



City of Rochester, New Hampshire

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MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF March 12, 2014

(Approved April 9, 2014)

The Chair called the meeting to order at 7:00 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
Fidae Azouri, Alternate

Members Excused

Rose Marie Rogers, Alternate

Also present: Jim Grant, Director, Director of Building, Zoning & Licensing Services
Karen Grenier, Zoning/ Building 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 Building, Zoning & Licensing Svcs. Dept. for a limited time for reference purposes. It may be copied for a fee.

Approval of Minutes:

The minutes of January 8, 2014 were reviewed. Mr. Goldstein made a motion to accept the minutes as written, Mr. Gates seconded the motion. The motion passed unanimously by roll call vote.

The Chair asked if members had any conflict with tonight's case. The Chair stated he is an abutter to case 2014-03 therefore he would recuse himself. The Chair stated the five regular members would be voting case 2014-04 this evening.

The Chair stated that with the Board's permission he would like to change the order of hearing the cases tonight. Case **2014-04** would be heard first as it would be shorter because of the nature of the case. Mr. Gates moved the change the order of applications. He made a motion to move case **2014-03** to the second position on the agenda and case **2014-04** would be the first case on the agenda. Mr. LaValle seconded the motion. The motion passed unanimously by roll call vote.

New Cases:

2014-04 Application by The Lamoureux Family Revocable Living Trust for a variance under Article 42, Section 10 (a) of the City's Zoning Ordinance to approve an eight foot fence in height.

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

Attorney FX Bruton, addressed the Board. The applicant noticed the fence that was installed was taller than allowed by Ordinance. The installation of the fence was to create a barrier/ buffer for the neighbors between the newly approved lot for the business' storage of RV's. Attorney FX Bruton read through the five criteria. The Chair asked if anyone wanted to speak against this variance. No one came forward. The Chair asked if anyone wanted to speak in favor of this variance. Mr. Grant did state that we had received a letter in the office from Mr. Warren Libby of Cemetery Rd. to allow the fence as it is. Mr. Grant stated that allowing the taller fence will increase security for the site. City Manager had no comments. 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 for the following reasons: The variance will not be contrary to the public interest because: It will not increase congestion in the streets. The spirit of the ordinance is observed because it 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 unanimously. Mr. Grant advised that any person affected directly by this decision has 30 days from today to appeal. He also invited the applicant to come to the office tomorrow to apply for a building permit for this fence.

The Vice Chair read the agenda information for the next variance. Mr. Spector stated the four regular and Mr. Fidae Azouri, Alternate, would be the members voting on this case.

2014-03 Application by Granite Ridge Marketplace for a variance under Article 42.8 Section (c)(2)&(5) of the City's Zoning Ordinance to permit three (3) general advertising signs in excess of the required 150 sq. ft. size and taller than the required 30 ft.

**Location: 92 Farmington Rd.
Map 216 Lot 11 GRD Zone**

Attorney Bernard Pelech, on behalf of Granite Ridge Marketplace and Waterstone Retail Development addressed the Board. He announced Mr. Marrogeorge, the site Engineer, and Mr. Richardson, from Waterstone Retail Development for the project who were also present for this case. Attorney Pelech read the narrative and also through the five criteria. There was reference to the connector road between Wal-Mart and the new project, creating advertising loss for the businesses in the back areas of the new development.

Mr. Marrogeorge spoke of the project with reference to the City's Master Plan and has been working with Planning for the 1300 parking places. Mr. Marrogeorge has been also working with Planning about other signs and more of the project details.

Mr. Richardson spoke of the project as being an entertainment based and destination type area bringing in national retailers. The project would need the signs to advertise the businesses that will be in the back of the lot with little exposure. The Chair asked if anyone wanted to speak for or against this variance. No one came forward. The Board discussed the case with the all representatives for the project. Mr. Gates stated the need for the larger signs to be seen from the highways when traveling greater distances and speeds as compared to what is traveled is on Rte. 11 in the area of this project. Travel is exceedingly slower with good visibility. The Vice Chair also had questions as to why the signs in this area had to be so tall.

Mr. Brodeur asked about the height of the pylon sign that would be used, also showing the error on the spec sheet enclosed for the larger signs submitted for the packets.

Mr. LaValle also agreed with Mr. Gates about the signs being too large for Rte. 11.

Mr. Gates supports the complex, but in his opinion the signs are too large for the area.

Mr. Goldstein also had a conflict about what the variance is and what was being stated about the variance tonight. Mr. Brodeur showed the difference in the specification sheet depicting only a 30ft. sign which is allowed. Mr. Goldstein pointed out the extensions which will extend the height. Mr. Richardson said the signs would not be rectangular and would be a variety of shapes and 50 ft .in height. Mr. Grant stated the size of the signs were a 2,500% increase compared to a normal business in this area. The size does not support the Spirit of the Ordinance. The City Manager mirrored Jim's thoughts as well.

Attorney Pelech requested to table the case for the next meeting of April 9, 2014 to redesign the signs for reconsideration. Mr. Gates moved to postpone a decision on case 2014-03 for one month and move it to the April 9th meeting. Mr. Goldstein seconded the motion.

The Vice Chair asked if there was any other business and there was none.

Mr. Gates moved to adjourn at 7:44 p.m., seconded by Mr. LaValle. The motion passed unanimously by roll call vote.

Respectfully submitted,

Karen L. Grenier, Building and Zoning Secretary

