



City of Rochester, New Hampshire
Department of Building, Zoning & Licensing Services
31 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 509-1912
Web Site: www.rochesternh.net

APPLICATION FOR SPECIAL EXCEPTION

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER



DO NOT WRITE IN THIS SPACE

CASE NO. 2017-08

DATE FILED 8/23/17

Julia Libby
ZONING BOARD CLERK

Phone No. 603-520-3433

Name of applicant

Darlene Caputo

Address

257 N. Main St. Rochester

(Same)

(if same as applicant, write "same")

Owner of Property Concerned

Same

(if same as applicant, write "same")

Address

Same

(if same as applicant, write "same")

Location of property

257 N. Main St.

Map No.

115

Lot No.

93

Zone

R1

The undersigned hereby requests a special exception as provided in

Article:

42.24

Section:

9

of the Zoning Ordinance

Description of Property

41'

117'

41'

(give length of the lot lines)

Frontage

Sides

Rear

Proposed use or existing use affected

Home Business in a Multi Family Occupancy.

Signed

Darlene Caputo

(Applicant)

Date

8-23-2017

42.22 Special Exceptions

(a) General Provisions

- (1) Certain uses, structures, or conditions are designed as Special Exceptions (E) in this ordinance. Upon application, the Board of Adjustment may, subject to the appropriate conditions and safeguards, grant a permit for these special exceptions and no others.
- (2) Special Exceptions, for which conformance to additional standards is required, may be permitted in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Section 42.23, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess such special characteristics that each shall be considered as an individual case.
- (2) The Board of Adjustment may require that a site plan for development for a proposed Special exception be submitted showing the location of all buildings, parking areas, traffic access, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special exception is in harmony with the intent of this ordinance.

(b) Considerations Governing Granting Special Exceptions: In acting upon an application for a special exception, the Board of Adjustment shall take into consideration whether:

- (1) The specific site is an appropriate location for the proposed use or structure
YES ☒ NO ☐ Reasoning: *Business is Convenient N. Main St. location.*
- (2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood
YES ☐ NO ☒ Reasoning: *Therapeutic Massage helps to provide peaceful environment.*
- (3) There will be undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off street parking
YES ☐ NO ☒ Reasoning: *One client at a time on the premises.*
- (4) Adequate and appropriate facilities and utilities will be provided to insure the Proper operation of the proposed use or structure
YES ☒ NO ☐ Reasoning: *Installed Backflow device for plumbing.*
- (5) The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan
YES ☒ NO ☐ Reasoning: *All regulations have been met.*

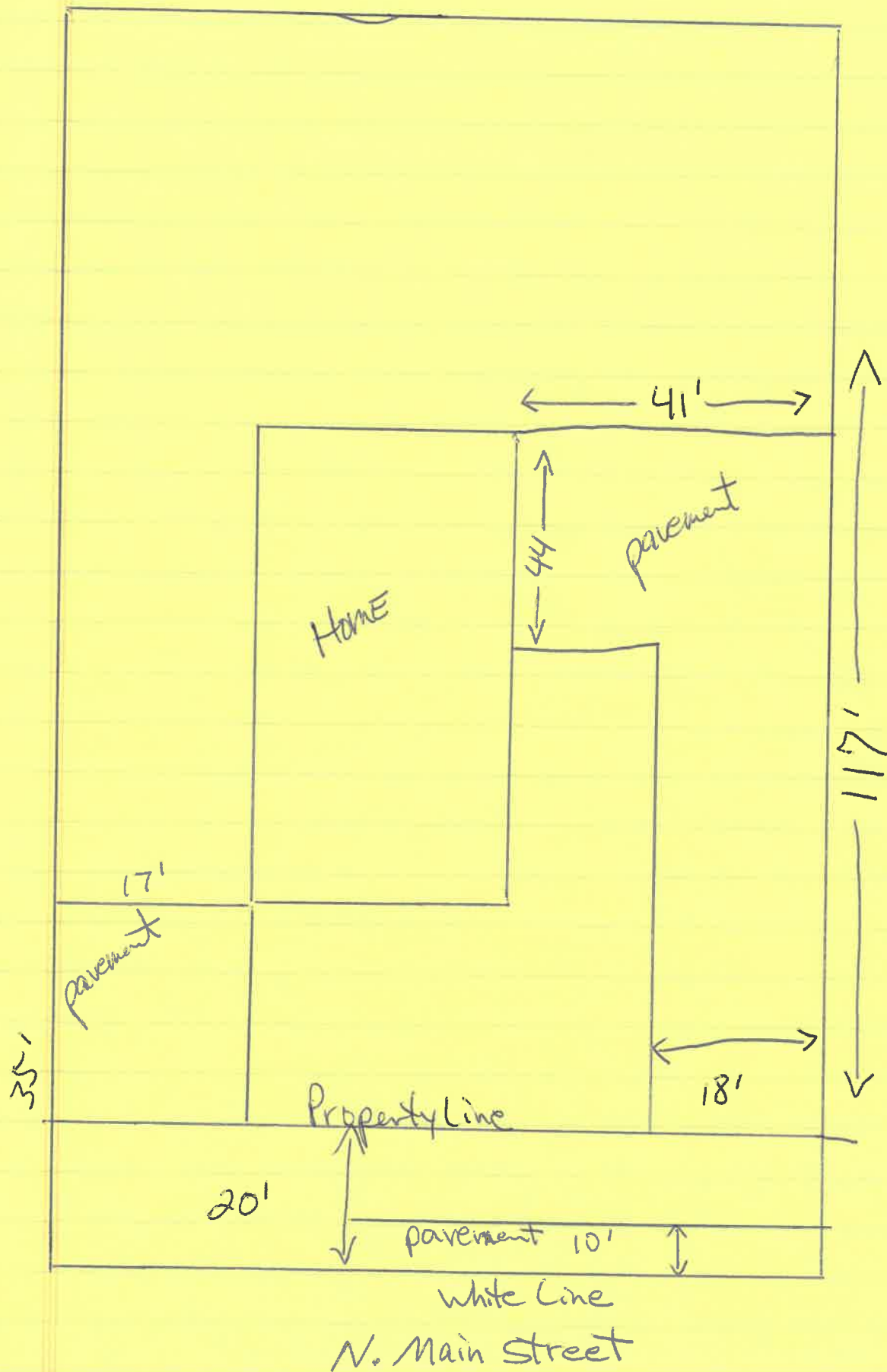
Please check Section 42.22 of the Rochester Zoning Ordinance for any additional specific conditions that apply to your Special Exception request.

The Business is a convenient location on N. Main St. to call upon. Therapeutic Massage helps to provide a harmonious atmosphere. Only one client at a time will be on the premises. All regulations for the town of Rochester have been met. I am looking forward to being a business member in Rochester, New Hampshire.

Sincerely

Doreen Cap

8-23-2017



42.24 Home Occupations

- a. **Requirements for All Home Occupations.** The following standards apply to all home occupations - 1, 2, and 3:

1. On Resident's Property. Home occupations shall be conducted by the individual on the property in which he/she resides.
2. Inside the Dwelling. All activity related to the home occupation shall be conducted inside the dwelling or inside a garage or barn-type outbuilding.
3. Character. Home occupations must be subordinate to the residential use and must have little or no impact upon the neighborhood. There must be minimal indication of the home occupation evident from the road or from neighboring properties.
4. Retail Sales. There shall be no retail sales of goods or products on the premises, except:
 - A. as may be incidental to the primary office or personal services occupation (such as sales of hair products to a salon customer);
 - B. for goods shipped pursuant to mail/email/telecommunication order;
 - C. to customers who visit by pre-arranged appointment only; or
 - D. for barn sales as specified under Home Occupation - III.
5. Delivery of Goods. The regular receipt or delivery of merchandise, goods or supplies to or from the business shall be limited to U.S. mail service, a standard parcel delivery service utilizing a two-axel vehicle, or a private passenger automobile.
6. Outside Storage/Parking. There shall be no outside storage or parking of materials, equipment, or vehicles (except for one ordinary passenger vehicle, pick up truck, or van related to the business). Box trucks are permitted by special exception subject to a determination that adequate buffering can be provided.
7. Performance Standards. There shall be no emission of noise, odor, dust, fumes, vibration, or smoke beyond the property or, in the case of multifamily dwellings, beyond the dwelling unit;
8. Septic System. Septic system design/capacity for home occupations that utilize significant additional water or waste water volumes, such as hair salons and catering services shall be verified in writing by a licensed NH septic designer or a professional engineer;
9. Multifamily Dwellings. Home occupations are allowed in all residential property. Any proposal for a Home Occupation-2 or Home Occupation-3 in a dwelling other than a single family dwelling shall be reviewed as a special exception (see **Section 42.24-f**, below). In addition, the owner and residents of all units in the dwelling shall be notified





0 Abutters List Report

Rochester, NH
August 23, 2017

Subject Property:

Parcel Number: 0115-0093-0000
CAMA Number: 0115-0093-0000
Property Address: 257 NO MAIN ST

Mailing Address: CAPALBO DARLENE
257 NO MAIN ST
ROCHESTER, NH 03867-1133

\$30.81 per abutter *\$22.80*

Abutters:

Parcel Number: 0115-0027-0000
CAMA Number: 0115-0027-0000
Property Address: 250 NO MAIN ST

Mailing Address: BURGER KING CORPORATION % RYAN
P O BOX 460189
HOUSTON, TX 77056-8189

Parcel Number: 0115-0091-0000
CAMA Number: 0115-0091-0000
Property Address: 3 MCDUFFEE ST

Mailing Address: MITCHELL THOMAS K
3 MCDUFFEE ST
ROCHESTER, NH 03867-1108

Parcel Number: 0115-0092-0000
CAMA Number: 0115-0092-0000
Property Address: 261 NO MAIN ST

Mailing Address: PULLO CHRISTOPHER
21 FIRE RD 15
STRAFFORD, NH 03884

Parcel Number: 0115-0094-0000
CAMA Number: 0115-0094-0000
Property Address: 255 NO MAIN ST

Mailing Address: ROY PETER J
255 NO MAIN ST APT A
ROCHESTER, NH 03867-1132

Parcel Number: 0115-0095-0000
CAMA Number: 0115-0095-0000
Property Address: 2 FORTIER DR

Mailing Address: MITCHELL CHRISTOPHER & CONRAD
NICOLE
2 FORTIER DR
ROCHESTER, NH 03867-1105

Parcel Number: 0115-0096-0000
CAMA Number: 0115-0096-0000
Property Address: 4 FORTIER DR

Mailing Address: ANDERSON LINDA A
4 FORTIER DR
ROCHESTER, NH 03867-1105

CAI Technologies

www.cai-tech.com

8/23/2017

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Special Exception Application Checklist

- ☒ It must be determined that your proposed use is not permitted without a special exception. Most often this determination is a denial of a building permit.
- ☒ Complete the application form.
- ☒ ~~N/A~~ You must complete the 42.22 Special Exceptions sheet, addressing the 5 questions
If the special exception is for a garage, you must also complete the Garage Setbacks sheet
- ☒ A narrative explaining what you are requesting the special exception for.
- ☒ A sketch (see attached example) including the following.
 - ☐ Measurements of the distances from any existing structure to the lot lines. If the proposed structure is not attached to the building you will need the distance between buildings.
 - ☐ Dimensions of the lot. A certified plot plan of your property is required by the Zoning Board. If you do not have a certified plot plan you may request a waiver (see the secretary for details)
 - ☐ If for a garage, all appropriate information on proposed garage (see samples)
- ☐ Photographs, if you have them.
- ☒ Abutter's list. **This information must be obtained from the Zoning Clerk in the Building, Zoning and Licensing Office from their computer.** The applicant must pay the cost of the certified fee for each abutter, applicant and any other applicable person on the abutter list, including applicant (at this time the fee is \$3.81 each) \$22.80 6 Abutters.
(See Zoning Secretary for current fee.)
- ☒ **Application fee \$175.00** (make check payable to City of Rochester).

All of the above information must be completed and submitted to the Building, Zoning & Licensing Department. on or before the deadline date, or the application will be considered incomplete and will be postponed until the next scheduled meeting, or until all the requirements have been met.

NOTE: All applications will be allowed one (1) postponement of the hearing on their application, and shall notify the Planning Office in writing of their intent to postpone such hearing at least two (2) days prior to the meeting at which their application is to be considered. If the applicant requests a second (2nd) postponement of the hearing, the application will be considered to have been withdrawn and the applicant must file a new application with the Board in order to receive a hearing. The provisions of this paragraph shall not apply to any postponement requested by an applicant as a result of the inability of the Zoning Board of Adjustment to provide the applicant with a five-member board for the hearing on the application.

THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING TO PRESENT THE CASE TO THE ZONING BOARD OF ADJUSTMENT

If you have any questions with any of these requirements, please call Karen at 332-3976