCHESTER** 

# City of Rochester, New Hampsh

Zoning Board of Adjustment



DO NOT WRITE IN THIS SPACE

CASE NO. 2 - 21 - 19

DATE FILED 8 17 121

## **Variance Application**

	ZONING BOARD CLERK
Applicant: Ronald and Michelle Balcar	
E-mail: rdbalcar@gmail.com	Phone: 832-706-0048
Applicant Address: 16 Cassily Ln. Dover, NH 038	)ZD
Property Owner (if different):	
Property Owner Address: 16 Cassily Ln Dover NH 03820	
Variance Address: 20 Peaslee Road Rochester, NH 1	03867
Map Lot and Block No: TM 253 Lot 47-13	
Description of Property: VACANT PYDPERTY	
Proposed use or existing use affected: In-law suite To be outselved as mother-i	developed into a guest house and to be
The undersigned hereby requests a variance to the terms of t	the Rochester Zoning Ordinance, Ch. 275, Section 🥰 . 2 · 1
and asks that said terms be waived to permit ON CCC	essory dwelling unit greater
then the 800 s.f. albued	
The undersigned alleges that the following circumstances exist the strict terms of the Zoning Ordinance and thus constitute operations are the testimony should be confined to t	grounds for a variance. I understand that while
Signed: Ad Bala	7/21/21



# City of Rochester, New Hampshire

# Zoning Board of Adjustment

### **Variance Criteria**

1) Granting the variance would not be contrary to the public interest because:  This would be only for my mother to live The building too print and use proposed is allowed allowing for larger than 800st will provide adequate living space and privacy for morn.
2) If the variance were granted, the spirit of the ordinance would be observed because:  The larger space will provide easier moving around for mom keeping in mind that one day she might need a wheelchair.
3) Granting the variance would do substantial justice because: The larger space will allow mom to move around more freely keeping in mind that One day she may need a wheelchair.
4.) If the variance were granted, the values of the surrounding properties would not be diminished because: The house plans with in-law suite will increase property values for surrounding homes.
5.) Unnecessary 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:  The NOUSE IS NOT VISIBLE TOM THE YOAR AND THE IN-LAW Suite Will be bening the nouse.
And: ii. The proposed use is a reasonable one because: The larger space will give mom larger rooms to move around without fear of tripping over furniture.
b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owning 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.



# City of Rochester, New Hampshire

# Zoning Board of Adjustment

# Request of waiver of requirement to have a Certified Plot Plan for Case # \_\_\_\_\_

I request a waiver of the requirement to have a certified plot plan for the following reasons:

•	There are no objections from any abutter, <u>and:</u>				
•	Based on the information provided, the distance into the setback will not create any problems to the abutting property because:				
•	here is still plenty of separation between properties with trees  ffering privacy for all parties.  me property is described in its deed as being bounded, on the side for which relief is requested, by a stural feature like a: (stone wall/row of large trees/roadway, etc.				
•	The request for relief from the sethack required is modest another than the sethack required is				
	The request for relief from the setback required is modest enough that the probability of a surveying error large enough to make a material difference is remote. Yes No				
•	Information provided is based upon other surveyed parcels in the immediate vicinity and is consistent with the tax map information, so the probability of a surveying error large enough to make a material difference is remote.  Yes No				
•	The request for relief from the setback required is in a direction where any impact on the abutter is small or nonexistent and, should a large surveying error be found in the future, there is adequate land area to correct the problem through a lot-line adjustment. Yes No				
•	Any other applicable information: There is angle Land Devinions and				
	Thee Crops				

\*Check with the Planning & Development Department to see if it is necessary to fill out this form\*

## Chapter 275. Zoning

## Article 23. Accessory Uses

## § 275-23.2. Standards for specific accessory uses.

- A. The following standards shall apply to these specific accessory uses, activities, structures, and situations wherever they are allowed:
  - Accessory apartment. An accessory apartment is permitted subject to compliance with all of the following standards and procedures: [Amended 4-4-2017]
    - (a) It is permitted where and as specified in the Tables of Uses (by right or by special exception).
       However, if the accessory dwelling is detached from the single-family dwelling, it must be approved by a special exception;
    - (b) It is accessory to a single-family dwelling only and if detached from the single-family dwelling it is similar in architectural style;
    - (c) It must be two bedrooms or less;
    - (d) It may not exceed 800 square feet;
    - (e) It may be either part of the single-family dwelling or in a separate building, such as above a garage; if it is part of the single-family dwelling, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit; [Amended 3-5-2019]
    - (f) There may be only one per lot;
    - (g) The owner of the property must occupy one of the dwelling units and the owner must demonstrate that one of the dwelling units is his/her principal place of residence;
    - (h) At least one parking space must be provided for the unit;
    - (i) Where municipal sewer service is not provided, the septic system shall meet NHDES requirements for the combined system demand for total occupancy of the property; and
    - (j) It is exempt from site plan review but a letter of intent must be submitted to the Building Inspector to ensure that the above conditions are met.
    - (k) If it is a security apartment, it shall not exceed 800 square feet and it shall be attached to or located with an allowed commercial, office or industrial use. Such unit may be occupied by the business owner, family member or employee whose purpose is to provide security and/or protection of the business premises. This use shall require site plan review.
    - (I) If it is a caretaker apartment it shall be attached to or located with an allowed residential or nonresidential use and it shall be occupied by the owner, family member or employee of the principal use and the gross floor area does not exceed 800 square feet. This use shall require site plan review.
  - (2) Accessory sales and service.
    - (a) Small-scale retail sales and services may be offered as an accessory use in nonresidential districts which do not permit retail sales and service (including Airport, Hospital, Industrial, and Office Commercial Districts) where the activity is clearly established to serve on-site employees or customers of the principal use in an incidental, supportive, or subordinate manner.





August 18, 2021

# 20 Peaslee Road

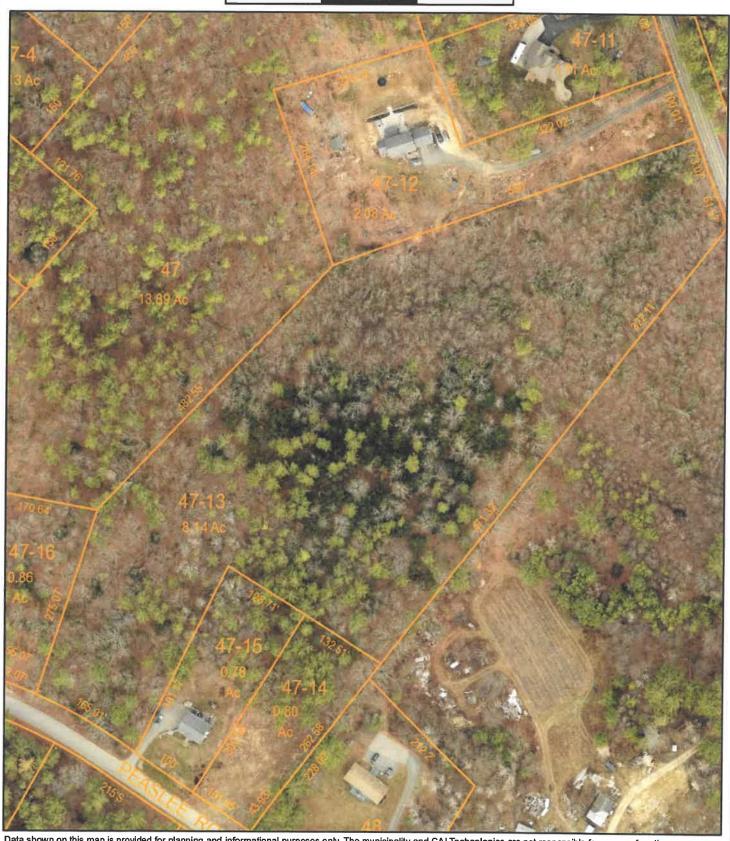
Rochester, NH

1 inch = 137 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.

# CAI Property Card Town of Rochester, NH



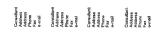
GENERAL PROPERTY INFORMATION	BUILDING EXTERIOR		
LOCATION: 20 PEASLEE RD	BUILDING STYLE:		
ACRES: 8.14	UNITS: 0		
PARCEL ID: 0253-0047-0013	YEAR BUILT: 0		
LAND USE CODE: 130	FRAME:		
CONDO COMPLEX:	EXTERIOR WALL COVER:		
OWNER: BALCAR RONALD DAVID & MICHELLE	ROOF STYLE:		
CO - OWNER:	ROOF COVER:		
MAILING ADDRESS: 16 CASSILY LN	BUILDING INTERIOR		
DOVER, NH	INTERIOR WALL:		
ZONING: A	FLOOR COVER:		
PATRIOT ACCOUNT #: 12513	HEAT TYPE:		
SALE INFORMATION	FUEL TYPE:		
SALE DATE: 2/5/2021	PERCENT A/C: 0		
<b>BOOK &amp; PAGE</b> : 4867-737	# OF ROOMS: 0		
<b>SALE PRICE:</b> \$125,000	# OF BEDROOMS: 0		
SALE DESCRIPTION: Valid Land	# OF FULL BATHS: 0		
SELLER: BERRY MARK A	# OF HALF BATHS: 0		
PRINCIPAL BUILDING AREAS	# OF ADDITIONAL FIXTURES: 0		
GROSS BUILDING AREA: 0	# OF KITCHENS: 0		
FINISHED BUILDING AREA: 0	# OF FIREPLACES: 0		
BASEMENT AREA: 0	# OF METAL FIREPLACES: 0		
# OF PRINCIPAL BUILDINGS: 0	# OF BASEMENT GARAGES: 0		
ASSESSED VALUES			
LAND: 70,700			
YARD: 0			
BUILDING: 0			
TOTAL: \$70,700			
SKETCH	РНОТО		
	TAKE WATER -		

NO SKETCH AVAILABLE



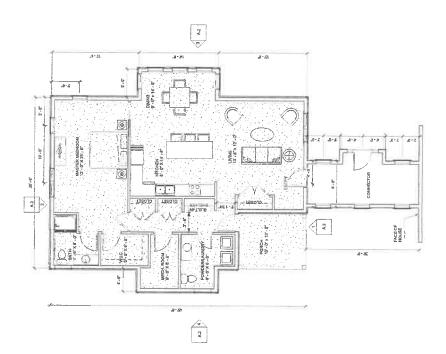




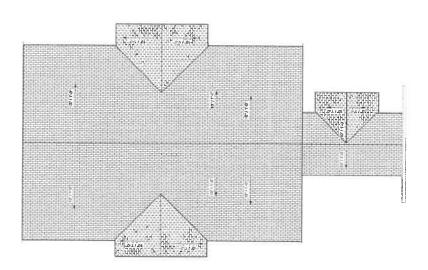








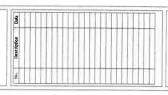
FLOOR PLAN



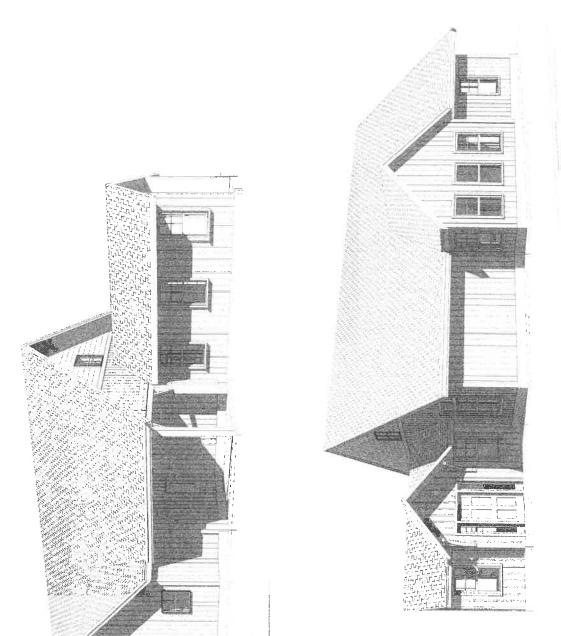
ROOF PLAN SCALE: 3/16" = 1-0"

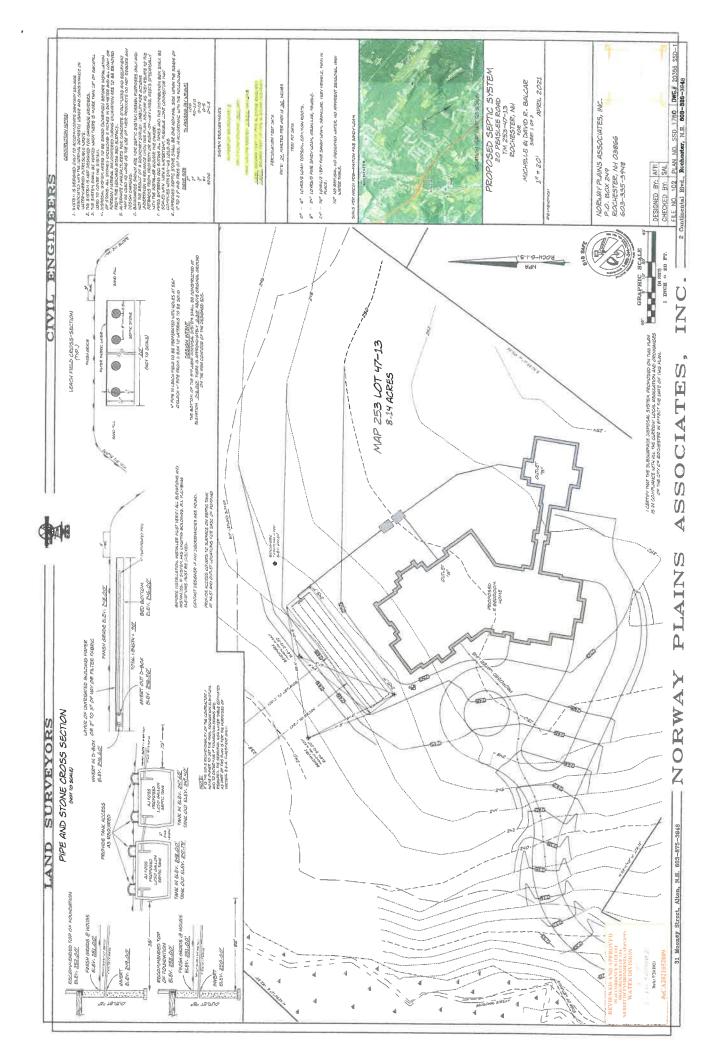
ELEVATIONS Balcar COTTAGE Consultant Middless Middless Middless Figure e-mail Consultant Middless Middless Middless Middless Figure Figure Figure Figure Figure Middless Place Middless Middles RIDGE ( 23-11/2 1 FRONT SCALE: 1/4" = 1'-0" LEVEL 2. 22.19gg @ **₽-8:**2 (4) LEFT scate: 1/4" = 1'-0"

Considerate Address Proceeding Topics Proceeding Address Addre

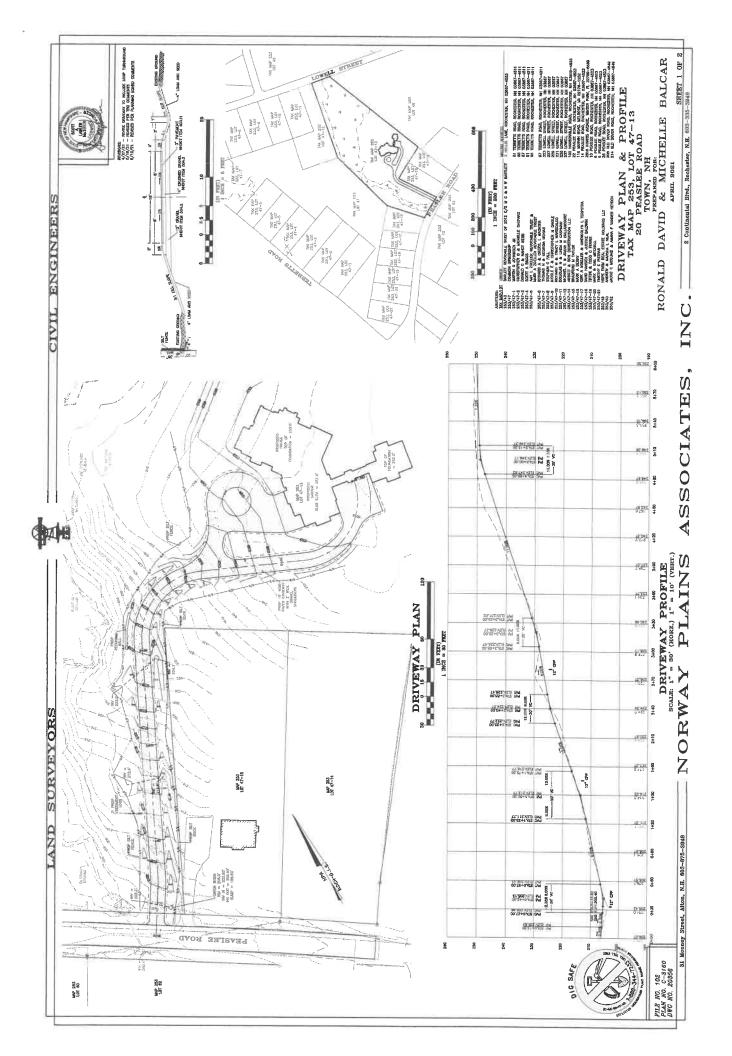


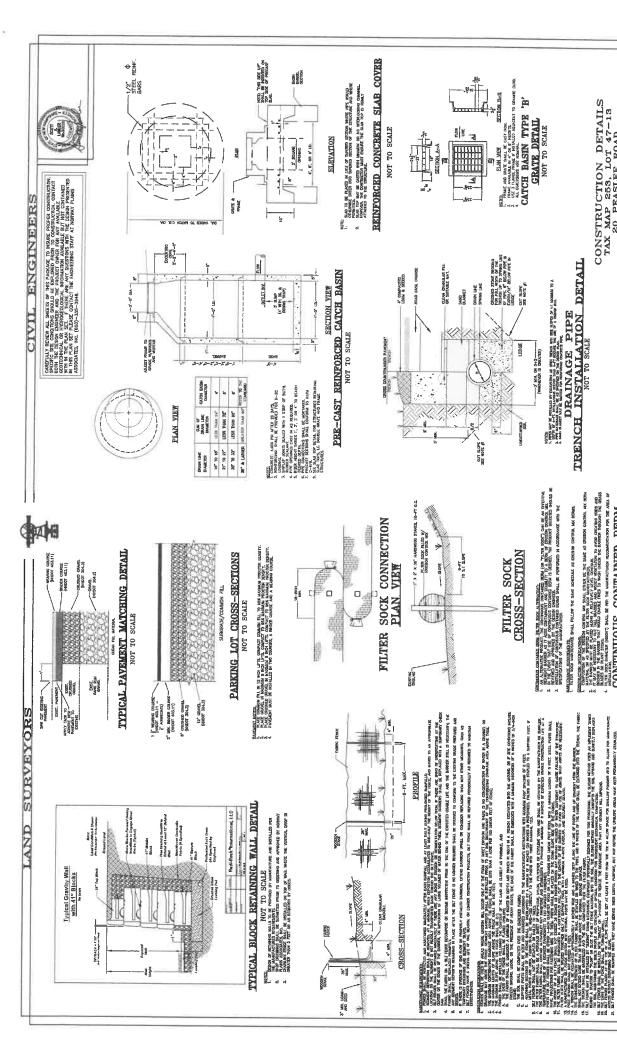
Balcar COTTAGE 30











1. CONSTRUCTOR, STATE STEERS OCCUPIED AND EACH OF DESCRIPTION OF THE STATE OF THE S NORWAY

31 Mooney Street, Alton, N.H. 603-875-3948

FILE NO. 102 PLAN NO. C-3160 DWG NO. 20356

CONSTRUCTION DETAILS
TAX MAP 263, LOT 47-13
20 PEASIEE ROAD
TOWN, NH
PREPARED FOR.
RONALD DAVID AFFILE BALCAR

INC. ASSOCIATES, PLAINS

S Continental Mvd., Eochester, N.H. 603-385-3946

FRUE AND EAST SHALL SECURE TO THE AND THE AND

GRATE DETAIL NOT TO SCALE

DRAINAGE PIPE TRENCH INSTALLATION DETAIL

NOTES

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CROSS-SECTION

FILTER SOCK

(WHICHENER IS CHEATER)

SECTION B-8

PLAN ME

CRUCHED STONE BECCHO FOR FULL WOTH OF THE TRENCH UP TO STANKE UN OF PIPE, OF BELOW PIPE IN EXPRINATE BELOW PIPE IN LEDOZ.

DUT SLOPE SEE NOTE #1



#### The State of New Hampshire

## **Department of Environmental Services**



Robert R. Scott, Commissioner

# APPROVAL FOR CONSTRUCTION OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS)

AS AUTHORIZED BY THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES, WATER DIVISION PURSUANT TO RSA 485-A, WATER POLLUTION AND WASTE DISPOSAL AND ENV-WQ 1000, SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN RULES.

**APPLICATION APPROVAL DATE: 5/20/2021** 

I. PROPERTY INFORMATION

Address: 20 PEASLEE ROAD

ROCHESTER NH 03867

Subdivision Approval No.: 5 PLUS ACRES

Subdivision Name:
County: STRAFFORD
Tax Map/Lot No.: 253/47-13

II. OWNER INFORMATION

Name: RONALD DAVID BALCAR Address: 16 CASSILY LANE

DOVER NH 03820

APPROVAL NUMBER: eCA2021052009

III. APPLICANT INFORMATION

Name: ASHLEY F ROWE

Address: NORWAY PLAINS ASSOCIATES, INC

PO BOX 249

ROCHESTER NH 03866

IV. DESIGNER INFORMATION

Name: ASHLEY F ROWE

Address: NORWAY PLAINS ASSOCIATES, INC

PO BOX 249

ROCHESTER NH 03866

**Permit No.:** 01857

V. SPECIFIC TERMS AND CONDITIONS: Applicable to this Approval for Construction

A. TYPE OF SYSTEM: STONE AND PIPE

B. NO. OF BEDROOMS: 5

C. APPROVED FLOW: 750 GPD

D. OTHER CONDITIONS AND WAIVERS:

1. This approval is valid for 4 years from date of approval, per Env-Wq 1004.13.

2. Approved with a public water system only.

3. No waivers have been approved.

Ecce Thomas

Eric J. Thomas Subsurface Systems Bureau

#### VI. GENERAL TERMS AND CONDITIONS: Applicable to all Approvals for Construction

- A. This Approval for Construction is issued to construct the ISDS as identified on Page 1 of this Approval.
- B. This Approval is valid until 5/20/2025, unless an Approval for Operation has been granted.
- C. By exercising any rights under this approval, the parties have agreed to all terms and conditions.
- D. No liability is incurred by the State of New Hampshire by reason of any approval of any Approval for Construction. Approval by the Department of Environmental Services of sewage and waste disposal systems is based on plans and specifications supplied by the Applicant.
- E. The system must be constructed in strict accordance with the approved plans and specifications.
- F. The installed system must be left uncovered and cannot be used after construction until it is inspected and has received an Approval for Operation of Individual Sewage Disposal System (ISDS) by an authorized agent of the Department.
- G. This system must be installed by an installer holding a valid permit. An owner may install the system for his/primary domicile.
- H. This Approval for Construction does not supersede any equivalent or more stringent local ordinances or regulations. State standards are minimal and must be met statewide.

WORK NUMBER: 202102770

APPROVAL NUMBER: eCA2021052009

RECEIVED DATE: May 20, 2021

TYPE OF SYSTEM: STONE AND PIPE

**NUMBER OF BEDROOMS: 5** 



Planning Board
Zoning Board
Conservation Commission
Historic District Commission
Arts & Culture Commission

# PLANNING & DEVELOPMENT DEPARTMENT City Hall Annex 33 Wakefield Street Rochester, New Hampshire 03867-1917 (603) 335-1338 - Fax (603) 330-0023

Web Site: www.rochesternh.net

#### NOTICE OF DECISION

June 9, 2021

Ronald & Michelle Balcar 16 Cassily Lane Dover, NH 03820

Re: Subdivision amendment and conditional use permit to create a single driveway access. Case# 253 – 47-13 – A – 21

#### Dear Applicant:

This is to inform you that the Rochester Planning Board at its June 7, 2021 meeting **APPROVED** your application referenced above.

"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.

Precedent Conditions [Office use only. Date certified: \_\_\_\_\_\_ ROD received?\_\_\_\_\_

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Department. Certification of the plans is required prior to issuance of a building permit or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please note\* If all of the precedent conditions are not met within 6 calendar months to the day of the board's approval – by December 7, 2021 - the board's approval will be considered to have lapsed and resubmission of the application will be required. It is the sole responsibility of the applicant (or his/her agent) to ensure

that these conditions are met by this deadline. We urge the applicant to carefully track his/her progress in meeting the individual conditions. See RSA 674:39 on vesting.

- 1) <u>Plan modifications</u>. The plan drawings are to be modified as follows:
  - a) Please add a third culvert, between the other two in order to slow the impervious surface run off down the slope.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
  - a) None.
- 3) State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
- 4) There was concern from the abutter across the street regarding wetland/stream buffer impacts and their well water. Per the PB Chairman's directive please provide a memo outlining the distance from the buffer impacts to the well (according to the map provided by the abutter) and a brief explanation as to why the impacts will not effect the well.
- 5) Other permits. All required State and Federal permits must be obtained including any Driveway/Curb Cut permit, Water Service Connection Permit, Drainage Permit, Cross Connection Control Permit, etc., as appropriate with copies of permits or confirmation of approvals delivered to the Planning Department.
- Final Drawings. (a) three sets of large black-line plus (b) one set of 11" x 17" final approved site plan drawings plus (c) one electronic version by pdf or flash drive must be on file with the City. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the site plans. (The applicant need only submit additional black-line sets of drawings or individual sheets, as needed, to make five complete sets consult the Planning Department). At the discretion of the Planning Department minor changes to drawings (as required in the precedent conditions, above) may be marked by hand. Note: If there are significant changes to made to the plans, as specified above, one full size paper check print must be sent to the Planning Department for review prior to producing these final drawings. Once the plan is recorded at the Registry of Deeds, submit two 11x17 recorded copies of the plan. Assessing will need an 11x17 recorded copy of the plan.

## **General and Subsequent Conditions**

All of the conditions below are attached to this approval.

1. Per RSA 236:13 (VI), maintenance of the combined driveway culvert for Lots 47-13 & 47-15 as depicted on the Driveway Plan & Profile sheet, dated April 2021 shall be the responsibility of the benefiting lot owners.

- 2. Erosion control shall be properly installed on site PRIOR to any construction. Erosion control shall be properly maintained throughout construction; any breaks or breeches shall be repaired within 48 hours of the storm event.
- 3. Wetland buffer areas shall not be impacted by any construction activities (other than those impacts permitted under the CUP and DES wetlands permit). Wetland buffers shall be marked with orange snow fence prior to any onsite activity, and such markers shall be maintained throughout construction.
- 4. As-Builts. Three sets of full size (measuring at least 22" x 34") or black line paper plus 1 set of 11" x 17" plus one digital pdf copy of the as-built site plans (or "record drawings") stamped and signed by the Engineer or Surveyor are to be submitted to the Planning Department prior to issuance of the Certificate of Occupancy (or use/occupancy of the site where no CO is required). The as-built drawings must include the following language or equivalent: "This as-built drawing substantially conforms with the final plans approved by the City of Rochester Planning Board and certified by the Planning and Development Department except for the following significant modifications: ...". If no significant modifications were made simply state "none". Otherwise, itemize the modifications on the as-built or on an accompanying letter. The Department relies on the good judgement and good faith of the Engineer/Surveyor in determining which modifications should be considered significant (for example, minor adjustments in locations of plant materials would not be significant whereas relocation of a catch basin would be).

As-builts are to include State Plane Coordinates. A copy of the Asbuilt line work is also to be submitted as a CAD file that is georeferenced to that same coordinate system.

- 5. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.
- 6. Approvals. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
- 7. <u>Violations.</u> In the event of any violations of these conditions of approval or of any pertinent local, state, or federal laws such as those regarding erosion and sedimentation control, wetlands, stormwater management, and general site development standards the City of Rochester reserves the right to take any appropriate permissible action, including, but not limited to, withholding of building permits, withholding of certificates of occupancy, withholding of driveway permits, revocations of permits/approvals, referring violations to other agencies, and calling of bonds.
- 8. Other permits. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project. Contact the City of Rochester's Building, Zoning and Licensing Department at 332-3508 regarding building permits. Please also contact the City of Rochester Fire Department at 330-7182 to ensure that the proposed building meets all Fire Codes. Finally, please contact

the Department of Public Works for any stormwater, sewer, or water permits or fees that are required.

9. APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

Sincerely,

Shanna B. Saunders, Director of Planning & Development

CC:

Viewpermit #SUBD-21-8 File



Parcel Number: CAMA Number: Property Address:	0103-0034-0000 0103-0034-0000 20 PEARL ST	Mailing Address:	KEAN GEORGE & BRENDA 20 PEARL ST ROCHESTER, NH 03868-8459
Parcel Number: CAMA Number: Property Address:	0253-0043-0000 0253-0043-0000 3 HOLLIS LN	Mailing Address:	BARTLETT REV TRUST OF 2012 % BARTLETT M G & N W TRUSTEES 3 HOLLIS LN ROCHESTER, NH 03867-4553
Parcel Number: CAMA Number: Property Address:	0253-0047-0000 0253-0047-0000 0 TEBBETTS RD	Mailing Address:	OPEN SPACE COMMON OWNERSHIP NA , 00000
Parcel Number: CAMA Number: Property Address:	0253-0047-0012 0253-0047-0012 237 LOWELL ST	Mailing Address:	VAILLANCOURT MICHAEL S & JOANN R 237 LOWELL ST ROCHESTER, NH 03867
Parcel Number: CAMA Number: Property Address:	0253-0047-0013 0253-0047-0013 20 PEASLEE RD	Mailing Address:	BALCAR RONALD DAVID & MICHELLE 16 CASSILY LN DOVER, NH
Parcel Number: CAMA Number: Property Address:	0253-0047-0014 0253-0047-0014 24 PEASLEE RD	Mailing Address:	MARSHALL TYLER S & CHELSEA M 24 PEASLEE RD ROCHESTER, NH
Parcel Number: CAMA Number: Property Address:	0253-0047-0015 0253-0047-0015 22 PEASLEE RD	Mailing Address:	TAYLOR BRADFORD M 22 PEASLEE RD ROCHESTER, NH 03867-4523
Parcel Number: CAMA Number: Property Address:	0253-0047-0016 0253-0047-0016 16 PEASLEE RD	Mailing Address:	BERRY MARK A 116 MARVIN RD MELROSE, MA 02176-1252

Parcel Number: 0253-0049-0000 Mailing Address: HOPE FARM REAL ESTATE HOLDINGS

0253-0049-0000 CAMA Number: Property Address: 36 PEASLEE RD

0253-0060-0000

0253-0060-0000

0253-0062-0000

0253-0062-0000

Property Address: 208 OLD DOVER RD

Property Address: 214 OLD DOVER RD

Parcel Number:

**CAMA Number:** 

Parcel Number:

**CAMA Number:** 

8/17/2021

LLC

36 PEASLEE RD **ROCHESTER, NH 03867-4523** 

Mailing Address: **NEAL ANDREW & MARSHAL** 

208 OLD DOVER RD

**ROCHESTER, NH 03867-4549** 

MCQUAID JACOB C & VANDER HEYDEN Mailing Address:

AMANA F

214 OLD DOVER RD

**ROCHESTER, NH 03867-4549** 

