

# City of Rochester Zoning Board of Adjustment

Wednesday January 13, 2021

Virtual Meeting

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved on, 2021)*

## Members Present

Larry Spector – Chair  
Bob Gates – Vice Chair  
Leo Brodeur  
James Hayden

## Members Absent

Terry Garland, absent

## Alternate Members Present

Paul Giuliano  
Taylor Poro

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Crystal Galloway, *Planning Administrative Assistant II*

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](http://www.rochesternh.net) for a limited time for reference purposes.

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Mr. Spector called the meeting to order at 7:00pm and read the following statement:

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, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

The Zoning Secretary conducted the roll call. All Zoning Board members were present, with the exception of Mr. Garland who was excused. In addition, all Zoning Board members indicated that they were alone in the location from which they were connecting remotely.

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### **3. Seating of Alternates:**

Mr. Spector assigns himself, Vice Chair Gates, Mr. Brodeur, Mr. Hayden, Mr. Giuliano and Mr. Poro as voting members at tonight's meeting.

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### **4. Approval of Minutes:**

*A motion was made by Mr. Brodeur and seconded by Mr. Gates to approve the minutes from the December 9, 2020 meeting. The motion carried unanimously by a voice vote.*

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### **5. Continued Cases:**

**Z-20-15** Tyler Reese applicant seeks a *Special Exception* from table 18-A of the Zoning Ordinance to permit an Accessory Apartment in the R1 Zone

**Location:** 10 Brickyard Drive, Rochester, NH 03867, Map 141 Lot 13 in the R1 Zone

Catherine Reese explained they have a single family home with an existing garage, they are proposing adding an accessory dwelling unit in the garage.

Ms. Reese said the proposal will create a single bedroom accessory dwelling in the existing 14' x 23' detached garage. She explained the unit would be for her father so he is able to age in place with close proximity to family.

Ms. Reese said the design is keeping with the aesthetics of the neighborhood and the capacity of the unit would be designed to have a single individual. She said there is space in the existing driveway to designate a parking spot for the unit so it would not contribute to pedestrian or vehicular traffic.

Ms. Reese said the accessory dwelling unit is subsidiary of principal dwelling in both size and function. She said the garage is already in place so the renovation would maintain esthetic consistency with the primary dwelling. Ms. Reese said all proposed renovations would comply with health, building, mechanical, safety, environmental, accessibility, emergency response, and codes standards.

Ms. Reese said the accessory dwelling is permissible within the provisions of the master plan with an approved special exception.

Mr. Brodeur asked if there is access to city sewer or if they have a septic system. Tyler Reese said he has spoken to a licensed plumber about tying into the existing municipal water and sewer.

Ms. Saunders told the Board the special exception should be granted for the reasons stated in the application.

*A motion was made by Mr. Gates and seconded by Mr. Brodeur to grant the special exception based on the criteria stated in the application. The motion carried unanimously by a roll call vote.*

Ms. Saunders advised that anyone affected directly by this decision has the right to appeal within 30 calendar days.

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## **6. New Cases:**

**Z-21-01 Zaremba Project Development, LLC** applicant seeks a Variance from Tables 12.3 and 12.8 of the Zoning Ordinance to allow construction of a retail development within wetlands and within the 50-foot wetland buffer.

**Location:** 480 Gonic Road, Rochester, NH 03839, Map 262 Lot 29 in the HC Zone.

Mr. Spector told the Board legal counsel recommended continuing the case due to the fact the Conservation Commission hasn't been able to review the project.

*A motion was made by Mr. Gates and seconded by Mr. Brodeur to continue the application to the February 10, 2021 meeting. The motion carried unanimously by a roll call vote.*

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## **7. Other Business:**

### **A. Officer Elections**

Ms. Saunders opened the nominations.

Mr. Spector nominated Mr. Gates for Chair, Mr. Brodeur seconded. A roll call vote carried unanimously in favor.

Mr. Brodeur nominated Mr. Spector for Vice Chair, Mr. Giuliano seconded. A roll call vote carried unanimously in favor.

### **B. Other**

There was no other business to discuss.

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## **8. Adjournment:**

*A motion was made by Mr. Brodeur and seconded by Mr. Giuliano to adjourn at 7:15pm. The motion carried unanimously by a voice vote.*

Respectfully Submitted,

Crystal Galloway,  
Planning & Zoning Secretary

and

Shanna B. Saunders,  
Director of Planning & Development