

CITY COUNCIL WORKSHOP MEETING
December 17, 2013
COUNCIL CHAMBERS
7:01 PM

MEMBERS PRESENT

Councilor Gray
Councilor Hamann
Councilor Hervey
Councilor Keans
Councilor Lachapelle
Councilor Lauterborn
Councilor Reed-Erickson
Councilor Varney
Councilor Walker
Mayor Jean

MEMBERS EXCUSED

Councilor LaBranche
Councilor Torr

OTHERS PRESENT

City Manager Dan Fitzpatrick
Deputy City Manager Blaine Cox
Doris Gates
Gregg DeNobile
Lou Archambault
Rick Perreault
David Ouellette
Chris Bowlen
Peter Nourse
Scott Ritchie
Attorney Malcolm McNeil
Bob Clark
Sarah Hourihan
Jeffrey Dirk

MINUTES

1. Call to Order

Mayor Jean called the Workshop Meeting to order at 7:01 PM. Deputy City Clerk Marcia Roddy took a silent roll call. All Council members were present, with the exception of Councilors LaBranche and Torr, who had been excused.

Mayor Jean asked the Council if they had no objection he would like to have a Non-Public Session (Personnel) and that he had inadvertently omitted it from the agenda. There being no objection, the Non-Public Session was added to the agenda near the end of the meeting as item 9.

2. Public Input

Doris Gates, resident, came forward to speak her concerns about the proposed change of Chesley Hill Road from an R-1 zone to R-2. She noted that people are asked to limit their comments to 5 minutes; however, with Mr. McNeil requesting time on the agenda he will most likely be given as much time as he needs.

Ms. Gates believes that this time allotment angers many of the taxpayers who feel that the rights of the single family home owners have been "trampled on." It appears that all of the 5-minute "clips" of the residents who spoke at the Planning Board

meetings were not "loud enough" to be heard by the Planning Board, but a lawyer who represents one taxpayer gets more time to give an impressive presentation. She said that Mr. McNeil made the argument that there would either be 95 single family homes that would consume all of the acreage, or 95 apartments that would only use half of the land. Ms. Gates said that once the area is changed from R-1 to R-2 there are no promises that the proposed plan will happen. She said that this has happened in other neighborhoods. The people who purchased their property in the Chesley Hill neighborhood in an R-1 zone considered that a promise by the City and that should be kept.

Gregg DeNobile, resident of Chesley Hill Road, had some questions regarding the zoning plan package that has been presented. He asked if there is a project plan or calendar in place to establish what is going to transpire and when so people can plan to attend meetings. He was concerned that residents will not have an opportunity to speak their concerns and hopes that this is part of the process.

Mr. DeNobile also spoke about Attorney McNeil's place on the agenda and wanted to know if the citizens who were in attendance at the meeting would have an opportunity to ask questions after Attorney McNeil's presentation. He wanted to know at what point the citizens would be able to speak and ask questions and whether or not it would require being put on a meeting agenda. He said the process at this point seems rather one-sided and not at all transparent. He added that he will speak with his fellow neighbors and see what they need to do to be put on an agenda.

Mayor Jean said that the residents and abutters will have a separate time to be put on the agenda. There will be a meeting with the mayor and residents to talk one-on-one and then a time for them to come before the Council to ask questions at that level. He said that at this point the intent is to give both sides the opportunity to present their side.

Lou Archambault, a resident of Chesley Hill Road, also addressed the residents' disapproval of the proposed high-end executive apartments proposed for the former Mitchell Farm property. He said they have voiced their objections loudly and clearly that the residential single housing area needed to remain as such. He cited the numerous letters that have been written to the newspapers denouncing this proposed plan. However, he said that the Council seems to be giving the widest berth to the developer, especially by continuing to allow the developer's attorney to suggest that by not allowing the developer to go forward with his plan would leave the neighborhood in a much less desirable housing venture.

Mr. Archambault took exception to the fact that the attorney will be allowed to give a lengthy presentation, while he is only allotted five minutes to speak. He is also concerned by the fact that the mayor has contacted one of his neighbors through e-mail asking this resident to organize other residents to come to his office for a meeting on this development. He questioned why the mayor would ask an unelected person to organize a meeting and act as an ombudsman to coordinate a private meeting for the neighborhood. He said this is meddling the government entities with business.

Rick Perreault, resident of Chesley Hill Road, spoke about the Chapter 42 issue. He said he has attended many meetings of the Planning Board regarding the plan. He argued that it would not be feasible to build 95 single family homes on the parcel of land in question. His opinion is that apartments, no matter how fancy, would ultimately depreciate. He pointed out that the current owners bought the property as an R-1 property and it should remain as such. By changing to an R-2 property the City would see depreciation over time. He said that he is adamantly opposed to the change of zoning of this property.

David Ouellette, resident and Trustee of the Trust Fund, spoke about the new *History of Rochester* book that was recently published. He said that by request (by several Council members), there have been prints made of the cover art work. The printing company is Barrington Editions, located in the Citizen's Bank building. There were two different types of prints made: one is on canvas and the other is on paper. He passed around samples of the prints. The prints are being sold at cost with the canvas print costing \$75 and the paper print costing \$35. They can be purchased by contacting Mr. Ouellette at 833-0391 (cell). The prints, as well as the book, will also be sold at the Lilac Mall on December 21, 2013, at both entrances to the mall.

Mayor Jean closed Public Input at 7:22 PM.

3. Communications from the City Manager

There were no items.

4. Communications from the Mayor

Mayor Jean asked Chris Bowlen, Director of the Recreation Department, and Dave Anctil of the Arena Commission, to give an update on the progress of the installation of new bleachers at the Arena. Mr. Bowlen introduced Lauren Colanto, the new Assistant Director for the Recreation and Arena Department.

Mr. Bowlen gave a PowerPoint presentation on the work being done at the Arena. He referred to the CIP allocation of \$375,000 for the project and explained what was being done and how much has been done to this point. The upgrades include bleachers, bathrooms, warming areas, and repairing wall deterioration.

Councilor Larochelle questioned the material used for the wall and whether or not it was a load-bearing wall. Mr. Bowlen explained that although it is not a load-bearing wall, it does support some of the weight of the roof laterally when it is snow covered. Steel would not have been an option for this function and the material used was optimal with insulation factors.

Councilor Varney asked when the new bleachers would be installed. Mr. Bowlen said it would be in the spring with a target time period of April/May.

Councilor Varney asked when the bleachers were ordered. Mr. Bowlen explained that they had not been ordered yet. It will take about sixteen weeks for them to come in and if he had ordered them in the summer they would be coming in around now. The problem with that is that the bleachers have to be built within the building and it would require closing down half of the building to do that. With this being the busy hockey season it makes more sense to do that after the hockey season ends.

Mr. Bowlen gave an update on the Disc Golf facility. He said that all 18 baskets are up and the course will be ready to open in the spring of 2014. He also updated the Council on other various programs at the Arena,

Councilor Walker asked Mr. Bowlen how many trees had been removed at Squanamagonic Park for construction of the disc golf course. Mr. Bowlen did not have a total number, but said that the trees that were removed were of a certain size and it is desirous to leave many trees throughout the course for the challenge that it offers.

Councilor Larochelle asked what other activities would still be held at the Squanamagonic Park, noting that the fishing derby would no longer be held as the pond is gone. Mr. Bowlen said it is the plan to maximize the use of the park.

Mayor Jean said he had walked through the arena that morning with Mr. Bowlen, David Ancil (Chair of the Arena Commission), and Bob Brown (member of the Arena Commission) to see the work that has been done there. He was pleased to see the progress that has been made.

Councilor Lachapelle said he spends a lot of time at the arena and said Mr. Brown had mentioned to him that there will need to be work done on the roof. Mr. Bowlen said yes, that is another component to the facility that is being looked at. Councilor Lachapelle commended Mr. Bowlen and his staff for approaching the project as they have been by not rushing it and being careful and efficient.

Mayor Jean thanked Mr. Bowlen for his time.

Mayor Jean, on behalf of the City Council, wished everyone a Merry Christmas and Happy New Year.

5. Department Reports

Councilor Larochelle questioned the Police Department's report in which it was reported that the Police Department is currently looking to fill three dispatch positions. He asked whatever happened to the consolidation of area dispatch units and that there has been no other discussion since. City Manager Fitzpatrick said that it is being looked into and proposals have been solicited from third party consultants to get an evaluation. He added that this will most likely be an agenda item in the coming months. He said, in answer to the search for new dispatch personnel, that there have recently been two new hires for that department.

Councilor Larochelle also questioned a two inch meter at the Greenwood Inn that has been sent out for testing to confirm that water has been measured correctly and wanted to know who paid for that. Commissioner Peter Nourse answered that typically the property owner pays for it, but he will check on this one and get back to the Council.

Councilor Larochelle said that reference was made that the SCADA system's semi-annual maintenance and battery replacement was completed. He asked if someone could explain what "SCADA" is. Commissioner Nourse said it is Supervisory Control and Data Acquisition. Councilor Larochelle suggested that acronyms not be used as many people do not know what they stand for.

6. **Strafford Square Roundabout update**

Public Works Commissioner Peter Nourse introduced Scott Ritchie of Conceptual Design, Roundabouts and Traffic Engineers, who gave a PowerPoint presentation on the progress of an alternative design for a Strafford Square Roundabout. Mr. Ritchie gave his presentation and then asked for questions from the Council.

Councilor Larochelle commented on visibility in roundabouts and thought that tall trees would not be a good idea. Mr. Ritchie said that is a common misconception as most intersections need a clear view to proceed. Roundabouts are quite the opposite as you only need to see to your immediate left. By having headlights "hit" something in the dawn/dusk/evening hours it is clear to the driver that there is an obstacle in the way, that being the center of the roundabout.

Councilor Keans asked about the traffic percentages, wanting to know if that was for traffic in both directions. Mr. Ritchie said that was correct. Councilor Keans wanted to know how the traffic out of Walnut Street would proceed down Washington Street or cross over to North Main Street. Mr. Ritchie explained that there would be a stop sign at the end of Walnut Street and traffic would proceed as it would in any intersection.

Councilor Hamann pointed out that traffic backs up on North Main Street several times a day and the bottleneck is the light at the corner of Union Street. He asked how this plan will help that problem. Mr. Ritchie said that is a problem intersection and most people who are familiar with it simply slow down and turn right. He said this is an intersection that may ease up with the construction of two-lane construction at the roundabout. He said this proposed plan is the best, most safe, and highest capacity design that could fit within the constraints of the site.

Mayor Jean said that he recommends the Council focus on the Strafford Square project at this time and then work on the Union Street intersection at a later date.

Councilor Gray questioned the configuration of the end of Walnut Street as it is drawn. Mr. Ritchie said he has an idea of what would work better, but within the constraints of the area and surrounding properties this is the best that can be done.

Councilor Varney asked for clarification why the Walnut Street lane cannot merge directly into the outside lane of the roundabout. Mr. Ritchie said it would have to be brought in straight, which defeats the concept of a modern day roundabout. Councilor Varney said he sees the design as more dangerous than it already is. The Council discussed further the problems with Walnut Street entering the roundabout. Councilor Varney said that people will be cutting through to North Main Street on other streets in the neighborhood, in particular Twombly Street. Mr. Ritchie said he studied Twombly Street and recommends that the City designate it as a truck route.

Councilor Keans suggested that a better synchronization of the traffic lights would make the traffic flow in the area faster and smoother. Mayor Jean said that is something that will be left to Public Works to work on.

Mayor Jean thanked Mr. Ritchie for his time and presentation.

7. Ch. 42 - Chesley Hill Road - Attorney Malcolm McNeil

Mayor Jean took the opportunity to clarify a few things. First of all, he said he could have put out a memo to further illustrate the intent here. He said that the Planning Board finished its review of Chapter 42 and have sent it to the Council for consideration. He reminded the Council that it was evident that there would be certain "hot button" areas to be discussed. They are Labrador Drive, Chesley Hill Road, and North Main Street (as it relates to the neighborhood mixed use).

Mayor Jean suggested that all of the problem areas be discussed individually, with people representing both sides of the issue present for the discussion. He said that in no way is there any clear solution to these issues at this time and every opportunity will be given to all parties to voice their concerns.

Mayor Jean introduced Attorney Malcolm McNeil, who represents a property owner and developer. He clarified that the owners and developers are New Hampshire based LLCs and not from out of state. The purpose of the presentation is to support the Planning Board's recommendation to re-zone an R-1 area to R-2.

Since November of 2012, Mr. McNeil and his clients, have attended eleven Planning Board meetings. They also have met privately at Mr. McNeil's office with Mr. Benoit, a resident of Chesley Hill, on April 11, 2013. In addition, they appeared at an abutters meeting requested by the Planning Board chairman on May 13, 2013, at which time approximately 25 people from the Chesley Hill neighborhood were in attendance. Mr. McNeil and his clients made a full presentation to the Planning Board and those in attendance similar to the presentation planned for this evening.

Mr. McNeil said that one thing is very clear from his attendance at all of the meetings that this rezoning has been open, transparent, responsive, and a reasonable effort has been made by the Planning Board to do what it, after extensive hearings, believes to be in the best interests of the City of Rochester.

Other components of the Planning Board review, according to Mr. McNeil, included: every party who wished to speak was allowed to do so; every letter sent to the Planning Board was read and acted upon; and the website has been active. He said that nothing has been done in secret. Everything has been open; minutes have been kept; and there has been a vibrant dialogue throughout the process.

Mr. McNeil said that in addition to what he will be talking about, Bob Clark, the project manager for the project, will explain the components of the project; Sarah Hourihan with DeStefano Architects, will speak about the design of the project; and Jeffrey Dirk, a professional traffic engineer, will speak with regard to the traffic benefits of the proposed R-2 zoning.

In addition, the package handout contains a report from Paul McInnis, Inc. with regard to market demand and market rents, which was supplied to the Planning Board during the process and during the hearing with the abutters. There was also testimony from Karen Pollard with regard to demand for this kind of use and that occurred on June 3, 2013, as part of the process.

As a result of the process, the Planning Board recommended that the property be rezoned to R-2 on June 17, 2013. Mr. McNeil quoted the Vice-Chair of the Board, Mr. Derek Peters, who said it was important for people to understand that the Board does not take the changes lightly. Mr. McNeil said that, in his view, all of the facts were on the table, all of the opinions were on the table, and the Planning Board, after listening to all sides, came to the conclusion that they did and it was a difficult decision for them to recommend the rezoning.

Mr. McNeil said that in the beginning, the City was considering an R-3 zone in the outskirts of the city. That was changed to a position where all multi-family dwellings would come under the R-2 concept. He said that his clients will be developing this land, whether it is as an R-1 zone with single family housing, or as an R-2 zone with upscale apartments.

After a summary of what will be presented to the Council, Mr. McNeil introduced Bob Clark, project manager from Allen and Major Associates. Mr. Clark reviewed the property size of approximately 147 acres and how it could be developed. Mr. Clark referred to maps that had been handed out to the Council members, both aerial and artist-rendered, that presented a broad overview on how the land could be developed. He indicated the power easements, wetlands, and slopes which reduce the amount of land that could be developed by approximately 69 acres.

Councilor Lachapelle asked Mr. Clark if there has been any soil testing done at the property yet. Mr. Clark said no, that has not been done as the zoning issue has not been resolved at this point. He pointed out that a considerable portion of the land will be conservation land and not developed. Because the size of the parcel of land that could be developed has decreased significantly, the idea of multi-family units would maximize the use of the land for homes. Mr. Clark said that city sewer lines would be installed which would benefit the residents of Chesley Hill Road who do not have that.

Councilor Larochelle asked if the properties would have city water and sewer. Mr. Clark said yes, that was one of the stipulations the planners made for the property.

Councilor Varney said that he noticed in the property design that there does not appear to be any provision for storage, such as trailers, etc.. Mr. Clark pointed out that the units have garages, but no provision has been made as of yet for that type of storage.

Councilor Lachapelle asked what the vote was at the Planning Board meeting to change the land to an R-2 zone. Mr. McNeil said it was 5-3. Councilor Gray added that there were actually 2 votes; the first on March 4, 2013, was a 4-4 tie vote. Mr. McNeil said that after more evidence was presented the vote was 5-3 in favor of the change.

Councilor Keans asked how people would know that the housing shown in the material handed out would be what is built rather than "work force" housing. Mr. McNeil answered that the owners would agree to covenants that would provide for a development as proposed to the Planning Board. Councilor Walker said yes, they could sell the development, but the Planning Board was specifying that it be put in the deed what would be in the development and anyone buying the property would be bound by that deed.

Councilor Larochelle asked what would be put in place to guarantee that what is presented to the Planning Board would, in fact, be what is built. Mr. McNeil said that there would be covenants that the property would remain multi-family and that the property would remain in accordance with the plans presented to the city.

Sarah Hourihan from DeStefano Architects presented plans for cluster housing of 4- to 5-unit housing. She said the plan is to keep in mind many aspects of conservation of land, trees, and wildlife. She said it is a design that has become more popular. She said these are single family residences designed as attached homes, as opposed to a typical townhouse style home. Ms. Hourihan described the floor plans for the units, utilizing approximately 2,800 square feet of living space.

Ms. Hourihan showed a sample of "work force" housing, a very different type of housing in a box-like footprint with lower end materials used and many shared components to the building, such as entrances and laundry areas.

Councilor Lauterborn asked if the units will be rental apartments or condominiums that will be sold. Mr. Hourihan said they will be rentable apartments.

Councilor Larochelle asked why there is going to be less traffic when there will be more people living in the area. Ms. Hourihan said that the next speaker was going to address that topic.

Jeffrey Dirk of Vanasse & Associates, a traffic engineer, presented an overview of the possible traffic changes as the result of a development on Chesley Hill Road.

There have been many studies done over the years and currently each single family home generates, on average, ten trips on a daily basis. He said that multi-unit housing developments, such as the one being proposed, statistically generate 6 trips per day per household. Different types of residential neighborhoods have distinctly different types of traffic, such as single family homes as opposed to condominiums or apartments.

Councilor Keans asked what type of slope the road would have as a result of the development. Mr. Dirk said that there would ultimately be no more than a 2% grade where the two roads meet, but at the entrance to the development there can be a transition of no more than 8%.

Attorney McNeil summarized the presentations by asking the City Council which plan they would want. He said that the Planning Board has done a lot of research and considerations before recommending the proposal. He said that change is difficult and frequently is met with opposition. He said that he has been involved in many rezoning issues in the past and feels that the Rochester Planning Board has worked very hard on determining the feasibility of this project and they feel that it is in the best interest of the City.

Councilor Lachapelle voiced his disapproval of the project. He does not feel that there is any guarantee that there would not be Section 8 tenants. He also feels this does a disservice to a few other developers in the city who may be hurt by the competition.

Councilor Lauterborn said that with rental properties you would not see the same pride of ownership as you would with resident-owned properties. She asked if condominiums had been considered where the units would be owned by the residents and the property would be kept up to a higher standard. Mr. McNeil said he is not convinced that just because they would be leased units that they would not be kept up. They are very substantial 2,500+ square units for which the landlord would receive considerable rents. He said that the assumption is that the landlord building these properties for investment will take care of the property.

Councilor Laroche said he was surprised that Attorney McNeil was not familiar with the United Nations Agenda 21, at which time Councilor Laroche explained how it is an agenda for the 21st century that is all about sustainable development on the earth. He said that he sees this project is more consistent with Agenda 21 and sustainability and he does not see that as a bad thing.

Councilor Varney asked Mr. McNeil what would be the mechanism in coming to an agreement. Does the City enter into an agreement in advance of the zoning change whereby the parties agree to certain conditions. Mr. McNeil said he would need to speak with Attorney Wensley as to a zoning contract.

Councilor Gray said one of the reasons he voted against this proposal as a member of the Planning Board was the possibility that between the time the project is approved and the time it is started that something could happen. He suggested going

forward as an R-1 zone and then appearing before the Zoning Board of Adjustment for a variance at a later date. Attorney McNeil said he would not have represented the developers in that type of scenario as it is not an acceptable approach.

Mayor Jean thanked the presenters and assured the public that there will be an ongoing discussion with all sides having an opportunity to speak and offer opinions.

8. Other

Councilor Reed-Erickson spoke his feelings about serving on the City Council. He said he has enjoyed the many years he has been a councilor and has especially enjoyed his time working with the current City Council and Mayor. Mayor Jean thanked Councilor Reed-Erickson for his service, as well as Councilors Hervey and LaBranche for their dedication and work.

9. Non-Public Session

9.1 Personnel RSA 91-A:4 - Personnel

Councilor Lachapelle **MOVED** to enter Non-Public Session at 9:40 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous roll call vote. Councilors Gray, Laroche, Lauterborn, Keans, Hervey, Varney, Hamann, Lachapelle, Reed-Erickson, Walker, and Mayor Jean all voted yes.

Councilor Lachapelle **MOVED** to exit Non-Public Session at 10:24 PM and to seal the minutes indefinitely. Councilor Laroche seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

10. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the workshop meeting at 10:25 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Respectfully submitted,

Marcia H. Roddy

Deputy City Clerk