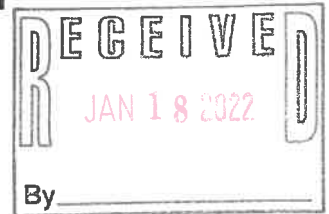




# City of Rochester, New Hampshire

## Zoning Board of Adjustment



### Special Exception Application

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2-22-07

DATE FILED 1/18/22

C.D.  
ZONING BOARD CLERK

Applicant: Restoration Church

E-mail: cswiniarski@devinemillimet.com Phone: (603) 669-1000

Applicant Address: c/o Devine, Millimet & Branch, P.A., 111 Amherst Street, Manchester, NH 03101

Property Owner: Shaheen Enterprises, LLC

Property Owner Address: 73 Perkins Road, Madbury, NH 03823

Variance Address: 117 Walnut Street, Rochester, NH 03867

Map Lot and Block No: Map 122 Block 90

Description of Property (give length of lot lines): See Attached Subdivision Plan at Tab 4

Proposed use or existing use affected: Residential Facility: Sober Living Home

The undersigned hereby requests a special exception as provided in section 275-22.2 & 275 22.3 of the Zoning Ordinance to permit the proposed use of a a Residential Facility as defined in the Zoning Ordinance.

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitute grounds for a Special Exception.

Signed: [Signature]

Date: 1/13/22



# City of Rochester, New Hampshire

## Zoning Board of Adjustment

### 275.22 Special Exception Sheet

(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 275.22, 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.
- (3) 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: See attached Narrative at Tab 2

(2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood. Yes ☐ No ☒  
Reasoning: See attached Narrative at Tab 2

(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: See attached Narrative at Tab 2

(4) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. ☒ Yes ☐ No Reasoning: See attached Narrative at Tab 2

(5) The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan. ☒ Yes ☐ No Reasoning: See attached Narrative at Tab 2

**Please check section 275.22 of the Zoning Ordinance for any additional specific conditions that apply to your Special Exception request.**



# City of Rochester, New Hampshire

## Zoning Board of Adjustment

### Garage Setback Sheet

Garage Setbacks: A special exception may be granted to reduce side and/or rear yard setback requirements for garages (only applicable for residential use) in the Agricultural, Residential 1, or Residential 2 zones, subject to all of the following conditions. **(These are in addition to the five general criteria for all Special Exceptions):**

I attest to the Zoning Board of Adjustment that:

1. The lot was not created by a subdivision that occurred after January 1, 1998. N/A  
\_\_\_\_\_  
\_\_\_\_\_
2. There is some existing pattern in the area for garage setbacks smaller than those requires, as evidence by: N/A  
\_\_\_\_\_  
\_\_\_\_\_
3. Locating the garage in conformance with the side and/or rear yard requirements would significantly impact existing vegetation, views from the residence, use of the yard, or site circulation, or is impractical due to lot dimensions or other constraints because: N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. If a new driveway serves the garage, it must be endorsed by the City Engineer, prior to the Public Hearing. *The City Staff will consult the City Engineer prior to the meeting on this criterion.*
5. The proposed garage must be set back at least 10 feet from any existing building location on an adjacent lot. *Please provide a sketch plan showing the proposed garage footprint, and its relation to existing structures.*
6. The proposed garage must be designed to blend with the architectural character of the neighborhood (siding, fenestration, roof pitch, etc.) *Elevation drawings must be submitted to the ZBA, and will be reviewed as part of this application.*
7. The garage cannot exceed 24 feet in either length or width.
8. The garage walls (from foundation) cannot exceed 10 feet in height (the roof may exceed the 10 foot limit).

January 17, 2022

VIA Federal Express and Electronic Submission  
Zoning Board of Adjustment (the "Board")  
City of Rochester  
33 Wakefield Street  
Rochester, NH 03867

**RE:** Application for Special Exception (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 the information evidencing the Application's compliance with the Special Exception criteria set forth in of the City of Rochester Zoning Ordinance, Adopted by the City of Rochester April 22, 2014 (the "Ordinance"). Specifically, this submission addresses the criteria for a "Residential Facility" as set forth in Section §275-22.2 (Base Criteria for all Special Exceptions) and Section §275-22.3 I. (Additional Criteria for Residential Facility) of the Ordinance.

### 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 requests 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.

### **ANALYSIS**

Section §275 – 2.2 of the Ordinance defines “Community Residence 2” as follows:

COMMUNITY RESIDENCE-2 (or HALFWAY HOUSE) — A dwelling, licensed by or operated by a governmental agency, for the purpose of providing interim care and oversight for participants of a program of rehabilitation for persons convicted of a crime or recovering from substance abuse prior to their complete re-entry into society. Authorized supervisory personnel are present on the premises at all times. A community residence-2 has no more than six individual residents. (See also "community residence-1" and "residential facility.")

Section §275 – 2.2 of the Ordinance further defines a “Residential Facility” as follows:

RESIDENTIAL FACILITY — A facility serving the same function (and following the same requirements) as either a Community Residence-1 or -2 but with more than six individual residents. (Also see "Community Residence-1" and "Community Residence-2.")

As set forth in the Project Narrative at Tab 9, the Applicant’s proposal meets the definition of Community Residence 2, but it anticipates 7 initial residents with 2 managers. Phase 2 of the proposal anticipates a total of 21 residents. Therefore, the Applicant’s proposal is a Residential Facility as defined by the Ordinance.

Section §275 – 18.2 (Use Table A) provides that both “Community Residence 2” and “Residential Facility” are allowed in the AG zoning district by Special Exception. The base criteria provisions of Section §275 – 22.2 apply to all special exceptions. The additional specific use criteria of Section §275 – 22.3 I. applies to any Residential Facility. We address each in turn below.

### **Section §275 – 22.2 Base Special Exception Criteria**

The text of the Ordinance criteria is pasted in bold below, with the Applicant's commentary as to the proposal's satisfaction of each criteria in italics.

- A. Location. The specific site is an appropriate location for the proposed use or structure;** *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 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 proposed use would not be detrimental, injurious, obnoxious, or offensive to the 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. Further, the proposed use will have strict prohibitions regarding alcohol or drug use, along with curfews – which other properties in the neighborhood presumably do not have.*
- C. Traffic.** The proposed use would not create an undue 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 plan 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. Public facilities.** Adequate and appropriate facilities and utilities would be provided to ensure the proper operation of the proposed use or structure; and *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 Zoning Board of Adjustment proceedings. The project requires no special utilities or facilities.*
- E. Master Plan.** The proposed use or structure is consistent with the spirit of this chapter and the intent of the Master Plan. *As discussed above, the proposed use is consistent with this chapter – it is a residential use. With regard to the Master Plan, The City of Rochester Master Plan pertaining to Land Uses is organized into several goals, with each goal having more detailed objectives. As one could imagine, many of these goals and objectives pertain to new development, which are not applicable to the proposed use of an existing structure. With respect to those goals and objectives that are applicable to an individual use, the Applicant notes the following Master Plan objectives furthered by the proposal:*
- Helps to “provide a variety of residential opportunities”
  - Helps to provide opportunities for business growth
  - Buffers incompatible uses between residential and industrial with dense tree growth on the edge of the industrial zone
  - Minimizes costs for expansion of infrastructure by using existing development
  - Preserves natural resources and drinking water supply by re-using existing infrastructure where feasible and upgrading as needed (septic)
  - Encourages development that is responsive to the public interest – see Project Narrative

§275 – 22.3 I. Residential Facility Additional Special Exception Criteria

§275-22.3(l) increases the required lot size for Residential Facilities by 2,000 square feet per resident. The AG district has a minimum lot size of 7,000 square feet. With 21 residents as noted above, this special exception criteria increases the lot size requirement as follows:

$(17 \text{ residents} \times 2000 \text{ sq. ft./resident}) + 7,500 \text{ sq. ft.} = 41,500 \text{ sq. ft lot size required.}$

The Property is 2.51 acres or 109,335.6 square feet, meeting the requirement more than two times over.

**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 meets the general exception special exception criteria as noted above, and largely exceeds the specific special exception criteria for lot size. The Ordinance allows for this use if these criteria are met – in this case, the proposal meets and largely exceeds those criteria. The Applicant therefore respectfully requests that this Board grant the Special Exception sought for a Residential Facility at the Property. Thank you.

Sincerely,

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

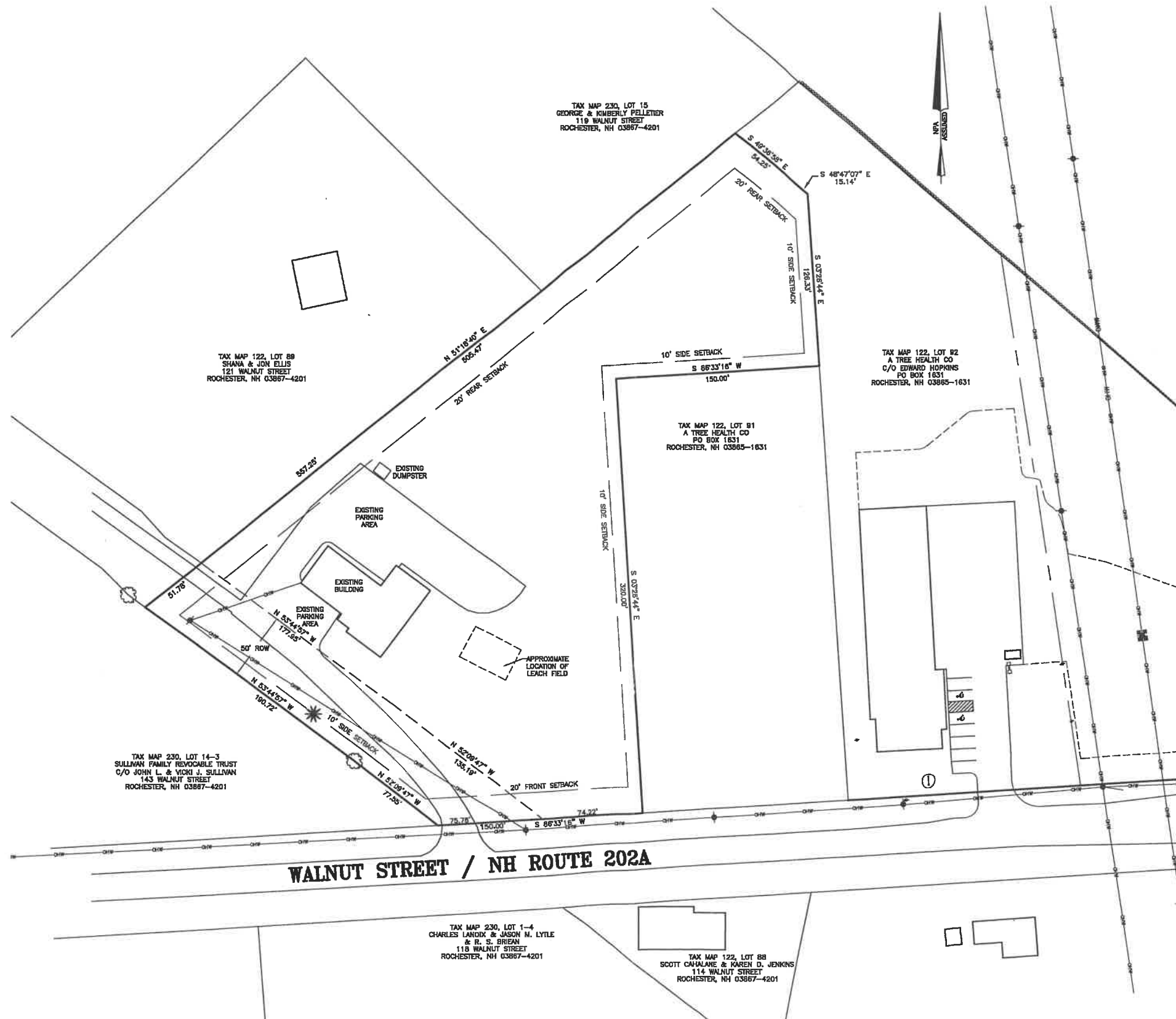
Christopher Swiniarski  
Attorney for Restoration Church Assembly of God



LEGEND

- PROPERTY LINE
- BUILDING SETBACKS
- EXISTING EDGE OF PAVEMENT
- EXISTING OVERHEAD WIRES
- EXISTING UTILITY POLE

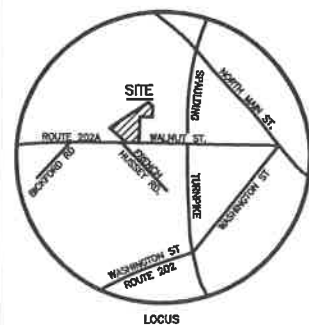
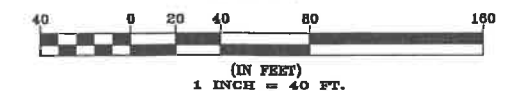
- NOTES
1. THIS PARCEL IS LOCATED IN THE AGRICULTURAL (AG) ZONE.
  2. TOTAL PARCEL AREA: 109,447 SQUARE FEET OR 2.51 ACRES.
  3. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING FEATURES ON THE LOT.
  4. ALL EXISTING UTILITIES LOCATIONS ARE APPROXIMATE AS SHOWN. THE CONTRACTOR SHALL VERIFY THEIR EXACT LOCATION PRIOR TO ANY WORK BEING PERFORMED.
  5. THESE PLANS SHOW ONLY THOSE FEATURES THAT WERE VISUALLY PER REFERENCE PLAN 1.
  6. DIMENSIONAL REGULATIONS PER ZONING ORDINANCE:  
AGRICULTURAL (AG) ZONE:  
MINIMUM LOT AREA / DWELLING UNIT = 5,000 OR 7,500 SF  
MINIMUM LOT AREA = 45,000 SF  
MINIMUM LOT FRONTAGE = 150 FEET  
MINIMUM YARD SETBACKS:  
FRONT = 20'  
SIDE = 10'  
REAR = 20'  
MAXIMUM LOT COVERAGE = 40%  
MAXIMUM BUILDING HEIGHT = 35'
  7. ORIENTATION: HORIZONTAL DATUM = ASSUMED
  8. PARCEL IS NOT LOCATED WITHIN ZONE A (100YR FLOOD) AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY MAP, COMMUNITY #33017002110 DATED MAY 17, 2005.



TAX MAP 122, LOT 90  
OWNER OF RECORD:  
SHAHEEN ENTERPRISES LLC  
73 PERKINS ROAD  
MADBURY, NH 03823-7616  
SCRD BOOK 4663, PAGE 309

ZONING SKETCH  
TAX MAP 122, LOT 90  
117 WALNUT STREET  
ROCHESTER, NH  
PREPARED FOR:  
RESTORATION CHURCH

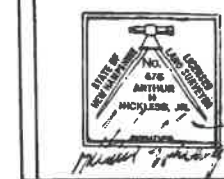
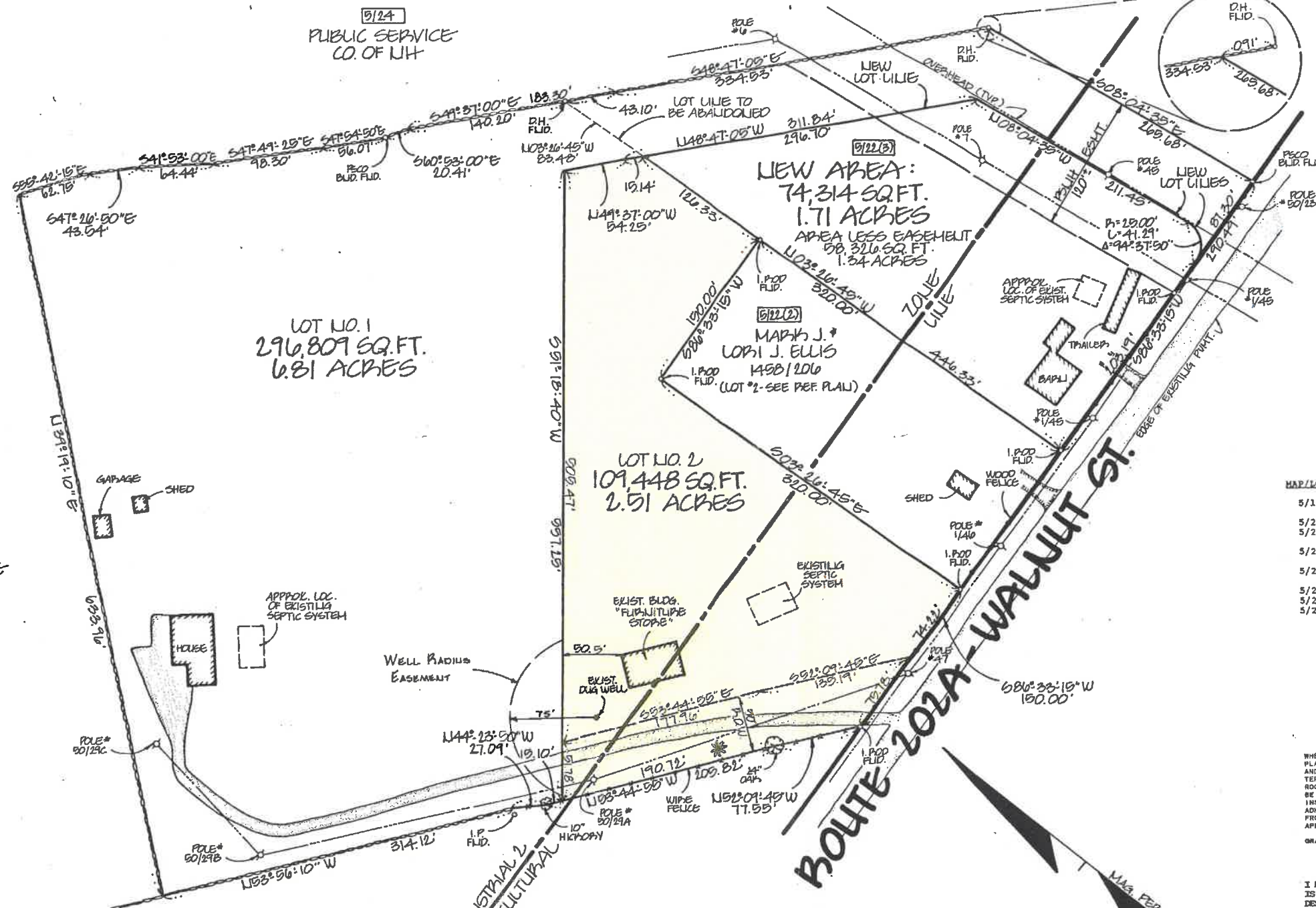
JANUARY 2022  
GRAPHIC SCALE



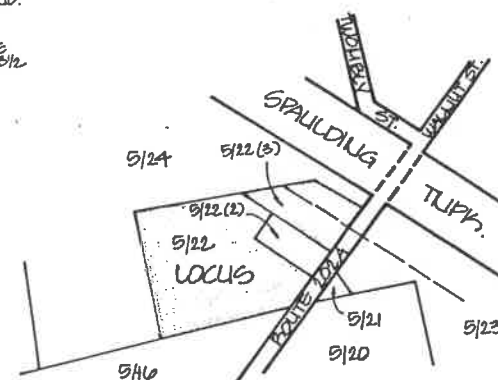
REFERENCE PLANS:

1. "SUBDIVISION OF LAND -- ROCHESTER, N.H. FOR MITCHELL & DENISE SEVIGNY" DATED OCT. 1989 BY NORWAY PLAINS SURVEY ASSOCIATES, INC. AND RECORDED AT THE STRAFFORD COUNTY REGISTRY OF DEEDS, PLAN 37A-69 ON JANUARY 5, 1990.

FILE NO. 141  
PLAN NO. C-3224  
DWG. NO. 21399



REVISIONS:  
1.) Nov. 27, 1989 Add Well Easement



ABUTTERS VICINITY SKETCH

MAP/LOT	ABUTTERS LIST
5/16	Donald E. & Patricia A. Kelsey; 159 Walnut St., Rochester, NH 03867
5/20	Dorothy M. Ellison; 5 Brentwood Dr., Exeter, NH 03833
5/21	Melville L. & Evelyn F. Clark; 114 Walnut St., Rochester, NH 03867
5/22	Mitchell & Denise Sevigny; 119 Walnut St., Rochester, NH 03867
5/22 <sup>1</sup>	Mark J. & Lori J. Ellis; 150 No. Main St., Rochester, NH 03867
5/22 <sup>2</sup>	Same as Map 5 Lot 22
5/23	Capodestria Realty Co.; 6 Union St., Rochester, NH 03867
5/24	PSNH; P.O. Box 210, Portsmouth, NH 03801

SUBDIVISION APPROVAL

WHETHER OR NOT OTHERWISE EXPRESSLY RECITED ON THIS SUBDIVISION PLAN, THE SUBDIVISION APPROVAL GRANTED IS CONDITIONED ON FAITHFUL AND DILIGENT ADHERENCE BY THE OWNER/SUBDIVIDER/DEVELOPER OF ALL TERMS, CONDITIONS, PROVISIONS, AND SPECIFICATIONS OF THE CITY OF ROCHESTER LAND SUBDIVISION REGULATIONS, AS AMENDED OR AS MAY LATER BE AMENDED, IN EFFECT ON THE DATE OF APPROVAL, UNLESS OR EXCEPT INsofar AS EXPRESSLY WAIVED IN ANY PARTICULAR, BELOW. NON-ADHERENCE MAY RESULT IN A REVOCATION OF APPROVAL. ANY VARIATION FROM THE APPROVED PLAN WILL REQUIRE A RESUBMISSION FOR SUBDIVISION APPROVAL.

GRANTED WAIVERS:

I HEREBY CERTIFY THAT THIS PLAN, PREPARED UNDER MY DIRECTION, IS THE RESULT OF A SURVEY MADE ON THE GROUND AS PER RECORD DESCRIPTIONS AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE PLAN CLOSURE EXCEEDS \$15,000.

ARTHUR H. NICKLESS, JR., N.H. L.S. 676

TOTAL PARCEL AREA:

370,733 SQ. FT.  
8.51 ACRES

TOTAL PARCEL AREA:

109,733 SQ. FT.  
2.52 ACRES

APPROVED FOR RECORD:

ROCHESTER PLANNING BOARD

SUBDIVISION OF LAND  
**ROCHESTER, N.H.**  
MITCHELL & DENISE SEVIGNY  
OCT. 1989



LOCATION MAP

REFERENCE PLAN:  
"SUBDIVISION OF LAND - ROCHESTER, N.H. - FOR MITCHELL & DENISE SEVIGNY" DATED AUG. 1988 BY NORWAY PLAINS SURVEY ASSOCIATES, INC. RECORDED S.C.P.D. AS PLAN NO. 36-50.

OWNER OF RECORD:

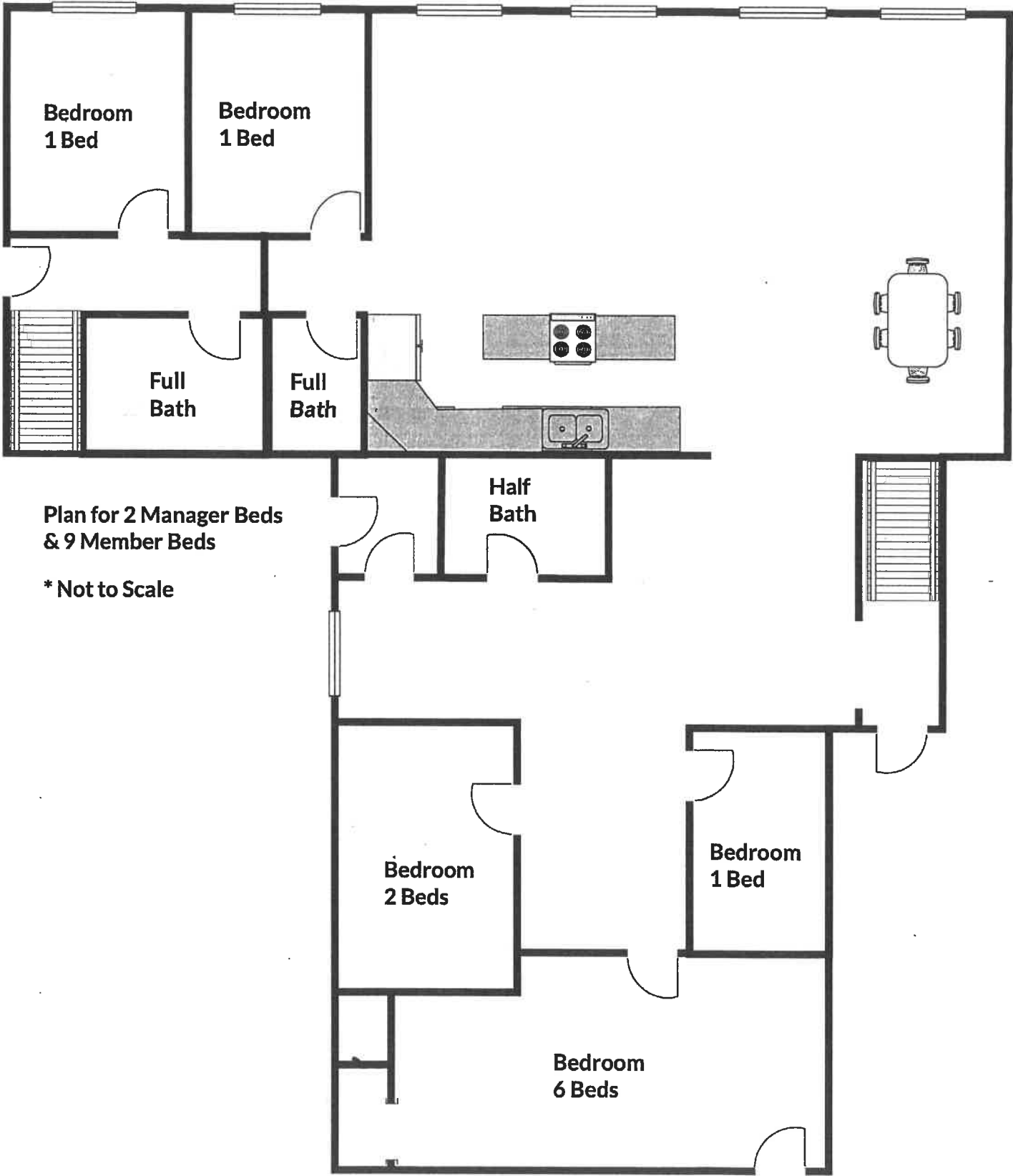
MITCHELL & DENISE SEVIGNY  
1322/421

FILE NO. 141  
PLAN NO. C-1183-3

F.B. LPSA #58

NORWAY PLAINS SURVEY ASSOCIATES, INC.

Phase I Floor Plan

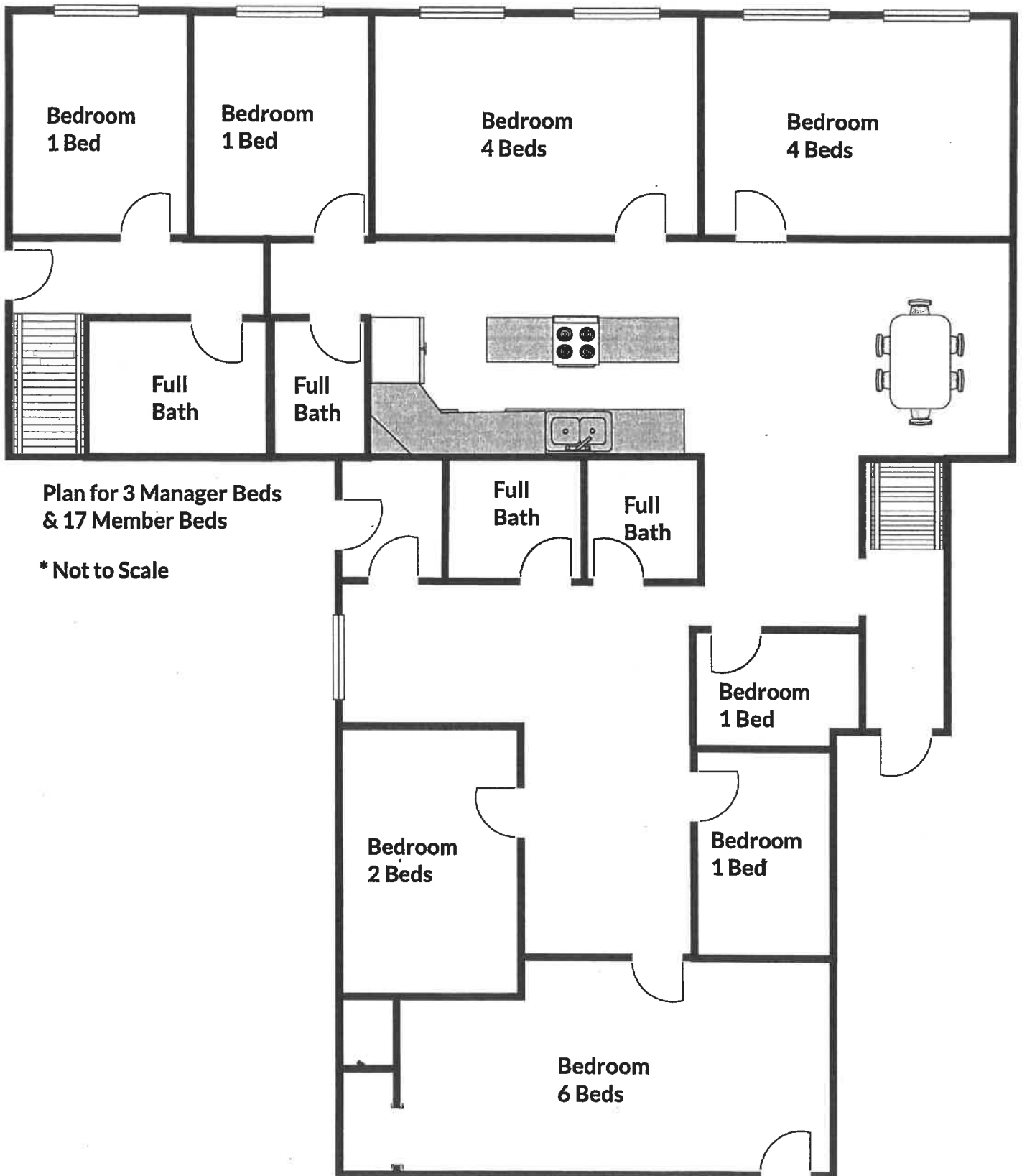


Plan for 2 Manager Beds  
& 9 Member Beds

\* Not to Scale



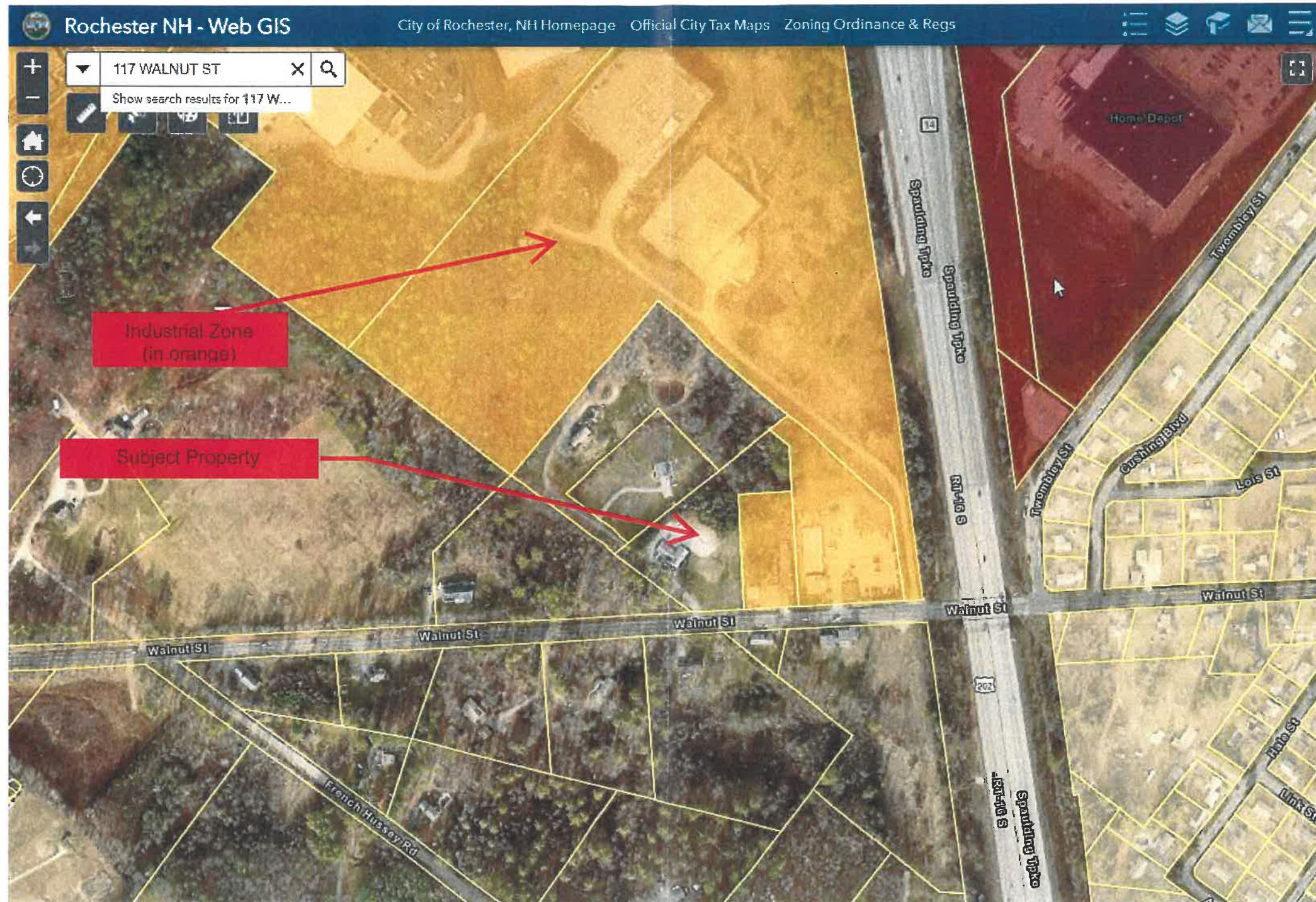
Phase II Floor Plan



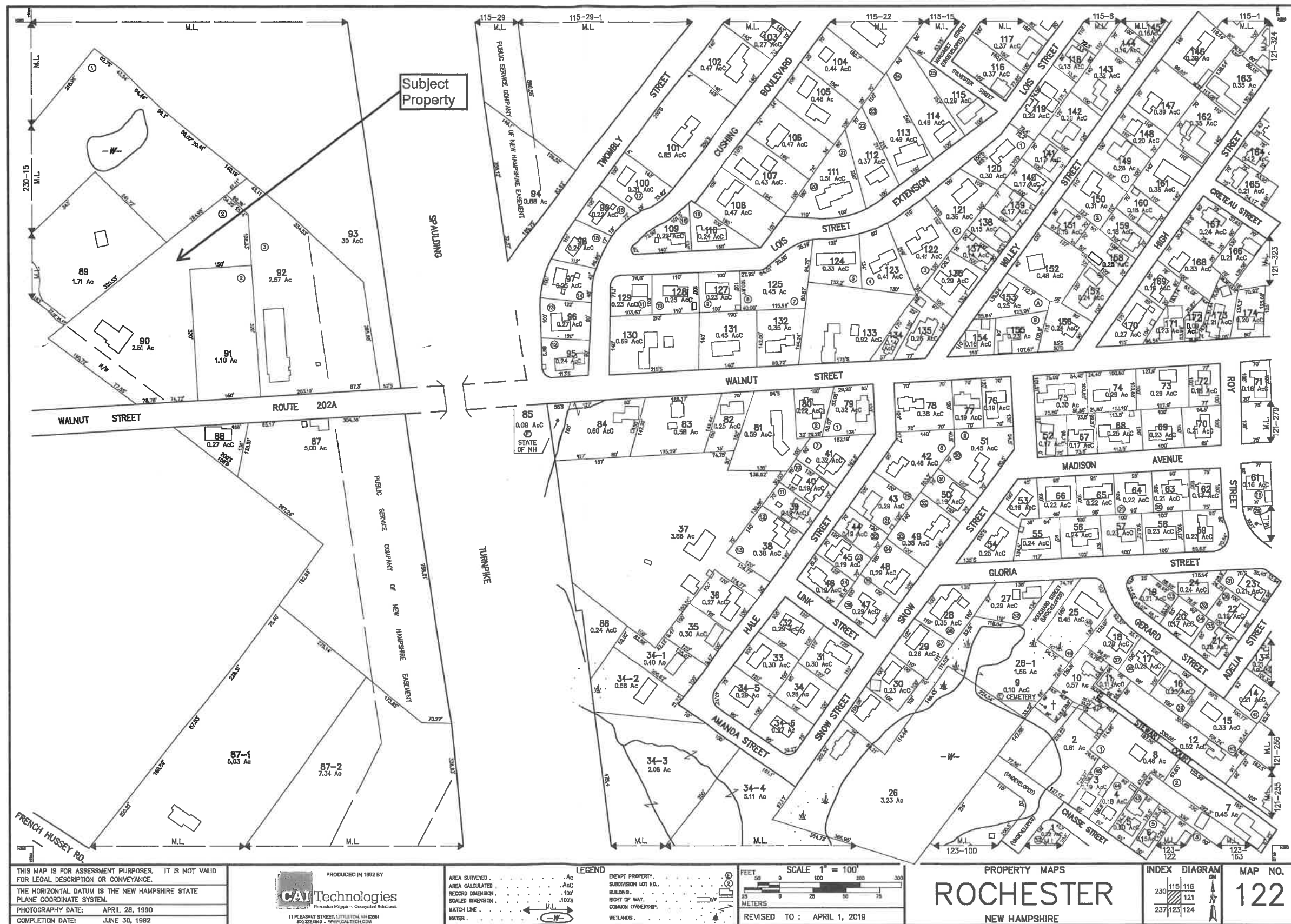
Plan for 3 Manager Beds  
& 17 Member Beds

\* Not to Scale









## **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. 

**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





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](http://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

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 <sup>Digitally signed by 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f  
DN: cn = 6d61d4a4-5d4a-4478-90c9-67fdac17bc5f  
Date: 2022.01.07 09:26:07 -0500</sup> Date: 01/07/2022

Signature of property owner: See owner's authorization attachd Date: \_\_\_\_\_



# RESTORATIONCHURCH

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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

# ZONING

## 275 Attachment 1

### City of Rochester

**Table 18-A Residential Uses**  
[Amended 4-4-2017; 3-5-2019; 5-7-2019]

#### LEGEND

P = Permitted Use

C = Conditional Use

E = Use Allowed by Special Exception

Residential Uses	Residential Districts				Commercial Districts			Industrial Districts		Special		Criteria/Conditions
	R1	R2	AG	NMU	DC	OC	HC	GI	RI	HS	AS	Reference
Apartment, accessory (accessory use)	E	P	P	P	P	P	P	—	—	E	—	Article 21 and 23
Apartment, in-law	P	P	P	P	P	P	P	—	—	—	—	
Apartment, security	—	P	—	P	P	P	P	P	P	P	P	Articles 2 and 23
Assisted living facility	—	C	C	C	C	C	C	—	—	C	—	Article 21
Boardinghouse	—	—	—	—	E	—	—	—	—	—	—	
Community residence-1	—	E	E	—	E	E	E	—	E	E	—	Article 22
Community residence-2	—	—	E	—	—	E	—	—	E	E	—	Article 22
Conservation subdivision	C	C	C	—	—	C	C	—	—	—	—	Articles 21 and 33
Dwelling, apartments (apartment/mixed-use building)	—	—	—	P	P	C	P	—	—	—	—	Article 21
Dwelling, multifamily development	—	P	—	—	P	—	P	—	—	—	—	Articles 20 and 22
Dwelling, multifamily	—	P	—	—	P	—	P	—	—	—	—	
Dwelling, single-family	P	P	P	P	—	P	P	—	—	P	—	
Dwelling, two-family	—	P	P	P	C	P	P	—	—	—	—	Articles 21 and 33
Flag lots	—	C	C	—	—	—	—	—	—	C	—	Article 21
Home occupation-1 (accessory use)	P	P	P	P	P	P	P	—	—	P	—	Article 24
Home occupation-2 (accessory use)	P	P	P	P	P	P	P	—	—	P	—	Articles 22 and 24



# ROCHESTER CODE

Residential Uses	Residential Districts				Commercial Districts			Industrial Districts		Special		Criteria/Conditions
	R1	R2	AG	NMU	DC	OC	HC	GI	RI	HS	AS	Reference
Home occupation-3 (accessory use)	—	E	E	P	P	P	P	—	—	E	—	Articles 22 and 24
Manufactured housing unit on own lot	—	—	P	—	—	—	—	—	—	—	—	Articles 20 and 21
Nursing home	—	—	C	—	—	C	—	—	—	P	—	Articles 20 and 21
Outdoor wood-fired hydronic heater	—	—	P	—	—	—	—	—	—	—	—	Article 20
Porkchop subdivision	—	—	C	—	—	—	—	—	—	—	—	Article 21
Residential facility	—	—	E	—	—	E	—	—	E	E	—	Article 22
Senior housing	—	P	C	C	C	C	—	—	—	—	—	Article 21
Temporary structure	P	P	P	P	P	P	P	P	P	P	P	Article 20
Zero lot line development	C	C	C	—	—	C	C	—	—	—	—	Article 33

### **§ 275-22.2Base criteria.**

The Zoning Board of Adjustment shall approve a special exception if, and only if, it reasonably determines that all of the following criteria are met (in addition to those criteria/conditions articulated for specific uses in § **275-22.3** below, or in addition to those articulated elsewhere in this chapter for departures from standards):

#### **A.**

Location. The specific site is an appropriate location for the proposed use or structure;

#### **B.**

Neighborhood. The proposed use would not be detrimental, injurious, obnoxious, or offensive to the neighborhood;

#### **C.**

Traffic. The proposed use would not create an undue hazard or nuisance to vehicular or pedestrian traffic;

#### **D.**

Public facilities. Adequate and appropriate facilities and utilities would be provided to ensure the proper operation of the proposed use or structure; and

#### **E.**

Master Plan. The proposed use or structure is consistent with the spirit of this chapter and the intent of the Master Plan.

### **§ 275-22.3Conditions for particular uses.**

For each individual use or departure from standards listed below, all of the specific conditions attached to that use must be met along with the base criteria articulated in § **275-22.2** above.

#### **A.**

Adult-oriented establishments. Adult-oriented uses shall exist and be operated in accordance with the following requirements:

#### **(1)**

Purpose. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special

regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. Uses subject to these controls are as follows:

**(a)**

Adult bookstore.

**(b)**

Adult cabaret.

**(c)**

Adult motion-picture theater.

**(d)**

Adult mini-motion-picture theater.

**(e)**

Massage parlor.

**(2)**

Location restrictions. No adult-oriented establishment shall be operated or maintained within 500 feet of a residentially zoned district, or within 500 feet of a church, a state-licensed day-care facility, a public library, a public park or playground, public or private educational facilities which serve persons age 17 or younger, an elementary school, or a high school. Only one of the above-regulated uses shall be allowed per block frontage on any street. No adult-oriented establishment shall be operated or maintained within 1,000 feet of another such establishment.

**(3)**

Measurement. The distance limitations in Subsection **A(2)** shall be measured in a straight line from the main public entrances of said premises, or from the closest portion of any lot line of properties in residentially zoned districts.

**(4)**

Sign requirements for adult-oriented establishments. Notwithstanding the sign provisions of this chapter, all adult-oriented establishments shall comply with the following sign requirements:

**(a)**

All signs shall be flat wall signs.

**(b)**

The amount of allowable sign area shall be one square foot of sign area per foot of lot frontage on a street; provided, however, that in no event shall such sign exceed 32 square feet in total area.

**(c)**

No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building.

**(d)**

Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

**B.**

Agricultural building, reuse of existing. An agricultural building that is more than 50 years old, no longer proposed for agricultural use, and not situated in an R1 or R2 District may be converted to a nonresidential use subject to the following standards:

**(1)**

The nonresidential activity shall occur completely within the agricultural building and there shall be no outside storage of material, equipment, or products.

**(2)**

The essential exterior architectural character of the building shall be maintained.

**C.**

Contractor's storage yard. Minimum setbacks from all property lines shall be 25 feet or as specified in Table 19-C, Dimensional Standards - Industrial Districts, whichever is greater. No structures or stockpiled materials related to the storage yard operation shall be situated within these setbacks. Heavy vehicles or equipment in working order may be parked within the setbacks provided that none is parked within 15 feet of a property line (see the corresponding section on contractor's storage yards in the Site Plan Regulations). A contractor's storage yard shall not be established in a floodplain as defined in Article 13, Flood Hazard Overlay District (FHOD).

**D.**

Earth excavation. New earth excavation projects shall be permitted only subject to meeting the following criteria/conditions, insofar as these additional standards are not superseded by RSA 155-E:

**(1)**

Additional criteria to be met, beyond those stated in RSA 155-E:

**(a)**

It will not cause unreasonable soil erosion or a reduction in the capacity of land to hold water during the operation.

**(b)**

It will not adversely impact the quality of the groundwater or of any underlying aquifer.

**(c)**

It will not cause unsafe conditions on or excessive use of nearby roads.

**(d)**

It will not have an undue adverse effect on the scenic or natural beauty of the area, other aesthetic values, historic sites, or rare and irreplaceable natural areas.

**(e)**

Appropriate bonding for the reclamation of an excavation site shall be required prior to the start of any permitted earth excavation operation.

**(2)**

Regulations. No person shall perform earth excavation except in compliance with the provisions of RSA 155-E as amended, this chapter, and the Site Plan Regulations applicable to earth excavation.

**(3)**

Existing operation. Any existing excavation activity operating under a permit issued prior to the date of adoption of this chapter may continue until the expiration of the permit, except that any expansion or change in operation not covered by that permit shall be in compliance with the provisions of this subsection.

**(4)**

Buffers. The following buffers/setbacks are established. No excavation, processing, or removal of vegetation may occur within the buffer. Where the buffer has been removed or is not adequate, the Planning Board may stipulate reestablishment of the buffer, as appropriate.

**(a)**

A fifty-foot buffer along every lot line.

**(b)**



A seventy-five-foot buffer from any perennial stream or wetland.

**(c)**

Buffers specified in Article 12, Conservation Overlay District.

**(d)**

A one-hundred-foot setback shall be established for excavation and processing from any existing dwelling located on an adjacent lot to the side or rear.

**(5)**

Water table. The seasonal high water table must be determined prior to Zoning Board of Adjustment approval and, if excavation is proposed within four feet within the Aquifer Protection Overlay District or within two feet outside of the Aquifer Protection Overlay District, the following additional criteria must be met:

**(a)**

The applicant must clearly demonstrate that the excavation activity will not adversely affect groundwater quality.

**(b)**

The applicant must clearly demonstrate that such excavation will not create a health or safety hazard or provide a plan outlining measures to mitigate those hazards.

**(c)**

The applicant must clearly demonstrate that such excavation will not create a groundwater pollution hazard or provide a plan outlining measures to mitigate that hazard.

**(d)**

The applicant must include a section in the reclamation plan that adequately addresses health, safety, and pollution concerns in this area after the excavation activities are complete.

**(e)**

See Article 10, Aquifer Protection Overlay District, for other provisions within that district.

**(6)**

Abandoned sites. In the event the Director of Building, Zoning, and Licensing Services/Zoning Administrator determines that any abandoned excavation presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing before the Planning Board, to comply with any timetable and bonding requirements to be established by the Planning

Board to complete reclamation. Should reclamation not be completed, the Board may request the City to authorize reclamation at the City's expense. The City's costs shall then constitute an assessment against the owner and shall create a lien against the property on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

**E.**

Farm; farm, crop.

**(1)**

Lot size. The minimum lot size is five gross acres for a farm and five gross acres for a crop farm.

**(2)**

Housing. The Planning Board is empowered to consider and approve special on-site housing arrangements to accommodate farm workers, such as cluster housing or temporary/seasonal housing, under site plan review.

**(3)**

Retail sales. Any farm goods produced on site along with limited related products may be sold on site.

**(4)**

Livestock. Housing for any livestock for a farm shall be set back at least 100 feet from any side or rear lot lines. Housing for fowl, fur-bearing animals, and swine shall be set back at least 150 feet from any side or rear lot lines. The ZBA may reduce or waive this requirement by special exception. There is no setback for open pens and fencing provided animals are not left in such pens overnight.

**(5)**

Manure. Any storage areas for manure shall be set back at least 200 feet from any lot lines. Best management practices shall be followed in the handling of manure.

**(6)**

Performance standards. The general provisions of Article 28 of this chapter and RSA 432:33 and 21:34-a shall apply.

**F.**

Garage setbacks. A special exception may be granted to reduce side and/or rear setback requirements for garages (only applicable for residential use) in the residential districts subject to all of the following conditions/findings:

**(1)**

The lot must not have been created by a subdivision that occurred after January 1, 2006;

**(2)**

A finding by the Zoning Board of Adjustment that there is some existing pattern in the area for garage setbacks smaller than those required;

**(3)**

Locating the garage in conformance with the side and/or rear setback requirements would significantly impact existing vegetation, views from the residence, use of the setback, or site circulation, or is impractical due to lot dimensions or other constraints;

**(4)**

If a new driveway serves the garage, it must be endorsed by the City Engineer, prior to the public hearing;

**(5)**

Any reduction in setback shall not be greater than 50% of the required setback;

**(6)**

The proposed garage must be set back at least 10 feet from any existing building located on an adjacent lot;

**(7)**

The proposed garage must be designed to blend with the architectural character of the neighborhood (siding, the arrangement of windows in a building, roof pitch, etc.); elevation drawings must be submitted to and approved by the ZBA;

**(8)**

The garage does not exceed 24 feet in either length or width; and

**(9)**

The garage walls do not exceed 10 feet in height (the roof may exceed this ten-foot limit).

**G.**

Junkyard. All materials shall be fully screened from the street and from all abutting property by a solid wall or fence at least six feet in height. The Planning Board may stipulate a taller wall or fence, as appropriate.

**H.**

Kennel (commercial).

**(1)**

The minimum lot size shall be three acres.

**(2)**

Minimum setbacks for structures and pens housing dogs shall be:

**(a)**

Front: 150.

**(b)**

Side and rear: 100.

**(3)**

The Planning Board may stipulate that appropriate sound mitigation devices be installed and that fences, walls, and/or vegetation be installed to screen the site.

**I.**

Residential facility. The minimum lot size shall be increased by 2,000 square feet per resident.

# CAI Property Card

Town of Rochester, NH



GENERAL PROPERTY INFORMATION	BUILDING EXTERIOR
<b>LOCATION:</b> 117 WALNUT ST <b>ACRES:</b> 2.51 <b>PARCEL ID:</b> 0122-0090-0000 <b>LAND USE CODE:</b> 306 <b>CONDO COMPLEX:</b> <b>OWNER:</b> SHAHEEN ENTERPRISES LLC <b>CO - OWNER:</b> <b>MAILING ADDRESS:</b> 73 PERKINS RD MADBURY, NH 03823-7612 <b>ZONING:</b> A <b>PATRIOT ACCOUNT #:</b> 306	<b>BUILDING STYLE:</b> OFFICE <b>UNITS:</b> 0 <b>YEAR BUILT:</b> 1988 <b>FRAME:</b> WOOD <b>EXTERIOR WALL COVER:</b> VINYL <b>ROOF STYLE:</b> GABLE <b>ROOF COVER:</b> ASPH SHINGLE
	BUILDING INTERIOR
<b>SALE INFORMATION</b> <b>SALE DATE:</b> 6/19/2019 <b>BOOK &amp; PAGE:</b> 4663-309 <b>SALE PRICE:</b> \$105,000 <b>SALE DESCRIPTION:</b> Business Aff <b>SELLER:</b> SALON AT 903 CENTRAL LLC	<b>INTERIOR WALL:</b> AVERAGE <b>FLOOR COVER:</b> AVERAGE <b>HEAT TYPE:</b> FORCED W/A <b>FUEL TYPE:</b> PROPANE <b>PERCENT A/C:</b> 100 <b># OF ROOMS:</b> 0 <b># OF BEDROOMS:</b> 0 <b># OF FULL BATHS:</b> 2 <b># OF HALF BATHS:</b> 1 <b># OF ADDITIONAL FIXTURES:</b> 0 <b># OF KITCHENS:</b> 1 <b># OF FIREPLACES:</b> 0 <b># OF METAL FIREPLACES:</b> 0 <b># OF BASEMENT GARAGES:</b> 0
PRINCIPAL BUILDING AREAS	
<b>GROSS BUILDING AREA:</b> 4,953 <b>FINISHED BUILDING AREA:</b> 3,258 <b>BASEMENT AREA:</b> 1,680 <b># OF PRINCIPAL BUILDINGS:</b> 1	
ASSESSED VALUES	
<b>LAND:</b> 71,000 <b>YARD:</b> 7,100 <b>BUILDING:</b> 324,500 <b>TOTAL:</b> \$402,600	
SKETCH	PHOTO
<p>Sketch details: The sketch shows a building footprint with a main rectangular section (30' x 60') and a smaller section (13' x 36') attached to the side. The total area is 4,953 sq ft. The finished building area is 3,258 sq ft, and the basement area is 1,680 sq ft. The sketch also shows a driveway (15' x 3') and a parking area (15' x 3').</p>	<p>Photograph details: The photograph shows a large, white, single-story building with a gabled roof. The building has a modern design with large windows and a flat roof section. It is situated on a grassy lot with a paved parking area in the foreground. A dark-colored car is parked in the lot.</p>

CAI Technologies

www.cai-tech.com

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2/4/2022

Property Information - Rochester, NH

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# 117 Walnut Street

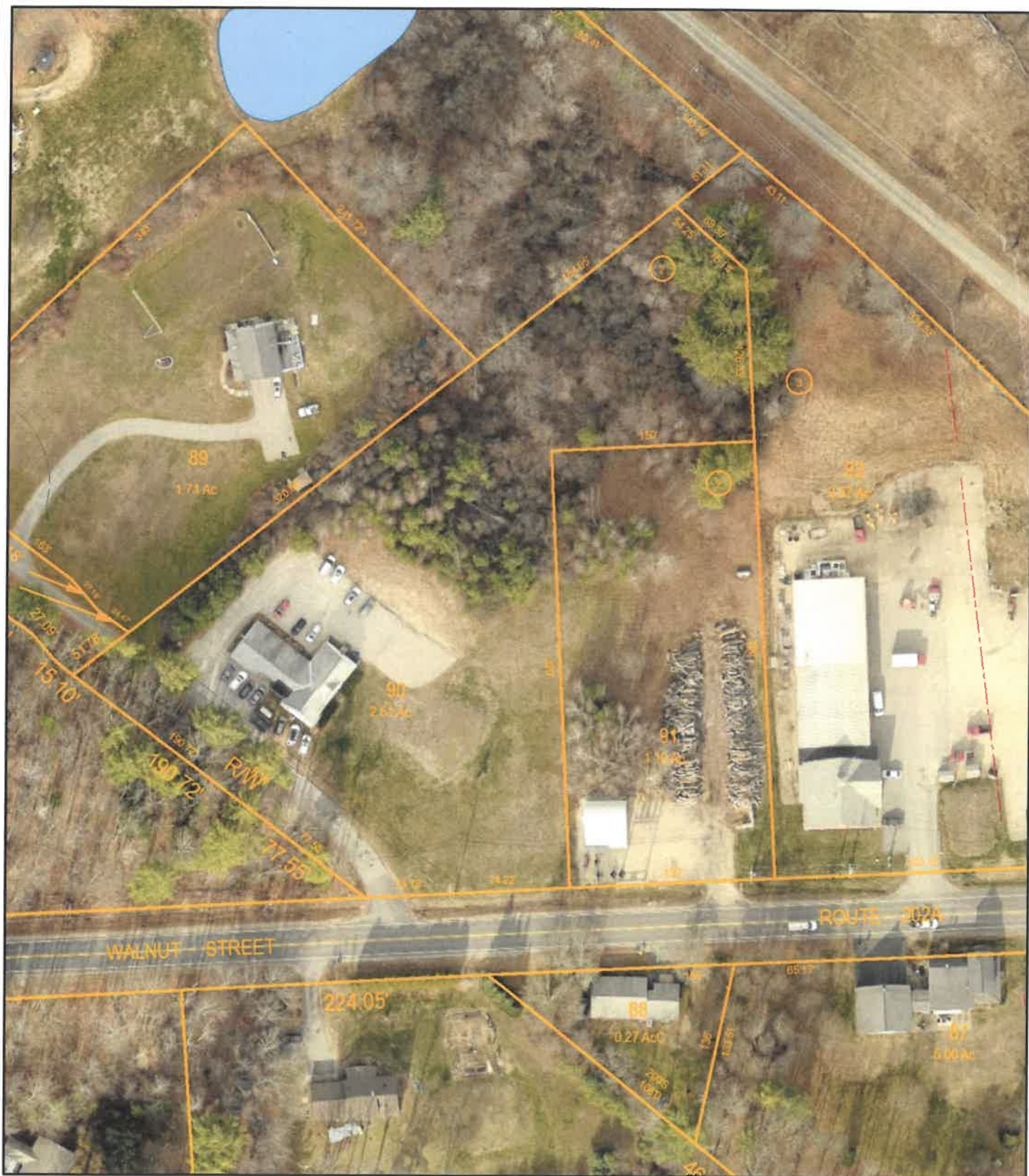
Rochester, NH



February 4, 2022

1 inch = 100 Feet

[www.cai-tech.com](http://www.cai-tech.com)



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