



## City of Rochester, New Hampshire

Building, Zoning & Licensing Dept.  
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### MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF AUGUST 08, 2018

The Chair called the meeting to order at 7:07 p.m. in the Council Chambers.

#### **Roll Call:**

The Zoning Secretary conducted the roll call.

#### **Members Present**

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

#### **Members Excused**

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

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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 and online at [www.rochesternh.net](http://www.rochesternh.net) for a limited time for reference purposes. It may be copied for a fee.

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

The minutes of July 11, 2018 were reviewed; Mr. Goldstein made a motion to accept the minutes with three minor changes, Mr. Gates seconded the motion. The motion passed unanimously by a voice vote.

#### **Seating of Alternates:**

Chair Spector announced that the five regular members would be voting.

## **Postponed Cases:**

**2018-07** Hope on Haven Hill Inc, applicant to request a Variance to permit a residential facility in the R2 Zone, according to Article 42, Table 18-a

**Location:** 38 Charles St, Rochester, NH 03867, 0125-0214-0000, In the R2 Zone.

Kerry Norton on behalf of Hope on Haven Hill approached the podium to introduce herself and the other members that attended. She brief the Board on their mission as well as what they are currently doing at their existing resident facility.

Maryellen approached the podium and read off the five criteria they felt they met.

Chair asked if there was anyone in the audience to speak against the case. Tim French of 44 Charles street approached the podium and voiced some concerns he has with the facility coming to that neighborhood. He referenced activity he currently sees there as well as other rehabilitation facilities he has seen go downhill.

Chair Spector asked if there was anyone in the audience to speak for the case. Kevin Erwin came to the podium, introduced himself, and informed the Board more of what Hope on Haven Hill does as well as the process the women go through.

Chair Spector asked the other Board members if they had any questions. Mr. Brodeur clarified for the audience that significant others of the women that will be living there are not allowed on the property with Kerry Norton. Mr. Goldstein said that the application varies between 7 and 10 residents he asked how many would actually be there, and the applicant confirmed that it would be 8 residents. He also asked where the current residents go after they graduate, the applicant stated that is the tricky part and what they are applying for this variance for. He asked if the resident are local people, the applicant stated that they are from all over New Hampshire. He also asked if there would be medication-assisted treatment. The applicants said that depending on the situation some might be on that program.

The public portion of the hearing was closed and the Board asked for the City's opinion.

Mr. Devine Stated that We do not feel granting this variance is contrary to public interest. There would be only positive changes and improvements to the building and landscaping. In fact, they would only be making the building safer with the addition of sprinklers. There would be no signage added to the building either. There would be staff present 24/7 as well at the property. There is no benefit to the public that outweigh the hardship of the applicant so substantial justice is done. Surrounding properties would not be diminished because the building has been for sale for some time and vacant for 12 years. Filling the building and performing improvement will assist the overall values of the neighborhood. There is also similar buildings in the neighborhood including assisted living and large apartment buildings and other mixed-use properties on Charles St. We do feel a hardship exist on this property. The buildings

on the property are unique totaling 12,000 square feet. The sheer mass is a hardship because buildings take up most of the land. The uses available to the property are limited because the current building is creating a burden on current zoning that will not allow the density to make units or apartments out of the building.

A motion was made that the variance be granted because it is not contrary to the public interest as described by the City, the motion carried by a four to one roll call vote.

A motion was made that the variance is not contrary to the spirit of the ordinance based on the City's opinion, the motion carried unanimously by a voice vote.

A motion was made that granting the variance would not result in substantial justice based on the city's description, the motion carried unanimously.

A motion was made that granting the variance would not diminish the surrounding property values since they will be making improvements also based on the City's opinion; the motion carried unanimously.

A motion was made to grant the variance because it would not result in an unnecessary hardship, the motion carried with a four to one roll call vote.

Mr. Devine stated that variance did pass and that any person directly affected by the decision has the right to appeal within thirty calendar days.

**Other Business:**

Chair Spector asked if there was any other business and there was none.

**Adjournment:**

Mr. Spector moved to adjourn the meeting, Mr. Gates seconded and the motion carried unanimously.

The meeting adjourned at 7:35 pm.

Respectfully Submitted,

*Julia Libby*

Julia Libby  
Secretary for Building, Zoning, and Licensing Services