



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. 2-22-25

DATE FILED 6/10/22

CJ
ZONING BOARD CLERK

Applicant: Shawn Richardson/The Freeman House LLC

E-mail: thefreemenhouse@gmail.com Phone: 603-988-9748

Applicant Address: 10 Whitehall Rd. Rochester, NH. 03867

Property Owner: Shawn Richardson

Property Owner Address: 10 Whitehall Rd. Rochester, NH 03867

Variance Address: 10 Whitehall Rd. Rochester, NH

Map Lot and Block No: Map 126. Lot 13

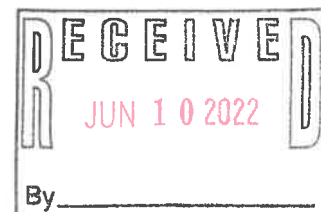
Description of Property (give length of lot lines): --

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

The undersigned hereby requests a special exception as provided in section 275-22 of the Zoning Ordinance to permit the proposed use of 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: Shawn Richardson Date: 6/9/22





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: Please see attached

(2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood. Yes ☐ No ☒
Reasoning: Please see attached

(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: Please see attached

(4) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Yes ☒ No ☐ Reasoning: _____
Please see attached

(5) The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan. Yes ☒ No ☐ Reasoning: _____
Please see attached

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

Special Exception for 10 Whitehall Rd. Rochester, NH

1)The specific site is an appropriate location for the proposed use or structure:

Response: YES

The Elliot Bell House is on a quiet residential street. This is an appropriate place for a sober home, the lot is big, has ample parking, and there is a medical boarding house to one side and a residential home on the other side with a large wooded area in the back. There have been no complaints or issues with the neighbors. It is a great community area with close access to public transportation which our residents use to get back and forth to work.

2)The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood: Response: NO

The proposed use is simply residential housing. This house is a benefit to the community, we are a positive force in the community that does not disturb the neighbors. We have ample parking so our residents will never be parked on the street. We have had no complaints, no negative interactions, the property is well maintained inside and out. We have in place within our residential handbook a good neighbor policy, code of conduct, all of which is positive to the neighborhood and community. We have attached such policies for your understanding of our requirements for the residents to stay with the Freeman House (see attachment A). Our ardent goal is to be sure we are not detrimental, injurious, obnoxious or offensive to our neighbors or surrounding community.

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:

Response: NO

We do not allow parking on the street as we have plenty behind the house, including space along the driveway. To note, the parking behind the house, which is roughly 6000 sq ft, was once used as overflow parking for Frisbee Memorial Hospital and makes this a less intensive impact on traffic flow and parking. We will not exceed the parking available on the property .

4)Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure:

Response: YES

We are NHCORR certified and have all adequate utilities and the home meets certification standards to make this safe and habitable for our residents.

5)The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan:

Response : YES

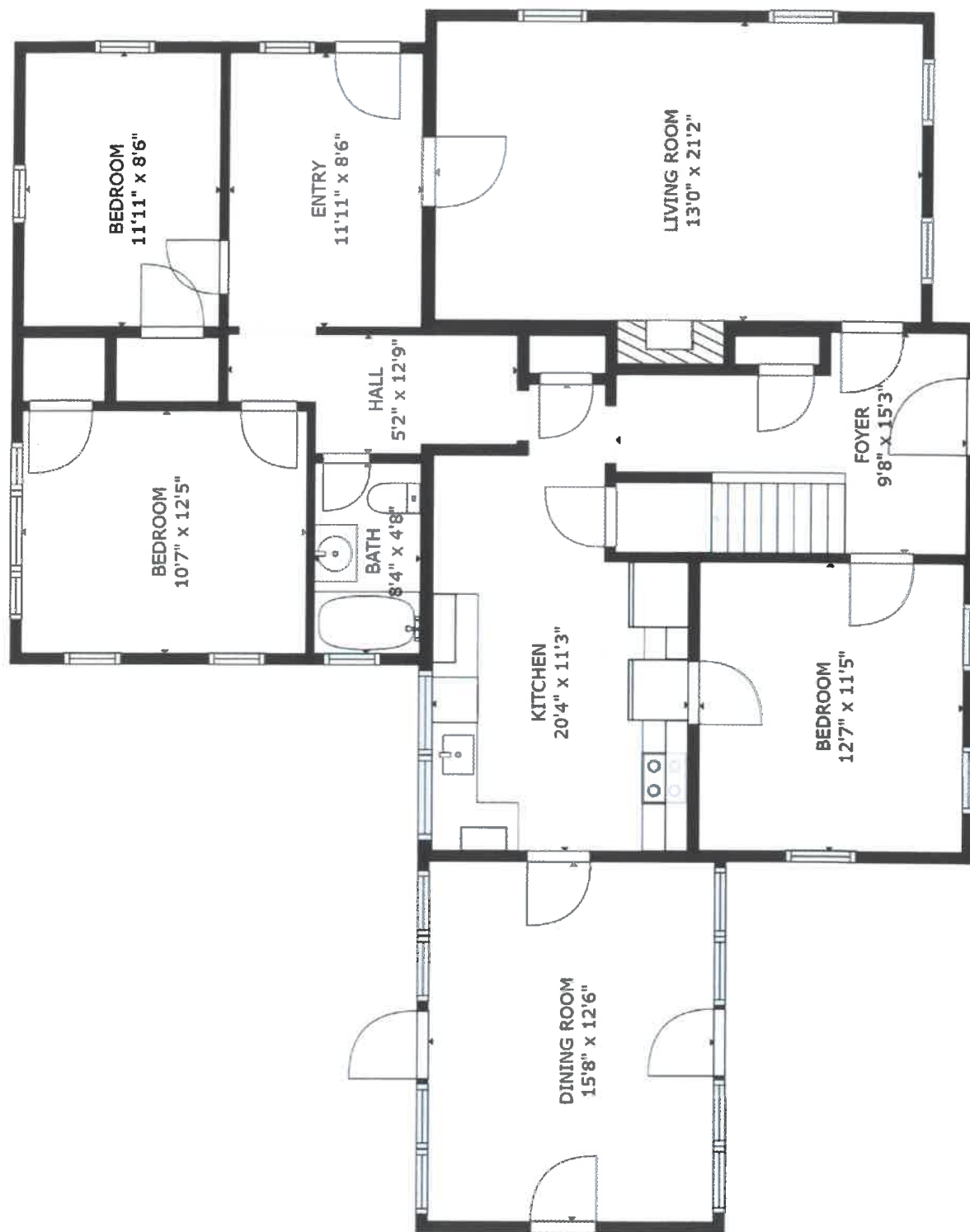
As explained above, the proposed use is consistent with this chapter-it is a residential use.

- Helps to “provide a variety of residential opportunities”
- Helps to provide opportunities for business growth.
- Consistent with residential use, decreases the impact of the previous use which was overflow parking and IT infrastructure.
- Minimal use of city infrastructure consistent with residential use.
- Encourages development that is responsive to the public interest–see Project Narrative.

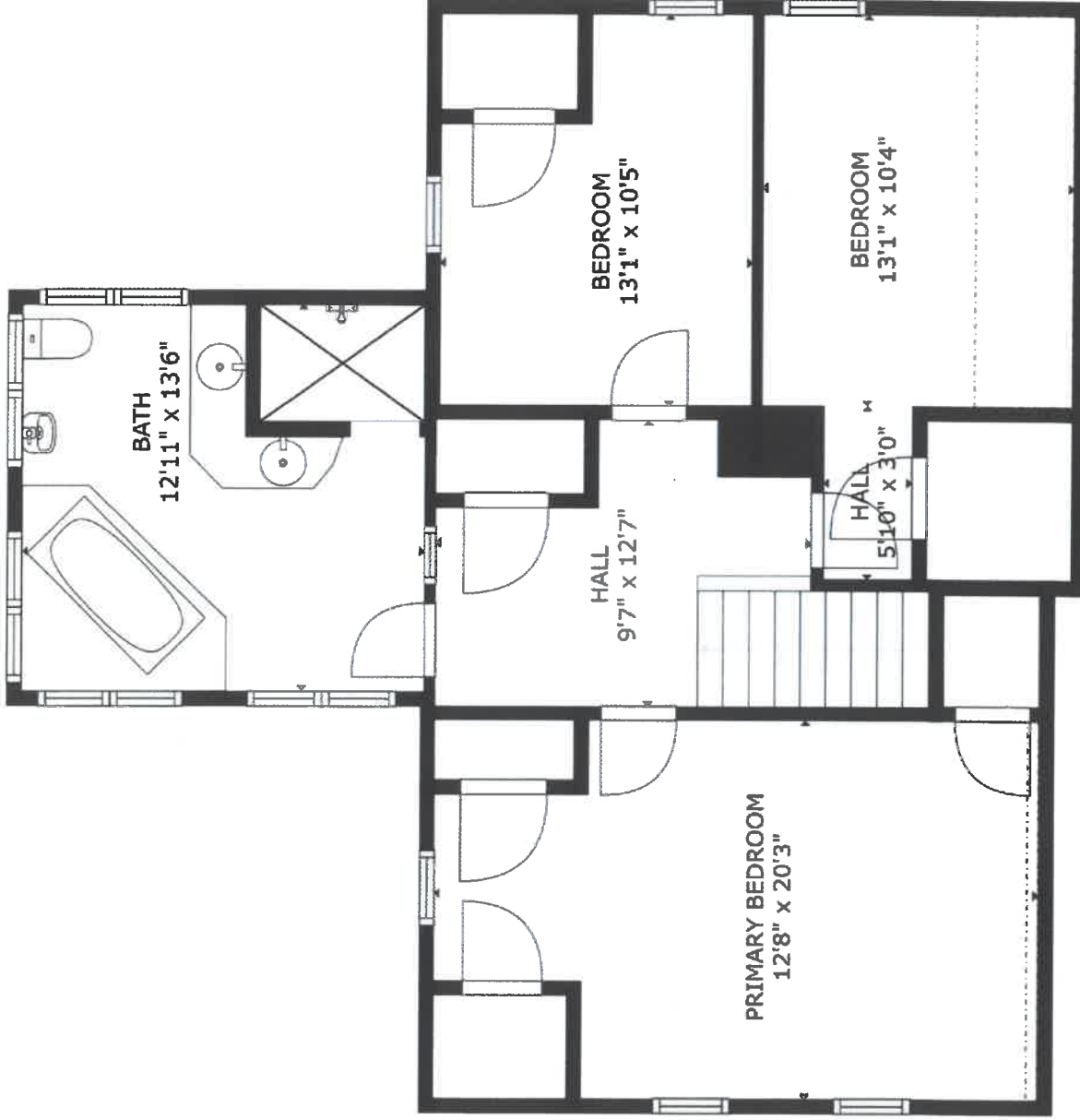
Summary

The Freeman House has been operating in Strafford county since 2005 and specifically in Dover for the past 5 years. Our organization provides a much needed service to the community at large and especially to Strafford county as this area is underserved. We bring to our residents a nurturing home environment with support groups. The benefits to the community, as required by the resident handbook, are required to volunteer and participate in community outreach. It is a net positive for Rochester to have us here participating in the Rochester Community. The Elliott Bell house meets all the criteria needed for the Special Exception and we ask the board to grant us the Exception. Thank you.





GROSS INTERNAL AREA
 FLOOR 1: 1486 sq. ft. FLOOR 2: 886 sq. ft.
 EXCLUDED AREAS: , REDUCED HEADROOM BELOW 1.5M: 47 sq. ft.
 TOTAL: 2371 sq. ft.
 SIZES AND DIMENSIONS ARE APPROXIMATE. ACTUAL MAY VARY.



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2.5.3 Volunteer Policy

Why Should I Volunteer? Why Am I Required to Volunteer at least 1 Hour Each Week?

The rule is there to save your life. Selfishness is the core of our disease. Get beyond yourself and begin helping and serving others. See a need, fill a need.

Definition: *Volunteering is doing something kind for someone outside of your social norm.*

Volunteering may be accomplished in one of two ways: 1) Serve the Community or 2) Serve The Freemen House Family

1) Serve the Community

Going out of your way, offering selfless acts of kindness to random strangers, businesses, or charities.

What It Is: (Creative Ideas)

- Do we have eyes that see the people around us every day? Do we notice the elderly man or woman who we can help unload groceries into the back of their vehicle? Men, do we capitalize on the opportunities to hold doors open to the women in our lives? Do we notice when someone drops their change on the ground? Every day is packed with windows of time to love and serve the people right around us, if we only cultivate the eyes to see them.
- What cause does your heart connect with? Are there local organizations engaged in some form of work or service which you can contribute to?



- Identify places where loneliness and discouragement are prevalent and be a source of joy! Find a local hospital, nursing home, or soup kitchen and simply be present with those who are there.

What It is Not: (Creative Attempts)

- Visiting a family member in the hospital.
- Spending time with your kids.
- Staying late to have a conversation with a coworker.
- Sponsoring people through the Steps
- AA commitments, such as making coffee, offering rides to meetings, taking commitments

Your volunteering is selfless and not tied to The Freeman House program. It defeats the altruistic attitude necessary for recovery. Doing it for time served or doing it out of love are completely different motives.

2) Serve The Freeman House Family

Going above and beyond what is required by the program and chores to bless those you live with.

What It Is: (Creative Ideas)

- What nights are residents around the House frequently? Who is willing to plan for and prepare a meal? It can be available for those who are present, and make sure there are plenty of leftovers for lunches for those who are not.
- Ask leaders if there are any outstanding areas of need around the houses or organizationally, which could be taken on. There may be a flowerbed that has been neglected and needs weeding, or phone calls to make to treatment centers. There are always more; just ask!
- The House Service Positions Event Coordinator, Commitment Lead, Food Coordinator, and Repair Lead are really service positions. These roles play a vital part in cultivating community and stepping up in areas of giftedness. Consider trying it for a month.
- As a house, create a rotation where a resident is chosen each week. Ask the resident to identify ways that the House can come alongside them to support them in some group or place they are invested in. It is volunteering for everyone else and leads to an increase in that resident's work there.
- As a house, create a rotation where a resident is chosen each week. Ask the resident to identify ways that the House can bless them that week. It may be intentionally encouraging the resident with hand-written notes left on their bed or a specific activity that has slipped through the cracks for weeks and just needs a group to help for a short time. It is volunteering for everyone else and leads to an increase in that resident's care by the community.

What It is Not: (Creative Attempts)

- Doing a chore for someone else.
- Staying up late to have a conversation with someone who is struggling.
- Offering rides to meetings



Need Ideas or Come Across Local Needs?

Find and/or post opportunities on The Freeman House Family Facebook group so that others can reach out to give a hand or join you in a project you have committed to yourself. Snap a quick photo, leave a short description, and ensure contact information is included.



3.7 Resident Conduct Process

3.7.1 Redemptive Discipline

The following goals have been established to guide The Freeman House in its oversight of the Resident Conduct Process:

- *Education* - To educate Residents regarding the value of community, and the need for every Resident to uphold their responsibilities in order for a healthy community to be maintained.
- *Character Formation* - To cause Residents to reflect upon their behavior in order to help them develop solid character.



determined, the house leader will provide a written Notice to Quit, giving the Resident a specific exit timeframe not exceeding seven days to vacate the premises in the manner described within the section "Exiting the House".



Notice to Quit

3.7.2 Immediate Dismissal Offenses

Some offenses may result in dismissal regardless of the number of previous infractions. Specific actions which result in dismissal include but are not limited to

- Drug and/or alcohol use
- Possession of banned medications
- Payment default for two weeks
- Complete disregard for property
- Sexual harassment
- Sexual misconduct (heterosexual or homosexual) or any other such conduct that violates the standards of the House.

Incidents falling in this category will be documented using an Incident Report.



Incident Report

Additionally, The Freeman House reserves the right to dismiss any Resident when, in the opinion of the House, such action is deemed in the best interest of The Freeman House or the Resident. Neither The Freeman House nor its leaders shall be under any liability whatsoever for such exclusion. The house leader will provide a written Notice to Quit, giving the Resident a set timeframe in which to vacate the premises in the manner described within the section "Exiting the House".



Notice to Quit

3.7.3 Relapse Policy

The Freeman House maintains a zero tolerance policy for drugs and alcohol. If Residents are found under the influence, they are asked to leave the house immediately.

If Residents are interested in continuing with The Freeman House community, leaders look for acknowledgement of (completion of a Do It Different Plan) and action aligned with (evidence in life patterns) the following

- 1) I made a mistake. (Recognition of the wrong done)
- 2) I won't do it again. (Courage to change)
- 3) I have the strength through Alcoholics Anonymous and God to stand and not do it again.
(Ability to say "no" and maintain good standing in the house and/or sobriety)
- 4) I am going to do it differently this time, not for anyone else but myself.
(Commitment to a turn-around plan)



- *Healing* - To use the Resident Conduct Process as an opportunity to help the Resident, as behavior is often a symptom of a deeper, unresolved issue.
- *Reconciliation* - To work intentionally with the Resident and the community to bring reconciliation and restoration of trust and honor.

The Director is responsible for the overall function of the Resident Conduct Process. However, day-to-day operations are overseen by house leaders.

The Resident Conduct Process follows the steps outlined below:

1) *Conduct Conversation – Verbal Warning*

Upon witnessing an incident or hearing of an incident from another Resident (and the Resident has followed the Conflict Management Process), the house leader will have a brief conversation with the Resident about what was seen or heard and request remediation.

The house leader will note the conversation in the Communication Log and create a calendar reminder to confirm completion of any specific actions. Two (2) Communication Log entries within a 10 day period result in a Written Warning, even if the topics are unrelated issues.



Communication Log

2) *Conduct Meeting – Written Strike*

If the same Resident is witnessed again performing the same incident after the verbal conversation, the house leader will request a time with the Resident in private to talk through the matter at length. The house leader will complete a Resident Written Warning form alongside the Resident and have both parties sign the form. The house leaders will create a calendar reminder to confirm completion of any specific actions and have a follow-up conversation with the Resident.



Resident Written Warning

A breach in structure is a breach in relationship

Defaults in house roles, house chores, structure and/or culture affect the community as a whole, either giving permission for others to do likewise or offering opportunity to learn from mistakes and restore the Resident(s) to the community. In order to facilitate the restoration process, Residents may be required to complete a turn-around.



Resident Turn-Around

3) *Residency Review - Notice to Quit*

Residents accumulating 3 Written Warnings within a short window of time will be reviewed for fit for the House. If the relationship with the Resident and the House can be salvaged, a remediation plan will be developed by the Resident and agreed to by leaders. If dismissal is



4.2 Being Good Neighbors

4.2.1 Neighborhood Transparency

The Freeman House strives to be a model of recovery in the community, removing the stigma associated with alcoholism and drug addiction by the high level of character, responsibility, and care which are witnessed. This takes the form of upholding high standards of cleanliness inside and outside of the house along with following policies regarding areas such as parking and smoking. Additionally all Residents are expected to communicate with the utmost of courtesy when interacting with neighbors. A neighbor and a community is won over through trust cultivated over time. We regularly look for ways to have our one hour of weekly community service given to those near whom we live. We also welcome them over for family dinner! There should be nothing which leaders, volunteers, and Residents feel obligated to skirt discussing with complete transparency with neighbors and the town. There is dignity in recovery, and we commit to living it!



4.2.2 Neighbor Concern Process

If neighbors come to the House with concerns, the Director's phone number will be passed to the concerned neighbor(s) if he is not onsite at the time. Additionally, contact information for the concerned neighbor(s) will be requested. If at all possible, the Director will reach out to the concerned neighbor(s) that same day, preferably in-person, if at all possible.

Additionally, if concerns are overhead in some manner but not voiced directly, the Director will be alerted of the concern and make time to reach out to the concerned neighbor(s) that same day, preferably in-person, if at all possible.

The concern of a neighbor follows the same process as a concern or grievance voiced from within the house. Though the face of the conversation may be the Director, the follow-through is overseen by house leaders. House leaders will accompany the Director if visits are to be in-person; if not, the house leaders may be included on the phone call. During this initial contact, a Grievance Form will be completed. Action steps will be identified. Follow-up will be made.

As with typical grievance forms, the concern will be discussed during leadership meetings as appropriate.

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 Reference
	R1	R2	AG	NMU	DC	OC	HC	GI	RI	HS	AS		
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 Reference
	R1	R2	AG	NMU	DC	OC	HC	GI	RI	HS	AS			
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
Porch 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	P	P	Article 20
Zero lot line development	C	C	C	—	—	C	C	—	—	—	—	—	—	Article 33

Article 22**Special Exceptions**
§ 275-22.1**General provisions.**

§ 275-22.2**Base criteria.**

§ 275-22.3**Conditions for particular uses.**
§ 275-22.1**General provisions.**

A. Granting authority. Wherever a special exception is authorized under this chapter, the authority to administer or grant special exception approval is vested in the Zoning Board of Adjustment.

B. Purpose. Certain uses, structures, or conditions possess special characteristics such that if developed in certain locations or in certain ways may have significant adverse impacts. In order to safeguard the public interest and the interest of neighboring property owners, these uses, structures, and conditions are designated as uses allowed by special exception.

C. Types of special exceptions.

(1) There are two types of special exceptions included in this chapter:

(a) Uses. Special exceptions for actual "uses" as defined in this chapter and as listed in the Uses Tables (e.g., contractor's storage yard).

(b) Departures from standards. Special exceptions to allow for certain departures from standards otherwise applicable, articulated throughout this chapter (e.g., allowing for reduced setbacks for garages).

(2) The process is the same for both types of special exceptions. The term "special exception" is used throughout this chapter for both situations.

D. Criteria and conditions. The base criteria in § **275-22.2** apply to all special exceptions. In addition, certain particular uses have specific criteria and/or conditions which must also be met in order for those uses to be approved as listed below in § **275-22.3**, Conditions for particular uses. For those uses which are not specifically discussed below, it is necessary only that the base criteria be satisfied.

E. Burden of persuasion. The applicant shall bear the burden of persuasion, through the introduction of sufficient evidence as may be required by this chapter or by the Zoning Board of Adjustment in its reasonable discretion, that the proposal will comply with this chapter.

F. Pertinent information. In reviewing an application for a special exception, the ZBA shall consider the following information, as applicable to the case:

(1) Compliance with the applicable requirements contained in this chapter;

(2) The results of any special investigative or scientific studies prepared in association with the proposed development;

(3) Special reports or analysis of the project or its impacts, prepared by the City or consultants;

(4) The findings, goals and objectives of the City's Master Plan;

(5) The relationship of the development to the timing, location and cost of public improvements scheduled in the Capital Improvements Program;

(6) Testimony and evidence introduced at the public hearing on the application; and

(7) Any other appropriate information or documentation.

G. Terms of approval. The ZBA may also impose, in addition to any applicable conditions specified in this chapter, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this chapter, including, but not limited to, the following:

(1) Increasing front, side, and rear setbacks in excess of the minimum requirements of this chapter;

(2) Screening of the premises from the street or adjacent property in excess of any minimum requirements of this chapter;

(3) Landscaping in excess of any minimum requirements of this chapter or the Site Plan Regulations;

(4) Modification of the exterior features of buildings or other structures;

(5) Limitations on the size of buildings and other structures more stringent than the requirements of this chapter;

(6) Footprint or lot coverage less than the allowed maximum of this chapter;

(7) Limitations on the number of occupants and methods and times of operation;

(8) Regulation of design of access drives, sidewalks, crosswalks, and other traffic features;

(9) Off-street parking and loading spaces in excess of, or less than, the minimum requirements of this chapter or the Site Plan Regulations; and

(10) Other performance standards as appropriate.

H. Existing uses and structures. Any use that was lawfully established prior to the adoption of this chapter and which now may require a special exception is now permitted and may continue in the same manner and to the same extent as conducted prior to the adoption of this chapter. However, special exception approval shall be secured from the ZBA before the use or structure or building in which the use is conducted may be intensified, enlarged, expanded, moved, or significantly altered.

I. Expiration. A special exception shall become null and void after three years from the date of approval unless a building permit is issued, a plat is recorded, or other appropriate action is taken pursuant to the special exception within that time frame.

J. Procedures. See Article 4, Zoning Board of Adjustment and Building Code Board of Appeals. § 275-22.2 **Base 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.

§ 275-22.3 Conditions 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.

J. Roadside farm stand.

(1) The roadside structure shall be set back from the front lot line at least 20 feet.

(2) There shall be adequate off-street parking which shall have safe access to and from the road. A driveway permit shall be required in all cases.

K. Solid waste facility. Subject to the same provisions stated in Article **20**.

L. Stable, commercial.

(1) The minimum lot size required shall be three acres.

(2) The side and rear setbacks for structures housing horses shall be 100 feet from any lot lines.

(3) Any storage areas for manure shall be set back at least 200 feet from any lot lines. Manure must be handled according to best management practices.

M. Veterinary clinic.

(1) Veterinary clinics shall set back 100 feet from any residential property, restaurant or lodging establishment.

(2) All animals must be housed overnight in completely enclosed buildings.

(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 where animals will be maintained out of doors.

N. Wireless communications facility.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

(1) Co-location/zoning district. Subject to a determination by the Zoning Board of Adjustment that the telecommunications equipment planned for the proposed site cannot be accommodated:

(a) Within a zoning district where these facilities are permitted by right; nor

(b) On any existing or approved antenna support structure in the City of Rochester; nor

(c) On any prospective alternative tower structure in the City of Rochester for one of the following reasons:

[1] Structural capacity. The planned equipment would exceed the structural capacity of the existing or approved antenna support structures, as documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

[2] Interference. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the antenna support structure as documented by a qualified professional engineer and the interference cannot be prevented at a reasonable cost.

[3] Height constraints. Existing or approved antenna support structure within the required radius cannot accommodate the planned equipment at the necessary height as documented by a qualified professional engineer.

[4] Other reasons. Any other substantial reason that precludes the co-location. The burden of proof is upon the applicant to demonstrate that all reasonable alternatives to the erection of a new structure have been fully explored.

(2) Buffers.

(a) In addition, for the purpose of buffering the proposed structure from neighboring properties and roads, the site proposed for the facility shall be surrounded by an area of dense tree growth, including a sufficient percentage of evergreen trees to partially screen the site in the winter, that extends continuously for a minimum distance equal to 1/2 the height of the proposed support structure.

(b) In locations where this dense tree growth is not presently in place the Zoning Board of Adjustment may, at its option, where it determines that the intent of this requirement can otherwise be met, waive or reduce this requirement due to other mitigating conditions on or off the site and/or approve a tree planting and landscaping plan for the site (alternatively, the Board may defer review and approval of this plan to the Planning Board as part of site plan review). An appropriate method, such as a deed restriction, shall be employed to ensure that the buffer remains in place as long as the support structure is in place.

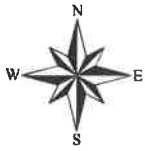
Land Use 1010
Print Date 11/5/2021 4:57:38 PM

Total Cash Paid	0.00
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Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd	Description	Element	Cd	Description		
Model	01	Residential	Half Bath Rati	F	INFERIOR		
Style	04	CAPE	Extra Fixture(s)	3			
Grade	C+	AVG. (+)	Extra Fix Ratin	A	SAME		
Stories	1.75		CONDO DATA				
Units	1		Condo Main		Complex #		
Residential Unit	1		Adjust Type		Building #		
Comm Units	0		Condo Floor		Section #		
Exterior Wall 1	04	VINYL	Condo Location		% Owner		
Exterior Wall 2			COST / MARKET VALUATION				
2nd Ext Wall %			Building Value New			334,751	
Roof Structure	01	GABLE	Year Built			1941	
Roof Cover	01	ASPH SHINGLE	Depreciation Code			G	
Interior Wall 1	06	AVERAGE	Remodel Rating				
Interior Wall 2			Year Remodeled			38	
2nd Int Wall %			Depreciation %			40	
Interior Floor 1	08	AVERAGE	Functional Obsol			1,000	
Interior Floor 2			Economic Obsol				
Basement Floor	12	CONCRETE	Trend Factor			62	
% Heated	100		Condition %			124,500	
Heat Fuel	01	OIL	RCNLD				
Heat Type	03	FORCED HW	Dep % Ovr				
2nd Heat Type			Dep Ovr Comment				
2nd % Heated			Misc Imp Ovr				
# Heat Systems	1	SAME	Cost to Cure Ovr				
AC Percent	25		Cost to Cure Ovr Comment				
Bedrooms	5		OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)				
Full Bath(s)	1		Code	Description	L/B Qty	Dim 1	Dim 2
Bath Rating	A		01	SHED FRAME	L	16	22
3/4 Bath(s)	1		41	GENERATOR	L	1	1
3/4 Bath Rating	A						
Half Bath(s)	1						
Half Bath Ratin	F	INFERIOR					
Extra Fixture(s)	3						
BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undepreciated Value	
BMT	BASEMENT	0	1,370	343	24.56	33,648	
FFL	1ST FLOOR	1,594	1,594	1,594	98.10	156,371	
GAR	GARAGE	0	360	0	28.07	10,105	
PAT	PATIO	0	442	0	7.87	3,479	
SFL	2ND FLOOR	210	210	210	98.10	20,601	
TQS	3/4 STORY	663	884	663	73.58	65,040	
Totl Gross Liv / Lease Area					2,467	4,860	289,244





10 Whitehall Road

Rochester, NH

1 inch = 34 Feet



www.cai-tech.com

June 10, 2022



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