

# City of Rochester Zoning Board of Adjustment

Wednesday November 10, 2021

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved on December 8, 2021)*

## Members Present

Bob Gates, *Chair*

Larry Spector, *Vice Chair*

Leo Brodeur

James Hayden

Michael King

## Members Absent

Paul Giuliano, excused

## Alternate Members Present

Matthew Winders

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

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

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

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

No alternates were needed.

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

*A motion was made by Mr. Brodeur and seconded by Mr. Spector to approve the minutes from the October 13, 2021 meeting. The motion carried unanimously.*

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

**Z-21-20 Desi Brown** Seeks a *Special Exception* from Table 18-E to permit a residential kennel.

**Location:** 98 Hansonville Road, Rochester, Map 259 Lot 60 in the Agricultural Zone.

Desi Brown told the Board she would like to be able to foster dogs because she volunteers for a rescue out of Berwick Maine.

Ms. Brown read the criteria for a Special Exception. She said the location is three acres and only has one adjacent neighbor that is not blocked from the property. There would not be animals, dogs or cats straying on the property. The entire backyard will be fenced and there will be no outbuildings at this time. The proposed use is consistent spirit of the ordinance and the intent of the master plan because they are located in an agricultural area and they will not be disturbing the neighbors or the natural setting of the property.

Mr. Gates opened the public hearing. There was no one present from the public to speak; Mr. Gates brought the discussion back to the Board.

Mr. Hayden asked if there will be any business transactions done on the property. Ms. Brown said no, that is all handled through the rescue.

Mr. Brodeur questioned her statement of there will be no outbuildings at this time. Ms. Brown explained in the future they may want to build a shed in order to hold donations made through the rescue.

Mr. Brodeur asked how many dogs she is proposing to foster. Ms. Brown said no more than two because she has two dogs of her own.

*A motion was made by Mr. Brodeur and seconded by Mr. Spector to grant the Special Exception to case Z-21-20 with the condition there be no more than one foster dog at a time. The motion carried by a 4 – 1 roll call vote.*

**Z-21-22 Packy's Investment Properties, LLC** Seeks a *Variance* from Section 20.2(H) to permit the construction of a storage facility within the 100' setback area, and within 75' from a residential use.

**Location:** 18 Sterling Drive, Rochester, Map 208 Lot 18-1 in the Granite Ridge Development Zone.

Attorney FX Bruton told the Board since the last meeting the applicant has purchased the property. Mr. Bruton explained the changes made to the site plan. He said they have met with the abutter to discuss the changes. Mr. Bruton went on to explain one building now meets the 75 foot setback where the other two buildings are 46 feet which is further than the original proposal of 36 feet.

Mr. Gates opened the public hearing.

Ms. Saunders read the following letter:

Packy Campbell and I have recently met and shared a new design related to a lesser impact of the storage structure proposed at 18 Sterling Drive. We have also considered the types or permitted structures that could, in the alternative, be located on the property, with almost no set back and thus much closer to our property. I appreciate Mr. Campbell listening to my previous concerns and making changes to the development plans to address them. As a result of the above, I am in full support of the plans and I fully support the granting of the variances requested.  
Sincerely, Clifton Jones, 127 Farmington Road.

There was no one further from the public to speak; Mr. Gates brought the discussion back to the Board.

Ms. Saunders said the City supports the changes made to the plan.

*A motion was made by Mr. Hayden and seconded by Mr. Spector to grant the Variance in case Z-21-22 as presented. The motion carried unanimously by a roll call vote.*

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## **6. New Cases:**

**Z-21-24 Luella Anderson** Seeks a *Special Exception* from Section 23.2 to permit an accessory dwelling unit.

**Location:** 20 Hillside Drive, Rochester, Map 135 Lot 43 in the Residential-1 Zone.

Wendy Webster read the criteria for the Special Exception. She said the specific site is an appropriate location, the downstairs storage closet is being made into a bathroom. The project is inside of the home. The proposed accessory dwelling unit is under 400 square feet.

Mr. Gates opened the public hearing. There was no one present from the public to speak; Mr. Gates brought the discussion back to the Board.

Ms. Saunders said the City supports the application as presented.

*A motion was made by Mr. King and seconded by Mr. Hayden to grant the Special Exception in case Z-21-24 as presented. The motion carried unanimously by a roll call vote.*

**Z-21-25 Kory Ferullo & Emma Rhodes** Seeks a *Special Exception* from Section 23.2.10(b) to permit a fence of eight (8) feet in height.

**Location:** 25 Dodge Street, Rochester, Map 127 Lot 120 in the Residential-1 Zone.

Kory Ferullo explained the criteria. He said only one side of the fence will be eight feet and it will not be visible from the street. He said it will be a white vinyl fence that will be maintained. Mr. Ferullo explained the fence is really to keep his dog and the neighbors dogs from any possible issues.

Mr. Gates opened the public hearing.

Albert Leeman of 27 Dodge Street said he is the owner of the abutting property and he supports the proposed fence.

There was no one further from the public to speak. Mr. Gates brought the discussion back to the Board.

Ms. Saunders said the City supports the application as presented.

*A motion was made by Mr. Brodeur and seconded by Mr. Spector to grant the Special Exception to case Z-21-25 as presented. The motion carried unanimously by a roll call vote.*

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## 7. Request to Rehear:

Mr. Gates explained there will be no public input under this section of the agenda.

**Z-21-19 Ronald & Michelle Balcar** Request to rehear a *Variance* from Section 23.3.1(d) to permit an accessory dwelling unit larger than the 800 s.f. allowed.

**Location:** 20 Peaslee Road, Rochester, Map 253 Lot 47-13 in the Agricultural Zone.

The Board briefly discussed if they thought there was any new information given for the case.

Mr. Hayden clarified a variance that was granted to allow a 1500 square foot unit in a warehouse earlier in the year. Mr. Gates explained the Board is supposed to handle each case individually regardless of what has been done in the past.

Ms. Saunders told the Board Legal Counsel did not think there was any new information for it to be reheard.

Ms. Saunders explained the particular apartment Mr. Hayden was speaking of that was approved was a security apartment in relation to a commercial business.

*A motion was made by Mr. Brodeur and seconded by Mr. Spector to deny the request to rehear for case Z-21-19 because there was no new information submitted by the requester, and the Board felt they did not err in making their decision.*

**Z-21-21 Jeffrey & Michelle Loring** Request to rehear a *Variance* granted to Public Service Company of NH (Eversource Energy) from Table 18-D to permit the expansion of the existing warehouse use in the Residential-1 zone.

**Location:** 74 Old Dover Road, Rochester, Map 136 Lot 20 in the Residential-1 Zone.

Mr. Hayden asked for clarification whether or not Eversource said they already have trucks on standby at this facility. Mr. Spector said the representative said sometimes the trucks are there and sometimes they are not.

Ms. Saunders read the conditions the Board stipulated for the notice of decision.

Mr. Winders said as long as Eversource is following the conditions set forth in the notice of decision, nothing that was addressed in the rehearing letter out ways the benefits to the community having the trucks onsite for emergencies.

*A motion was made by Mr. Brodeur and seconded by Mr. Spector to deny the request to rehear for case Z-21-21 because there was no new information submitted by the requester, and the Board felt they did not err in making their decision.*

**Z-21-26 Linda Yerardi** Request to rehear a *Variance* granted to Public Service Company of NH (Eversource Energy) from Table 18-D to permit the expansion of the existing warehouse use in the Residential-1 zone.

**Location:** 74 Old Dover Road, Rochester, Map 136 Lot 20 in the Residential-1 Zone.

Mr. Hayden asked when the conditions of the notice of decision go into effect. Ms. Saunders said it would be at the time of Site Plan approval. Ms. Saunders explained staff has already been working with Eversource regarding the dumpster issue because the abutters have reached out a few times with complaints.

*A motion was made by Mr. Spector and seconded by Mr. Brodeur to deny the request to rehear for case Z-21-26 because there was no new information submitted by the requester, and the Board felt they did not err in making their decision.*

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## **8. Rehearing:**

**Z-21-05 David Waleryszak** Seeks an *Administrative Decision Appeal* on the basis of the use shouldn't be allowed in the zone.

**Location:** 107 Betts Road, Rochester, Map 204 Lot 12 in the Agricultural Zone.

Ms. Saunders informed the Board she received an email from the applicant's attorney stating the two parties had reached a mutual agreement and his client is withdrawing his appeal.

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## **9. Other Business:**

### **A. Review of 2022 Meeting Dates**

*A motion was made by Mr. Spector and seconded by Mr. Brodeur to accept the 2022 Zoning Board of Adjustment meeting dates.*

### **B. Other**

There was no other business to discuss.

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## **10. Adjournment:**

*A motion was made by Mr. Brodeur and seconded by Mr. Spector to adjourn at 7:44pm. The motion carried unanimously.*

Respectfully Submitted,

Crystal Galloway,  
Planner I

and

Shanna B. Saunders,  
Director of Planning & Development