

SPECIAL CITY COUNCIL MEETING
April 22, 2014
CITY COUNCIL CHAMBERS
7:02 PM

COUNCILORS 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

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Attorney Wensley
Chief Planner Campbell
Nel Sylvain, Chairman of
Planning Board

MINUTES

1. Call to Order

Mayor Jean called the City Council Workshop to order at 7:02 PM. Kelly Walters, City Clerk, took a silent roll call. All Councilors were present.

2. Communications from the City Manager

No discussion.

3. Communications from the Mayor

3.1. Dog Licensing Registration – Deadline is April 30, 2014

Mayor Jean reminded dog owners to register their dogs with the City Clerk's office prior to April 30, 2014.

3.2. Rabies Clinic at the Rochester Fairgrounds

Mayor Jean announced there would be two rabies clinics held at the Rochester Fairgrounds on April 26, 2014, and May 17, 2014. Both clinics would be open to the public from noon to 2:00 PM. Both dogs and cats could be vaccinated for \$15. More information can be obtained by calling [332-2130] the City Clerk's office directly.

4. **Chapter Amendment to Ordinances Repealing Chapter 42 of the General Ordinances of the City of Rochester and Adopting a New Comprehensive Zoning Ordinance to be known as Chapter 42 of the General Ordinances of the City of Rochester, in its Stead – Second Reading, Discussion, and Possible Adoption**

Councilor Walker **MOVED** to read the Amendment to Chapter 42 by title only for the second time. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment by title only for the second time as follows:

**AMENDMENT TO ORDINANCES REPEALING CHAPTER 42
OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER
AND ADOPTING A NEW COMPREHENSIVE ZONING ORDINANCE,
TO BE KNOWN AS CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY
OF ROCHESTER, IN ITS STEAD**

THE CITY OF ROCHESTER ORDAINS:

- I. That Chapter 42 of the General Ordinances of the City of Rochester, as presently amended and enacted as of April 15, 2014, is hereby repealed in its entirety, and a new comprehensive zoning ordinance, in the form set forth and annexed hereto as **EXHIBIT A** (the text of the proposed new Chapter 42) and **EXHIBIT B** (proposed new Official Zoning Map(s) for the City of Rochester) including the tables and map(s) included therein, whether by specific inclusion therein or by inclusion by reference thereto is adopted in its stead, said comprehensive zoning ordinance to be known as Chapter 42 of the General Ordinances of the City of Rochester.
- II. That the City Clerk, or her designee, is hereby authorized to format and/or reformat the aforesaid new Chapter 42 of the General Ordinances of the City of Rochester, in its form as herein adopted, in a manner consistent and/or compatible with the formatting utilized in the existing General Ordinances of the City of Rochester, of which such new Chapter 42 will hereinafter constitute a part.
- III. That the new Chapter 42 of the General Ordinances of the City of Rochester shall take effect upon its passage.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Walker seconded the motion.

Mayor Jean suggested that Councilor Lachapelle review the recommendations made by the Codes and Ordinances Committee for the City Council. He added that Nel Sylvain, Chairman of the Planning Board, and Jim Campbell, Chief Planner were available to answer any questions.

Recommendation 1 Approved as follows:

Recommendation 1 A:

Density Rings remain; however, the central ring is now reduced from 1 ½ miles to 1 mile

Recommendation 1 B:

Mitchell Hill Property located on the south westerly end of Chesley Hill Road is now Residential 1

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 1 by removing the density rings from the zoning map and to zone the Mitchell Hill Property located on the southwesterly end of Chesley Hill Road to Residential 1. Councilor Varney seconded the motion. Councilor Gray **MOVED** to divide the question. Councilor Walker seconded the motion.

Mayor Jean stated that the first vote would be to remove the density rings. Councilor Lauterborn stated that it makes sense to increase the density bonus in the core of the density rings; however, she felt that it extends too far into the other areas of the city. Councilor Keans agreed. Councilor Lauterborn **MOVED** to amend the motion by reducing the central density ring from 1 ½ miles to 1 ¼ mile. Councilor Keans seconded the motion. Councilor Keans did not agree with the implementation of the density rings; however, she agreed that any reduction would be better than the 1 ½ mile. Councilor Lauterborn **restated** her **motion** to reduce the central density ring to 1 mile. Councilor Keans agreed to keep her second to the restated motion.

Councilor Walker did not understand the logic of this motion and argued that the 1 ½ mile central density rings encompass most of the Residential 2 District, which has the necessary city utilities for a density bonus. The **MOTION CARRIED** to reduce the central ring to 1 mile by a show-of-hands vote of 8 to 5.

Mayor Jean called for vote on the main motion as amended. The **MOTION FAILED** by a show-of-hands vote of 6 to 7. Mayor Jean stated that since the motion failed the density rings would remain as originally proposed, with the central density ring of 1 ½ miles. Councilor Keans **MOVED** to reconsider the vote. Councilor Lauterborn seconded the motion. After discussing the matter further Councilor Gray offered another amendment. Mayor Jean clarified the vote which was taken.

Councilor Gray **MOVED** to reduce the central density ring to 1 mile. Councilor Torr seconded the motion. Mayor Jean spoke against the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 2 Approved as follows:

Labrador Drive up to Fillmore Blvd [High Field Commons] reverted back to Residential 1, which includes Florence Drive

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 2 by zoning Labrador Drive up to Fillmore Blvd [High Field Commons], which includes Florence Drive, revert back to Residential 1. Councilor Varney seconded the motion. Council briefly discussed the matter. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 3 Approved as follows:

Retain the Special Downtown Review Process in the Comprehensive Zoning Ordinance

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 3 by retaining the Special Downtown Review Process in the Comprehensive Zoning Ordinance. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 4 Approved as follows:

Article XIX – Dimensional Regulations, Section 8 – Density Rings, adopted as follows:

Density Rings. The density rings are shown on the Official City of Rochester Map that is adopted as part of this Ordinance **and only apply to multi-family dwellings/developments.** The rings are defined as follows:

~~The minimum lot area and~~ minimum lot area per dwelling unit with a one and one-half (1 1/2) mile radius of the center of Rochester, shall be 5,000 square feet. The minimum lot area and minimum lot area per dwelling unit outside of the one and one-half (1 1/2) mile radius of the center of Rochester, shall be 7,500 square feet.

~~The minimum lot area and~~ minimum lot area per dwelling unit within a one-half (1/2) mile radius of the center of Gonic and East Rochester shall be 5,000 square feet. The minimum lot area and minimum lot area per dwelling unit outside of the one-half (1/2) mile radius of the center of Gonic and East Rochester, shall be 7,500 square feet.

Any lot that is partially within the radius of a density ring shall be treated as if it were entirely within the radius of the density ring.

Councilor Lachapelle **MOVED** to **APPROVE** the Recommendation 4 by removing the minimum lot area under the Dimensional Regulations and clarifying in the ordinance that the density rings only apply to multi-family dwellings. Councilor Walker seconded the motion. Councilor Kittredge asked if the center rings of 1 ½ mile should reflect the 1 mile radius recently voted upon. Mayor Jean stated that all of the adopted changes

would be made after the final adoption of the ordinance. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 5 Approved as follows:

Amendment to Article II, Definitions of Dwellings: Dwellings Multifamily; Dwelling, Apartment Building; and Dwelling, Multifamily, adopted as follows:

- Development, Multifamily ~~three (3)~~ **five (5)**
- Dwelling, Apartment Building ~~three (3)~~ **five (5)**
- Dwelling, Multifamily ~~three (3)~~ **five (5)**

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 5 by amending the definitions of the following multifamily units from 3 to 5: Development, Multifamily; Dwelling, Apartment Building, and Dwelling, Multifamily. Councilor Walker seconded the motion. Councilor Keans asked if this was supposed to be based on each structure. Chief Planner Campbell clarified that a multifamily “development” would allow for a variety of multifamily units. Councilor Varney said that the original motion [Codes and Ordinances Committee] was made to make the definition coincide with what was being proposed in the tables. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 6:

~~Amendment to the Comprehensive Rezoning Proposal Map — Reinsert all Density Rings~~

- *~~Density Rings were reinstated with Recommendation 1~~*

Recommendation 7: Approved as follows:

Article II, Definitions, relative to Minimum Lot Area and Minimum Lot Area per Dwelling Unit in the Comprehensive Rezoning, adopted as follows:

Minimum Lot Area: The computed area contained within a lot that meets the Dimensional Standards of the Zoning Ordinance excluding very poorly drained soils and steep slopes greater than 25%. ~~Twenty-Five percent (25%) of poorly drained soils may be used to fulfill the minimum lot area. For example, if there was a 20 acre parcel and 10 acres were useable upland and 10 acres were poorly drained soils, you would be able to use 2.5 acres of poorly drained soils to use toward the minimum lot area. Therefore, you would have total of 12.5 acres of minimum lot area.~~

Minimum Lot Area per Dwelling Unit: The computed area contained within a lot for each additional dwelling unit that meets the Dimensional Standards of the Zoning Ordinances excluding very poorly drained soils and steep slopes

~~greater than 25%. Twenty-Five percent (25%) of poorly drained soils may be used to fulfill the minimum lot area per dwelling unit. For example, if there was a 20-acre parcel and 10 acres were useable upland and 10 acres were poorly drained soils, you would be able to use 2.5 acres of the poorly drained soils to put toward the minimum lot area per dwelling unit. Therefore, you would base you density on 12.5 acres.~~

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 7 by amending the definition of the Minimum Lot Area and the Minimum Lot Area per Dwelling Unit as outlined in the above two paragraphs. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Recommendation 8 Adopted as follows:

Article II Definitions, Solid Waste Facility in the Comprehensive Rezoning, adopted as follows:

...Solid waste facility includes, **but is not limited to**, composting facility, junkyard, and recycling facility.

Councilor Lachapelle requested to be recused from the following discussion and vote. Councilor Varney **MOVED** to **APPROVE** Recommendation 8 as referenced above. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 9 Adopted as follows:

Article XX, Standards for Specific Permitted Uses, Removal of the description of Townhouse and uses

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 9 by amending Article XX, Standards for Specific Permitted Uses, by removing the description of Townhouse and its uses. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 10 Adopted as follows:

Article XXI, Conditional Uses, Assisted Living Facility, increase the permitted density by 1 ¼ times that otherwise would be permitted density for Assisted Living Facility

Councilor Lachapelle **MOVED** to **APPROVE** the Recommendation 10 as referenced above pertaining to Assisted Living Facilities. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 11 Adopted as follows::

Article XXI Conditional Uses, Nursing Home, increase the permitted density by 1 ¼ times that otherwise would be permitted for residential uses in the district

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 11 as referenced above pertaining to Nursing Homes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 12 Adopted as follows::

Article XXI, Conditional Uses, Senior Housing, remove the permitted increase of density by 1 ¼ times that otherwise would be permitted for residential uses in the district

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 12 as referenced above. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 13 Adopted as follows::

Article XXVIII, Performance Standards, Waste Disposal, adopted as shown below:

Dumpsters. All dumpsters associated with new applications, including changes in use, shall be fully screened so they are not visible from a public way (road, sidewalk, footpath , trail, park, or navigable waterway owned by the City of Rochester or another governmental agency and intended to be accessible to the public.) ~~All property owners, property managers, tenants, and businesses shall bring existing dumpsters into compliance with this requirement within 6 months of notification or as stipulated by the Code Enforcement Officer. This provision does not apply to dumpsters used specifically for active constriction projects.~~

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 13 as referenced above pertaining to dumpsters. Councilor Keans recalled that this was already an existing ordinance. Attorney Wensley recalled that the requirement had been removed about ten years ago. Mr. Sylvain agreed that the requirement had been removed eight to ten years ago; however, it is being proposed now because of the amount of complaints over the last few years. Councilor Keans stated that this would be an enforcement issue. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 14 Adopted as follows:

Table XXVIII [C] Food-Lodging-Public Recreation Uses, Bed and Breakfast, Conditional Use: remove the conditional use from Residential 1, and allow Lodging, Bed and Breakfast to be listed as a conditional use under

Residential 2

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 14 as referenced above relative to lodging. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 15 Adopted as follows::

Table XVIII [D] Industrial-Storage-Transport-Utility Uses; Junkyard and Recycle Facility, remove the Exception [E] from both the Junkyard and Recycle Facility under the Highway Commercial District Column

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 15 as referenced above relative to junkyards and recycling facilities under the Highway Commercial District. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 16 Adopted as follows::

XXVIII [A] Residential Uses, by Remove “Dwelling, Townhouse” from the table of Residential Uses.

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 16 by removing “townhouse” as referenced above. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 17 Adopted as follows:

Recommendation 17 A:

Roosters are permitted in any agricultural zone in which the property meets the criteria set forth in the definition of “Farms” in this Ordinance

Recommendation 17 B:

Article XXIII Accessory Uses – (f) Chickens, Fowl and Other Small Livestock, adopted as follows:

(f) Chickens, Fowl and Other Small Livestock

ii - No roosters are allowed and the number of chickens, fowl, and other small livestock is limited to less than ten in the Residential 1 and 2 Districts

iii – No area or structure for the housing, storage of manure/animal waste, of feeding of animals shall be located within any property

~~setback areas~~ **20 feet of any abutting property lines;**

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 17 as referenced above. Councilor Varney seconded the motion. Councilor Varney **MOVED** to **AMEND** the motion to state that roosters are permitted in any agricultural zone in which the property meets the criteria set forth in the definition of “Farms” in this Ordinance. Councilor Lauterborn seconded the motion. Chief Planner Campbell suggested that section ii be amended as shown above. Councilor Varney amended his amendment to include this wording.

A discussion ensued about the rooster located on Champlin Ridge Road. City Manager Fitzpatrick clarified that this rooster would be grandfathered as a “permitted use” and if the rooster passed away, the rooster could be replaced if done so in a reasonable timeframe. Attorney Wensley agreed. The **MOTION CARRIED** to amend the main motion by a majority voice vote.

The main **MOTION CARRIED** as amend by a majority voice vote.

Recommendation 18 Adopted as follows::

Article XXIII Accessory Uses – Fences, adopted as follows:

- h. **No fence shall be erected that blocks or limits the existing sight distance of an abutting driveway or right-of-way. A clear vision area extending along the full width of the front lot line between side lot lines shall be maintained 10 feet from the edge of road pavement or sidewalk at 3 feet 6 inches above the driveway surface (the height of a typical driver’s eyes) to points 3 feet 6 inches above the road surface in both directions.**
- I. **With regard to existing fences on the effective date of this provision, which fence fails to comply with the requirements of subsections (g) or (h) of this Section, in the event that the Code Enforcement Officer, in a written administrative decision, determines that an existing fence, by virtue of this its height, location or otherwise, constitutes a hazard to public health and/or safety, then such fence shall be required to comply with the requirements of said subsection (g) or (h) hereof within six (6) months of the owners official notification by the Codes Enforcement Officer of the City of Rochester of such administrative decision, failing which, the fence in question shall be removed.**
- II.

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 18 as referenced above relative to fences. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 19 Adopted as follows::

Zoning District Lines on Highland Street, revert back to the Zoning District lines on the existing ordinance map, but include the change to Neighborhood Mixed Use

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 19 by amending the Zoning District Lines on Highland Street as referenced above. Councilor Larochelle seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Recommendation 20 Adopted as follows:

Article XX – Standards for Specific Permitted Uses; Mixed Use Yard Sales, remove the words “in the front yard”

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 20 relative to Mixed Use Yard Sales as referenced above. Councilor Varney seconded the motion. Councilor Varney clarified that Mixed Use Yard Sales is defined as Commercial Yard Sales and a Secondhand Dealers License would be required. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 21 Adopted as follows::

That a portion of North Main Street revert back to Residential 1, from Strafford Square north, starting after the CPA office next to Holy Rosary Parish, up to Claire Street, *near the Shell Station [Highway Commercial]*, to the street prior to Holy Rosary Parish. And Residential 1 begins at Strafford Square up to Burger King, but not including Burger King.

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 21 as referenced above. Councilor Torr seconded the motion. Mr. Sylvain cautioned the City Council that there could be a potential problem with home occupations to increase in this area without a Site Plan Review. Councilor Varney stated that there are three degrees of home occupations and the fact that home occupations two and three would require a Minor Site Plan Review. Chief Planner Campbell replied that a Minor Site Plan Review does not necessarily appear before the Planning Board. Councilor Varney stated that at least with a Minor Site Plan Review it is brought to the attention of the Planning Board and they could determine if they needed to review the matter further. Council discussed the home occupation 1 process. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 22 Adopted as follows:

Article XXVIII [A] Table – Residential Uses: remove the conditional use, in the Agricultural Zone, for the following dwelling uses: Multifamily Development, Multifamily, and Three & Four Family, Dwelling. This would only allow single family homes and duplexes, in the Agricultural zone

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 22 relative to Residential uses as referenced above. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 23 Adopted as follows:

Rochester Hill Road near Crocket Street, Revert back to Residential 1, beginning just south of Crocket Street, traveling north on Rochester Hill Road, to the edge of the Downtown Commercial District, only on the west side, *which is located on the opposite side of Frisbie Hospital*

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 23 relative to Rochester Hill Road as referenced above. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendations 24 Adopted as follows:

Farms: Farm. Crops, 10 acre Farm requirement be reduced to 5 acres, which would coincide with the crop farm requirement of 5 acres

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 24 relative to farms as referenced above. Councilor Gray seconded the motion.

Councilor Collins publicly thanked the Planning Board, Planning Department, and others that have helped to bring this proposal about; however, he has received complaints about his neighbors not being able to “till” their own property. Councilor Lauterborn stated that State Law supersedes the City Ordinances. Attorney Wensley agreed and stated that the State RSA is not as restrictive about gardening as it would be to farming animals. The **MOTION CARRIED** by a unanimous voice vote.

Recommendations 25 Adopted as follows:

Rochester Hill Road, a portion of Rochester Hill Road, currently proposed as Office Commercial be changed to Residential 2, specifically, by starting at the Armory Building on Rochester Hill Road and continuing up to the Hill View Manor

Councilor Lachapelle **MOVED** to **APPROVE** Recommendation 25 relative to Rochester Hill Road as referenced above. Councilor Varney seconded the motion. Councilor Keans stated that there were many single family homes in this area and only a few multifamily units. She added that the multifamily homes are located off Rochester Hill Road. She hoped that the motion could be rescinded. Council debated the matter. Councilor Keans **MOVED** to **AMEND** the motion by rescinding the recommendation and revert back to the existing zoning for this area, which is Residential 1. Councilor Lauterborn seconded the motion. The City Council debated the matter. The **MOTION FAILED** by a majority voice vote. The main **MOTION CARRIED** by a unanimous voice vote.

Recommendation 26 Adopted as follows:

Remove the provision for “private kennels” in Chapter 42. All Commercial Kennels are subject to the provisions found in the State RSA 466 relative to Group Licensing

Councilor Walker suggested that the City Council review some of the concerns expressed by Tom Abbott. Mayor Jean referred to the memorandum sent by Chief Planner Campbell. Councilor Lauterborn stated that an additional email sent by Mr. Abbott had been sent out to the full City Council earlier that day.

The City Council discussed the proposed ordinance vs. the State RSA's definition of kennels. Mayor Jean **MOVED** to remove the provisions for “private kennels” in Chapter 42 and that all Commercial Kennels would be subject to the provisions found in the State RSA 466 relative to Group Licensing of dogs. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- **Parking of Commercial Vehicles**

Councilor Walker **MOVED** to amend the wording in the definition of a Contracted Storage Area by striking the word vehicle and replace with heavy trucks. Councilor Lauterborn seconded the motion. Councilor Varney stated that the description of heavy trucks would be hard to define. Mayor Jean stated that the Planning Board could take some of the issues back to work on a case by case basis. Mr. Sylvain agreed to take this matter back to the Planning Board for further review. Councilor Walker and Councilor Lauterborn agreed to rescind the motion.

Recommendation 27 Adopted as follows:

Remove provision relative to the Parking and Storage of RV's

Councilor Lachapelle **MOVED** to remove the provision relative to parking and storage of Recreational Vehicles. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- **Lighting provisions in Residential Districts**

Councilor Walker asked about a provision with glare lights. Chief Planner Campbell read a description of the proposed ordinances. Councilor Lauterborn stated that the proposed ordinances relative to glare is impractical. This was left in the ordinance as proposed. Mr. Sylvain agreed to take the matter back to the Planning Board for review and to report back to the City Council with a recommendation.

- **Eastern Avenue**

Councilor Gray referred to a letter dated July 23, 2012, originally sent to the

Planning Board and recently sent to the City Council. The letter had been written by Cathryn Spreeman and Sharyn Stuart regarding their property off Eastern Avenue. At one point, the Planning Board proposed these properties to be zoned as Residential 2; however, the Planning Board had changed that recommendation some time ago to Residential 1. The City Council discussed the matter. The request is to rezone parcel (0112-0011-0000) to Residential 2 to make it consistent with the property directly across the street. Councilor Torr asked about the utilities in the area. Chief Planner Campbell agreed to gather that information later. Councilor Gray **MOVED** to change the parcel of land 0112 -0011-000 to Residential 2. The **MOTION FAILED** with lack of a second to the motion. Councilor Lauterborn stated the information received was not accurate. Mayor Jean stated that the matter could be addressed if the two sisters were not satisfied with the outcome of the zoning.

Recommendation 28 Adopted as follows:

Table XIX Dimensional Standards, Residential Districts; increasing the Minimum Frontage Requirement, in the Agricultural District, Single Family and Duplexes, from 100 feet to 150 feet

Councilor Varney **MOVED** to amend Table XIX Dimensional Standards, Residential Districts; by increasing the Minimum Frontage Requirement, in the Agricultural District, Single Family and Duplexes, from 100 feet to 150 feet. Councilor Torr seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Recommendation 29 Adopted as follows:

Add another Column to Table XIX – Dimensional Standards, entitled Maximum Buildings Footprint in Percentages, all uses in the Residential District limited to a Maximum of 30%

Councilor Varney **MOVED** to add another Column to Table XIX – Dimensional Standards, entitled Maximum Buildings Footprint in Percentages, all uses in the Residential District limited to a Maximum of 30%. Councilor Torr seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Recommendation 30 Adopted as follows:

Added the Sign Ordinance as submitted by the Chief Planner on April 22, 2014, *ridding the language references made about the previous ordinance's "districts"*

Councilor Lauterborn **MOVED** to add the sign ordinance submitted by the Chief Planner prior to the meeting, which ridding the language references made about the previous ordinance's districts, to the Comprehensive Zoning Chapter 42. Councilor Walker seconded the motion. Mr. Sylvain stated that the Planning Board would be

reviewing the Sign Ordinance, which is very outdated, and send it back with a recommendation to the City Council. Councilor Varney stated that the City Council could/should wait one week to review the material that was just given out this evening. Chief Planner Campbell stated that no changes have been made to the dimensional uses with the sign ordinance presented this evening. The only changes were basic housekeeping with the language. Attorney Wensley stated that if the Sign Ordinance were to be passed this evening, with just the reference changes that have been made, and the Planning Board sent it back to the City Council in a matter of five to six weeks, there would not be any reason to have another reference period; however, it would require a Public Hearing. The **MOTION CARRIED** by a majority voice vote.

Recommendation 31 Adopted as follows:

Added the Granite Ridge Development District submitted by the Chief Planner on April 22, 2014, *ridding the language references made about the previous ordinance's "districts", and adding the "Granite Ridge Development District" to the "tables" but did not change any uses*

Councilor Lauterborn **MOVED** to add the Granite Ridge Development District submitted by the Chief Planner on April 22, 2014, ridding the language references made about the previous ordinance's "districts", and adding the "Granite Ridge Development District" to the "tables" but did not change any uses, to the Comprehensive Zoning Chapter 42. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

• Federal Savings Bank

Councilor Gates asked if the City Council could discuss an email correspondence received by a representative from Federal Savings Bank. Mayor Jean stated that he serves on the Board of Directors for Federal Savings Bank and wished to recuse himself from the discussion and any vote. He turned the meeting over to Deputy Mayor Varney. Councilor Lachapelle recalled that there had been a request to develop a carwash at this location and the residents objected to the proposal overwhelmingly. Deputy Mayor Varney asked if any member of the City Council wished to make a motion. No motion was made.

Councilor Torr stated that a property owner was not allowed to build a structure on his 10 acre lot because he was not also building a house. Chief Planner stated that this is true; a property owner is not allowed to build a structure without a principal use to the property. Councilor Torr asked if this could be looked into.

Councilor Torr asked about the zoning on Route 11. Chief Planner Campbell stated this is part of the Granit Ridge Development and many uses are permitted and he agreed to meet with Councilor Torr to discuss the matter.

Mayor Jean called for the vote on the main motion of adoption of Chapter 42 as amended. The **MOTION CARRIED** by an 8 to 5 roll call vote. Councilors Gray, Larochele, Lauterborn, Kittredge, Hamann, Lachapelle, Walker, and Mayor Jean voted in favor of the motion. Councilors, Keans, Varney, Torr, Collins, and Gates voted against the motion.

5. Non-Public Session: Personnel, RSA 91-A: 3 II (a)

Councilor Lachapelle **MOVED** to enter into a Non-Public Session under Personnel, RSA 91-A: 3 II (a), at 9:12 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilors Gray, Hamann, Torr, Keans, Varney, Gates, Collins, Kittredge, Lauterborn, Larochele, Walker, Lachapelle, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session and to seal the minutes indefinitely at 10:15 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the Special City Council meeting at 10:17 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters
City Clerk