

City of Berlin, NH
Zoning Board of Adjustment
Meeting Minutes
March 23, 2026

Members Present: Scott Losier, David J. Lavallee, Sr., Sarah Mafera, Christian Judson and Nancy Armstrong

Members Excused: Dana Hoyt and Linda Lamirande

Members Absent: None

Others Present: Lee Rashkin, applicant, Theodore Lacasse, Lydia Poulin and Scott Halpin

Others Present at City Hall: Michel Salek, Building Inspector/Zoning Officer; Jennifer Ouellet, Code Enforcement Administrative Clerk/recorder of minutes

The meeting was called to order at 6:30 pm by Scott Losier.

Roll call was taken:

Dana Hoyt – excused

Scott Losier-present

Dave J. Lavallee Sr.-present

Sarah Mafera-present

Christian Judson-present

Linda Lamirande-excused

Nancy Armstrong present

Vice Chair Losier appointed member

Vice Chair Losier appointed Nancy Armstrong, a regular voting member, to have a full five-member board.

Approval of October 27, 2025, Minutes:

Christian Judson made a motion to approve the minutes as presented. Motion was seconded by David Lavallee, Sr. A vote was taken and all members voted in favor. The motion to approve October 27, 2025, minutes passed.

Vice Chair Losier read the Zoning Board of Adjustment Rules.

The Building Inspector and/or Zoning Officer is required to follow the strict letter of the Ordinance while the Board of Adjustment is required to follow the intent and spirit of the Ordinance. Our function is to hear both sides, use judgment within the Ordinance, and render a decision in writing, within a reasonable time. The main purpose of the public hearing is to 2

allow property owners and anyone concerned with the case to testify how the proposed variance (or special exception) will affect them and their property. The reason for these hearings is not to gauge the sentiment of the public or to hear personal reasons why individuals are for or against the appeal. While the evidence may be in the form of an opinion rather than an established fact; it should support the grounds which the board must consider when making a determination. During the hearing, all persons wishing to speak will raise their hands, be recognized, give their names, address and interest in the case, then be sworn. If you wish, it is your right to be represented by counsel. Please address all your questions and statements to the Board and not to any individual in this room. In order to give everyone a chance, no one will be allowed to speak a second time until all persons have been given a chance to speak for the first time...and the petitioner will be given the last word. If you feel any member of this board is prejudiced for or against your case, please let me know and if the facts warrant it, they will abstain from participating or voting in your case. I want you to know that although the board is to be impartial, it must abide by the intent and spirit of the ordinance and cannot rewrite the ordinance to please any particular individual.

Case 01-26 DWP Berlin Realty LLC – Special Exception

Mr. Lavallee Sr. read the request into the record.

Request: Applicants seek a Special Exception for 40 Jericho Road, Tax Map 108, Lot 12, in the Industrial Business Zone requesting a Special Exception to allow Multi-Family Residential Use. This request comes under Article XI, Section 17-112 and Article X, Section 17-102 of the Berlin Zoning Ordinance.

Public Hearing Open for Case 01-26

Lee Rashkin of 26 Fawn Road, Dalton, NH 03598 was sworn in to give information on his request for a Special Exception.

Mr. Rashkin goal is to renovate the current 15,000 square feet of office space for residential living space. It is currently being underutilized and more of a financial liability. The building has a new roof and sprinkler system. A grant has been awarded to convert the building for residential use.

Vice Chair Losier asked if there was anyone to speak in favor of the applicant?

Ted Lacasse, 2126 Riverside Drive, Berlin, NH was sworn in. Mr. Lacasse, who is a business abutter and owns two businesses, feels anyone who wants to spend money in Berlin should be allowed. He has no issues with allowing the Multi-Family Residential Use, he believes the building might be torn down if the Special Exception isn't granted.

Mr. Lavallee Sr. asked if it would be Section 8 housing?

Mr. Rashkin mentioned they are still exploring options through the grant, but nothing has yet been decided.

Lydia Poulin, an abutter who resides at 45 Jericho Road, Berlin, NH asked how the property would be policed, maintained and how many vehicles would be allowed?

Vice Chair Losier answered that an April 7th meeting with the planning board would be occurring which would better answer these concerns.

Scott Halpin an abutter who resides at 41 Jericho Road, Berlin, NH, mentioned that he is in the construction business and feels this property is an environmental cleanup. There is industry on all sides which he wouldn't pick for a spot for housing.

Vice Chair Losier asked if there were any last words from the petitioner. There was none.

Vice Chair Losier asked if there were any public comments in opposition to the case. There was none.

Vice Chair Losier summarized the case and asked if anyone disputed the accuracy. No comments.

Public Hearing Closed at 6:48 pm. Vice Chair Losier closed the public hearing at 6:48 pm and advised applicant, Lee Rashkin, that a decision would be made that evening and a letter of decision would be sent. He was welcome to wait and be present to hear the Board's deliberations and decision. He was informed that if anyone chose to appeal the decision, the appeal must be filed within thirty days.

Case 01-26 Deliberation

Vice Chair Losier read "A special exception will be allowed if the following conditions are met:

- a. the specific site is an appropriate location for such a use;
- b. property values in the district will not be reduced by such a use;
- c. no nuisance or unreasonable hazard shall result;
- d. No adverse traffic impact will result from such a use;
- e. adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use, including water, sewer, and parking;
- f. no material adverse impact on the view, light and air of any abutter will result: and (Ord. 8/20/2012)
- g. such a use would not be detrimental to the public health, safety, and general welfare.

Vice Chair Losier and board members discussed each condition.

Vice Chair Losier read in approving a Special Exception, the Board of Adjustment may impose such additional conditions as it finds reasonably necessary to safeguard the neighborhood or otherwise serve the purposes of the Ordinance. Such conditions may include the following:

- a. increased lot area exceeding the minimum lot area required in a particular zone:

- b. increased front, side or rear yard set backs:
- c. height limitations;
- d. parking requirements specific to use and location:
- e. appropriate screening, buffers or planting strips, fences or walls;
- f. modification of the exterior appearance of the structure;
- g. limitation upon the size of any buildings, number of occupants, method and time of operation, or extent of facilities;
- h. relocation of the driveway or change in driveway configuration; and
- i. other conditions attached to specific uses permitted by special exception under the provisions of the Ordinance.

Findings of Facts:

- 1) This site is appropriate for Multi-Dwelling Residential Use.
- 2) Property values will not be reduced but rather increased which would not lessen value of existing surrounding homes. It would increase the base revenue.
- 3) No nuisance or unreasonable hazard will result.
- 4) No adverse traffic impact.
- 5) There is an oversized parking lot at the current office building which has City water and sewer facilities.
- 6) No adverse impact on the view.
- 7) The facilities are appropriate on the condition that the ground water is tested for toxins.

Approve Findings of Facts

Christian Judson made a motion to accept the findings of facts as presented for Special Exception Case 01-26 and Dave Lavallee Sr. seconded the motion. The board took a vote and voted unanimously 5-0 in favor of passing the motion.

Case 01-26 Decision

Christian Judson made a motion to grant the Special Exception in Case 01-26 for 40 Jericho Road, Map 108, Lot 12, which will allow Multi-Family Residential Use in the Industrial Business General Zone, per Article XI, Section 17-112 and Article X, Section 17-102 of the City of Berlin Zoning Ordinance. Dave Lavallee Sr. seconded the motion. The board took a vote and voted unanimously 5-0 to grant the request with a condition for ground water testing.

Member Comments

Christian Judson mentioned making the public aware by advertising that there is a need for new ZBA members.

Vice Chair Losier is still interested in being on the ZBA board.

Michel Salek asked the board if they can meet on Monday, April 20th, 2026. The board can attend this meeting.

Adjournment

On a motion by Christian Judson, seconded by Nancy Armstrong, the meeting was adjourned at 7:30 pm.

Respectfully Submitted,

Jennifer Ouellet,

*Note: Minutes are unofficial until they have been accepted by the Zoning Board of Adjustment by motion.