



City of Rochester, New Hampshire  
Building, Zoning & Licensing Dept.  
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**MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT  
MEETING OF MAY 10, 2017  
(Approved June 14, 2017)**

The Chair called the meeting to order at 7:00 p.m. in the Council Chambers.

**Roll Call:**

Roll call was taken with the following members present:

Members Present

Ralph Torr, Chair  
Larry Spector, Vice-Chair  
Robert Gates  
Randy Lavallee  
Robert Goldstein  
Leo Brodeur, Alternate  
Shon Stevens, Alternate

Members Absent

Also present: Jim Campbell, Planning Director, City of Rochester  
Karen L. Grenier, Building, Zoning & Licensing Secretary

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These minutes are 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 in the Building Zoning and Licensing Office for a limited time for reference purposes. It may be copied for a fee.

**Approval of Minutes:**

The minutes of March 8, 2017 were reviewed. Mr. Spector made a motion to approve the minutes as written. Mr. LaVallee seconded the motion.

The motion passed unanimously by roll call vote.

The Chair asked if board members had any conflict with tonight's case. There were no conflicts. Chair Torr stated the five regular members and the two alternates were present. The five regular members would be voting on the cases this evening.

## **New Cases:**

**Letter of Withdrawal for Case 2016-31:** The Chair stated there was a letter from the Columbus Ave. Freight House to withdraw the Variance. The Chair asked for a motion on the request. Mr. Gates made a motion to accept the letter of withdrawal. Mr. Spector seconded the motion. The Chair stated a yes vote would be to approve the withdrawal. The motion was unanimously approved by the five regular voting members.

The Chair stated the next case was a request to rehear **Case 2017-01**.

### **Case 2017-01** *Variance that was denied.*

Mr. Demchak alleges that an error has been made in the decision determination or requirement of Joe Devine and the Zoning Board of Adjustment, at the March 8, 2017 ZBA Meeting; in relation to Article 42.b.16/.b. E/.b. F of the Zoning Ordinance, Section 674.33 1 of the NH RSA. He hereby requests a rehearing of the case providing new information opposing the decision made by the ZBA.

**Location:** 72 Crown Point Rd., 0235-0050-0000, Agricultural Zone

Chair Torr asked for a motion for rehear or motion to deny rehearing. Mr. Spector asked if there was any new information. There was none. Mr. Goldstein stated there were no significant changes. The Board discussed the case and agreed there were no significant changes that would make a difference to rehear case.

Mr. Campbell shared the board's original decision was lawful and reasonable.

Chair Torr asked for a motion to rehear or deny.

Mr. Gates moved to deny the request to rehear case as there wasn't substantial new information supplied that changed his mind or added information to the original presentation that would change mind. Mr. Spector seconded the motion.

Chair Torr stated a yes vote would be to deny the request to rehear. The motion unanimously passed to deny the request to rehear by the five regular voting members.

Chair Torr asked for any other business from the members. Secretary Grenier stated the letter under other business was informational only as the board had already been emailed the same.

Mr. Gates and Mr. Brodeur shared new information from the OEP Conference that is in legislation now for new guidelines on voting on the variance criteria for cases.

Mr. Gates also spoke about a hearing that he and Chair Torr went to in Dover, at the Strafford County Courthouse.

## **Adjournment:**

Mr. Spector motioned to adjourn the meeting. It was seconded by Mr. Gates.

The motion passed unanimously by roll call vote.

The meeting adjourned at 7:10 pm.

Respectfully submitted,

*Karen L Grenier*

Karen L. Grenier, Building, Zoning & Licensing Secretary