



## 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 JULY 11, 2018

The Chair called the meeting to order at 7:02 p.m. in the Council Chambers.

#### **Roll Call:**

The Zoning Secretary conducted the roll call.

#### **Members Present**

Lawrence Spector  
Robert Goldstein  
Robert Gates  
Shone 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

---

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 May 09, 2018 were reviewed; Mr. Gates made a motion to accept the minutes, Mr. Goldstein seconded the motion. The motion passed unanimously by a voice vote.

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

Chair Spector announced that the four regular members would be voting along with one alternate.

## **New Cases:**

**2018-06** Karen & Dean Libersky, applicant to request a Variance to permit a metal 24 x 36 building in a Residential Zone, according to Article 42.5, Section b.3.B.

**Location:** 514 Portland Street, Rochester, NH 03867, 0111-0047-0000, in the R1 Zone.  
Dean Libersky approached the podium and briefed the Board on his request. Chair Spector asked him to read through the five criteria.

Chair asked if there was anyone in the audience to speak against the case, no one came forward. He asked if there was anyone in the audience to speak for the case, no one came forward.

Chair Spector asked the Board had any questions. Mr. Brodeur asked the applicant if he was currently using anything to store his equipment in. Mr. Libersky said that he does have something smaller than the building he is proposing, that is set way back on his land. MR. Brodeur asked if there was anything else he'll be storing in the building and Mr. Libersky responded that all of his equipment would be stored there.

The public portion of the hearing was closed and the Board asked for the City's opinion.

Mr. Devine Stated that the City feels that storage is a necessity of farming where the property is located in an agricultural zone it does fit it's surroundings. There is no threat to public health, safety or welfare, or surrounding citizens. There is no benefit to the public that would outweigh the hardship of the applicant therefore substantial justice is found. The property is located 668' feet off the road and is not visible from the road, the surrounding land is pasture and woods and the city feels it would have no impact on the surrounding property values. The property is unique in the fact that it only has 30' of road frontage and it's driveway is 668' long.

Mr. Gates made a motion that the application is not contrary to the public interest, Mr. Goldstein seconded and the motion carried unanimously by a roll call vote.

Mr. Goldstein made a motion that the variance is not contrary to the spirit of the ordinance based on the City's opinion, Mr. Gates seconded the motion carried unanimously.

Mr. Gates made a motion that granting the variance would result in substantial justice based on the city's evaluation, Mr. Goldstein seconded and the motion carried unanimously.

Mr. Goldstein made a motion that granting the variance would not diminish the surrounding property values based on the City's opinion; Mr. Gates seconded the motion carried unanimously.

Mr. Gates made a motion to grant the variance based on the City's recommendation that it would result in an unnecessary hardship, Mr. Brodeur seconded and the motion carried unanimously.

Mr. Devine stated that variance did pass and that any person directly affected by the decision has the right to appeal within thirty calendar days.

Chair Spector stated that the applicants for case number 2018-07 have requested to postpone until the next meeting. Mr. Stevens made a motion to postpone case number 2018-07, Mr. Gates seconded the motion and it carried unanimously by a voice vote.

**Other Business:**

Chair Spector asked if there was any other business and there was none.

**Adjournment:**

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

The meeting adjourned at 7:14 pm.

Respectfully Submitted,

*Julia Libby*

Julia Libby  
Secretary for Building, Zoning, and Licensing Services