



# City of Rochester, New Hampshire

## *Zoning Board of Adjustment*

### MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING HELD ON SEPTEMBER 11, 2019

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

#### **Roll Call:**

The Zoning Secretary conducted the roll call.

#### **Members Present**

Lawrence Spector  
Robert Gates  
Shon Stevens  
Leo Brodeur  
Paul Giuliano, Alternate  
Terry Garland, Alternate  
Taylor Poro, Alternate  
Sue DeLemas, Alternate

#### **Members Excused**

Also present: Julia Libby, Secretary of Building, Zoning, and Licensing Services  
Joe Devine, Compliance Officer for Building, Zoning, and Licensing Services

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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 neither is 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.

#### **Approval of Minutes:**

The minutes of August 14, 2019 were reviewed; Mr. Brodeur made a motion to accept the minutes, Mr. Gates seconded the motion. The motion passed unanimously by a voice vote.

#### **Seating of Alternates:**

Chair Spector said the four regular members and Mr. Garland would be the voting members for the night.

#### **Postponed Cases:**

Cases **Z-19-13, 14, & 15** were considered withdrawn according to Article 4 section 7 of the Zoning Board By-laws because the applicant had already used their one postponement.

Chair Spector let the audience know that if anyone was there for these cases, they would not be heard tonight because they were withdrawn.

Penny Percey and abutter of 72 Crown Point Road had questions and concerns about what the next step would be and if they would continue the operations on the property. Mr. Devine let her know that they have the right to apply for another variance if they wish but the city would be pursuing other options as far as enforcement. Terry Hensel of 73 Crown Point Road also expressed concerns regarding weather or not the abutter would be notified of any legal actions.

**Motion to Rehear:**

**Z-19-11** Krzysztof Kozlowski applicant seeks a *Variance* from table 19-A of the City Zoning Ordinance to permit a duplex on a lot that is 6,098 square feet where 9,000 square feet is required.

**Location:** 7 Academy Street, Rochester, NH 03867, MLB 0125-0199-0000 in the R2 Zone.

Mr. Stevens asked the city if their stance on the application has changed.

Mr. Devine stated that the city's opinion has not changed and that they do not see any new information nor where the applicant would have a hardship. Mr. Stevens agreed.

Mr. Gates asked if Mrs. DeLemas had a question. Mrs. DeLemas asked if all five of the criteria have to be met in order to grant a variance and the rest of the Board confirmed that it did. She asked other questions about what would constitute a hardship and expressed her concern with the applicant not being able to improve the property.

The Board explained to her that the Zoning Board's job is to make decisions based on the five criteria. Mr. Devine stated in some situations there are other avenues the applicant could take to achieve what they are applying for.

Mr. Stevens made a motion to deny the motion to rehear case Z-19-11 based on their findings from last meeting, Mr. Gates seconded and the motion carried with a unanimous voice vote.

Mr. Devine advised that anyone affected directly by the decision have the right to appeal within 30 calendar days.

**Other Business:**

No other business.

**Adjournment:**

Mr. Gates motioned to adjourn the meeting, Mr. Brodeur seconded and the motion carried unanimously.

The meeting adjourned at 7:12 pm.

Respectfully Submitted,

*Julia Libby*

Julia Libby Secretary for

Building, Zoning, and Licensing Services