

# City of Rochester Zoning Board of Adjustment

Wednesday February 9, 2022

31 Wakefield Street, Rochester, NH 03867

*(These minutes were approved on March 9, 2021)*

## Members Present

Leo Brodeur

James Hayden

Michael King

## Members Absent

Bob Gates, excused

Larry Spector, 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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Acting Chair Leo Brodeur called the meeting to order at 7:00pm and the Secretary conducted roll call.

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

Mr. Winders voted in place of Mr. Spector.

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

*A motion was made by Mr. King and seconded by Mr. Winders to approve the minutes from the January 12, 2022 meeting. The motion carried unanimously.*

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

S. Saunders took a moment to explain to the applicants in the audience that with only 4 ZBA members present, this was considered what is called a "Short Board". In this case, if the vote ended in a 2-2 tie, the vote would fail. With a full board, if two members voted against the vote would pass. Because of this, the State law allows applicants to continue their hearing tonight to the next meeting to request a

decision by a full board. Each applicant will be asked before their hearing what choice they would like to make on this.

**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.

Mr. Brodeur told the Board the applicant was unable to attend the meeting in January and he would now like to withdraw his application.

*A motion was made by Mr. Winders and seconded by Mr. King to withdraw the application for case Z-21-27 at the request of the applicant. The motion carried unanimously.*

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## **6. New Cases:**

**Z-22-03 Nancy Montville** Seeks a *Special Exception* from Section 23.3 to permit an accessory dwelling unit.

**Location:** 19 Jacobs Drive, Rochester, Map 111 Lot 40 in the Residential-1 Zone.

Applicant Nancy Montville presented the criteria for a Special Exception. She explained they are not building a new structure, the new dwelling unit will be in an existing garage. Ms. Montville said the new unit will not cause undo nuisance or serious hazard to pedestrian or vehicular traffic because the new unit will be a private residence, not a business, and will have ample parking on private property. Ms. Montville said she wants the new unit to be compliant with all city regulations and be safe and comfortable for the resident.

Mr. Brodeur opened the public hearing. No one from the public was present to speak; Mr. Brodeur brought the discussion back to the Board.

Ms. Saunders said the City had no issues with the request for a Special Exception.

*A motion was made by Mr. King and seconded by Mr. Hayden to grant the Special Exception in case Z-22-03 as presented. The motion carried unanimously by a roll call vote.*

**Z-22-04 James Coyne** Seeks a *Special Exception* from Section 23.2 to permit an accessory dwelling unit.

**Location:** 8 Norway Plains Road, Rochester, Map 222 Lot 63 in the Residential-2 Zone.

Applicant James Coyne presented the criteria for a Special Exception to allow an accessory dwelling unit. He said there is adequate space on his property for the accessory unit and parking. Mr. Coyne told the Board all utilities on the property are currently being upgraded by professionals.

Ms. Saunders told the Board the applicant recently purchased the property and realized the apartment did not look properly constructed so he is before the Board to right the wrong and is applying for retroactive building permits and a Special Exception.

Mr. Brodeur opened the public hearing. No one from the public was present to speak; Mr. Brodeur brought the discussion back to the Board.

Ms. Saunders said the City had no issues with the request for a Special Exception.

Mr. Winders asked how many square feet the unit is. Mr. Coyne said it is just under 800 square feet.

*A motion was made by Mr. Hayden and seconded by Mr. Winders to grant the Special Exception in case Z-22-04 as presented. The motion carried unanimously by a voice vote.*

**Z-22-25 James Covey** Seeks a *Variance* from Section 24.7 to permit a home occupation to assemble food trucks.

**Location:** 6 Stacy Drive, Rochester, Map 205 Lot 42 in the Agricultural Zone.

Mr. Brodeur said the applicant requested a continuance to the March meeting because he was unable to attend due to illness.

*A motion was made by Mr. Winders and seconded by Mr. King to continue case Z-22-05 to the March 9, 2022 meeting as requested by the applicant. The motion carried unanimously by a roll call vote.*

**Z-22-06 Sofield Apartments, LLC** Seeks a *Variance* from Section 30.3.A to permit an expansion of a non-conforming use to allow additional multifamily dwellings in the agricultural zone.

**Location:** 287 Rochester Hill Road, Rochester, Map 254 Lot 18 in the Agricultural Zone.

Mr. Brodeur said the applicant requested a continuance to the March meeting to allow them more time to prepare.

*A motion was made by Mr. Winders and seconded by Mr. King to continue case Z-22-06 to the March 9, 2022 meeting as requested by the applicant. The motion carried unanimously by a roll call vote.*

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## **7. Request to Rehear:**

**Z-21-30 Tri City Consumers' Action Co-Op d/b/a Infinity Peer Support** Request to rehear a *Variance* from Table 18-A to permit a Community Residence-1.

**Location:** 55 Summer Street, Rochester, Map 117 Lot 55 in the Neighborhood Mixed Use Zone.

Attorney Keith Diaz said after speaking with the applicant they request a continuance to the March meeting to allow the full Board to be present.

*A motion was made by Mr. Hayden and seconded by Mr. Winders to continue the rehearing request for case Z-21-30 to the March 9, 2022 meeting as requested by the applicant to allow review by the full Zoning Board. The motion carried unanimously by a voice vote.*

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## **8. Other Business:**

Mr. Winders encouraged the Board members to take advantage of the training opportunities available through the City.

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## **9. Adjournment:**

*A motion was made by Mr. Hayden and seconded by Mr. Winders to adjourn at 7:19pm. The motion carried unanimously.*

Respectfully Submitted,

Crystal Galloway,  
*Planner I*

and

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