



City of Rochester, New Hampshire

Building, Zoning & Licensing Dept.
33 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 330-0023
Web Site: www.rochesternh.net

MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF February 14, 2018

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
Randy Lavallee
Robert Goldstein
Robert Gates
Shon Stevens
Leo Brodeur, Alternate

Members Excused

Also present: Jim Grant, Director of Building, Zoning and Licensing Services
Julia Libby, Secretary of Building, Zoning, and Licensing Services

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 and online at www.rochesternh.net for a limited time for reference purposes. It may be copied for a fee.

Approval of Minutes:

The minutes of January 10, 2018 were reviewed; Mr. Goldstein made a motion to accept the minutes, Mr. Brodeur seconded the motion. The motion passed unanimously.

The Chair asked if any of the board members had any conflict with tonight's case. Mr. Stevens had a conflict for case numbers 2017-16 and 2017-17.

Continued Cases:

Mr. Stevens stepped out for a conflict of interest.

2017-16 Eco-Site and T-Mobile, applicant for a request a Special Exception for the construction of a wireless communication facility according to Article 42.22 Section (14).

Location: 144 Meaderboro Rd, Rochester, NH 03867, 0232-0016-0003, in the Agricultural Zone.

Chair Spector let the audience know that we would be picking up where we left off last month and they'd like to try and minimize abutters speaking to about five minutes.

Ricardo Sousa approached the podium on behalf of the applicant T-Mobile and Eco-Site. He reviewed what was presented last month and introduced Bob Gashlan, a site acquisition agent.

Bob Gashlan approached the podium and briefed the Board on his background, his job, and his efforts in finding other sites to place the wireless communications facility.

Ricardo Sousa came back up after the site acquisition agent briefed the board and let them know about their initial efforts to find an existing structure to install a tower, however there were none in the area that need coverage. He introduced a real estate appraiser, Mark Correnti.

Mark approached the podium introduced himself and informed the Board of how they determine values of houses. Mark talked about other towers in the area. He went over sales of houses that have a clear visual of the tower and how the sight of this tower did not affect the sales.

Rick approached the podium and asked the Board if they had any questions regarding their supporting statements. The Board didn't, he said he'd like to continue to keep the consultants available for any questions.

Mr. Spector asked the audience if there was anyone to speak for the case, no one came forward.

Mr. Spector asked the audience if there was anyone to speak against the case.

Attorney Christopher Hilson approached the podium in representation of multiple abutters approached the podium and briefed the board on why they should deny the application.

Nine people spoke against the case.

Mr. Spector asked the applicant to come back up and go over anything else they would like to. The applicant's representative discussed some of what the opposing abutters said.

Mr. Spector asked the Board if they had any questions, no one did. He asked for the city's opinions and Mr. Grant stated that city feels that the Special Exception should be granted for the reasons stated in the application package, they recommend adopting their finding of facts contained within the application.

Chair Spector closed the public portion of the hearing and asked for any discussion or a motion. Mr. Gates motioned to approve the special exception for the reasons stated in the application, Mr. Goldstein seconded and the motion carried unanimously.

Mr. Grant advised that anyone affected directly by the decision has 30 calendar days to appeal.

2017-17 Eco-Site and T-Mobile, applicant for a request a Variance to permit a wireless communication facility taller than maximum building height according to Article 42. Table 19a.

Location: 144 Meaderboro Rd, Rochester, NH 03867, 0232-0016-0003, in the Agricultural Zone.

Mr. Grant stated that the city's position on the variance request is that it be dismissed. According to the Zoning Ordinance, section 42.19.b.3.a the tower is not covered by a building height requirement. It is not considered a building it is just simply equipment. Also section 42.22.c.14.c points towards table 20-A which a tower height requirement simply does not exist. Therefore a variance is not needed.

Vice Chair Gates motioned to dismiss case 2017-17, Mr. Goldstein seconded and the motion carried unanimously.

Mr. Grant advised that anyone affected directly by the decision has 30 calendar days to appeal.

The meeting went to a five minutes recess to allow the audience to leave.

New Cases:

2018-03 Phillip & Geraldine Paradis, applicants for a request to appeal an administrative decision according to Article 42.4 Section (a)(1).

Location: 118 Flagg Rd. Rochester, NH 03867, 0259-0044-0000, in the Agricultural Zone.

Mr. Spector stated that it would be the four regular voting members and Mr. Stevens.

John Goodlander approached the podium in representation of Phillip & Geraldine Paradis. He introduced himself and asked for the Board to dismiss the notice of violation on the grounds that the sign is not an abandoned sign. He said that his clients intend to use the sign again once the business is back up and running.

Mr. Spector asked if there was anyone in the audience to speak for or against the appeal, no one came forward. There was discussion between the Board members about whether or not the sign is currently up. John stated that the applicant did take the sign down during the appeal process to avoid the potential of heavy fines.

Mr. Goldstein asked Mr. Grant what the difference between an abandoned sign and a sign that has been taken down. Mr. Grant explained the city's point of view that the business license is suspended, and the city has nothing from them for steps towards compliance or anything like that, so they've deemed the sign abandoned. He also explained that now that the sign is down and in compliance they would need a sign permit to put the sign back up which he, under section 42.30, will not be able to issue.

There was more discussion regarding the case between the board, city, and applicant.

Mr. Gates made a motion to grant the appeal, Mr. Lavallee seconded and the motion carried with a four to one vote.

Mr. Grant advised that anyone affected directly by the decision has 30 calendar days to appeal.

Adjournment:

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

The meeting adjourned at 8:52 pm.

Respectfully submitted,

Julia Libby

Julia Libby, Secretary of Building, Zoning, and Licensing Services