

# City of Rochester Zoning Board of Adjustment

Wednesday December 14, 2022

31 Wakefield Street, Rochester, NH 03867

(These minutes were approved on January 11, 2022)

## Members Present

Larry Spector, *Chair*

Leo Brodeur, *Vice Chair*

Matthew Winders

## Members Absent

Michael King, excused

James Connor, excused

Laura Zimmerman, excused

## Alternate Members Present

Lance Powers

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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Chair Larry Spector called the meeting to order at 7:00 p.m.

The recording secretary, Crystal Galloway, conducted roll call.

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

Mr. Spector said the voting members for the meeting would be the four members present, Mr. Brodeur, Mr. Winders, Mr. Powers, and himself.

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

*A motion was made by Mr. Brodeur and seconded by Mr. Winders to approve the minutes from the November 9, 2022 meeting. The motion carried unanimously.*

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

Ms. Saunders took a moment to explain to the applicants in the audience that with only four Board 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-22-34 New Hampshire Signs** Seeks a *Variance* from Sections 29.13.G(1), 29.14.B(1), and 29.14.B(2) to permit a second free standing sign where only one is allowed, to allow a free-standing sign height of 50 feet where only 30 feet is allowed, to allow a sign of 252 square feet where only 75 square feet is allowed, and to allow an Electric Message Center of 180 square feet where only 32 square feet is allowed.

**Location:** 298 North Main Street, Map 115 Lot 31 in the Highway Commercial Zone.

The applicant requested a continuation to the February 8, 2023 meeting to allow a full board to be present.

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## **6. New Cases:**

**Z-22-35 Nelson Lee** Seeks a *Variance* from Section 19.2.E(1) to permit a two-family home on a parcel that does not meet the density requirement.

**Location:** 43 Summer Street, Map 117 Lot 75 in the Neighborhood Mixed Use Zone.

The applicant requested a continuation to the January 11, 2023 meeting to allow a full board to be present.

**Z-22-36 James Higginbottom** Seeks a *Special Exception* from Table 18-E to permit a farm in the R1 zone.

**Location:** 5 Estes Road, Map 251 Lot 172 in the Residential-1 Zone.

Applicant James Higginbottom explained they currently have a few chickens and geese but they are in the residential 1 zone so they are limited on what they are able to have. He said he would like to be able to have a few goats.

Mr. Higginbottom read through the criteria. He said the site is an appropriate location for the proposed use because the property is located just outside of the agricultural zone and fits other criteria for agricultural use. The proposal is not detrimental, injurious, obnoxious, or offensive to the neighborhood because the use conforms to other properties nearby. There will not be undue nuisance or serious hazard to pedestrian or vehicular traffic. There will be adequate and appropriate facilities and utilities to ensure the proper operation of the proposed use because the property already has barn. The proposed use is consistent with the spirit of the ordinance as it will help preserve the rural character of the outlying areas of the city.

Mr. Spector asked if he is planning to have roosters. Mr. Higginbottom said no.

Mr. Spector opened the public hearing.

Laurie Chapman-Bosco of 129 Oak Street asked what kind of animals and how many animals they are proposing. She asked what the goats will be used for. She asked if there will be any customers going to the property or if there will be a need for an additional access road.

Mr. Higginbottom said they plan on having a small herd of goats, between four and six used for cheese making and they do not plan on there being any additional traffic going to the property than there is now.

Mr. Spector closed the public hearing.

Ms. Saunders said staff recommends approval as they feel this meets all the special exception criteria.

Mr. Brodeur agreed that all the criteria has been met.

*A motion was made by Mr. Winders to approve case Z-22-36 as presented because it meets the criteria with the condition there is to be no more than 10 goats on the property; goats are to be the only animal addition to the property; and no roosters are to be added to the property. Mr. Brodeur seconded. The motion carried unanimously by a roll call vote.*

**Z-22-38 Packy's Investment Properties, LLC** Seeks a *Special Exception* from Table 18-D to permit utility power generation.

**Location:** 17 Sterling Drive, Map 208 Lot 18 in the Granite Ridge Development Zone.

The applicant requested a continuation to the January 11, 2023 meeting to allow a full board to be present.

**Z-22-39 86 Church Street, LLC** Seeks a *Variance* from Section 30.3.A to permit an expansion of a previously approved non-conforming use to allow additional multi-family dwellings in the Agricultural District.

**Location:** 86 Church Street, Map 258 Lot 8 in the Agricultural Zone.

Applicant Greg Mahanna presented an amended rendering of a previously approved expansion of a non-conforming use. He explained the Board denied the proposed use on one of the parcels at the September 14<sup>th</sup> meeting. Mr. Mahanna said in order to achieve their original goal of 30 units they have adjusted the layout. He said they have moved the most western building from the lot located at 84 Church Street to the most eastern buildable spot located on the lot located at 86 Church Street. Mr. Mahanna said they have moved the building down toward the river and should eliminate the concerns from the abutter located at 82 Church Street and has provided a more desirable location closer to the river.

Mr. Mahanna said they will submit a lot line revision for 84 Church Street in order to achieve the required square footage to support the 30 units on 86 Church Street.

Mr. Brodeur asked if they have met the requirements from the last approval. Mr. Mahanna said they have met both the Board's and the abutter's requests.

Mr. Spector opened the public hearing. No one from the public was present to speak.

Mr. Saunders said staff supports the amendment and recommends approval as they will still meet the density requirements.

Mr. Spector closed the public hearing.

Mr. Brodeur said they have met the criteria and the requirements of what the Board had asked during the previous meeting.

*A motion was made by Mr. Brodeur to approve case Z-22-39 as presented citing all the criteria has been met. Mr. Winders seconded. The motion carried unanimously by a roll call vote.*

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## **7. Other Business/Non-Scheduled Items:**

There was no other business to discuss.

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## **8. Adjournment:**

*A motion was made by Mr. Brodeur and seconded by Mr. Winders to adjourn at 7:13 p.m. The motion carried unanimously.*

Respectfully Submitted,

Crystal Galloway,  
*Planner I*

and

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