

**Regular City Council Meeting  
March 7, 2017  
Council Chambers  
7:00 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Barnett  
Councilor Bogan  
Councilor Gates  
Councilor Gray  
Councilor Hamann  
Councilor Lauterborn  
Councilor Keans  
Councilor Torr  
Councilor Varney  
Councilor Willis  
Mayor McCarley

**OTHERS PRESENT**

City Manager Daniel Fitzpatrick  
Deputy City Manager Blaine Cox  
City Attorney Terence O'Rourke  
John Storer, Commissioner of Public Works  
Michelle Mears, Planning Department  
Members of the Army National Guard

**MEMBERS EXCUSED**

Councilor Lachapelle

**Minutes**

**1. Call to Order**

Mayor McCarley called the Regular City Council meeting to order at 7:00 PM.

**2. Presentation of the Colors: Spaulding High School AFJROTC Color Guard**

**2.1. Pledge of Allegiance**

The Spaulding High School AFJROTC Color Guard presented the Colors and led the Pledge of Allegiance.

**3. Opening Prayer**

**3.1. Opening Prayer: Cadet Robert Miles, Spaulding High School**

Cadet Miles offered the opening prayer.

#### 4. Roll Call

Kelly Walters, City Clerk, called the roll. All Councilors were present, except for Councilor Lachapelle, who had been excused. Councilor Gray arrived at 7:04 PM.

Mayor McCarley indicated that many residents have attended the meeting this evening to learn more about the status of the Entertainment Overlay Zone. She requested to amend the Agenda and discuss Item 11.5 at this time. No member of the City Council objected. The Agenda was amended as follows:

***11.5 AB 91 Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Entertainment Overlay District second reading and adoption***

Councilor Bogan **MOVED** to read the Amendment for the second time by title only. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the second time by title only as follows:

**AMENDMENT TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING THE ENTERTAINMENT OVERLAY DISTRICT**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

**42.2 Definitions and Terminology**

**a. General Provisions.**

- \*
- \*
- \*

**b. Definitions.**

- \*
- \*
- \*

**100. Fair:** A large scale entertainment event, such as an annual summer/fall fair, **concert, or music festival** situated on land on which significant permanent structures have been erected largely to serve the fair, **concert or music festival**. A special, small scale, temporary entertainment event lasting no more than ten (10) days, such as a **motorized or non-motorized racing**, carnival, bazaar, or circus situated on land on which no significant permanent structures have been erected largely to serve the fair is considered an accessory use. **Temporary campsites erected for no more than ten (10) days are also considered an accessory use an annual summer/fall fair, concert or music festival.**

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#### **42.16 Entertainment Overlay Districts**

a. Identification of the Entertainment District. A Zoning Map of the Rochester Entertainment District, as amended, which shows the Entertainment Overlay District, is hereby incorporated as part of this Section, and is on file with the City Clerk. The Zoning Map and all the notations, references, district boundaries, and other information shown thereon, shall be as much a part of this Section as if all were fully described therein. See the Appendix which lists properties in the district by Assessor's Map and Lot numbers.

##### 1. Objectives

A. The purpose of this district is to allow amusement and entertainment activities where tickets are sold or fees collected for the activity.

B. Maximize the developable areas on the parcels within the district through the creation of flexible development standards for commercial purposes.

##### 2. Permitted Uses

###### A. Uses.

i. The following nonresidential uses are permitted in existing structures and new construction.

- a. Temporary Structures
- b. Reuse of Agricultural Building
- c. Commercial Yard Sale
- d. Foodstand
- e. Function Hall
- f. Bed & Breakfast
- g. Hotel
- h. Motel
- i. Indoor Recreation
- j. Outdoor Recreation
- k. Restaurant
- l. Theater/Cinema (5,000 s.f. or less)
- m. Theater/Cinema (over 5,000 s.f.)
- n. Fair
- o. Farmers Market (Temporary)

ii. In addition to any other approvals required by this Zoning Ordinance, the following uses are required to receive approval from the City of Rochester Licensing Board for temporary events in the Entertainment District: Fair, Farmers' Market, Foodstand, and Recreation Outdoor.

### 3. Development Standards

#### A. Parking Requirements

i. The parking requirements for residential and non-residential uses are found in the Rochester Site Plan Regulations and a parking plan must be approved by the Planning Board.

#### B. Parking areas

- i. Parking areas must be fully screened from the street and any abutting residential property.
- ii. Parking is allowed in the front of buildings, in the rear of buildings, and to the side of buildings.

#### C. Dimensional Standards

- i. Lots
  - a. Minimum lot area – 20,000 s.f.
  - b. Minimum frontage – 100 feet
  - c. Maximum lot coverage – 85%
- ii. Setbacks

- a. Minimum front – 20 feet
  - b. Minimum side – 10 feet (For lots that abut a single family residence, the side setback abutting the residence shall be the larger of the required side setback in the subject Entertainment Overlay District or the abutting residence)
  - c. Minimum rear – 25 feet
- iii. Number of stories
- a. Maximum number of stories – 5
  - b. Appendix - Delineation of the District. The Rochester Entertainment Overlay District is defined as that area made up of the lots listed below as delineated on the Rochester Tax Maps. Unless otherwise noted or shown on the map, all of the land composing each lot shall be considered to lie within the District. The District also includes all City property necessary to make a contiguous District. (Note that in the case of discrepancy between the Zoning Map and this list of lots, the Zoning Map shall be determining.) Lots in the district include:
    1. **Tax Map 123, Lots 1 – 21, 23 – 26, 27, 27-1, 28 – 38, and 40 – 59**
    2. **Tax Map 124, Lots 67, 69 – 81, 99, 100, 102 – 116, and 118 – 129**
    3. **Tax Map 129, Lots 5 – 14, and 40**
    4. **Tax Map 130, Lots 1 and 2**

**The effective date of these amendments shall be upon passage.**

Mayor McCarley **MOVED** to **ADOPT** this Amendment. Councilor Torr seconded the motion. Mayor McCarley explained that this Amendment started out as a simple Amendment to the General Ordinances and has morphed into much more. She strongly recommended that this Amendment be voted down in order to make changes to this Amendment and start the process over with the Entertainment Overlay Committee. Councilor Varney agreed and said that it is not what the Committee had agreed upon. Councilor Gates requested a roll call. Mayor McCarley called for a roll call on the motion. The **MOTION FAILED** by a 11 to 0 roll call vote. Councilors Bogon, Abbott, Varney, Willis, Barnett, Torr, Hamann, Gates, Keans,

Lauterborn, and Mayor McCarley voted against the motion. Councilor Gray arrived after the vote had been taken at 7:04 PM.

Mayor McCarley informed the public that the Entertainment Overlay Zone Committee would meet and a few members of the public have been appointed to this Committee as well.

## 5. Acceptance of Minutes

### 5.1. Regular City Council Meeting Minutes: February 14, 2017 *motion to approve*

Councilor Lauterborn **MOVED** to **APPROVE** the revised draft minutes of February 14, 2017. Councilor Keans seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## 6. Communications from the City Manager

### 6.1. Employee of the Month Award

City Manager Fitzpatrick announced that Michelle Mears of the Planning Department had been chosen for the Employee of the Month Award for March. City Manager Fitzpatrick invited Jim Campbell, Planning Director, and Ms. Mears to come forward to be recognized. City Manager Fitzpatrick informed the public that Ms. Mears is also the current President of the Rotary Club.

### 6.2. City Manager's Report

The City Manager gave the following report:

#### Contracts and documents executed since last month:

- **City Attorney**
  - Utility Easement – NH National Guard Armory- Brock Street
- **Building, Zoning & Licensing Services Department**
  - Village of Clark Brook – Little Quarry – partial lien release
- **Department of Public Works**
  - East End Dam modifications
  - Lowell Street culvert repair – Amendment 1
  - Raw Water Pump Station Upgrade – loan agreement

- Use & Occupancy Agreement – NHDOT – Colonial Pines Sewer
- Wakefield Street – Amendment 2
- **Economic & Community Development**
  - HUD Lead-Based Paint Control Grant Application
  - LCHIP – Annex Grant - Project Agreement
  - Trigger Devils – JOB Loan Environmental Review
- **Finance Department**
  - Kronos Time & Attendance Contract
  - Specialized Purchasing Consultants – Copier Contract
- **Fire Department**
  - EMS - Warm Zone Equipment Grant Application Request
- **Planning Department**
  - Entertainment Overlay District memos
    - Memo from Planning Director Campbell
    - Memo from Planning Board Chair Sylvain

#### **Standard Reports:**

- City Council Request & Inquiry Report (no report included - no items for discussion)
- Monthly Overnight Travel Summary (no report included - no travel submitted)
- Permission & Permits Issued
- Personnel Action Report Summary

City Manager Fitzpatrick invited John Storer, Director of City Services to come forward to address the City Council about the new bulletin board, which can be found in the City Council Chambers. Mr. Storer stated that his staff worked on displaying some of the City projects on the Council Chamber wall. This is to keep the public informed of the current City projects. This will be updated as new projects are approved.

## **7. Communications from the Mayor**

### **7.1. Discussion: City-Sponsored Fireworks Display**

Mayor McCarley stated if there were no objections from the City Council that the discussion relative to the idea of a City-Sponsored

Fireworks Display would be held at the next Finance Committee meeting. Mayor McCarley requested a show-of-hands for support. The **Sense of Council** was to discuss this matter at the next Finance Committee meeting.

Mayor McCarley explained that the proposed State Funding for the Richard W. Creteau Technology School is still pending. It is important for the City Council to give the State some idea if the City Council is interested in moving forward with this project or not. She wished to take a sense of the City Council that would be a non-binding vote to keep the project alive at this time. This does not commit the City to bonding the project; however, it means that the State would keep the project in the plan moving forward for now. It should be a commitment from the City Council that shows a strong interest.

The City Council had a lengthy debate about this matter. Several Councilors voiced their concerns about supporting a CIP project without knowing how it would affect current and future CIP projects as a whole. Other Councilors cautioned the City Council about not being too quick to give up on this amount of State funding for such a beneficial project. Mayor McCarley requested a vote of support for this project for now and looking at all CIP projects at the next Finance Committee meeting. Councilor Lauterborn **MOVED** to **AFFIRM** the City Council's support for the renovation of the Richard W. Creteau Technology Center. The **MOTION CARRIED** by a 10 to 2 roll call vote. Councilors Barnett, Keans, Lauterborn, Willis, Abbott, Torr, Hamann, Bogan, Varney, and Mayor McCarley supported the motion. Councilors Gray and Gates opposed the motion.

Councilor Varney requested to clarify that the vote to be taken at the Finance Committee would not be to approve the bonding of this project at this time.

**8. Presentations of Petitions and Council Correspondence**

No discussion.

**9. Nominations, Appointments, Resignations, and Elections**

No discussion.

**10. Reports of Committees**

## **10.1. Appointments Review Committee**

### **10.1.1. Appointment: Sherry Beaudoin, Trustees of the Trust Fund, Regular Member, Term to Expire 1/2/2020**

Councilor Keans reviewed the Committee's recommendation to appoint Sherry Beaudoin to the Trustees of the Trust Fund. Mayor McCarley nominated Sherry Beaudoin to be appointed to the Trustee to the Trust Fund with a term to expire on January 2, 2020. Councilor Bogan seconded the nomination. Mayor McCarley **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Beaudoin was appointed by a unanimous ballot vote.

### **10.1.2. Appointment: Keith Johnson, Conservation Commission, Alternate Member, Term to Expire 1/2/2020**

Councilor Keans reviewed the Committee's recommendation to appoint Keith Johnson to the Conservation Commission. Mayor McCarley nominated Mr. Johnson to be appointed as an Alternate Member to the Conservation Commission with a term to expire on January 2, 2020. Councilor Bogan seconded the nomination. Mayor McCarley **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Johnson was appointed by a unanimous ballot vote.

### **10.1.3. Appointment: Joe Boudreau, Utility Advisory Board, Regular Member, Term to Expire 1/2/2019**

Councilor Keans reviewed the Committee's recommendation to appoint Joe Boudreau to the Utility Advisory Board. Mayor McCarley nominated Mr. Boudreau to be appointed to the Utility Advisory Board with a term to expire on January 2, 2019. Councilor Bogan seconded the nomination. Mayor McCarley **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Boudreau was appointed by a unanimous ballot vote.

### **10.1.4. Re-Appointment: John "Jack" Hackett, Conservation Commission, Regular**

### **Member, Term to Expire 1/2/2020**

Councilor Keans reviewed the Committee's recommendation to re-appoint John "Jack" Hackett to the Conservation Commission. Mayor McCarley nominated Mr. Hackett to be re-appointed as a Regular Member to the Conservation Commission with a term to expire on January 2, 2020. Councilor Bogan seconded the nomination. Mayor McCarley **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Hackett was re-appointed by a unanimous ballot vote.

#### **10.1.5. Re-Appointment: Michael Kirwen, Conservation Commission, Regular Member, Term to Expire 1/2/2020**

Councilor Keans reviewed the Committee's recommendation to re-appoint Michael Kirwen to the Conservation Commission. Mayor McCarley nominated Mr. Kirwen to be re-appointed as a Regular Member to the Conservation Commission with a term to expire on January 2, 2020. Councilor Bogan seconded the nomination. Mayor McCarley **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Kirwen was re-appointed by a unanimous ballot vote.

### **10.2. Finance Committee**

Mayor McCarley reviewed the Finance Committee meeting minutes. She indicated that the Recreation Department had been granted approval to begin the hiring process for summer/seasonal employees, as is requested each year at this time.

Mayor McCarley said that Councilor Varney requested a formal process be established to inform the taxpayers of when the City intends to re-assess properties. She said Deputy City Manager Cox has been asked to report back to the Committee some type of notification process to the taxpayers for the re-assessments.

### **10.3. Government Channel Committee**

Councilor Willis said City staff gave an update of the Cable Franchise Agreement renewal and the need for grant money for equipment. The Committee discussed its commitment to seek funding for a studio somewhere in the City to be included with the next Cable

Franchise Agreement. Councilor Willis announced that there would not be a meeting in March.

#### 10.4. Public Works and Building Committee

##### 10.4.1. **AB 136** Waiver of Pavement Moratorium on Brock Street, Request made by Army National Guard – *vote to approve the moratorium request and require repairs to be completed, per the letter request of February 6, 2017, and its accompanying repair detail sheet*

Councilor Torr requested that the representative from the Army National Guard confirm that they would take responsibility if the pavement patch does not hold. Lee Allen, Civil Engineer, confirmed that the written agreement with the Department of Public Works includes information about the responsibility of the follow-up patchwork. Councilor Torr **MOVED** to **APPROVE** the Waiver of the Pavement Moratorium on Brock Street for the Army National Guard. Councilor Willis seconded the motion. Councilor Willis requested that there be standard proctor analysis developed on the backfill and compaction testing is done and that all testing is reported to the Department of Public Works. Councilor Keans asked if the City Manager had the authority to waive the pavement moratorium. Attorney O'Rourke replied the City Council must waive the pavement moratorium. The **MOTION CARRIED** by a unanimous voice vote.

##### 10.4.2. **AB 131** Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) Capital Improvement Plan (CIP) Project Fund for the LED Street Light Project in the Amount of \$350,000.00 *first reading, second reading, and adoption*

Councilor Torr reviewed the Committee's recommendation for the LED lights. Councilor Gates **MOVED** to read the resolution for the first time by title only. Councilor Willis seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first time by title only as follows:

**Resolution Authorizing Supplemental Appropriation to the  
Department of Public Works (DPW) Capital Improvement Plan  
(CIP) Project Fund for the LED Street Light Project in the  
Amount of \$350,000.00**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE  
CITY OF ROCHESTER, AS FOLLOWS:**

That the sum of Three Hundred Fifty Thousand Dollars (\$350,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 DPW CIP for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the LED Street Light Project. The entire amount of the supplemental appropriation shall be derived from the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY17 03-07 AB 131**

Councilor Keans **MOVED** to suspend the rules and read the resolution for the second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the second time by title only.

Councilor Varney **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr questioned the pricing for underground utilities for the Washington Street project. Mr. Storer gave an estimate of approximately \$2,800,000 for the underground utilities; however, the final figures should be ready for the next Public Works Committee meeting. This project has been included with the FY 18 CIP Budget Projects.

Councilor Torr said there are too many unaccepted streets in Rochester. He mentioned that one unaccepted street is named Kelmar Drive. He said it is a shame this is not an accepted street. This started out as an expensive development of homes and somehow it turned into an undeveloped street. There are only six homes on the street and only one home on the next street over. This discussion is being kept in Committee for now.

Councilor Lauterborn said that the Community Development Committee for February had been cancelled due to the weather. She requested that the Committee members be prepared to deal with the CDBG Block Grant along with all other agenda items at the March meeting. The CDBG recommendation must be ready in time for the April meetings.

## 11. Old Business

### 11.1. **AB 122 Resolution Authorizing Supplemental Appropriation for the Purchase of the so-called Gauthier Farm Conservation Easement in the Amount of \$261,850.00 – *second reading and adoption***

Mayor McCarley **MOVED** to read the resolution for the second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the second time by title only as follows:

**Resolution Authorizing Supplemental Appropriation for the  
Purchase of the so-called Gauthier Farm Conservation  
Easement in the Amount of \$261,850.00**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:**

That the sum of One Hundred Sixty One Thousand Eight Hundred Fifty Dollars (\$161,850.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Plan Project Fund 1501 (account # 15011081-771000-175xx) Land Acquisitions for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of the Gauthier Farm Conservation Easement by the Southeast Land Trust. One Hundred Sixty One Thousand Eight Hundred Fifty Dollars (\$161,850.00) of the supplemental appropriation shall be derived from the General Fund unassigned fund balance and One Hundred Thousand Dollars (\$100,000.00) of the supplemental appropriation shall be derived from the Conservation Fund.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY17 02-07 AB 122**

Councilor Keans **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Varney explained that another grant had been obtained and the dollar amount could now be reduced by \$33,000. He **MOVED** to **AMEND** the motion in order to decrease the amount of \$161,850 down to \$128,650 for a decreased grand total of \$228,650. Councilor Bogan seconded the motion. The City Council discussed the adoption of this easement at length. Councilor Torr listed several reasons why he would not support this motion. Councilor Willis spoke against having the taxpayer dollars being the second or third funding source on any Conservation Easement; however, since it would place part of the Salmon Falls River into the Conservation Easement he planned to support the motion. Councilor Bogan informed the City Council that constituents that contacted her had spoke in favor of the project. Mayor McCarley called for a vote on the motion. Councilor Torr requested a roll call vote. Councilor Keans seconded request. The **MOTION CARRIED** by a 10 to 2 roll call vote. Councilors Keans, Lauterborn, Willis, Abbott, Gray, Hamann, Bogan, Barnett, Varney, and Mayor McCarley voted in favor of the motion. Councilors Gates and Torr voted against the motion. *It was determined by a positive **Sense of the City Council** that the **MOTION to AMEND CARRIED** at the same time as the final vote had been taken.* The resolution as amended is as follows:

**Resolution Authorizing Supplemental Appropriation for the  
Purchase of the so-called Gauthier Farm Conservation  
Easement in the Amount of \$228,650.00**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:**

That the sum of One Hundred Twenty Eight Thousand Six Hundred Fifty Dollars (\$128,650.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Plan Project Fund 1501 (account # 15011081-771000-175xx) Land Acquisitions for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of the Gauthier Farm Conservation Easement by the Southeast Land Trust. One Hundred Twenty Eight Thousand Six Hundred Fifty Dollars (\$128,650.00) of the supplemental appropriation shall be derived from the General Fund unassigned fund balance and One Hundred Thousand Dollars (\$100,000.00) of the supplemental appropriation shall be derived from the Conservation Fund.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such

accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY17 02-07 AB 122**

**11.2. AB 83 Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts – *second reading and adoption***

Councilor Keans **MOVED** to read the Amendment for the second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the second time by title only.

***See Addendum A***

Councilor Varney **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**11.3. AB 90 (a) Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the City of Rochester Regarding Accessory Apartments *second reading and adoption***

***See Addendum B***

Mayor McCarley **MOVED** to read the Amendment for the second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the second time by title only.

Mayor McCarley **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. Councilor Varney expressed concerns about the amendment and asked how would this be tracked, as far as who was living in the units. This could turn into rental units rather than the purpose it is intended to serve. Jim Campbell, Director of Planning, said it should be tracked by the Assessing/Tax Office at the time tax bills are generated or by the Building, Zoning, and Licensing Services Department. Councilor Varney understood that this is a State led amendment; however, he would like more time to discuss this matter. Councilor Abbott questioned if this amendment is in compliance with the State's Fair Housing and Urban Development Policy. Attorney O'Rourke felt comfortable with the research that went into creating the amendment. Councilor Varney **MOVED** to **TABLE** the

Amendment and send a discussion to the next City Council meeting. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The City Council discussed the matter briefly.

**11.4. AB 90 (b) Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Table 18-A *second reading and adoption***

Mayor McCarley stated that this Amendment would be included in the motion to table since it is directly related.

**11.5. AB 91 Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Entertainment Overlay District *second reading and adoption***

*The Amendment to General Ordinances of the City of Rochester Regarding the Entertainment Zone failed earlier in the meeting.*

**12. Consent Calendar**

**12.1. AB 132 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) Capital Improvement Plan (CIP) Project Fund for the Milton Road-Flat Rock Intersection Project in the Amount of \$20.00 *first reading, second reading, and adoption***

**Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) Capital Improvement Plan (CIP) Project Fund for the Milton Road-Flat Rock Bridge Road Intersection Project in the Amount of \$20.00**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:**

That the sum of Twenty Dollars (\$20.00) be, and hereby is, appropriated as a supplemental appropriation to the DPW CIP for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the Milton Road-Flat Rock Bridge Road Intersection Project. The entire amount of the supplemental appropriation shall be derived from the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY17 03-07 AB 132**

- 12.2. **AB 135 Resolution Deauthorizing Bond Authority from the School Department Capital Improvement Plan Project Fund for Various Capital Projects in the amount of \$1,247,869.72 *first reading, second reading, and adoption***

**Resolution Deauthorizing Bond Authority from the School Department Capital Improvement Plan Project Fund for Various Capital Projects in the amount of \$1,247,869.72**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER:**

In accordance with the provisions of RSA 33:9, that One Million Two Hundred Forty Seven Thousand Eight Hundred Sixty Nine and 72/100 Dollars (\$1,247,869.72) of previously approved bonding authority is deauthorized from the School Department Capital Improvement Plan Project Fund for the costs associated with Various Capital Projects as shown in Exhibit A.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 03-07 AB 135**

Councilor Lauterborn **MOVED** to **ADOPT** the Consent Calendar as presented. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13. New Business**

- 13.1. **AB 134 Resolution Authorizing Acceptance of New Hampshire Department of Safety Warm Zone Equipment Grant and Supplemental Appropriation in Connection Therewith for the Rochester Fire Department in the Amount of \$6,000 *first reading, second reading, and adoption***

Mayor McCarley **MOVED** to read the resolution for the first time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first time by title only as follows:

**Resolution Authorizing Acceptance of New Hampshire  
Department of Safety Warm Zone Equipment Grant and  
Supplemental Appropriation in Connection Therewith for the  
Rochester Fire Department in the Amount of \$6,000**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:**

That a New Hampshire Department of Safety Warm Zone Equipment Grant in the amount of Six Thousand Dollars (\$6,000.00) is hereby accepted on behalf of the City of Rochester.

**Further**, that the sum of Six Thousand Dollars (\$6,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2016 - 2017 Fire Department operating budget and the entire amount of the supplemental appropriation shall be derived from the New Hampshire Department of Safety Warm Zone Equipment Grant.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY17 03-07 AB 134**

Councilor Bogan **MOVED** to suspend the rules and read the resolution for the second time. Councilor Willis seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the second time by title only.

Councilor Bogan **MOVED** to **ADOPT** the resolution. Councilor Willis seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- 13.2. **AB 130** Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) Capital Improvement Plan (CIP) Project funding for the Granite Ridge TIF District Project in the Amount of \$84,043.38 *first reading, second reading, and adoption*

Mayor McCarley **MOVED** to read the resolution for the first time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first time by title only as follows:

**Resolution Authorizing Supplemental Appropriation to the  
Department of Public Works (DPW) Capital Improvement Plan  
(CIP) Project funding for the Granite Ridge TIF District Project  
in the Amount of \$84,043.38**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:**

That the sum of Eighty Four Thousand Forty Three and 38/100 Dollars (\$84,043.38) be, and hereby is, appropriated as a supplemental appropriation to the DPW CIP for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the Granite Ridge TIF District Project. The entire amount of the supplemental appropriation shall be derived from the Granite Ridge TIF District fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY17 03-07 AB 130**

Councilor Bogan **MOVED** to suspend the rules and read the resolution for the second time. Councilor Willis seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the second time by title only.

Councilor Bogan **MOVED** to **ADOPT** the resolution. Councilor Willis seconded the motion. The City Council briefly discussed the matter. The **MOTION CARRIED** by a unanimous voice vote.

**13.3. AB 133 Resolution Deauthorizing Bond Authority from the Department of Public Works Capital Improvement Project funding for the Granite Ridge TIF District Project in the Amount of \$1,100,000.00 *first reading, second reading, and adoption***

Mayor McCarley **MOVED** to read the resolution for the first time

by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first time by title only as follows:

**Resolution Deauthorizing Bond Authority from the Department of Public Works Capital Improvement Project funding for the Granite Ridge TIF District Project in the Amount of \$1,100,000.00**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER:**

In accordance with the provisions of RSA 33:9, that One Million One Hundred Thousand Dollars (\$1,100,000.00) of previously approved bonding authority is deauthorized from the Department of Public Works Capital Improvement Project funding for the costs associated with the Granite Ridge TIF District Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 03-07 AB 133**

Councilor Bogan **MOVED** to suspend the rules and read the resolution for the second time by title only. Councilor Willis seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the second time by title only. Councilor Bogan **MOVED** to **ADOPT** the resolution. Councilor Willis seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**14. Non-Meeting/Non-Public Session**

**14.1. Non-Public Session, Land, RSA 91-A:3, II (d)**

Councilor Lauterborn **MOVED** to enter into the Non-Public Session, under Land, RSA, 91-A:3,II (d) at 8:29 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a 12 to 0 roll call vote. Councilors Barnett, Bogan, Gates, Varney, Hamann, Torr, Keans, Lauterborn, Gray, Willis, Abbott, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public Session at 9:04 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lauterborn **MOVED** to seal the Non-Public minutes indefinitely as divulgence would "render a proposed action ineffective." The **MOTION CARRIED** by a unanimous roll call except for Councilor Lachapelle who had been excused from attending the Regular City Council meeting.

**15. Other**

No Discussion.

**16. Adjournment**

Councilor Torr **MOVED** to **ADJOURN** the Regular City Council meeting at 9:05 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC  
City Clerk

**AMENDMENT TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING ACCESSORY APARTMENTS**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

**42.23 Accessory Uses**

- a. **General Provisions.** The following provisions apply in evaluating proposed accessory uses, activities, structures, and situations.

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- b. **Standards for Specific Accessory Uses.** The following standards shall apply to these specific accessory uses, activities, structures, and situations wherever they are allowed:

1. **Accessory Apartment.** An accessory apartment is permitted subject to compliance with all of the following standards and procedures:
  - A. It is permitted where and as specified in the Table of Uses (by right or by special exception). **However, if the accessory dwelling is detached from the single family dwelling, it must be approved by a special exception;**
  - B. It is accessory to a single family dwelling only **and if detached from the single family dwelling it is similar in architectural style;**
  - C. ~~It must be a studio or one bedroom apartment;~~ **It must be two bedrooms or less;**
  - D. It may not exceed 800 square feet;
  - E. It may not house more than two occupants;
  - F. It may be either part of the single family house **dwelling** or in a separate building, such as above a garage; **if it is part of the single family house, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.**
  - G. There may be only one per lot;
  - H. ~~The main house must be owner occupied;~~ **The owner of the property must occupy one of the dwelling units and the owner must demonstrate that one of the dwelling units is his or her principal place of residence;**
  - I. At least one parking space must be provided for the unit;
  - J. Where municipal sewer service is not provided, the septic system

shall meet NHDES requirements for the combined system demand for total occupancy of the property; and

- K.** It is exempt from site plan review but a letter of intent must be submitted to the Building Inspector to ensure that the above conditions are met.
- L.** If it is a security apartment, it shall not exceed 800 square feet and it shall be attached to or located with an allowed commercial, office or industrial use. Such unit may be occupied by the business owner, family member or employee whose purpose is to provide security and/or protection of the business premises. This use shall require Site Plan review.
- M.** If it is a caretaker apartment it shall be attached to or located with an allowed residential or nonresidential use and it shall be occupied by the owner, family member or employee of the principal use and the gross floor area does not exceed 800 square feet. This use shall require Site Plan review.

**The effective date of these amendments shall be upon passage.**

**AMENDMENT TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY OF  
ROCHESTER REGARDING TABLE 18-A**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

**The effective date of these amendments shall be upon passage.**

**TABLE 18-A RESIDENTIAL USES 8/7/2014**

Residential Uses	Residential				Commercial			Industrial		Special		Criteria/Conditions
	R1	R2	AG	NMU	DC	OC	HC	GI	RI	HS	AS	Section Reference
Apartment, Accessory	E	P	P	P	P	P	P	I	I	E	I	Section 42.21 & 42.23
Apartment, Inlaw	P	P	P	P	P	P	P	-	-	-	-	
Apartment, Security	-	P	-	P	P	P	P	P	P	P	P	Sections 42.2 & 42.23
Assisted Living Facility	-	C	C	C	C	C	C	-	-	C	-	Section 42.21
Boarding House	-	-	-	-	E	-	-	-	-	-	-	
Community Residence - I	-	E	E	-	E	E	E	-	E	E	-	Section 42.22
Community Residence - II	-	-	E	-	-	E	-	-	E	E	-	Section 42.22
Conservation Subdivision	C	C	C	-	-	C	C	-	-	-	-	Sections 42.21 & 42.33I
Dwelling, Apartments (Apt/ Mixed Use Bldg)	-	-	-	P	P	C	P	-	-	-	-	Section 42.21
Dwelling, Multifamily Development	-	P	-	-	C	-	P	-	-	-	-	Sections 42.20 & 42.22
Dwelling, Multifamily	-	P	-	-	C	-	P	-	-	-	-	
Dwelling, Single Family	P	P	P	P	P	P	P	I	I	P	I	
Zero Lot Line Development	C	C	C	-	-	C	C	-	-	-	-	Section 42.33

\*LEGEND. P = Permitted Use,  
C = Conditional Use. E = Use