

City of Rochester Zoning Board of Adjustment

Wednesday January 12, 2022

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved on February 9, 2021)

Members Present

Bob Gates, *Chair*

Larry Spector, *Vice Chair*

Leo Brodeur

James Hayden

Michael King

Members Absent

Matthew Winders, excused

Alternate Members Present

None

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 for a limited time for reference purposes.

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

3. Seating of Alternates:

No alternates were needed.

4. Approval of Minutes:

A motion was made by Mr. Brodeur and seconded by Mr. King to approve the minutes from the December 8, 2021 meeting. The motion carried unanimously.

5. Continued Cases:

Z-21-27 Steven Hartford Seeks a *Variance* from Section 23.2 to permit the construction of a shed within the 10 foot setback.

Location: 5 Wilson Street, Rochester, Map 128 Lot 249 in the Residential-1 Zone.

The applicant was not present at the meeting. Ms. Saunders told the Board she has not heard from him regarding a resubmittal for this meeting. She suggested the Board continue the application to the meeting in February, with the understanding that if the applicant does not resubmit an amended plan, the Board may deny other original request come February

A motion was made by Mr. Brodeur and seconded by Mr. Spector to continue case Z-21-27 to the February 9, 2022 meeting to allow the applicant time to resubmit plans or withdraw his application. The motion carried unanimously.

6. New Cases:

Z-22-01 Daniel Burke Seeks a *Special Exception* from Table 18-D to permit vehicle service.

Location: 116 Salmon Falls Road, Rochester, Map 210 Lot 141 in the Agricultural Zone.

Daniel Burke presented his application for a Special Exception to allow service and inspections for his company fleet vehicles.

Mr. Burke read through the five criteria. He said the request meets the criteria of the business and it would not change the current use of the property as all the work on the vehicles would be done inside the shop.

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 told the Board the City had no issues with the request for a Special Exception.

A motion was made by Mr. Brodeur and seconded by Mr. Spector to grant the Special Exception in case Z-22-01 as presented. The motion carried unanimously.

Z-22-02 Victoria Perez Seeks a *Variance* from Table 18-D to permit the construction of an Electric Charging Station with the installation of six (6) charging units and appropriate lighting.

Location: 0 Farmington Road, Rochester, Map 208 Lot 16 in the Granite Ridge Development Zone.

Victoria Perez presented the application for a Variance to allow the construction of an Electric Vehicle charging station.

Ms. Perez said currently there isn't an ordinance for charging stations and it doesn't fit under a parking lot or fueling station.

Ms. Perez read through the five criteria. She said it will not be contrary to public interest and will satisfy demands for commercial charging. She said electric vehicles are quiet, not bringing about any more road noise. There won't be any petroleum fluids or transmission fluid that could leak out into the soil. Ms. Perez said granting the variance would do substantial justice and no harm would be done to the public due to the environmentally friendly design. She said the parcel is an ideal location for the installation of the electric charging station which includes a lot of components such as charging units, and safety lights.

Ms. Perez said the surrounding property values wouldn't be diminished because electric vehicle technology would promote more traffic flow and more business.

Ms. Perez said denial of the variance would result in an unnecessary hardship because of the limited use for a traditional business at this location because of the size of the parcel and location of the wetlands.

Ms. Perez said the proposed project that would reside in front of the residential property located at 127 Farmington Road is reasonable and the implementation of an electric vehicle charging station can be properly constructed on this parcel.

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. Spector asked how many charging units they will have. Ms. Perez said they will have six on one side and four parking spots on the other side.

Mr. Brodeur asked if these will be a level one or level two charging stations. Ms. Perez explained for commercial charging stations they will either be a high speed level two or level three direct fast charger.

Mr. Brodeur asked how many connectors they will be able to handle and if there will be any they can't. Ms. Perez said they will be able to satisfy all of the charger needs.

Mr. Hayden asked if the wetlands have been delineated since 2004 as noted on Note 10 of the plan. Scott Lawler of Norway Plains Associates explained the wetlands were re-delineated in December 2021. They will update the plan.

Ms. Saunders told the Board that staff has often talked about this parcel and what it could be used for because it's narrow, it's bound by the railroad to the north, and it's bound by wetlands to the west. She said staff fully supports this application.

Ms. Saunders read the following email from Matthew Winders:

Regarding case Z-22-02

Based on the application that was turned in to the ZBA I urge the board to consider the following. The plot of land that the applicant wishes to build the charging station on is shaped in such a way that not many things could be built there. In my opinion the proposed use would fit the plot of land well because of the proposed shape of the charging station. I want to note that electric cars are very quiet so by adding this charging station would not be adding much noise to the area. Also, charging stations do not come with the same environmental risks that traditional gas stations do.

Also, through analyzing the application, the city ordinances and through my conversations with the planning department it is my professional opinion that the applicant's proposal does not fit into any existing city ordinance. Shanna shared with me her intent in proposing to the board that the board recommends to the City Council creating a new ordinance that would cover a charging station. I want to add my support for such a recommendation.

Note: my thoughts are only based on the application itself and not the testimony from the applicant or the public, both of which should be considered.

Ms. Saunders explained she drafted up a proposal to add the definition for an Electric Vehicle Charging Station that the applicant mentioned in the beginning of her testimony.

A motion was made by Mr. Spector and seconded by Mr. King to not require the applicant to submit a plot plan to the Zoning Board of Adjustment. The motion carried unanimously.

A motion was made by Mr. Brodeur and seconded by Mr. Spector to grant the variance in case Z-22-02 as presented. The motion carried unanimously by a roll call vote.

7. Other Business:

A. Election of Officers

Ms. Saunders opened the nominations.

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

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

B. Other

Ms. Saunders told the Board she and Mr. Winders had a conversation regarding Robert's Rules of Order and how that applied to the Board and how it works. She said it's her opinion that the Chair of the Board is the master of the meeting. Ms. Saunders said after speaking with the City Manager and Legal Counsel she learned that NHMA will send staff to give training to City Boards.

Ms. Saunders read the following email from Mr. Winders:

I urge the board to consider going to the board training offered by the state. That is because these trainings give tools to board members to use when analyzing/hearing applications and how to follow Robert's Rules of order. I know that sometimes I personally get confused about different rules and procedures that I am supposed to follow during our meetings. I know that going to some kind of training would give us the tools to better serve the public.

Note: We are required to follow Robert's Rules of Order pre Article V Section 5 of our by-laws. The rules can be suspended but a two-thirds vote is required to do so. (Article V Section 4).

8. Adjournment:

A motion was made by Mr. Spector and seconded by Mr. Brodeur to adjourn at 7:41pm. The motion carried unanimously.

Respectfully Submitted,

Crystal Galloway,
Planner I

and

Shanna B. Saunders,
Director of Planning & Development