



City of Rochester, New Hampshire

Department of Building, Zoning and Licensing Services

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MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF October 9, 2013 (Approved 12/11/13)

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

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

Members Excused

Ralph Torr, Chair

Also present: Jim Grant, Director Building, Zoning & Licensing Svcs
Karen Grenier, Building, Zoning & Licensing Svc. Secretary

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 Code Office for a limited time for reference purposes. It may be copied for a fee.

Approval of Minutes:

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

The Vice Chair asked if members had any conflict with tonight's case. There were no conflicts.

The Vice Chair stated the following members would be voting on the first case:

New Cases:

2013-31– Application by Ms. Pinkham Bouasri for a variance under Article 42.8, Section (c) (5) of the City's Zoning Ordinance to allow a pole sign closer than the allowed 10' setback.

Location: 101 No. Main St
Map 121 Lot 366, Business 1/ HIS Zone

Ms. Pinkham Bouarsi addressed the Board and read the five criteria.

The Chair asked if any members had any questions for the applicant. Mr. Goldstein asked Ms. Bouasri about the placement of the sign and where the sign is going to be placed. Mr. Grant asked about the size and height of the sign. There was discussion of internal illumination. A sample of the new sign design was brought forward by Mr. Vongsay for review by the board members. The Vice Chair asked if anyone wanted to speak for or against this variance. None came forward. The Chair asked if there were any City comments. Mr. Grant stated the City prefers to have new business noticed. The Board Members discussed the case.

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

Mr. Gates made a motion to grant the variance as presented with the following stipulations: The sign will be no larger than 4' by 4' in height and width and the top elevation of the sign will not exceed 10' from grade. Location of the sign will be in the location of the present sign. The variance is not 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 exacerbate the overcrowding of land. 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 the hours of operation are such, that impacts from increased levels of noise, light, activity or traffic are not problematic.

Mr. Goldstein seconded the motion as presented. The motion passed unanimously.

Mr. Grant advised that anyone aggrieved by this decision has 30 days to appeal.

The Vice Chair stated the following members would be voting on case 2013-32: Himself, Mr. LaValle, Mr. Gates, Mr. Goldstein and Mr. Azouri.

2013-32– Application by John O'Keefe for a variance under Article 42.14, Table 1, (C) (9) of the City's Zoning Ordinance to allow a Function Hall/ Auction Hall in the Industrial 3 zone that is not allowed.

Location: 29 Milton Rd.
Map 215 Lot 65 Block 3, Industrial 3 Zone

Mr. Robin Farwell represented the case. He addressed the Board and read the five criteria and discussed the case.

The Chair asked if anyone wanted to speak for or against this case. No one came forward. The Chair asked if there were any City comments. Mr. Grant stated he had no comments on this case. The Chair asked if any members had any questions for the applicant. The Board Members discussed this variance and a similar variance by the applicant at a different location.

After the discussion, 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 the variance, as presented, for the following reasons: The variance is not 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 change the character of the district. 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 the hours of operation are such that impacts from increased levels of noise, light, activity or traffic are not problematic.

Mr. LaValle seconded the motion. The motion passed unanimously.

Mr. Grant advised that anyone aggrieved by this decision has 30 days to appeal.

The Vice Chair appointed the following members to vote on case 2013-33: Himself, Mr. LaValle, Mr. Gates, Mr. Goldstein and Mr. Azouri.

2013- 33—Application by Jenn Robichaud, presented by Tim Sullivan of Barlo Signs for McGroen Partners LLC for a variance under Article 42.8 Section (c) (5) of the City's Zoning Ordinance to allow a pole sign that the square footage is larger than 150 sq. feet. To allow a second free standing identification sign where one is allowed in the Business 2 Zone.

Location: 120 Washington St. Map 123 Lot 65 Business 2 Zone.

Tim Sullivan addressed the Board and read the five criteria. The Chair asked if anyone wanted to speak for or against this case. No one came forward. Mr. Sullivan presented his facts and discussed the case. The concern for the height of the sign was for visibility from the highway. The granite sign was for directional purpose. Mr. Groen also read a letter from Mr. Shields in support for the sign. The letter was written into record. Mr. Goldstein opened discussion for the concern of the busy intersection and concern about the LED light and interference of visibility. Mr. Spector shed the same concern. The Chair asked if there were any City comments. Mr. Grant discussed with Mr. Sullivan the need to have controls on the brightness of this type of sign and stated the Police Department takes action with any of the LEDs interfering with transportation.

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

Mr. Gates asked about the size of the sign. Mr. Gates then made a motion to grant the variance as presented with the following stipulations: Both sides of the sign will not be greater than 305.8 square feet. The height will be no taller than 30 feet as presented on the plans. The variance will not be contrary to the public interest because it will not exacerbate the overcrowding of the land. The spirit of the ordinance is observed because it will not change the character of the district. 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 the hours of operation are such that impacts from increased levels of noise, light, activity or traffic are not problematic. The motion passed unanimously.

Mr. Grant advised that anyone aggrieved by these decisions has 30 days to appeal.

2013-34— Application by Jenn Robichaud, presented by Tim Sullivan of Barlo Signs for REL Commons LLC for a variance under Article 42.8 Section (c) of the City's Zoning Ordinance to allow two wall signs for each business where currently only one is allowed and to add a plaza wall sign reading "Spaulding Commons". A second variance under Article 42.8 section (c) (5) to increase an already non conforming pole sign. Existing is 185.74 sq. ft. Proposed is 306.66 sq. ft. and approved as presented.

Location: 306 No Main St.
Map 114 Lot 1 Business 2 Zone

The Vice Chair asked if anyone wanted to speak in favor this variance. Mr. Jeff Gilbert and Mr. Matt Taylor spoke about the significant upgrades that are desired for the mall. The Board discussed the case. Mr. Goldstein expressed his favor on these upgrades.

The Vice Chair asked if anyone wanted to speak against this variance. No one came forward. The Board discussed the case.

The Vice Chair asked if there were any City comments. Jim Grant stated there were no comments from the City.

After the discussion, the Vice Chair closed the public hearing portion of this case and the members worked on their criteria sheets.

Mr. Gates made the motion to grant the variance as presented with the following stipulations: This variance is approved as presented with the following stipulations: The height of 24 feet will not be exceeded. The area of coverage of both sides of the sign will not exceed a total of 306.66 sq. ft. The wall signs will conform to existing criteria as articulated by Mr. Grant. The variance is not contrary to the public interest because it will not hamper the proper use of natural resources. The spirit of the ordinance is observed because it will not diminish the value of buildings. 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 the hours of operation are such that impacts from increased levels of noise, light, activity or traffic are not problematic.

Mr. LaValle seconded the motion. The motion passed unanimously.

Jim Grant advised the applicant of the 30 day appeal period.

Other Business:

No other business was opened for discussion.

Adjournment:

Mr. Gates moved to adjourn at 8:04 pm. Mr. LaValle seconded the motion. The motion passed unanimously.

Respectfully submitted,

Karen Grenier, Secretary
Building, Zoning and Licensing Services