



City of Rochester, New Hampshire

Building, Zoning & Licensing Dept.
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MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF JANUARY 09, 2019

The Chair called the meeting to order at 7:00 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

Members Excused

Leo Brodeur, Alternate

Also present: Julia Libby, Secretary of Building, Zoning, and Licensing Services
Joe Devine, Code Compliance Officer for 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 14, 2018 were reviewed; Mr. Gates made a motion to accept the minutes, Mr. Lavallee 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.

Motion to rehear:

2018-10 Corey & Gary MacKoul applicants for a Variance to permit a mixed use dwelling, to include one professional office, and one personal service establishment according to Article 42.18, Table 18-A.

Location: 147 Wakefield Street, Rochester, NH 03867, 0113-0055-0000, in the Residential 2 Zone.

After the Chair read off the motion to rehear Mr. Stevens asked to hear from the City. Mr. Devine stated that while they do not agree with all the reasons listed in the motion, they do feel a rehearing should be granted based on the reason stated in 4B. Which states "The Board failed to provide findings of fact to support it's decision to deny the variance as being contrary to the public's interest."

Mr. Stevens made a motion to rehear case 2018-10, Mr. Lavallee seconded the motion and it carried by a unanimous voice vote.

Mr. Devine stated that anyone directly affected by this decision has the right to appeal within 30 calendar days.

New Cases:

2018-15 Brenda Rainville applicant, for a *Special Exception* to permit an accessory apartment in the Residential 1 Zone. According to Article 42, Table 18-A.

Location: 52 Walnut Street, Rochester, NH 03867, 0122-0074-0000, in the R1 Zone.

Ms. Rainville approached the podium she briefed the Board on what she wanted to do as well as the criteria questions for a special exception.

Chair Spector asked if there was any one in the audience to speak for or against the case. Jean McInnis approached the podium to speak against the case, she expressed multiple concerns to the Board members.

They asked for the City's opinion, and Mr. Devine stated that they felt the special exception should be granted based on the information in the application.

Mr. Goldstein had a couple questions regarding the size and number of bedrooms in the apartment. The applicant stated there would be one bedroom with a divider.

Mr. Lavallee motioned to grant the special exception, Mr. Gates seconded and the motion carried unanimously.

Mr. Devine stated that anyone directly affected by this decision has the right to appeal within 30 calendar days.

Other Business:

The Board reviewed the by-laws. After some discussion, Mr. Goldstein requested in section 11, #6 to change “Any party” to “A party”. Mr. Stevens motioned to accept the By-Laws with the change, Mr. Goldstein seconded and the motion passed unanimously.

Mr. Devine opened the nominations for chair and vice chair. Mr. Gates nominated Larry Spector to be Chair, Mr. Stevens seconded and the motion passed by a unanimous voice vote. Mr. Spector nominated Mr. Gates as vice chair, Mr. Stevens seconded and the motion carried unanimously by a voice vote.

Adjournment:

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

The meeting adjourned at 7:33 pm.

Respectfully Submitted,

Julia Libby

Julia Libby
Secretary for Building, Zoning, and Licensing Services