



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. 2-24-10

DATE FILED 2/21/24

C91
ZONING BOARD CLERK

Applicant: Green Mountain LLC. dba Chick-fil-A

E-mail: britni@cfametrowest.com Phone: 774-402-4663

Applicant Address: 286 Turnpike Rd. Westborough, MA 01581

Property Owner: Lowes, General Manager - Michael Pagliuca

Property Owner Address: Rochester Crossing Plaza - 160 Washington St. Suite 800 Rochester, NH 03893

Variance Address: Rochester Crossing Plaza - 160 Washington St. Suite 800 Rochester, NH 03893

Map Lot and Block No: Unknown

Description of Property (give length of lot lines): Agreed to park towards the "back" of the lot not to interfere with traffic or business operations. Traffic to line up on sidewalk

Proposed use or existing use affected: Selling food

The undersigned hereby requests a special exception as provided in section 18-C of the Zoning Ordinance to permit Highway Commercial Zone.

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: Britni Riopel Date: 01.31.24





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: Yes. It is a large parking lot & we would park in the area that is not utilized by the business.

(2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood. Yes No
Reasoning: No. We do not disturb the peace and practice business respectfully.

(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: No. We dispose of our water & waste at our home base. We will have the guests safely line up on the sidewalk that we will be parking next to.

(4) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Yes No Reasoning: Yes. We provide the needed equipment and space for our staff. We are not a dine in operation, rather a carry out.

(5) The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan. Yes No Reasoning: Yes. We only tend to bring business and smiles to the Rochester Community.

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

ZONING

275 Attachment 3

City of Rochester

Table 18-C Food-Lodging-Public Recreation Uses
[Amended 5-7-2019; 12-6-2022; 6-6-2023]

LEGEND

P = Permitted Use

C = Conditional Use

E = Use Allowed by Special Exception

Food-Lodging-Public Recreation Uses	Residential Districts				Commercial Districts				Industrial Districts		Special		Criteria/Conditions Reference
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS	
Cafe	—	—	P	C	P	P	P	P	—	—	—	P	Article 21
Campground	—	—	—	E	—	—	—	—	—	E	—	—	Article 22
Caterer	—	—	P	—	P	P	—	P	P	P	—	—	
Charitable gaming facility	—	—	—	—	—	—	C	P	—	—	—	—	
Club	—	—	C	—	P	P	—	P	—	—	—	—	Article 21
Community center	—	—	P	—	P	P	P	P	—	—	—	—	
Conference center	—	—	C	—	P	P	P	P	—	—	P	P	Article 21
Country club	—	—	—	C	—	—	P	E	—	C	—	—	Article 21
Food stand	—	—	E	—	E	E	P	E	E	E	E	E	Article 22
Function hall	—	—	—	—	P	P	P	P	—	—	—	—	
Golf course	—	—	—	P	—	—	P	—	—	P	—	—	Article 22
Health club	—	—	C	C	P	P	P	P	—	—	—	—	Article 21
Lodging, bed-and-breakfast	—	C	P	—	P	P	—	P	—	—	—	—	Article 21
Lodging, hotel	—	—	C	—	P	C	P	P	—	—	C	C	Article 21
Lodging, motel	—	—	—	—	—	—	P	P	—	—	—	C	Articles 20 and 21
Nightclub	—	—	—	—	P	—	P	P	—	—	—	—	
Recreation, indoor	—	—	C	—	P	C	P	P	P	C	—	—	Article 21
Recreation, outdoor	—	—	—	C	—	C	P	P	—	C	—	—	Article 21
Recreation, park	P	P	P	P	P	P	—	P	—	C	—	—	Article 21
Restaurant	—	—	P	—	P	C	P	P	—	—	—	P	Article 21
Restaurant, drive-through	—	—	—	—	P	—	P	P	—	—	—	—	
Sports betting facility	—	—	—	—	—	—	P	P	—	—	—	—	
Tavern	—	—	C	—	P	—	P	P	—	—	—	P	Article 21
Theater/cinema (5,000 square feet or less)	—	—	P	—	P	P	P	P	—	—	—	—	Article 21
Theater/cinema (over 5,000 square feet)	—	—	—	—	C	—	P	P	—	—	—	—	Article 21



160 Washington Street

City of Rochester, NH

1 inch = 260 Feet



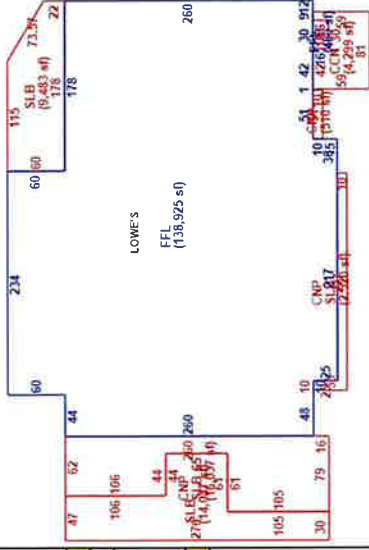
www.cai-tech.com

February 27, 2024



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)								
Element	Cd	Description	Element	Cd	Description							
Model	94	Commercial	Half Bath Rating	A	SAME							
Style	C34	W DISC STORE	Extra Fixture(s)	15								
Grade	B	Good	Extra Fix Rating	A	SAME							
Stories	1											
Units	0											
Residential Unit	0											
Comm Units	1.00											
Wall Height	26.00											
Exterior Wall 1	21											
Exterior Wall 2	0											
2nd Ext Wall %	0											
Roof Structure	04											
Roof Cover	11											
Interior Wall 1	06											
Interior Wall 2	08											
Interior Floor 1												
Interior Floor 2												
Basement Floor												
% Heated	100.00											
Heat Fuel	02											
Heat Type	01											
2nd Heat Type	0.00											
2nd % Heated	1.00											
# Heat Systems	100.00											
AC Percent												
Bedrooms	0											
Full Bath(s)	A											
Bath Rating	0											
3/4 Bath(s)												
3/4 Bath Rating	3											
Half Bath(s)	A											
Half Bath Rating	15											
Extra Fixture(s)												
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)												
Code	Description	L/B	Qty	Dim 1	Dim 2	Grade	Condition	Yr Blt	% Gd	Unit Price	Grade Adj.	Appr. Value
OS	DOOR MTR S	B	1	14	18	C	AV	2007	88	10.93	1.00	2,400
TW	TRUCK WELL	B	1	46	94	C	AV	2007	88	4.37	1.00	16,600
OS	DOOR MTR S	B	1	10	18	C	AV	2007	88	10.93	1.00	1,700
FC6	FENCE CH 6'	L	1	1	1059	C	AV	2007	70	17.10	1.00	12,700
LB	DOCK LEVEL	B	3	3	1	C	AV	2007	88	3125.00	1.00	24,800
OS	DOOR MTR S	B	4	9	10	C	AV	2007	88	10.93	1.00	3,500
OS	DOOR MTR S	B	1	7	8	C	AV	2007	88	10.93	1.00	500
BUILDING SUB-AREA SUMMARY SECTION												
Code	Description	Living Area		Floor Area	Yr Blt	% Gd	Unit Price	Grade Adj.	Appr. Value			
CCN	COMMERCIAL GAS/SERVICE CANOPY	0		4,299	0							
CNP	CANOPY	0		19,067	0							
FFL	1ST FLOOR	139,405		139,405	139,405							
SLB	CONCRETE SLAB	0		42,087	0							
11 Gross Liv / Lease Area		139,405		204,858	139,405				11,290,540			



Owner1	Owner2	BillingAddress	City State Zip
ROCHESTER CROSSING LLC		1113 N COUNTRY RD BLDG 2	STONY BROOK, NY 11790
LAVOIE GERALD JR	KENT ECHO LEIGH	176 WASHINGTON ST	ROCHESTER, NH 03839
WALKER ARTHUR & VICKI L		174 WASHINGTON ST	ROCHESTER, NH 03839-5504
HOMELESS CENTER FOR STRAFFORD	COUNTY	202 WASHINGTON ST	ROCHESTER, NH 03839
ROUTE 202 L L C % JEAN M KANE		117 BOW ST	PORTSMOUTH, NH 03801
MCCALLION DONALD N JR		7 JODI LN	STRAFFORD, NH 03884
ROCHESTER CROSSING LLC		1113 N COUNTRY RD BLDG 2	STONY BROOK, NY 11790
PUBLIC SERVICE CO OF NH	EVERSOURCE ENERGY DBA	P O BOX 270	HARTFORD, CT 06141-0270
BARSTOW FAM REV TRUST %	BARSTOW WALTER H JR & BRENDA J	2 FLORENCE DR	ROCHESTER, NH 03867
MALERBA KIMBERLY L		1 FLORENCE DR	ROCHESTER, NH 03867
THONE DOROTHY K		92 CHESLEY HILL RD	ROCHESTER, NH 03839-5501
MCCALLION DONALD N JR TRUST	MCCALLION DONALD N JR TRUSTEE	7 JODY LN	STRAFFORD, NH 03884
ROUTE 202 L L C % JEAN M KANE		117 BOW ST	PORTSMOUTH, NH 03801