



City of Rochester, New Hampshire

Building, Zoning & Licensing Dept.
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MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF DECEMBER 13, 2017

Joe Devine informed everyone there was no Chair or Co-Chair and that he would be looking for nominations for a temporary Chair. Mr. Brodeur made a motion to nominate Mr. Goldstein as acting Chair for the night, Mr. Lavallee seconded and the motion carried unanimously. Mr. Goldstein called the meeting to order at 7:05 p.m. in the Council Chambers.

Roll Call:

The Zoning Secretary conducted the roll call.

Members Present

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

Members Excused

Robert Gates
Lawrence Spector

Also present: Joe Devine, Compliance Officer Building, Zoning and Licensing Services
Julia Libby, Secretary of Building, Zoning, and Licensing Services

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 and online at www.rochesternh.net for a limited time for reference purposes. It may be copied for a fee.

Approval of Minutes:

The minutes of November 09, 2017 were reviewed; Mr. Lavallee made a motion to accept the minutes, Mr. Brodeur seconded the motion. The motion passed unanimously.

The Chair asked if any of the board members had any conflict with tonight's case. There were none.

He stated that the two alternates would be voting for the night.

Continued Cases:

2017-14 Frederick Abbey, applicant for a Commercial Kennel permitted only by Special Exception according to Article 42.22 Section (c)(8).

Location: 100 Meaderboro Rd Rochester, NH 03867, 0232-0012-0000, in the Agricultural Zone.

Mr. Lavallee made a motion to postpone the case until January 10, 2018, Mr. Brodeur seconded and the motion carried unanimously.

2017-16 Eco-Site and T-Mobile, applicant for a request a Special Exception for the construction of a wireless communication facility according to Article 42.22 Section (14).

Location: 144 Meaderboro Rd, Rochester, NH 03867, 0232-0016-0003, in the Agricultural Zone.

2017-17 Eco-Site and T-Mobile, applicant for a request a Variance to permit a wireless communication facility taller than maximum building height according to Article 42. Table 19a.

Location: 144 Meaderboro Rd, Rochester, NH 03867, 0232-0016-0003, in the Agricultural Zone.

Mr. Brodeur made a motion to postpone the case until January 10, 2018, Mr. Lavallee seconded and the motion carried unanimously.

Motion to Rehear:

2017-13 Corey MacKoul, applicant for a Special Exception to permit a home occupation 3 in the Residential 2 zone, according to Article 42 table 18-A.

Location: 147 Wakefield Street Rochester, NH 03867, 0113-0055-0000, in the R2 Zone.

Mr. Goldstein asked if there was any discussion in the case to allow for a rehearing. It was discussed that there wasn't any new information submitted to be reviewed for a rehear.

Mr. Brodeur made a motion to rehear the case, Mr. Lavallee seconded. The motion was denied by a three to one vote.

New Cases:

2017-18 Corey MacKoul, applicant for a request to appeal an administrative decision according to Article 42.4 Section (a)(1).

Location: 147 Wakefield Street Rochester, NH 03867, 0113-0055-0000, in the R2 Zone.

Mr. Devine stated the city's opinion before the board went any further with the appeal. He said that the ZBA has no standing to hear the administrative appeal. The applicant is seeking to appeal a decision that is not appealable, no decision or determination was ever made in regards to this. The decision they are looking to appeal was made by the Planning Director, in that he states exact same reasons that the Zoning Board had already denied the Special Exception. He cannot overturn the Zoning Board's decision, they are the legal authority in this case, and because of that there are no grounds for an appeal.

Mr. Goldstein asked for a motion, Mr. Lavallee made a motion to deny case 2017-18 and Mr. Brodeur seconded. The motion carried unanimously.

Other Business:

Mr. Goldstein asked if there was any other business, there was none.

Adjournment:

Mr. Lavallee made a motion to adjourn the meeting, Mr. Brodeur seconded and the motion carried unanimously.

The meeting adjourned at 7:10 pm.

Respectfully submitted,

Julia Libby

Julia Libby, Secretary of Building, Zoning, and Licensing Services