



City of Rochester, New Hampshire

Zoning Board of Adjustment

MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING HELD ON JULY 8, 2020

The Chair called the meeting to order at 7:00 PM.

Roll Call:

The Zoning Secretary conducted the roll call.

Members Present

Larry Spector – Chair
Bob Gates – Vice Chair
Leo Brodeur
Paul Giuliano, Alternate
Taylor Poro, Alternate
Susan DeLemus, Alternate
Terry Garland, Alternate

Members Absent

Members Absent (Unexcused)

Also present: Jim Grant, Director for Building, Zoning and Licensing
Dee Mondou, Secretary for Building, Zoning, and Licensing

These minutes serve as 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 online at www.rochesternh.net for a limited time for reference purposes.

MEETING PREAMBLE DURING COVID-19 EMERGENCY

Good Evening, as Chairman of the ZBA, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name and ward, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

Approval of Minutes:

The minutes from June 10, 2020 were reviewed; Mr. Brodeur made a motion to accept the minutes. Ms. DeLemus contests her noted absence on the minutes. Mr. Grant reviews with her that not being present at roll call, no participation in the meeting and presence unknown until after the meeting adjourned would give us no record of when she joined the meeting.

Chair Spector says there is already a motion on the floor, asks if anyone wants to second it. . Mr. Giuliano seconds the motion. A roll call vote is taken and passes unanimously.

Seating of Alternates:

Chair Spector assigns Paul Giuliano and Terry Garland as the alternates to vote at tonight's meeting on the following cases.

Motion to Rehear:

Z-20-9 EIP Communications I, LLC applicant seeks *Special Exception* to permit construction, operation and maintenance of wireless communications facility including without limitation 150' tower, associated radio communications equipment and fenced compound in the Agricultural Zone

Location: 133 Blackwater Rd, Rochester, NH 03867, MLB 0257-0024-0000 in the Agricultural Zone

The Motion for Rehearing was submitted by John F. Hayes, Esq., representing Eleanor M. McIver, owner of 115 Blackwater Rd

Chair Spector asks Mr. Grant to address the issues noted. Mr. Grant addresses each item in the submitted request to rehear. Chair Spector asks if anyone has a motion based on the City's opinion or have any other comments. Mr. Garland motions to deny, stating what was submitted would not affect the original motion. Mr. Brodeur seconds the motion. Roll call vote carried unanimously to deny the Motion to Rehear.

Mr. Grant advised that anyone affected directly by the decision has the right to appeal within 30 calendar days with the court.

Variance Extension Request:

Z-18-12 717 Columbus Avenue, LLC applicant for a Variance to permit a gas station, convenience store and restaurant with a drive-through in the Neighborhood Mixed Use Zone. According to Article 42, Table 18-B and Table 18-C.

Location: 717 Columbus Avenue, Rochester, NH 03867, 0131-0007-0000, in the NMU Zone.

Mr. Grant presents on this case discussing that this project has two Variances that are dependent upon each other. Variance Z-18-12 was granted on November 14, 2018 and Z-20-1 granted on May 13, 2020. He recommends that the Board grant an extension to Variance Z-18-12 to run concurrent with Variance Z-20-1 that will expire on May 13, 2022.

Vice Chair Gates motions so move. Mr. Brodeur seconds the motion. Roll call vote carried unanimously to approve the Extension of Variance Z-18-12 to expire on the same date of May 13, 2022 to coincide with Variance Z-20-1.

Mr. Grant advised that anyone affected directly by the decision has the right to appeal within 30 calendar days.

Other Business:

Adjournment:

Mr. Brodeur motioned to adjourn the meeting. Vice Chair Gates seconds the motion. Motion carried unanimously by voice vote. Meeting adjourned at 7:18 PM.

Respectfully Submitted,

Dee Mondou

Dee Mondou Secretary for

Building, Zoning, and Licensing Services