



## City of Rochester, New Hampshire

Building, Zoning & Licensing Dept.  
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### MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF FEBRUARY 8, 2017 (Approved March 8, 2017)

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  
Robert Gates  
Randy Lavallee  
Robert Goldstein  
Leo Brodeur, Alternate  
Shon Stevens, Alternate

#### Members Absent

Larry Spector, Vice-Chair (excused)

Also present: Joe Devine, Zoning Compliance Officer, City of Rochester  
Karen L. Grenier, Building, Zoning & Licensing 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 Building Zoning and Licensing Office for a limited time for reference purposes. It may be copied for a fee.

#### **Approval of Minutes:**

The minutes of December 14, 2016 were reviewed. Mr. Goldstein made comment to amend a section of the minutes noted in case 2016-32. Mr. Goldstein motioned to accept the minutes as amended. Mr. LaVallee seconded the motion. The motion passed unanimously by roll call vote.

The Chair asked if board members had any conflict with tonight's case. There were no conflicts. Chair Torr stated the four regular members present and Leo Brodeur Alternate, would be voting on the cases.

## New Cases:

### The Rochester City Council's Motion for Rehearing Case 2016-31:

Mr. Gates moved to deny the request to rehear case 2016-31. It was then stated Ms. Mitrushi was attending to represent the case. Mr. Gates motioned to rescind his motion. As the board members needed to hear the case by Attorney Andrea Mitushi. Attorney Andrea Mitushi Prosecutor, for the City of Rochester, was present in representation of Attorney O'Rourke. Ms. Mitushi stated as per the Law, RSA 674:33, I, (b) codifies the five criteria which must be met in order to obtain a variance from the ZBA. In this particular case it was not sufficiently demonstrated.

Therefore, the variance criteria was not satisfied by all five requirements which makes the Notice of Decision invalid. Attorney Mitrushi was very clear in stating the law and RSA's that were applicable to this case. The board members further discussed the motion to rehear the case. Mr. Gates voiced his opinion about the original decision and thoughts about the case. Mr. Goldstein reiterated how he voted last time and it would be the same this time.

Mr. Devine reminded the board that the decision tonight is only to hear or not rehear the case. Chair Torr asked for a motion on the request and stated it would be a roll call vote. Mr. Gates moved to deny the request to rehear the case. Mr. Lavallee seconded the motion. The motion passed not to rehear case 2016-21 with a vote of three (3) to two (2) of the voting members.

Nominations were opened for the election of officers by Chair Torr. He stated they would start with the Vice Chair position.

Mr. Gates nominated Mr. Spector for Vice Chair. Mr. Goldstein seconded the motion. Chair Torr asked for any other nominations, there were none. A roll call vote was taken for Vice Chair, the vote carried unanimously.

Nominations were opened for the election of Chair by Chair Torr. Mr. Gates nominated Mr. Torr for Chair. Mr. Goldstein seconded the motion. Chair Torr asked for any other nominations, there were none. A roll call vote was taken for Chair, the vote carried unanimously.

By-Laws were open for discussion. Mr. Goldstein requested in Article III-Officers, referenced the January meeting be deleted and combined with Article IV-Section 3, Annual Meeting. This change would alleviate redundancy. **Section 13. Forms** Application forms will be included with the By-Laws. Mr. Goldstein motioned these be amended as discussed. Mr. Gates seconded the motion. The motion unanimously passed by roll call vote.

## Adjournment:

Mr. Leo Brodeur motioned to adjourn. Mr. Gates seconded the motion.

The motion passed unanimously by roll call vote. The meeting adjourned at 7:23 pm.

Respectfully submitted,

*Karen L Grenier*

Karen L. Grenier, Building, Zoning & Licensing Secretary