

City of Rochester Zoning Board of Adjustment

Wednesday August 11, 2021

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved on September 8, 2021)

Members Present

Bob Gates, *Chair* – arrived at 7:06pm

Larry Spector, *Vice Chair*

Leo Brodeur

Michael King

Members Absent

Terry Garland, absent

James Hayden, excused

Alternate Members Present

Paul Giuliano

Matthew Winders

Staff: Shanna B. Saunders, *Director of Planning & Development*

Crystal Galloway, *Planning Administrative Assistant II/Interim Planner I*

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.

Mr. Spector called the meeting to order at 7:00pm and the Zoning Secretary conducted roll call.

3. Seating of Alternates:

Mr. Spector assigned himself, Mr. Brodeur, Mr. King, Mr. Giuliano, and Mr. Winders as voting members for the first case on the agenda.

4. Approval of Minutes:

A motion was made by Mr. Giuliano and seconded by Mr. Brodeur to approve the minutes from the July 14, 2021 meeting. The motion carried unanimously.

5. Continued Cases:

Z-21-17 Hope on Haven Hill Seeks a *Variance* from Table 18-B to permit an office and meeting room in the Residential-2 zone.

Location: 38 Charles Street, Rochester, Map 125 Lot 214 in the Residential-2 Zone.

Eric Tolbert Kilchenstein of Devine, Millimet & Branch presented the five criteria for the requested variance. He explained the variance is to allow for an office and meeting space. Mr. Tolbert Kilchenstein stated the property would be improved and the applicant's use brings revitalized space complete with professionals on staff and on-site 24 hours a day, seven days a week. Mr. Tolbert Kilchenstein said there is an unnecessary hardship because the property as purchased, is an old church and the building itself was not conducive to apartments to be created. The deteriorating building took up most of the land and the variance, together with the previously granted variance allows for the applicant to complete their planned use.

Mr. Brodeur asked where the meetings were held now. Carrie Norton, Director of Hope on Haven Hill told the Board they currently lease space in Somersworth.

Mr. Spector asked how many people would be using the space. Ms. Norton said there would be approximately eight people, plus 5 staff.

Mr. Spector asked if anyone wanted to speak in favor or against the application. There was no one present to speak. Mr. Gates brought the discussion back to the Board.

Ms. Saunders let the Board know the City Attorney was on vacation so there wasn't a legal opinion on the case.

A motion was made by Mr. Brodeur and seconded by Mr. Giuliano grant the variance, based on the criteria as presented. The motion carried unanimously.

6. New Cases:

Mr. Spector assigned himself, Mr. Gates, Mr. Brodeur, Mr. King, and Mr. Giuliano as voting members for the following case.

Z-21-18 Allen Pierson & Brian Bentley Seeks a *Special Exception* from Section 24.1.F to permit the parking of more than one ordinary passenger vehicle as part of a home occupation.

Location: 3 Quail Drive, Rochester, Map 255 Lot 36 in the Agricultural Zone.

Brian Bentley presented the five criteria for a Special Exception. He explained they have a driveway and parking area for their company vehicles and equipment and they do not start any loud equipment during non-working hours. Mr. Bentley said there will not be any undue nuisance or serious hazard to pedestrian or vehicular traffic because their vehicles and equipment are parked off the street and out of everyone's way.

Mr. Gates asked if all the vehicles and equipment were registered. Mr. Bentley said all but his new truck were registered. He further explained he was unable to register the truck until they went through this process and are granted a Special Exception.

Ms. Saunders asked if they are using the gravel driveway shown on the plan. Mr. Bentley said they are. Ms. Saunders explained they will need to obtain a driveway permit from the Department of Public Works.

Mr. Spector asked if anyone wanted to speak in favor or against the application. There was no one present to speak. Mr. Gates brought the discussion back to the Board.

A motion was made by Mr. Gates and seconded by Mr. Brodeur to grant the Special Exception for the reasons stated in the application, with the conditions there are to be no unregistered vehicles on the property, and they are to obtain a driveway permit from Public Works. The motion carried unanimously.

7. Other Business:

Mr. Spector asked Staff to look into all the small signs that have been put up at The Ridge. He said the Board denied a request from one retail stores and now there are a bunch of small signs that have been placed along the roadways.

8. Adjournment:

A motion was made by Mr. Brodeur and seconded by Mr. Giuliano to adjourn at 7:17pm. The motion carried unanimously.

Respectfully Submitted,

Crystal Galloway,
Planning Administrative Assistant II/Interim Planner I

and

Shanna B. Saunders,
Director of Planning & Development