

**CITY COUNCIL WORKSHOP MEETING**  
**January 21, 2014**  
**COUNCIL CHAMBERS**  
**7:00 PM**

**MEMBERS PRESENT**

Councilor Collins  
Councilor Gates  
Councilor Gray  
Councilor Hamann  
Councilor Keans  
Councilor Kittredge  
Councilor Lachapelle  
Councilor Larochelle  
Councilor Lauterborn  
Councilor Torr  
Councilor Varney  
Councilor Walker  
Mayor Jean

**MEMBERS EXCUSED**

Councilor Lachapelle

**OTHERS PRESENT**

City Manager Dan Fitzpatrick  
Deputy City Manager Blaine Cox  
Deputy City Manager Pollard  
Attorney Dan Wensley  
Lou Archambault, Resident  
Fred Leonard, Resident  
Tom Kaczynski, Resident  
Gregg DeNobile, Resident  
Ric Perreault, Resident  
Ken Billings, Resident  
Joshua Rodgers, Resident  
Samantha England, Resident  
Bob DiBerto, Property Owner  
Mona Perreault, Resident  
Danielle Billings, Resident  
Alan Dews, Resident

**MINUTES**

**1. Call to Order**

Mayor Jean called the City Council Workshop Meeting to order at 7:00 PM. Deputy City Clerk Marcia Roddy took a silent roll call. All councilors were present with the exception of Councilor Lachapelle, who had been excused.

**2. Public Input**

Mayor Jean invited members of the community to come forward to speak on issues concerning the City of Rochester. He asked that those who came to speak on the Chesley Hill Road matter wait to speak during the time allotted on the Agenda later in the meeting.

Lou Archambault, resident, commented on the remarks he had made at the last City Council Workshop. He referred to an article written about the Right-to-Know law. He said that public officials should not shut out the public in their decision-making. He said that "behavior accepted is behavior likely to be repeated."

Fred Leonard, resident, spoke about the contract with Buxton as discussed and voted on at the City Council meeting on January 14, 2014. He believes that the project was approved without enough research and forethought. The entire project was presented poorly, he added. The due process and due diligence was completely missing. He said the project is presented to be paid through an undesignated fund balance of the Rochester Economic Development fund. He said that the contract should have been sent out to bid and the usual process followed. He said this is disgraceful and he has submitted a right-to-know request.

Tom Kaczynski, resident, questioned the basic philosophy of the City Council. He referred to a recent newspaper article in which Frisbie Memorial Hospital was basically pleading to be included in the Affordable Care Act ("Obamacare"). He finds it odd that the City Council has not spoken against the ACA and cannot understand why they have not spoken out against it. The exclusion of the hospital from the ACA directly affects the people in the area and the City Council should be strongly backing the hospital's position.

Mr. Kaczynski said there are some citizens who think that Dover and Rochester should drop their involvement in the Great Bay Coalition. A lot of money has been invested in this matter and he is questioning why our congressmen have not gotten involved. The EPA mandates will be costing the city millions of dollars and the City Council should be actively involved in the work of the Coalition for the benefit of the citizens. Mr. Kaczynski said that it all goes back to a basic philosophy on what is best for the City.

Public Input was closed at 7:15 PM.

### **3. Communications from the City Manager**

The City Manager had nothing to report. He did ask, however, that the City Council add a Non-Public (RSA 91-A:4 - Personnel) session to the evening's agenda that would follow #7 - Other. The Council did not object and the session was added to the agenda.

### **4. Communications from the Mayor**

Mayor Jean acknowledged the people who worked on the inauguration preparation and reception, in particular Samantha Rodgers, Kelly Walters, and Marcia Roddy, as well as other employees and Opera House staff. He was very pleased with the ceremony and reception.

### **5. Department Reports**

Councilor Larochelle said he noticed that there have been some boiler failures at the Police Department and questioned if the City still has a contract with Honeywell to

do preventive maintenance on the heating system and what buildings are covered. Mayor Jean said that will be looked at. Council Gates asked about the age of the boilers and is there a problem with them because they are aging out. Mayor Jean said the City Manager will look into that and respond.

Mayor Jean said that the Fire Department has asked that residents shovel out the fire hydrants in their neighborhoods in order to aid the Fire Department in case they are needed. This would be a three foot area around the hydrants.

## **6. Chapter 42**

**6.1** Mayor Jean said that at the February 4, 2014, regular City Council meeting he will be presenting a template on how the Council will be moving forward with regard to Chapter 42. He will discuss how the Planning Board did a methodic review and outline the timeline on how Chapter 42 will be reviewed. He asked that if anyone has any thoughts or input regarding this matter please e-mail him by Monday [January 27, 2014].

**6.2** Mayor Jean invited anyone who wished to speak on the Chesley Hill Road rezoning issue to come forward.

Gregg DeNobile, resident, gave a PowerPoint presentation and passed out paper copies of the presentation for the City Council. His topic was entitled "Why Rezoning is NOT Needed."

Ric Perreault, resident, asked how many multi-family units are there in Rochester and how many are needed in the city. He asked how many multi-family units have already been approved in the anticipation of rezoning to R2. He said that the proposed rezoning and development on Chesley Hill Road is a true example of "spot zoning." Mr. Perreault said that in money terms the so-called "high end" apartments that are proposed would need to be rented for \$3,000 a month in order to cover the debt servicing of the units, such as taxes, utilities, insurance, etc.. He said that there is no way these units could be rented for \$1,500 a month and, if that is what is proposed, then this would have to be a government subsidized project. In addition, it would most like necessitate a police sub-station for that end of town. Mr. Perreault said he would prefer having any number of single family homes abutting his property than several multi-unit buildings next to his property.

Mr. Perreault referred to Agenda 21 and gave some examples of it. Agenda 21 entails things such as "sustainability, smart growth, high density mixed urban uses." It is something that is being pushed on communities. He urged the City Council to keep the property R1 and that they "do the right thing."

Ken Billings, resident, said that his family has lived in the Chesley Hill Road neighborhood for 92 years. He named other families who have lived in the neighborhood for 40+ years. He wanted the City Council to understand the

accountability of the people who live in the neighborhood and how they care about their neighborhood and history of living there. He added that one Planning Board member voted for the change in zoning because it would mean that the road would be repaired. He said this is not what the people are looking for. He urged the Council to keep the area an R1 zone.

Joshua Rodgers, resident, lives in a home directly across from the proposed development. He said he moved to his home a few years ago from Somersworth, having sought a home in an area that would afford a particular quality of life. He said the proposed rezoning threatens to destroy that quality of life. Mr. Rodgers said that when the attorney representing the owners of the proposed development property for a copy of a study or proof of any kind that there was a need or demand for the kind of multi-family units that are being proposed, they were informed that that study was proprietary and could not be shared. He questioned why the Council would accept the word of a landowner and a lawyer as to the need for such a development and this should be approached with a degree of skepticism. He beseeched the Council to keep the property as it is and as it should be.

Samantha England, resident, said she understood that when the apartments were designed it was with the idea that they would be for the "younger generation." She wanted to point out that she is the "younger generation." Ms. England said that when she and her husband purchased their home she was 22 years old. They chose the Chesley Hill Road neighborhood because it was just the type of neighborhood they were looking for, not one where apartments would be built.

Bob DiBerto of Madbury, New Hampshire, spoke on behalf of Chesley Hill Estates, a subdivision that abuts the proposed project. He said that this proposed rezoning benefits only one property owner and is the classic definition of "spot zoning." He called it crony capitalism. If multi-family dwellings are built on the property it will have a negative impact on all of the single family homes in the area. As a real estate professional, he believes that is a certainty. He said that he has had individuals walk away from contracts on his lots at the top of the hill because they heard that multi-family may be going in nearby. He is in favor of projects for the public good, not for individuals. His opinion is that proper procedure has not been followed, citing that abutters should have received notices that the Planning Board would be discussing this project. Hearing that one of the Planning Board members voted for the rezoning because he believed it would mean that the road would be upgraded is patently improper, in his opinion. He urged the Council to follow proper procedures as he does not think that has been done.

Mona Perreault, resident, has lived in the Chesley Hill Road area since 1965. She built her house there almost 40 years ago and she and her family love it there. She understands that no official application has been made with the Planning Department. She said that the Master Plan has been discussed for about 10 years and not once was it brought up to change this property to R2. She said that the only reason it has been brought up is for this one investor. Ms. Perreault said that she has looked into other so-

called "upscale apartments" that have been built where a few get rented and then there are problems with renting the rest. That leads to lower income rentals and problems follow. She said that upscale apartments are desirable in an upscale community. She noted that Rochester does not present itself as an upscale community. Ms. Perreault looked into what types of things are allowed in R2 zones, one being philanthropic charitable institutions, and she asked what that is. She also noted that home occupation is allowed and could be a potentially busy place.

Danielle Billings, resident, said that she has lived on Chesley Hill Road her entire life. She said that she was interested in finding out what other areas of Rochester are zoned as R2. She listed the following streets that are R2: Academy, Chestnut, Pine, Lafayette, Leonard, beginning of Portland, King, Friendship, Winter, Summer, Knight, and Farmington. Ms. Billings said that these streets show up frequently on the Police Log. She feels that she lives in a fairly safe neighborhood and would hate to see it become zoned as R2 with the potential of ending up like the streets she listed.

Alan Dews, resident, asked how well some of the newer multi-family developments are doing. He said he was on the Planning Board when a few were built and he doesn't see people "streaming" to get into those neighborhoods. He said it does not make sense to have an R2 development in the Chesley Hill Road area. He is definitely not in favor of the rezoning to R2.

Ric Perreault came back to the podium to point out that not a single member of the community has said not to put single family houses on the property. They are not against change, but urged the City Council to do the right thing.

Mayor Jean thanked the members of the community for coming out and speaking on the zoning issue. He said it is an ongoing discussion and there will be a Public Hearing in the future. He said that if anyone wishes to send e-mails to the City Council members to please do so.

Mayor Jean asked the members of the City Council if they wished to speak on any of the issues that were heard. Councilor Gates turned to the audience and asked all who are in opposition to the zoning change to raise their hand. The majority of those in attendance raised their hand. Councilor Gates said he just wanted the Council to see how many are opposed to it.

## **7. Other**

There was no discussion.

## **8. Non-Public Session**

### **8.1 Personnel [RSA 91-A:4 - Personnel]**

Councilor Walker **MOVED** to enter Non-Public Session at 8:07 PM. Councilor Varney seconded the motion. The **MOTION CARRIED** by unanimous roll call vote. Councilors Gray, Larochele, Lauterborn, Keans, Hervey, Varney, Hamann, Torr, Collins, Gates, and Walker, and Mayor Jean all voted yes.

Councilor Walker **MOVED** to exit Non-Public Session at 8:43 PM and to seal the minutes indefinitely. Councilor Gates seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

## 9. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the workshop meeting at 8:43 PM. Councilor Gates seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Respectfully submitted,

*Marcia H. Roddy*

Deputy City Clerk