



## 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](http://www.rochesternh.net)

### MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF MARCH 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  
Robert Goldstein  
Robert Gates  
Shon Stevens  
Leo Brodeur, Alternate

#### **Members Excused**

Randy Lavallee

Also present: Joe Devine, Compliance Officer of Building, Zoning and Licensing Services  
Julia Libby, Secretary of 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 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](http://www.rochesternh.net) for a limited time for reference purposes. It may be copied for a fee.

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

The minutes of February 14, 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, there were none. He stated that the five voting members would be the five present.

#### **Postponed Cases:**

**2018-04** 36A Industrial Way LLC, applicants for a request to appeal an administrative decision according to Article 42.4 Section (a)(1).

**Location:** 36 Industrial Way, Rochester, NH 03867, 0230-0020-0000, in the Industrial Zone.

Dan Wensley approached the podium. He started by introducing himself to the Board. He had a packet of findings on fact for the Board that he handed out. The Board asked if it was the same packet that they currently have. It was implied that there were no major changes just some legal material left off.

Mr. Wensley briefed the board of his client's argument for their appeal to Zoning Administrator, Jim Grant's decision to require them to apply for a conditional use permit to allow an "Office, Medical" use in the building. Their argument was based off of a Special Exception granted in 2001 for "Office" use as well as some emails from former city employees.

Chair Spector asked the other board members if they had any questions for Mr. Wensley. Mr. Goldstein asked how many tenants were currently in the building, they did not know. Mr. Gates asked if the referenced city employee's interpretations were offered as opinions. Mr. Wensley responded that they were offering an opinion in their official capacity, and said that those decisions would have been appealable to the Zoning Board as administrative decisions under RSA 676:5.

Mr. Spector asked if anyone was present to speak for the case, no one came forward. He asked if anyone wanted to speak against it, Terence O'Rourke, city attorney approached the podium in representation of the department of Building, Zoning, and Licensing Services. He briefed the Board of important points made in the City's objection to the applicant's case.

Six abutters to the property in question came up to express different concerns.

Mr. Wensley approached podium again for a rebuttal, and so did City Attorney, Terrence O'Rourke.

The Board closed the public portion of the hearing and discussed amongst themselves. Mr. Devine stated that the city's opinion stands with what Attorney O'Rourke presented.

A letter from an abutter who could not attend the meeting was read into the record.

Chair Spector asked the Board for a motion. Vice Chair Gates motioned to deny the appeal, Mr. Stevens seconded and the motion carried unanimously.

Mr. Devine advised that anyone directly affected by the decision has thirty calendar days to appeal.

The Board took a five-minute break.

**2018-05** Sally York, applicant to request a Special Exception to permit an accessory apartment in the Residential 1 zone, according to Article 42, Table 18-A.

**Location:** 600 Portland Street, Rochester, NH 03867, 0223-0026-0000, in the R1 Zone.

Sally York approached the podium; she briefed the Board on their proposal for an accessory apartment.

There was some discussion between the Board and the applicant regarding work that was already done, it was determined there was mostly structural work done.

The Board spoke amongst themselves and asked the city for their opinion. Mr. Devine stated that the city feels that the special exception should be granted with the criteria stated within the application.

Mr. Brodier motioned to approve the special exception, Mr. Gates seconded and the motion carried unanimously.

Mr. Devine advised that anyone directly affected by the decision has thirty calendar days to appeal.

**Adjournment:**

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

The meeting adjourned at 8:20 pm.

Respectfully submitted,

*Julia Libby*

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