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Application for Minor Site Plan Review

117 Walnut Street, Rochester, NH

Tax Map 122 Block 90

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April 5, 2022



MINOR SITE PLAN APPLICATION
City of Rochester, New Hampshire

Date: April 5, 2022

Property information

Tax map #: 122; Lot #(s): 90; Zoning district: AG

Property address/location: 117 Walnut Street, Rochester, NH 03867

Brief project description: Residential Facility: Sober Living Home

Property owner

Name (include name of individual): Shaheen Enterprises, LLC

Mailing address: 73 Perkins Road, Madbury, NH 03823

Telephone #: (603) 361-5500 Email address: bshaheen@shaheengordon.com

Applicant/developer (if different from property owner)

Name (include name of individual): Christopher Swiniarski, Esq.

Mailing address: 111 Amherst Street, Manchester, NH 03101

Telephone #: (603) 669-1000 Email address: cswiniarski@devinemillimet.com

Engineer/surveyor/designer (if applicable)

Name (include name of individual): Scott Lawler, P.E.

Mailing address: P.O. Box 249 Rochester NH 03866-0249

Telephone #: (603) 335-3948 Email address: slwaler@norwayplains.com

Check one:

- ☒ Nonresidential project ☐ Home Occupation II or III
☐ Multi-Family Residential project

Check all that apply:

- ☒ change of use ☐ new building ☐ building addition
☐ new parking area ☐ expansion of existing parking area
☐ new signage; ☐ exterior lighting ☐ other site changes

Describe current use/nature of property: Blue Oasis Salon and Spa

Describe proposed use/activity: Residential Facility as set forth in narrative.

parking spaces: existing: 30+ ; total proposed: No change

Current square footage of building 5900 approx.; Proposed square footage of building No change

City water? yes ___ no x; How far is City water from the site? unknown

City sewer? yes ___ no X; How far is City sewer from the site? unknown

If City water, what are the estimated total daily needs? N/A gallons per day

Where will stormwater be discharged? N/A - no change

Number of existing dwelling units: 0 Total number of proposed dwelling units: 0

New building(s)? N/A Addition(s)/modifications to existing building(s)? Internal Only

Describe current use/nature of property: Blue Oasis Salon and Spa

Describe proposed use/activity: Residential Facility: Sober Living Home

of parking spaces: existing: 30+ total proposed: No change

Hours of Operation: _____ Days of Operation: _____

Number of employees: _____ Square footage to be used for new proposed use: full building - 5,900 appx.

Maximum Number of Pupils at one time (for classes): N/A

Comments

Please feel free to add any comments, additional information, or requests for waivers here:

See attached Narrative at Tab 2

This application must be accompanied by the following:

- Site plan drawing with:
 - All building dimensions (including any additions, if applicable)
 - Parking areas or spaces with size, spaces, flow pattern, and drive aisles as applicable.
 - Location of proposed change of use/addition/home occupation.

Submission of application & acknowledgement about process

This application must be signed by the property owner, applicant/developer (if different from property owner), *and/or* the agent.

I (we) hereby submit this Site Plan application to the City of Rochester Planning Board pursuant to the City of Rochester Site Plan Regulations and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant/developer (if different from property owner)/as agent, I attest that I am duly authorized to act in this capacity. **I also acknowledge that this project could be referred to the Planning Board for a new, full Planning Board review at the request of any person after any Minor Site Approval and that I would need to renotify abutters in that case (in accordance with RSA 674:43 III).**

Signature of property owner: 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f

Digitally signed by 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f
DN: cn = 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f
Date: 2022.04.04 10:23:20 -0400

Date: April 5, 2022

Signature of applicant/developer: 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f

Digitally signed by 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f
DN: cn = 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f
Date: 2022.04.04 10:23:11 -0400

Date: April 5, 2022

Signature of agent: 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f

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DN: cn = 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f
Date: 2022.04.04 10:23:04 -0400

Date: April 5, 2022

Authorization to enter property

I hereby authorize members of the Rochester Planning Board, Zoning Board of Adjustment, Conservation Commission, Planning Department, and other pertinent City departments, boards and agencies to enter my property for the purpose of evaluating this application including performing any appropriate inspections during the application phase, review phase, post-approval phase, construction phase, and occupancy phase. This authorization applies specifically to those particular individuals legitimately involved in evaluating, reviewing, or inspecting this specific application/project. It is understood that these individuals must use all reasonable care, courtesy, and diligence when entering the property.

Signature of property owner: 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f

Digitally signed by: 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f
DN: cn = 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f
Date: 2022.04.05 10:51:01 -0700

Date: April 5, 2022

Home Occupation: An occupation or business activity which is conducted by a resident within his/her own dwelling or in a garage or barn-type outbuilding and which is clearly subordinate to the principal residential use. Home occupations are designated as Home Occupations – 1,2,and 3. (See Section 42.24 – Home Occupations)

Requirements for All Home Occupations. The following standards apply to all home occupations - 1, 2, and 3: *(If any of these cannot be met, it will be deemed **not** an allowed use)*

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;

April 4, 2022

VIA Federal Express and Electronic Submission
Planning & Development Department (the "Board")
City of Rochester
33 Wakefield Street
Rochester, NH 03867

RE: Application for Minor Site Plan Approval (the "Application") of Restoration Church, Assembly of God (the "Applicant") for a Residential Facility at Tax Map 122 Block 90, known as 117 Walnut Street, Rochester, NH (the "Property")

Hello Board Members:

The purpose of this submission is to provide you with a narrative and the requested information for the above-referenced Application to change the use of the Property to a Residential Facility, as authorized by the City of Rochester Zoning Board of Adjustment by Special Exception granted March 14, 2022.

INTRODUCTION

The Property is located at 117 Walnut Street, Rochester, NH. It is in the agricultural (AG) zoning district, and currently hosts the Blue Oasis Salon and Spa. The Property consists of 2.51 acres +/-, and is improved with a building consisting of approximately 5,900 square feet

The Property is surrounded by dense vegetative buffers to the North, South, and West, as shown on the Tax Map / GIS Map included at Tab 8 of the Application. To the East, the Property has a less dense vegetative buffer, abutted by Urban Tree Service, a commercial tree, plant, and lawn service provider. The existing building on the Property is located 50.5 feet from the nearest abutting property line (as shown on the Subdivision Plan at Tab 4), and is well in excess of 200 feet from the structure on that abutting property.

The Applicant has obtained a special exception to utilize the existing building for a Residential Facility, as set forth in the Project Narrative submitted to the Planning Department in advance of this Application, a copy of which is included at Tab 9.

At full capacity, the project will provide sober living for a total of 21 adults, as set forth in the Project Narrative included at Tab 9 and the Floorplans included at Tab 5. Existing on-site well and septic systems will be utilized, with a potential septic upgrade prior to full capacity, in accordance with state regulations therefore. Residents will be employed and will generally come and go as would any other person, with no specific peak entry and exit times. **No physical change to the site is proposed.**

GENERAL FEATURES OF THE PROPOSED USE

- A. Location.** The Property is located within the AG district, bordering on the industrial district. Because of this proximity to the zoning district line, uses in the area are mixed. There are residential uses to the northwest and south, infrastructure and industrial uses to the north, and commercial uses to the east. The Spaulding Turnpike is also very close to the eastern boundary of the property. This mix of uses is generally buffered by dense vegetation and larger land areas, as shown in the pictures below.



Aerial view of Property



Current view of Property



Dense vegetative buffer to the west (Property visible at right)



Commercial use to the east (Property roofline visible at left middle)



Commercial use to the east

- B. Neighborhood.** The nature of the neighborhood is represented by the pictures above. The proposed use is simply residential housing, in an area with some housing, some industrial, and some commercial uses. No appreciable noise, dust, smoke, odors, or light will be generated from the Property.
- C. Traffic.** The proposed use will not create any hazard or nuisance to vehicular or pedestrian traffic. The building located on the Property has significant setback from the public right of way, as is evident from the photographs above and the plans submitted as Tabs 3 and 4. The number of residents, if all have vehicles, would not significantly increase traffic from that of the existing use and other uses allowed by right.
- D. Non-Impact to City Resources.** The Property currently hosts a salon and spa with ample water supply by a private well. The current septic design is adequate for the Phase I use. Part of the reasoning for bifurcating the use into two phases is the plan to upgrade the septic system, which will be done as required by law outside of the scope of the municipal jurisdiction (state jurisdiction). The project requires no special utilities or facilities.

SUMMARY

The Restoration Church Assembly of God seeks to provide a valuable service to society and the general public by providing a sober living Residential Facility at the Property. The proposal has received a special exception from the Zoning Board of Adjustment and has received input from city departments as part of the Project Narrative Submission included in Tab 9. The Applicant therefore respectfully requests that this Committee grant the Minor Site Plan approval sought herein for a Residential Facility at the Property. Thank you.

Sincerely,

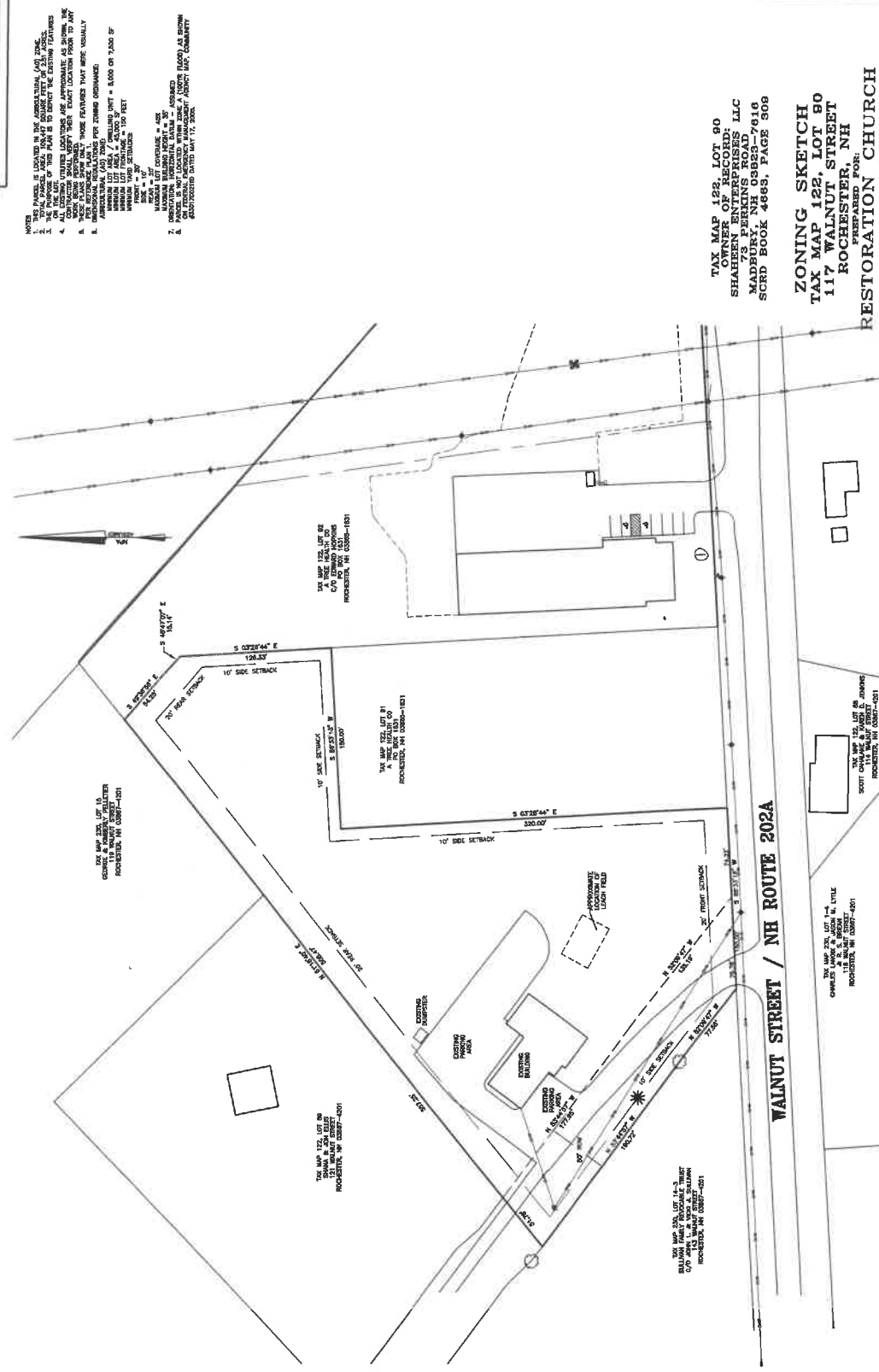
A handwritten signature in blue ink, appearing to be 'CS' or similar initials, written in a cursive style.

Christopher Swiniarski
Attorney for Restoration Church Assembly of God

LAND SURVEYORS

CIVIL ENGINEERS

- LEGEND
- PROPERTY LINE
 - BUILDING SETBACKS
 - EXISTING SIDE OF HIGHWAY
 - EXISTING OVERGROUND WELLS
 - EXISTING UTILITY POLES



REFERENCE PLANS

1. "SUBDIVISION OF LAND - ROCHESTER, N.H. FOR MITCHELL & DENISE BROWN AND BOB AND LINDA BROWN PLANNED PLANNED SURVEY ASSOCIATES, INC. DEEDS, PLAN 374-68 ON JANUARY 5, 1980.

31 Mounsey Street, Albion, N.H. 603-875-3848

FILE NO. 141
PLAN NO. C-3824
DWG. NO. 21589

TAX MAP 122, LOT 90
OWNER OF RECORD:
SHAWNEE INVESTMENTS, LLC
73 PERKINS ROAD
MADBURY, NH 03823-7616
SCRD BOOK 4688, PAGE 309

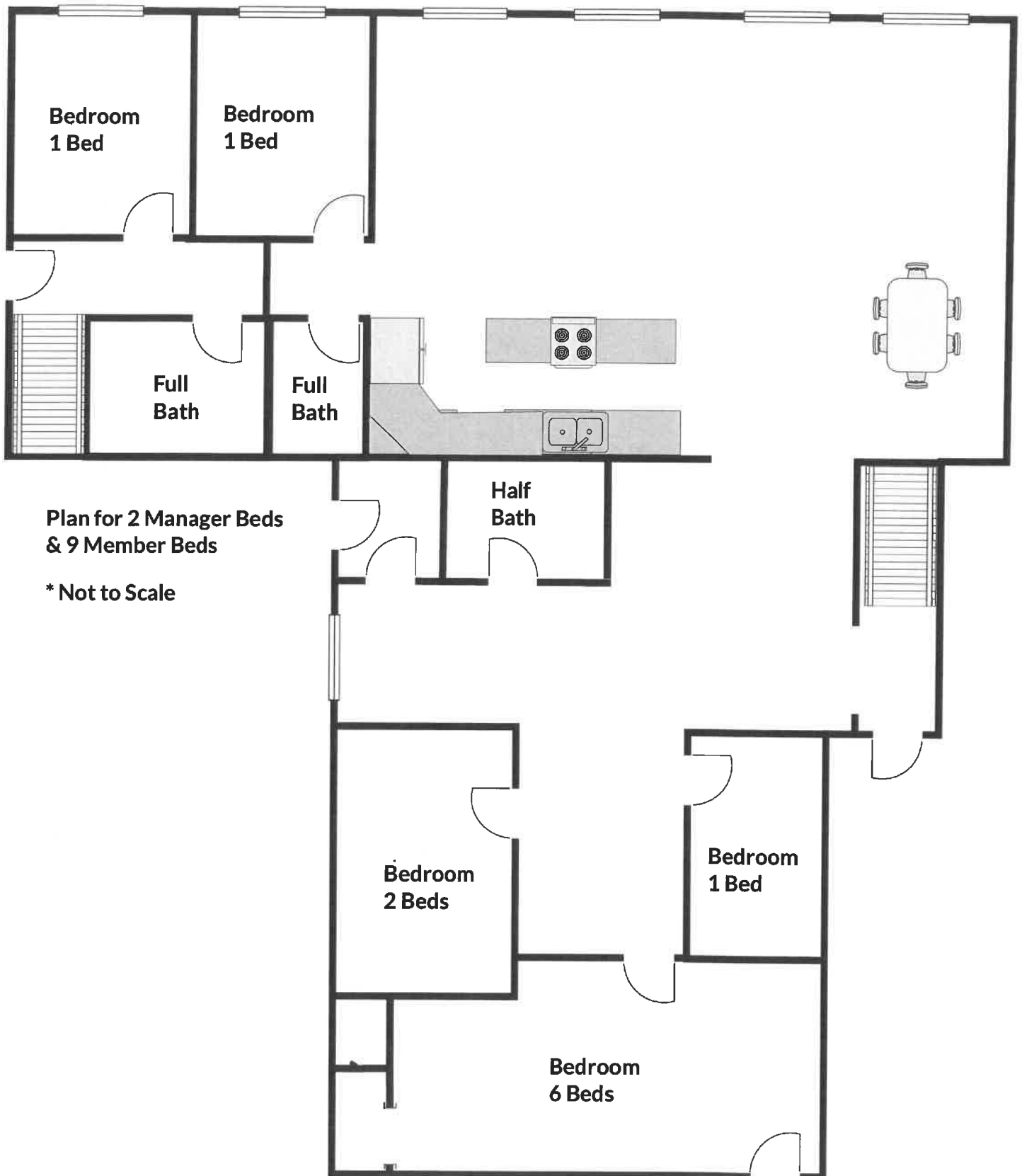
ZONING SKETCH
TAX MAP 122, LOT 80
117 WALNUT STREET
ROCHESTER, NH
RESTORATION CHURCH
JANUARY 2028



- NOTES
1. TOTAL PAVEMENT WIDTH OF WALNUT STREET (40' WIDE) IS SHOWN AS 40' ON THE LEFT SIDE OF THE SKETCH. THE EXISTING SIDE OF WALNUT STREET IS SHOWN AS 40' ON THE RIGHT SIDE OF THE SKETCH. THE EXISTING SIDE OF WALNUT STREET IS SHOWN AS 40' ON THE RIGHT SIDE OF THE SKETCH.
 2. THE EXISTING SIDE OF WALNUT STREET IS SHOWN AS 40' ON THE RIGHT SIDE OF THE SKETCH. THE EXISTING SIDE OF WALNUT STREET IS SHOWN AS 40' ON THE RIGHT SIDE OF THE SKETCH.
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NORWAY PLAINS ASSOCIATES, INC.

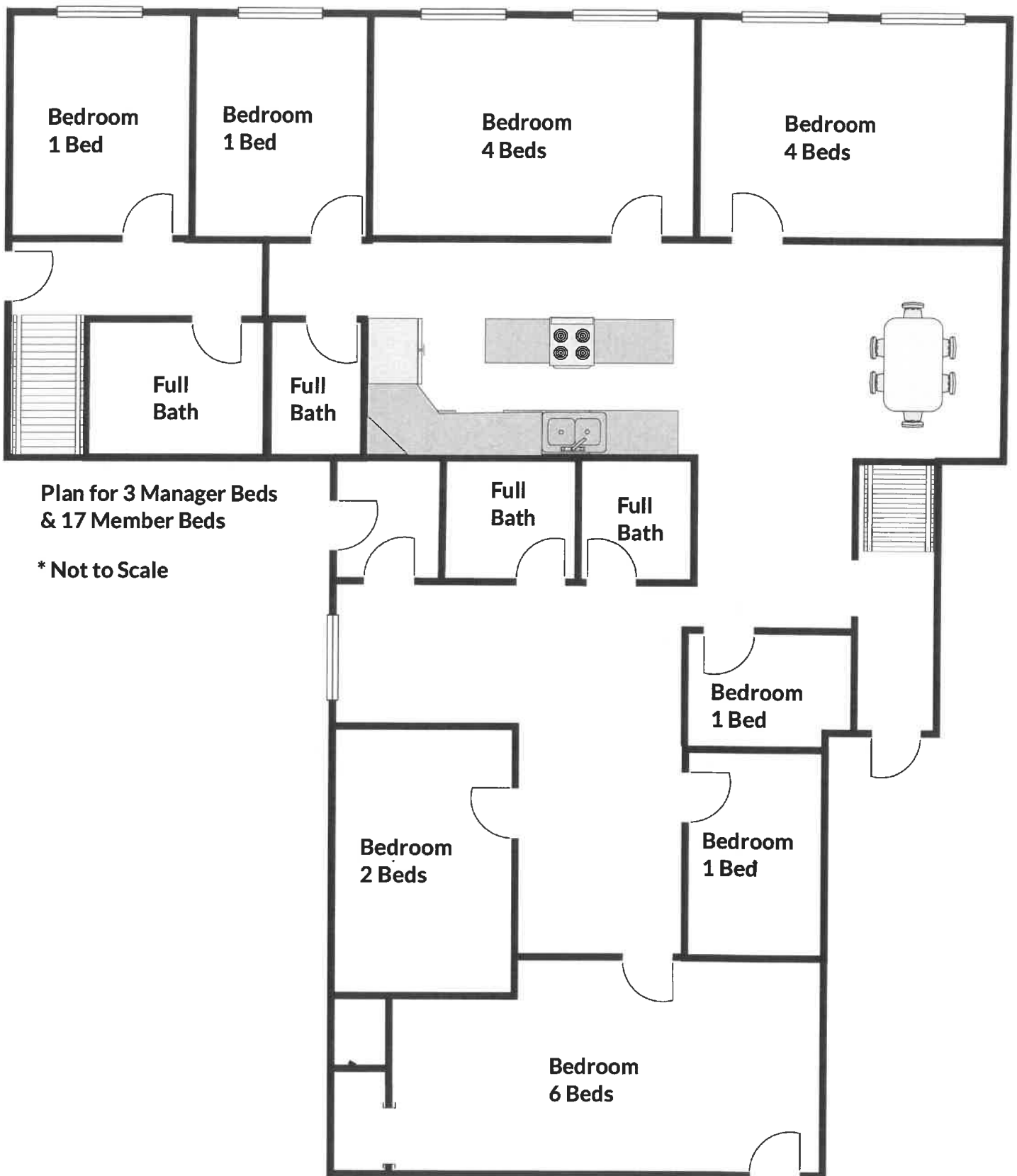
Phase I Floor Plan



Plan for 2 Manager Beds
& 9 Member Beds

* Not to Scale

Phase II Floor Plan



ABUTTER LIST

City of Rochester, NH

Please Print or Type

Applicant: Restoration Church c/o Devine, Millimet & Branch, P.A. **Phone** (603)669-1000

Project Address:

117 Walnut Street, Rochester, NH 03867

List the names and addresses of all parties below. For abutting lot owners, list each owner whose lot adjoins or is directly across the street or a body of water from the subject property. This form may not be completed more than five (5) days prior to submitting the application.

LEGAL OWNER OF SUBJECT LOT

Map	Lot	Zone	Owner Name	Mailing Address
122	90	AG	Shaheen Enterprises, LLC	73 Perkins Road, Madbury, NH 03823

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
230	15	George & Kimberly Pelletier	119 Walnut Street, Rochester, NH 03867
122	92	A Tree Health Co., Inc. & Edward Hopkins	P.O. Box 1631, Rochester, NH 03867
230	1-4	Charles Lanoix, Jason M. Lytle & Briean R. Sullivan Lytle	118 Walnut Street, Rochester, NH 03867
122	89	Jon & Shana Ellis	121 Walnut Street, Rochester, NH 03867
122	91	A Tree Health Co., Inc.	P.O. Box 1631, Rochester, NH 03867
230	14-3	John L. & Vicki J. Sullivan as Co-Trustees of the Sullivan Family Revocable Trust	143 Walnut Street, Rochester, NH 03867
122	88	Scott M. Cahalane & Karen D. Newmarket	114 Walnut Street, Rochester, NH 03867

PROFESSIONALS AND EASEMENT HOLDERS. *Engineers, Surveyors, Soil Scientists, and Architects whose seal appears or will appear on the plans (other than any agent submitting this application); holders of conservation, preservation, or agricultural easements; and upstream dam owners/NHDES.*

Name of Professional or Easement Holder

Mailing Address

I, the undersigned, acknowledge that it is the responsibility of the applicant or his/her agent to fill out this form. I understand that any error or omission could affect the validity of any approval. The names and address listed on this form were obtained from the City of Rochester Assessing Office computer – Assess Pro (located in the Revenue Bldg at 19 Wakefield Street)

On this date: _____, This is page _____ of _____ pages.

Applicant or Agent: Christopher Swiniarski, Esq.



Planning Staff Verification: _____ **Date:** _____

Shaheen Enterprises, LLC

73 Perkins Road
Madbury, NH 03823

January 6, 2022

Town of Rochester
Zoning Board of Adjustment
Town Hall
33 Wakefield Street
Rochester, NH 03867

Subject: Zoning Board of Adjustment Applications for 117 Walnut Street

Dear Members of the Zoning Board of Adjustment:

Please accept this letter on behalf of Shaheen Enterprises, LLC as authorization and permission for Restoration Church and its attorneys, engineers and agents to apply for and prosecute special exceptions, variances or other permit applications related to the property located at 117 Walnut Street, Rochester, New Hampshire. Shaheen Enterprises, LLC is the owner of the real property, together with buildings and improvements thereon situated at 117 Walnut Street in Rochester and shown on the tax records for the Town of Rochester as Tax Map 122, Block 90.

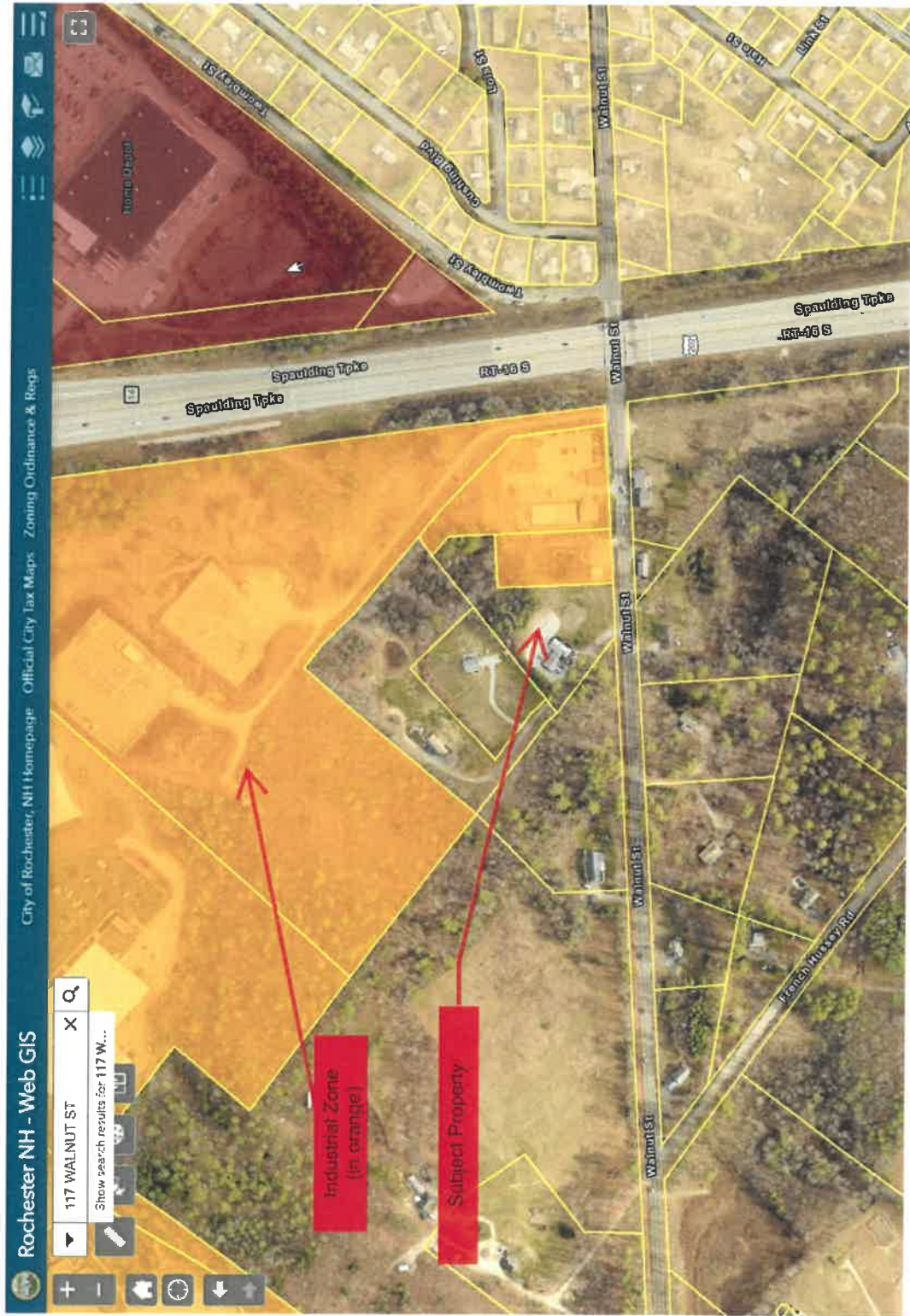
Please let me know if you have any questions. You may contact me at 603-361-5500

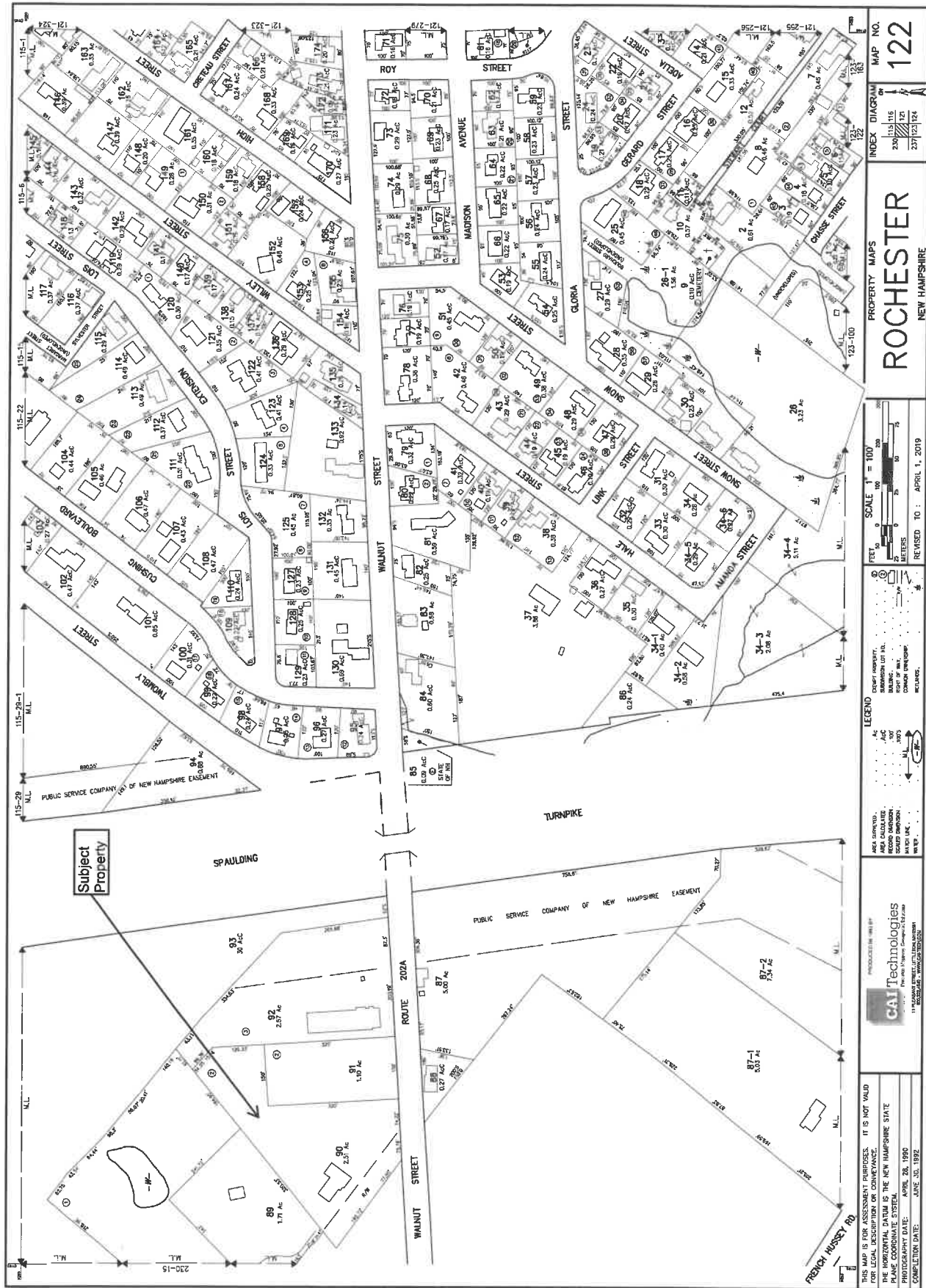
Sincerely,

SHAHEEN ENTERPRISES, LLC

By: 

William H. Shaheen, Manager
Duly authorized





THIS MAP IS FOR INFORMATION PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.
 THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM.
 PHOTOGRAPHY DATE: APRIL 28, 1990
 COMPLETION DATE: JUNE 30, 1992

PRODUCED BY
CAI Technologies
 Planning & Surveying Division
 1155 Main Street
 Rochester, NH 03071

AREA SHOWN
 AREA CALCULATED
 RECORD NUMBER
 MAP NO.
 MAP DATE

LEGEND
 Aerial Photograph
 Surveyed Lot Line
 Building
 Contour Line
 Easement
 Right of Way
 Water

SCALE 1" = 100'
 METERS
 FEET

PROPERTY MAPS
ROCHESTER
 NEW HAMPSHIRE
 INDEX DIAGRAM
 MAP NO. **122**
 230 115 116
 231 117 118
 232 119 120
 233 121 122



Planning and Development
Conservation Commission
Historic District Commission
Arts and Culture Commission

PLANNING & DEVELOPMENT DEPARTMENT

City Hall Annex
33 Wakefield Street,
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 330-0023
Web Site: www.rochesternh.net

PROJECT NARRATIVE FORM

Date: January 7, 2022

PROPERTY INFORMATION

TAX MAP #: 122; LOT #(s): 90; ZONE: Agricultural (AG)

PROPERTY ADDRESS/LOCATION: 117 Walnut Street, Rochester, NH 03867 c/o Devine, Millimet & Branch, P.A.

NAME OF PROJECT (IF APPLICABLE): Restoration Church Sober Living Home

APPLICANT

NAME (INCLUDE NAME OF INDIVIDUAL): Christopher Swiniarski, Esq.

MAILING ADDRESS: 111 Amherst Street, Manchester, NH 03101

TELEPHONE #: (603) 669-1000 EMAIL ADDRESS: cswiniarski@devinemillimet.com

PROPERTY OWNER (IF DIFFERENT FROM APPLICANT)

NAME (INCLUDE NAME OF INDIVIDUAL): Shaheen Enterprises, LLC

MAILING ADDRESS: 73 Perkins Road, Madbury, NH 03823

TELEPHONE #: (603) 361-5500 EMAIL ADDRESS: bshaheen@shaheengordon.com

Proposed activity

Hours of Operation: Residential Living - 24/7

Number of employees: 6 Managers will live on site, though they are not "employees"

Square footage to be used: 5,900 approximately

Is property now vacant: no

Is there off street parking: yes

Will there be any outside storage, noise, vibration, light or smoke from the proposed use: No

Proposed Site changes

New building/structure: _____ Addition onto existing building/structure: _____

Alterations to existing building: _____ Demolition: _____ Signage: _____

Site development (other structures, parking, utilities, etc.): _____ Change of use: X

Proposed project description (use extra sheet if needed): _____

Please see attached Project Narrative

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Brief description of previous use (if known): Blue Oasis Salon and Spa

Submission of application

This application must be signed by the property owner, applicant/developer (if different from property owner).

I (we) hereby submit this Project Narrative application to the City of Rochester Planning Department and attest that to the best of my knowledge all of the information on this application form is true and accurate. As applicant/developer (if different from property owner)/as agent, I attest that I am duly authorized to act in this capacity.

Signature of applicant: 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f Digipdf signed by: 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f
CN: CN = 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f
Date: 2022.01.07 09:29:07 -0500 Date: 01/07/2022

Signature of property owner: See owner's authorization attached Date: _____



RESTORATIONCHURCH

January 6, 2022

To Whom It May Concern,

Restoration Church has started a 501(c)3 non-profit called, "Restoration Recovery". Our hope is to provide practical resources to meet tangible needs of those in our community struggling with substance use, mental health, and any family issues they may be facing. One of the ways we want to help our community is through sober living homes. There are many men and women in our communities who are restarting their lives and beginning to live in recovery. We seek to partner with those who are in recovery and rebuilding their lives. Sober living homes accomplish this by offering housing that provides accountability and support to continue on this journey. Providing this type of support has been a key in the lives of many in continuing recovery and adding up years and decades of sobriety.

We see 117 Walnut Street in Rochester as a perfect place to open a men's sober home. This facility is 5,900 sq feet. This provides the sober living home with enough space for housing, meetings, and living. The house will not be overcrowded to increase profit. Instead, the men will be spread out to increase comfort. Treating people with dignity helps them to believe in the journey of recovery they have set out upon. They will achieve the life they are dreaming of.

Our sober living home will open in phases. The initial opening of the sober living home will house seven men and two male managers. This will total nine men living in the home. Initial work will include renovating a bathroom, updating the kitchen, and replacing the roof and HVAC system. Financing for this phase has already been approved and is in place. The second phase of the sober living home will include renovation of a half bath and converting it into two full bathrooms, creating an additional manager's bedroom, and two additional bedrooms, and replacing the septic system with a larger capacity system. Financing for this phase has also been approved. This renovation will provide beds for seventeen men and four managers, bringing the total number of beds to 21. The property currently has ample parking on-site for each bed plus additional parking for visitors, and no site work or exterior modifications (other than roof replacement as noted above) are planned.

Our Sober Living homes will seek NHCORR (New Hampshire Coalition of Recovery Residences) certification. NHCORR requirements are included in our plans for this property.

If you have any questions please feel free to contact me,

Nathan Gagne



PLANNING & DEVELOPMENT DEPARTMENT
City Hall Annex – First Floor
33 Wakefield Street
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 335-7585
Web Site: www.rochesternh.net

Planning Board
Zoning Board
Conservation Commission
Historic District Commission
Arts & Culture Commission

Christopher Swiniarski
111 Amherst Street
Manchester, NH 03101

Date January 28, 2022

RE: Application by Christopher Swiniarski for Change of Use from a hair salon to a Sober Living Home located at 117 Walnut Street, Tax Map 0122 Lot 0090 in the Agricultural zone.

Dear Mr. Swiniarski,

After reviewing your project narrative dated January 7, 2022 we have determined that the proposed use, Residential Facility, is permitted by Special Exception in the agricultural zone. To be considered for approval please submit a Special Exception application to the Zoning Board of Adjustment.

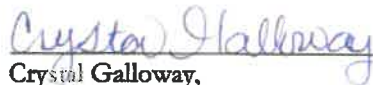
If the Special Exception is granted, you must then submit a Minor Site Plan Application to the Planning & Development Department for the change of use.

It is the applicant's responsibility to obtain any other applicable permits from local, state, and federal agencies. Contact the following City of Rochester Departments for more information about their requirements:

- Building, and Licensing Services Department at 332-3508
- Fire Department at 335-7545
- Department of Public Works at 332-4096
- Historic District Commission via Planning & Development Department at 335-1338

Please feel free to contact the office if you have any questions.

Sincerely,



Crystal Galloway,
Planner I

cc: View Permit PN-22-2
File



City of Rochester, New Hampshire

Zoning Board of Adjustment

March 14, 2022

Restoration Church
c/o Devine, Milliment & Branch, P.A.
111 Amherst Street
Manchester, NH 03101

Notice of Decision

Z-22-07 Restoration Church Seeks a *Special Exception* from Sections 22.2 and 22.3 to permit a residential facility as defined in the Zoning Ordinance.

Location: 117 Walnut Street, Rochester, Map 122 Lot 90 in the Agricultural Zone.

At its March 9, 2022 meeting the Zoning Board of Adjustment ***Granted*** the Special Exception as presented.


Shanna B. Saunders
Director of Planning & Development

It is the applicant's responsibility to obtain any applicable permits from local, state, and federal agencies. Any work completed within the thirty (30) day appeal period, explained below, is at your risk.

Note: Any person affected has a right to appeal this decision. A request for a rehearing is the first step of an appeal. The request must be submitted to the Planning Department within **thirty (30) calendar days**, starting the day after the decision is made. If a rehearing is not granted, the next step is to appeal to Superior Court within thirty (30) days. If a rehearing is granted, it is the responsibility of the original applicant to present the case to the Zoning Board, with the same obligations and following the same procedure used when the case was first heard.

Cc: View Point Z-22-6
File