



## PLANNING & DEVELOPMENT DEPARTMENT

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Planning & Zoning  
Community Development  
Conservation Commission  
Historic District Commission  
Arts & Culture Commission

### MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF JANUARY 8, 2014 (Approved March 12, 2014)

The Chair called the meeting to order at 7:02 p.m. in the Council Chambers.

#### Roll Call:

Roll call was taken with the following members present:

#### Members Present

Ralph Torr, Chair  
Lawrence Spector, Vice Chair  
Robert Gates  
Randy Lavallee  
Robert Goldstein  
Leo Brodeur, Alternate  
Rose Marie Rogers, Alternate

#### Members Absent

Fidae Azouri, Alternate

Also present: Jim Grant, Director, Building, Zoning & Licensing Services  
Karen Grenier, Zoning, Building Secretary

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These minutes are the legal record of the meeting and are in the format of an overview of the Zoning Board of Adjustment meeting. It is neither intended nor is it represented that this is a full transcription. A recording of the meeting is on file in the Dept of Building, Zoning & Licensing Services for a limited time for reference purposes. It may be copied for a fee.

#### Approval of Minutes:

The minutes of December 11, 2013 were reviewed and corrections were made. Mr. Lavallee made a motion to accept the minutes as written. Mr. Gates seconded the motion. The motion passed unanimously by roll call vote.

The Chair stated the five regular members would be voting on the cases this evening. The Chair asked if members had any conflict with tonight's cases. There were no conflicts.

## **New Cases:**

**2014-01** Application by Christine and Edward Garcia for a variance under Article 42.16, Table 2 of the City's Zoning Ordinance to permit a garage w/ in-law unit closer to the front property line than what is allowed in the R-1 zone.

**Location:** 19 Brookfield Dr.  
Map 128 Lot 183 Residential 1 Zone

Mr. Ron Vachon came forward to the podium in representation for Mr. and Mrs. Garcia and addressed the Board. Mr. Vachon read the narrative for the case.

The Chair asked if any members had any questions addressing the case.

Mr. Goldstein addressed his questions with Mr. Vachon and they both discussed the case.

The Chair had Mr. Vachon read through the five criteria.

The Chair asked if any other members had questions. There was discussion of the stream in the back of the property. Mr. Grant referenced 42.19, E3 and the said property was an existing lot of record. Therefore, per the Ordinance the setback was allowed. The Chair asked if anyone wanted to speak for or against this variance. Mr. James Graham came forward to the podium to speak in favor of the case. Mr. Grant stated there were no comments from the City or the City Manager.

The Chair closed the public hearing portion of this case and the members worked on their criteria sheets.

Mr. Gates made a motion to **grant** this variance as presented for the following reasons:

The variance will not be contrary to the public interest because it will not negatively impact health and the general welfare. The spirit of the ordinance is observed because it will not diminish the value of buildings. Substantial justice is done because if granted, the benefit to this individual applicant, outweighs any harm to the community as a whole. The value of the surrounding properties will not be diminished because it will not generate levels of noise, light, activity or traffic that are significantly different from that which currently exists. Mr. LaValle seconded the motion. The motion passed unanimously.

Mr. Grant advised the applicant any person directly affected by this decision has thirty calendar days to appeal.

**2014-02** Application by The Lamoureux Family Revocable Living Trust for two variances under the City's Zoning Ordinance. The Applicant wishes to use a portion of the property for parking of RV vehicles for Rte 125 RV and Marine business. The variance requests are to the terms of Article 42, Sections 17 (b) and 42.14 (B) (17).

**Location:** 6 Cemetery Rd  
Map 258 Lot 36 Agricultural Zone

Attorney Francis X Bruton, III, representing Mr. Lamoureux, addressed the Board and read the narrative. Mr. Ken Berry of Berry Surveying was also present for questions and in support of the case. The Chair asked if there was anyone present that wanted to speak for or against the case. No one came forward. The Chair then had Attorney Bruton read the five criteria. The Chair asked if there were any questions from the Board. Mr. Goldstein addressed Attorney Bruton with questions and details of the case. The other Board members also discussed the

case. Mr. Grant spoke in favor of the variance and why it should go forward as submitted. He also stated merging the lot will not change the zoning lines.

Mr. Grant stated there were no comments from the City or the City Manager on this case.

The Chair closed the public hearing portion of this case and the members worked on their criteria sheets.

Mr. Gates moved to grant variance #1 & #2 as presented for the following reasons:

The variances are not contrary to the public interest because they will not increase congestion in the streets. The spirit of the ordinance is observed because the variances will not negatively impact health and the general welfare. Substantial justice is done because if granted, the benefit to this individual applicant outweighs any harm to the community as a whole. The value of surrounding properties will not be diminished because it will not generate levels of noise, light, activity or traffic that are significantly different from that which currently exists.

Mr. LaValle seconded the motion. The motion passed by an affirmative vote of at least four members.

Mr. Grant advised the applicant any person affected directly by this decision has thirty calendar days to appeal. Mr. Grant also stated for the applicant to go back to Planning and move forward to TRG.

**Other Business:** Elections of Chair and Vice Chair.

Mr. Gates nominated Mr. Spector as Vice Chair for the coming year. Mr. Lavallee seconded the nomination. Mr. Gates moved to cease all nominations and have the Board vote on the nomination of Vice Chair. Ms. Rose Marie Rogers moved to second the motion. The motion passed unanimously.

Mr. Spector nominated Mr. Torr as Chair for the coming year. Mr. Lavallee seconded the nomination. Mr. Gates moved to cease all nominations and have the Board vote on the nomination of Chair. Ms. Rose Marie Rogers moved to second the motion. The motion passed unanimously.

There was no other business.

**Adjournment:**

Mr. Gates moved to adjourn at 8:00 p.m. The motion was seconded by Mr. LaValle. The motion passed unanimously.

Respectfully submitted,  
Karen Grenier, Building, Zoning Secretary