

City of Rochester, New Hampshire Zoning Board of Adjustment

Variance Application

TO: BOARD OF ADJUSTMENT CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE
CASE NO. 2 -21 - 21
DATE FILED 91222
C O(,
ZONING BOARD CLERK

Applicant: Public Service Co of NH (DBA Eversource Energy) c/o Brent Kilgore
rubile Service Co of Nrt (DBA Eversource Energy) C/o Brent Rilgore
E-mail: gregory.kilgore@eversource.com Phone: 603.634.2800
Applicant Address: 780 North Commercial Street, Manchester, NH 03101
Property Owner (if different): Public Service Co of NH (DBA Eversource Energy)
Property Owner Address: PO Box 270, Hartford, CT 06141-0270
Variance Address: 74 Old Dover Road, Rochester, NH 03867
Map Lot and Block No: Tax Map 136, Lot 20
Description of Property: Eversource Rochester Area Work Center (AWC)
Proposed use or existing use affected: Warehouse
The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section 18.1
and asks that said terms be waived to permit Expansion of existing warehouse use in the Residential-1 (R1) Zoning District
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. I understand that while presenting my case the testimony should be confined to the 5 criteria and how they pertain to my case.
Signed:_ G. Brent Kilgore





City of Rochester, New Hampshire Zoning Board of Adjustment

Variance Criteria

1) Granting the variance would not be contrary to the public interest because: Please see attached.
2) If the variance were granted, the spirit of the ordinance would be observed because: Please see attached.
3) Granting the variance would do substantial justice because: Please see attached.
4.) If the variance were granted, the values of the surrounding properties would not be diminished because: Please see attached.
 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: Please see attached.
And: ii. The proposed use is a reasonable one because: Please see attached.
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. Please see attached.





Civil Engineers Structural Engineers Traffic Engineers Land Surveyors Landscape Architects Scientists

September 17, 2021

Larry Spector, Chairman City of Rochester Zoning Board of Adjustment 33 Wakefield Street Rochester, NH 03867-1917

Variance Request - Rochester Zoning Ordinance, Chapter 275, Section 18.1 – Use Regulations
 Eversource Rochester Area Work Center (AWC)
 74 Old Dover Road, Rochester, NH 03867
 Tax Map 136 Lot 20

Dear Mr. Chair,

On behalf of our Client, Public Service Company of New Hampshire (DBA Eversource Energy), please find attached information regarding a request for a Variance to expand the existing non-conforming use in the Residential-1 (R-1) Zoning District to install a proposed vehicle enclosure at the existing Eversource Rochester Area Work Center (AWC), located at the above noted address.

The existing facility which has been in continuous service for over 40-years and includes Eversource offices, garage bays, and secure storage yard used to house equipment and fleet vehicles. The facility is utilized to coordinate routine electrical maintenance and emergency responses in Rochester and the surrounding areas.

The project consists of installing (1) 2,600-sf+/- (65-ft wide by 40-ft depth by 29-ft-8-in high) prefabricated fleet vehicle storage enclosure within the existing AWC paved and gravel storage yard. The enclosure will enable covered parking for up to four (4) Emergency Line Trucks which are designed and equipped for emergency responses during storm events. Providing covered storage for the vehicles leads to a reduction in response time and increase in safety for Eversource's emergency response teams during winter storm events.

The proposed enclosure will be located at the NW corner of the existing storage yard in an area where utility poles are currently being stored. A substantial mature evergreen buffer currently exists beyond the AWC yard that screens the abutting property, which will not be disturbed as part of this project. The enclosure will be anchored to concrete blocks which sit on top of the paved surface. In that this will not change the impervious land cover or drainage flow paths for the site, no changes to the site stormwater management systems are proposed. Assuming required approvals from the City are received, installation of the enclosure would begin promptly, as the intent of the project is to provide covered parking prior to the start of the 2021 winter season.

We would ask that you please place this notification on your next available agenda and should there be any questions or concerns regarding this submittal or the project in general please do not hesitate to contact the undersigned at (603) 472-4488 or ngolon@tfmoran.com.

Sincerely, TFMoran, Inc.

Nicholas Golon, P.E. Principal

48 Constitution Drive Bedford, NH 03110 Phone (603) 472-4488 Fax (603) 472-9747 www.tfmoran.com



Civil Engineers Structural Engineers Traffic Engineers Land Surveyors Landscape Architects Scientists

September 17, 2021

Larry Spector, Chairman City of Rochester Zoning Board of Adjustment 33 Wakefield Street Rochester, NH 03867-1917

Re: Variance Request - Rochester Zoning Ordinance, Chapter 275, Section 18.1 – Use Regulations

Eversource Rochester Area Work Center (AWC) 74 Old Dover Road, Rochester, NH 03867

Tax Map 136 Lot 20

General Description

The existing facility which has been in continuous service for over 40-years includes Eversource offices, garage bays, and secure storage yard used to house equipment and fleet vehicles. The facility is utilized to coordinate routine electrical maintenance and emergency responses in Rochester and the surrounding areas.

The project consists of installing (1) 2,600-sf+/- (65-ft long by 40-ft wide by 29-ft, 8-in high) prefabricated fleet vehicle storage enclosure within the existing AWC paved and gravel storage yard. The enclosure will enable covered parking for up to four (4) Emergency Line Trucks which are designed and equipped for emergency responses during storm events. Providing covered storage for the vehicles leads to a reduction in response time and increase in safety for Eversource's emergency response teams during winter storm events.

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Relative to the improvements proposed, the applicant is respectfully requesting relief from Section 18.1 of the City of Rochester Zoning Ordinance, Chapter 275, to allow an expansion of the existing non-conforming use in the Residential-1 (R-1) Zoning District. All required building setbacks have been met for location of the proposed enclosure.

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

To be contrary to the public interest, a variance must unduly and in a marked degree conflict with the zoning ordinance such that it violates the ordinance's basic zoning objectives. The requested variance will allow for expansion of an existing use which has been in continuous service for over 40-years, for the purpose of providing covered parking for Eversource's emergency line trucks, which provide an essential service to the general public. Granting the variance would not alter the essential character of the locality as the site has been utilized for an essential public utility since construction in 1980.

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

The variance fits within the spirit of the Zoning Ordinance in that the requested continuation of the use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood given the use was established in 1980. Granting the

TFMoran, Inc.48 Constitution Drive, Bedford, NH 03110
T(603) 472-4488 www.tfmoran.com

MSC a division of TFMoran, Inc. 170 Commerce Way–Suite 102, Portsmouth, NH 03801 T(603) 431-2222

Variance Application, Chapter 275, Section 18.1 Eversource Energy Rochester AWC 74 Old Dover Road, Rochester, NH 03867 September 17, 2021 Page 2 of 2

variance would not be contrary to the public interest as it facilitates the adequate provision of electricity, an essential public requirement.

3. Granting the variance would do substantial justice because:

The guiding factor for substantial justice is that any loss to the individual that is <u>not</u> outweighed by a gain to the general public is an injustice. Under the specified design of the proposed vehicle enclosure, the gain to the public will not outweigh the harm to the applicant as the public is protected equally in either case. The proposed expansion will enable Eversource the ability to continue to use the property for the purposes of providing essential emergency and maintenance services to the electrical infrastructure which it serves.

4. If the variance were granted, the value of surrounding properties are not diminished because:

Specific to the variance requested, PSNH (DBA Eversource Energy) has continuously operated the site as an Area Work Center dating back to 1980. As the industrial character of the site has already been established, the value of the surrounding properties already reflects the use and no diminution in value would be expected from the authorization of the requested 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:

The overall purpose of the ordinance is to promote the health, safety, and general welfare of the public. Relief from the allowable use specified by the ordinance can be provided without frustrating the purpose of the ordinance in that the overriding factor of the safety of the public is observed. Special conditions pertaining to this property that distinguish it from other properties includes; the existing use of the site as an Area Work Center and its proximity to the existing electrical infrastructure which it serves. Denial of the variance would result in an unnecessary hardship for the owner and would not promote a public interest as emergency and maintenance services of electrical infrastructure are an essential public service.

ii. The proposed use is a reasonable one.

The location and existing use of the property as an Area Work Center makes the continued use of this property, to support an essential public utility, an appropriate selection. From a design standpoint, the proposed area of expansion is within the footprint of the existing facility, and furthermore located within the existing secure storage yard. Re-siting the Area Work Center elsewhere in the City would not only create an economic hardship for the applicant but also present no substantial benefit to the public which it serves.

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 strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

This property is unique and has special conditions that meet the criteria of an unnecessary hardship as it is presently occupied by Eversource's Rochester Area Work Center. A denial of this variance for the continued use of the property to serve its purpose as a supporter of an essential public utility would negatively impact the ability of the property owner to have reasonable use of the lot.

SONING

275 Attachment 4

City of Rochester

Table 18-D Industrial-Storage-Transport-Utility Uses [Amended 5-7-2019]

- LEGEND
 P = Permitted Use
 C = Conditional Use
 E = Use Allowed by Special Exception

									Industrial	itrial			
Industrial-Storage-		Residential Districts	l Distric	ts	Ö	ommercia	Commercial Districts	ts	Districts	ricts	Special	cial	Criteria/Conditions
Transport-Utility-Uses	R1	R2	NMC	AG	DC	0C	GR	HC	GI	RI	HS	AS	Reference
Airport	1			E		-	1	1	1			Ь	Article 21
Commercial parking facility	1	I	Ī		Э								
Contractor's storage yard	1		Ι	E		ı	1	Э	Ь	Ь			Articles 20 and 22
Distribution center							Ь	C	Ь				Article 21
Emergency services facility	1	1	1		C	С	1	C	С	1	Ь		Article 21
Fuel storage	1		1	1		1	P	田	田	1			Article 21
Helipad (accessory use)	1	1	1	E		E	P	E	Ь	Ь	Ь	Ь	Article 21
Industry, heavy	1	1	1	1	С		Ь	Э	Ь	田	1		Article 21
Industry, light	1		1	I	1		Ъ	Ь	Ь	1		1	Article 21
Industry, recycling	1		1			1	1	1	1	Ь			Articles 20 and 22
Junkyard	1	1	1			-	I	E	E	Ь	1		Articles 20 and 22
Laundry establishment-3	Ι	-		намения			ı	Ь	Ь				
Mini-warehouse			-			-	Ь	C	Ь	I			Articles 20 and 21
Monument production			С			С	1	Ь	Ь	Ь			Article 21
Parking lot		C	C	С	С	C	1	Ь	C	Ь	۲	Ь	Article 21
Printing facility			C		1	Ь	Ь	Ь	Ь				
Public parking facility			1		Ь	1	1			I	I		
Recycling facility			_					E	Э	Ь			Articles 20 and 22
Research and development	1	1	_		E	Ь	P	Ь	Ь				Article 21
Sawmill	1	١					I	ı	ы		1		Article 21
Sawmill, temporary (accessory use)	Ì	1		Ъ		Ь	1	Ь	Ь	Ь	1	Ь	Article 23

275 Attachment 4:1

Supp 2, May 2019

ROCHESTER CODE

									Industrial	trial			
Industrial-Storage-	R	esidentia	Residential Districts	S	ŭ	mmerci	Commercial Districts	ts	Districts	icts	Special	cial	Criteria/Conditions
Transport-Utility-Uses	R1	R2	NMU	AG	DC	0C	GR	ЭН	IS	R	HS	AS	Reference
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Tank farm				1	1	I	Ь	S	Ь	1			
Trade shop		I	C		C	C	Ь	Ь	Ь	Ь	1		Article 21
Transportation service			C		С	1	Ь	Ь	S	C			Article 21
Truck terminal		1		1		1	Ь	1	ပ	C	1		Article 21
Utility - substation	E	Е	Е	E	Е	С	E	Ь	Ь	Ь	E	E	Article 21
Utility - power generation		1	1	1	E		E	1	ш	田			Article 21
Warehouse	١		C		С	С	Ь	Ь	Ь	C		C	Articles 20, 21 and 23
Wireless communications facility		I		E	Э	П	Ь	Э	Ь	Ь	П	Э	Articles 20 and 22

275 Attachment 4:2

Supp 2, May 2019

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LUC Co Appraised
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03-26-2009 Total PREV Prior Assesse 1,016,400 206,900 100,900 ,324,200 This signa Comm Int Notes temp service for temp job traile Removal of chain link fence an Bldg Name Sec # 1 of Description BLDG LAND OB Year LUC C 2020 401 401 State Class NE VALUATION SECTION 3400 3400 LOCATION R RESIDENCE 1 34 99 99 99 Cond. 1.00 1.00 469,600 0 0 0 21940.00000 27517 Site Index
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PROPERTIES INC
WINKLEY NOREEN D
MARTIN KENNETH M & LYNNE CURRENT OWNER
PUBLIC SERVICE CO OF NH
EVERSOURCE ENERGY DBA
P O BOX 270 WAREHOUSES WAREHOUSES Description Permit Id Issue Date
E-19-102 03-27-2019 2
B-16-744 10-05-2016 2
10071 03-27-2015 3
10071 12-16-2008 2
584 06-11-2002 2
224 03-22-2002 2 CT FNA 0 OLD DOVER RD Property Location Vision ID 481 Nbhd 3400 B Use Code HARTFORD 4010

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Land Value

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Parcel Total Land Area: 5.97

Total Card Land Units

State Use 0430 Print Date 09-13-2021 2:10:13 P of Card # Bldg Name Sec # 1 of leprec Value 10,895 15,578 1,290,131 3,356 CONSTRUCTION DETAIL (CONTINUE
Element Cd Description
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Cost to Cure 20,156 20,156 Descri WAREHOUSES 22,783 IRY SEC or Area 364 115 20,156 364 1,784 Code 4010 Living Area F Living Area F 0 20,156 1,784 RCN 21,940 VARD ITEMS(L)
Unit Price Yr Blt
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Comm Units
Wall Height
Exterior Wall 1
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2nd Ext Wall 2
Comm Units
Wall A Exterior Wall 1
Interior Floor 2
Basement Floor
Wheated
Heat Type
Comm Heat Type





74 Old Dover Road

Rochester, NH

1 inch = 137 Feet



October 5, 2021

137 274 411

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.

Eversource Rochester AWC



9/13/2021, 12:23:35 P

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ArcGIS Online - Rochester NH-Web



Project Tit	le:							
Eversourc	Eversource Energy Rochester Area Work Center (AWC)							
PHOTO LC	OG CONTRACTOR OF THE PROPERTY							
Photo #	Photo location and description							
1	Google Street view of existing Eversource Rochester AWC facility, looking east from Old Dover Road							
2	Google Street view of existing Eversource Rochester AWC facility from intersection with Meadow Lane, looking northwest from Old Dover Road							
3	Google Street view of existing Eversource Rochester AWC facility from northerly driveway, looking northwest across existing evergreen screening at perimeter of lot							
4	Google Street view of existing Eversource vegetative screening along eastern property line, looking southwest along Meadow Lane							
5	Google Street view of existing Eversource vegetative screening along eastern property line, looking northwest along Meadow Lane							
6	Google Aerial Imagery of Lot 136-20; approximate area of work shown in red							



Eversource Energy Rochester AWC – Site Photographs

Photo 1



Google Street view of existing Eversource Rochester AWC facility, looking east from Old Dover Road

Photo 2



Google Street view of existing Eversource Rochester AWC facility from intersection with Meadow Lane, looking northwest from Old Dover Road



Photo 3



Google Street view of existing Eversource Rochester AWC facility from northerly driveway, looking northwest across existing evergreen screening at perimeter of lot

Photo 4



Google Street view of existing Eversource vegetative screening along eastern property line, looking southwest along Meadow Lane



Photo 5



Google Street view of existing Eversource vegetative screening along eastern property line, looking northwest along Meadow Lane

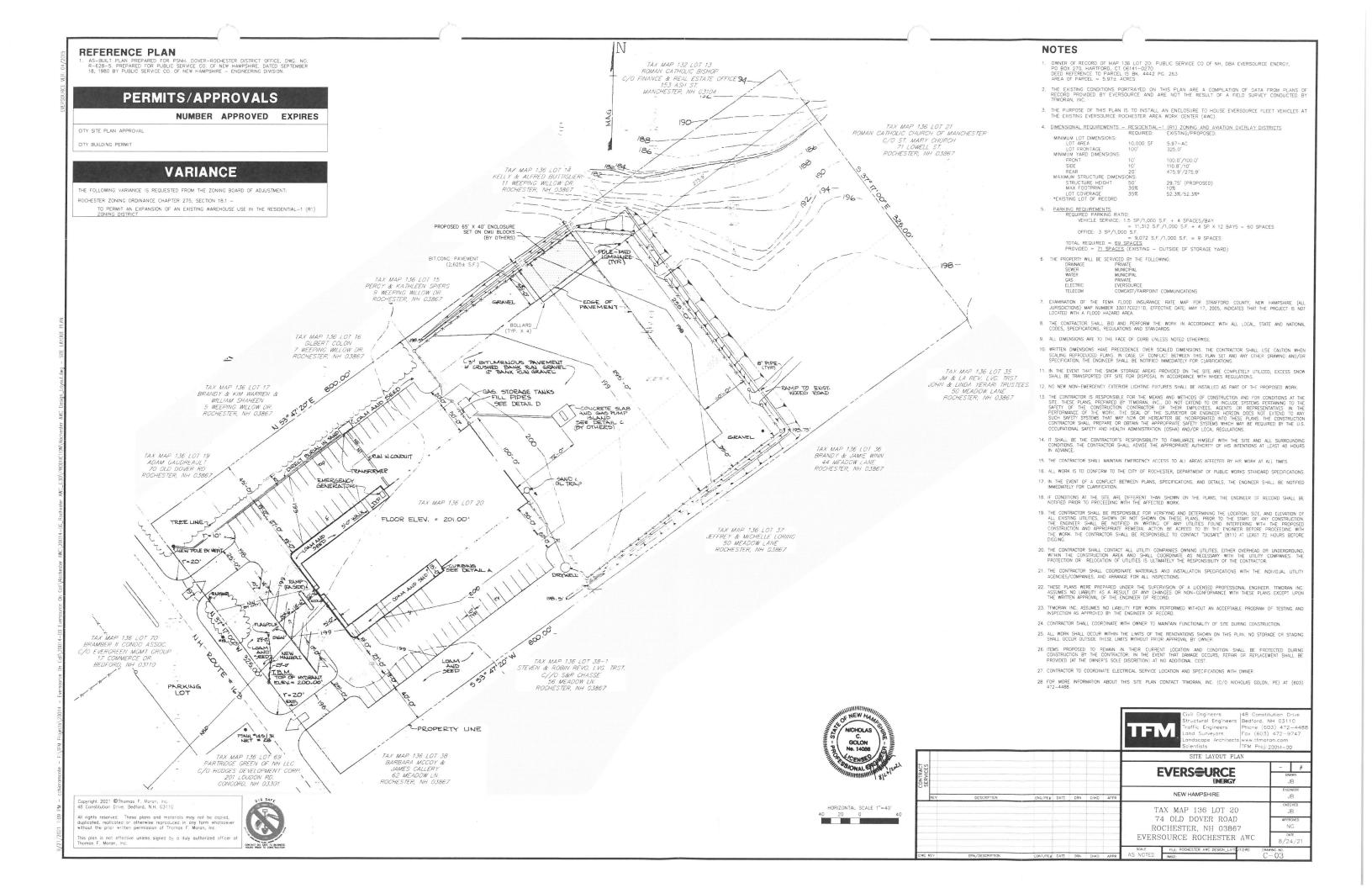


Photo 6



Google Aerial Imagery of Lot 136-20; approximate area of work shown in red

Eversource Energy Rochester AWC ZBA Variance Application 74 Old Dover Road, Rochester, NH 03867 Tax Map 136, Lot 20





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

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

Scott Fawcett Bode Equipment Company

Date August 16, 2021

RE: Letter of Intent for an Exterior Shelter for emergency line trucks at 74 Old Dover

Road, Tax Map 136 Lot 20 in the Residential-1 Zone.

Dear Mr. Fawcett:

After reviewing your proposal dated July 21, 2021, we have determined that the proposed use of an exterior shelter at the above location is not a permitted use in the Residential-1 Zone. This use is considered a "warehouse" under the City of Rochester's Zoning Ordinance and is not permitted in the R1 Zone.

If you would like to pursue approval for this use, you may submit a Variance Application to the Zoning Board of Adjustment. This application is available at:

https://www.rochesternh.net/sites/g/files/vyhlif1131/f/uploads/variance app pkg 0.pdf. If the Zoning Board approves your application, you would then also require Site Plan approval from the Planning Board.

Please refer to the Zoning Ordinance, Chapter 275, for additional information (https://www.ecode360.com/32217395). Refer to Table 18-D and the definitions section for more information about warehouses.

If you have any questions or concerns, please feel free to contact the Planning & Development Department at 603-335-1338.

Sincerely,

Crystal Galloway,

Planner I

September 21, 2021

Lot 136-20 Public Service Co of NH (DBA Eversource Energy) PO Box 270 Hartford, CT 06141-0270

Lot 136-14 Kelly J & Alfred R Buttiglieri 11 Weeping Willow Drive Rochester, NH 03867-5052

Lot 136-17 Brandy N & Kim Warren & William Shaheen 5 Weeping Willow Drive Rochester, NH 03867-5052

Lot 136-35 JM & LA Yerari Rev. Living Trust John & Linda Yerari Trustees 42 Meadow Lane Rochester, NH 03867-5017

Lot 136-38 Barbara Mccoy & James Callery 62 Meadow Lane Rochester, NH 03867-5017

Lot 136-70 Bramber II Condo Association c/o Evergreen Management Group 17 Commerce Drive Bedford, NH 03110

Abutters List For Eversource Energy Rochester Area Work Center

Public Service Co of NH (DBA Eversource Energy) c/o Brent Kilgore 780 North Commercial St Manchester, NH 03101

Lot 136-15 Percy L & Kathleen A Spiers 9 Weeping Willow Drive Rochester, NH 03867-5052

Lot 136-19 Adam Gaudreault 70 Old Dover Road Rochester, NH 03867-4542

Lot 136-36 Bradley J & Jamie M Winn 44 Meadow Lane Rochester, NH 03867-5017

Lot 136-38-1 Steven R Chasse & Robin A Revo Living Trust, c/o S&R Chasse 56 Meadow Lane Rochester, NH 03867

TFMoran, Inc. Nick Golon, PE 48 Constitution Drive Bedford, NH 03110

Job #20014-00

Lot 132-13 Roman Catholic Bishop c/o Finance & Real Estate Office 153 Ash Street Manchester, NH 03104-4396

Lot 136-16 Gilbert G Colon 7 Weeping Willow Drive Rochester, NH 03867-5052

Lot 136-21 Roman Catholic Bishop of Manchester c/o St Mary Church 71 Lowell Street Rochester, NH 03867

Lot 136-37 Jeffrey M & Michelle R Loring 50 Meadow Lane Rochester, NH 03867-5017

Lot 136-69 Partridge Green of NH LLC c/o Hodges Development Corp 201 Loudon Road Concord, NH 03301

September 21, 2021

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