

## **SPECIAL CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

**Thursday April 3, 2014**

City Council Chambers

31 Wakefield Street, Rochester, NH

7:01 PM

### **Committee Members Present**

Councilor Peter Lachapelle, Chair  
Councilor Elaine Lauterborn, Vice Chair  
Councilor Ray Varney  
Councilor Robert Gates  
Councilor Derek "Mac" Kittredge

### **Others Present**

City Manager Fitzpatrick  
Jim Campbell, Chief Planner  
Nel Sylvain, Chairman of Planning Board  
Councilor Keans  
Councilor Collins  
Councilor Gray  
Councilor Hamann  
Councilor Torr  
Fred Leonard, Resident  
Gregg DeNobile, Resident  
Tom Abbott, Resident  
Frank Chiaramitaro, Great Traditions,  
Home Builders Incorporated,  
Lucien Levesque, Resident  
Richard Breton, Resident  
Traci McMath-Hlavac, Resident

## **MINUTES**

### **1. Call to Order**

Councilor Lachapelle reconvened the Special Codes and Ordinances Committee meeting at 7:01 PM. Kelly Walters, City Clerk took a silent roll call. All Committee members were present.

### **2. Comprehensive Rezoning Proposal Chapter 42 – *discussion continued.***

Councilor Varney **MOVED** to suspend the rules and reopen Public Input. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle informed the public that three recommendations to the full City Council were approved at the March 27, 2014, Special Codes and Ordinances Committee meeting as follows:

### **Recommendation 1:**

**Removal of all Density Rings and Rezoning of Chesley Hill Road to Residential (1) in the Comprehensive Rezoning Proposal**

**Recommendation 2:**

**Labrador Drive and Fillmore Blvd. reverted back to Residential (1) in the Comprehensive Rezoning Proposal**

**Recommendation 3:**

**Retain the Special Downtown Review Process in the Comprehensive Rezoning Proposal**

Councilor Lachapelle requested that the public address the Committee about topics they had not previously discussed with the Committee. He invited the public to come forward to address the Committee.

Fred Leonard, 10 Sandia Drive, requested to know which meeting is scheduled to discuss an Amendment to the Ordinances relative to Chapter 17 Water. Councilor Lachapelle stated that a Public Hearing would be held at the next Codes and Ordinances Committee, May 1, 2014, at 7:00 PM.

Gregg DeNobile, 146 Chesley Hill Road, addressed the Committee. He asked what meeting is scheduled for the full City Council to discuss these recommended changes. Councilor Lachapelle replied the first reading and public hearing is scheduled for Tuesday, April 15, 2014, at 7:00 PM. Mr. DeNobile questioned if the document can be amended after the first reading takes place. Councilor Lachapelle replied yes.

Tom Abbott, 24 Railroad Avenue, addressed the Committee. He spoke against the definition of a Kennel License which limits the amount of dogs [3] a homeowner is permitted, with very few exceptions.

Mr. Abbott spoke against the regulations for the Contracted Storage Yards, which used to be a permitted use in the Agricultural Zone.

Mr. Abbott spoke against the requirement for 10 acres of land needed to have a farm and the regulations pertaining to crop growing, which by law, cannot not prohibited.

Mr. Abbott spoke against the regulations of parking commercial vehicles in a yard and regulations that would prohibit parking on a street.

Mr. Abbott spoke against the regulation that would prohibit your recreational vehicle from parking within the front setback of the property.

Mr. Abbott spoke against the regulations associated with non-buildable land, which are basically private restrictions consisting of private land covenants and private restricted easements.

Mr. Abbott spoke against the restriction of “glare”, which is the requirement for shielded lighting on residential, single family dwellings.

Mr. Chiaramitaro, President of Great Traditions Home Builders Incorporated, distributed information that rebutted comments made on March 27, 2014, at the Special Codes and Ordinances Committee meeting by Richard Lundborn, Norway Plains Association, and Attorney Bruton, pertaining to density requirements on Rochester Hill Road. *This can be found as an addendum to the Codes and Ordinances Committee packet of April 3, 2014.*

Lucien Levesque, 10 Letourneau Street, addressed the Committee. He reiterated that the residents of North Main Street are opposed to commercial business being permitted to build at the end caps of their streets. He requested that individuals in the audience opposed to this proposal stand up. City Clerk Walters indicated that about 16 to 18 people stood up in agreement. He said the residents in his area can only exit their streets by using North Main Street, which is not the same for the other side of the street. The other side of the street can exit onto Walnut Street. It is a traffic and safety concern for residents on his side of the street [Letourneau Street].

Richard Breton, 9 Riverside Drive, addressed the Committee. He spoke against the rezoning of North Main Street from Residential (1) to Neighborhood Mixed Use, noting that traffic and safety issues are a factor.

Mr. Breton stated that all residents that he approached last year to sign a petition against this rezoning matter signed the petition without hesitating.

Mr. Breton spoke about the rezoning process. He felt there were conflicts of interest along the way. He said decisions should be made for the best interest for the City of Rochester.

Mr. Breton noted that variances are almost always approved. He noted that there is a restriction against erecting billboards in the downtown; however, the commercial businesses have found a way around this regulation, by parking a large truck in the yard with a large sign.

Traci McMath-Hlavac, 8 McDuffie Street, addressed the Committee. She spoke against the rezoning of North Main Street, noting that the streets in the area are already

noisy and busy with traffic. She further noted that there is a business located at the end of McDuffie Street which blocks traffic from time to time.

Councilor Lachapelle closed public input at 7:31 PM.

Councilor Varney stated that at the time the motion was made to rid the ordinance and map of the density ring, it was not clear that the density rings were intended only to be applicable to multifamily dwellings. Now that this has been made clear, the density rings should be reinstated into the ordinance with the changes that have been documented by Chief Planner Campbell.

Chief Planner Campbell clarified how the documents were being presented this evening. He said all language to be removed is ~~crossed out~~ and all language to be inserted is **underlined and bold**.

#### **Recommendation 4:**

##### **Amendment to the Comprehensive Rezoning Proposal, Article XIX – Dimensional Regulations, Section 8 – Density Rings**

Councilor Varney referred to Article XIX – Dimensional Regulations, Section 8 – Density Rings. He **MOVED** to recommend to the full City Council that the following amendment be made:

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.

#### **Recommendation 5:**

##### **Amendment to Article II, Definitions of Dwellings: Dwellings Multifamily; Dwelling, Apartment Building; and Dwelling, Multifamily.**

Councilor Varney **MOVED** to recommend to the full City Council that Article II, Definitions, be amended pertaining to the definition of multifamily units, be increased from (3) to (5) in the following definitions in the Comprehensive Rezoning Proposal:

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

Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **Recommendation 6:**

##### **Amendment to the Comprehensive Rezoning Proposal Map – Reinsert all Density Rings**

Councilor Varney **MOVED** to recommend to the full City Council to reinsert the Density Rings in the Comprehensive Rezoning map. Councilor Gates seconded the motion.

Councilor Lachapelle sought clarification on the motion. He asked City Manager Fitzpatrick if the Committee should rescind the original motion made at the last Codes and Ordinances Committee relative to removing the density rings. He recalled that it was a combined motion with rezoning of Chesley Hill Road. City Manager Fitzpatrick stated that it would not be necessary since this is a separate motion.

City Clerk Walters wished to clarify if this motion included the language found in the text of Chapter 42. Councilor Varney stated that the previous motion [Recommendation 4] inserted the text pertaining to reinserting the density rings, as further amended. The **MOTION CARRIED** by a unanimous voice vote.

#### **Recommendation 7:**

##### **Amendment to Article II, Definitions, relative to Minimum Lot Area and Minimum Lot Area per Dwelling Unit in the Comprehensive Rezoning Proposal**

Councilor Varney **MOVED** to recommend to the full City Council that Article II, Definitions Minimum Lot Area [pages 17 and 18], be amended 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 Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **Recommendation 8:**

##### **Amendment to Article II Definitions, Solid Waste Facility [page 25] in the Comprehensive Rezoning Proposal**

Councilor Varney **MOVED** to recommend to the full City Council that the second paragraph under definitions found on page 25 of Article II pertaining to Solid Waste Facility be amended as shown below:

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

Councilor Gates seconded the motion. Councilor Lachapelle wished to recuse himself from the vote. The **MOTION CARRIED** by a unanimous voice vote, with Councilor Lachapelle abstaining.

#### **Recommendation 9:**

##### **Amendment to Article XX, Standards for Specific Permitted Uses, Removal of the description of a Townhouses [#13]**

Councilor Varney stated that the definition of a Townhouse should be removed from the ordinance since the term would no longer be utilized in the Comprehensive Rezoning Proposal. He **MOVED** to recommend to the full City Council, that Article XX, Standards for Specific Permitted Uses, Townhouses [# 13] be removed. *This can be found in Article II, page 5, of the Compressive Rezoning Proposal document.* Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Recommendation 10:**

**Amendment to Article XXI, Conditions for Particular Uses, Assisted Living Facility**

Councilor Varney **MOVED** to recommend to the full City Council that the permitted density for an Assisted Living Facility, be increased by 1 ¼ times that otherwise would be permitted for residential uses in the district, in the Comprehensive Rezoning Proposal. *This can be found under Article XXI, Conditions for Particular Uses, Assisted Living Facilities, page 4.*

Councilor Lauterborn stated that this does make sense, but questioned how this amendment came about. She asked if this was originally an oversight. Councilor Varney replied this came about during a discussion of allowing a density bonus for this type of housing. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Recommendation 11:**

**Amendment to Article XXI Conditions for Particular Uses, Nursing Home**

Councilor Varney **MOVED** to recommend to the full City Council that the permitted density for a Nursing Home be increased by 1 ¼ times that otherwise would be permitted for residential uses in the district. *This can be found under Article XXI, page 6.*

Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Recommendation 12:**

**Amendment to Article XXI, Conditions for Particular Uses, Senior Housing**

Councilor Varney **MOVED** to recommend to the full City Council that the following statement be **removed** from Senior Housing: The permitted density shall be that of 1 ¼ times that otherwise would be permitted for residential uses in the district. *This can be found under Article XXI, page 7.* Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Recommendation 13:**

**Amendment to Article XXVIII, Performance Standards, Waste Disposal**

Councilor Varney **MOVED** to recommend to the full City Council that Article XXVIII, Performance Standards, Waste Disposal [#11], Dumpsters [b], [page 4 and 5], in the Comprehensive Rezoning Proposal be amended as follows:

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 construction projects.~~

Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **Recommendation 14:**

##### **Amendment to Table XXVIII [C] Food-Lodging-Public Recreation Uses**

Councilor Varney **MOVED** to recommend to the full City Council that the Lodging, Bed and Breakfast, conditional use, be amended, by removing the conditional use from Residential (1), and allow Lodging, Bed and Breakfast to be listed as a conditional use under Residential (2).

Councilor Lauterborn questioned if there were any existing bed and breakfast establishments located in Residential (1). No one at the meeting recalled that there is an existing bed and breakfast located in Residential (1).

Councilor Kittredge asked if these units were problematic for the Residential (1) zone. Councilor Varney stated that the more suitable place to have a bed and breakfast are located in the Residential (2) zone. Councilor Kittredge asked what would happen if a bed and breakfast was discovered in the Residential (1) Zone. Councilor Lachapelle stated that the establishment would be grandfathered. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **Recommendation 15:**

##### **Amendment Table XVIII [D] Industrial-Storage-Transport-Utility Uses; Junkyard and Recycle Facility**

Councilor Varney **MOVED** to recommend to the full City Council that table XVIII-D, Industrial-Storage-Transport-Utility Uses, be amended by removing the exception [E]



from both the Junkyard and Recycle Facility under the Highway Commercial District column. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Recommendation 16:**

**Amendment to XXVIII [A] Residential Uses, by Removing Dwelling, Townhouse, from the table**

Councilor Varney **MOVED** to recommend to the full City Council that an Amendment to XXVIII [A]: Residential Uses, by removing “Dwelling, Townhouse” from the table of Residential Uses. Councilor Gates seconded the motion. The **MOTION CARRIED** by a majority voice vote.

**Recommendation 17:**

**Amendment to Article XXIII Accessory Uses – (f) Chickens, Fowl and Other Small Livestock**

Councilor Lauterborn **MOVED** to recommend to the full City Council the following amendment to Article XXIII, Accessory Uses, (f) Chickens, Fowl and Other Small Livestock:

(f) Chickens, Fowl and Other Small Livestock

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 Lauterborn asked if this setback applies to all zones. Councilor Varney replied yes. Councilor Hamann asked if this would preclude a homeowner from raising chickens.

Councilor Lachapelle stated if the Committee did not object he would allow a comment to be made from the audience. Tom Kaczynski, resident, stated that the motions are not being made clear and the public does not know what is being voted upon this evening. Councilor Lachapelle apologized and distributed information to Mr. Kaczynski to be shared with the public. Councilor Kittredge expressed concern that more information should be sought prior to making a recommendation. Mr. Sylvain asked if someone would be able to make an appeal to the Zoning Board of Adjustment if necessary. Councilor Gates replied yes. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Recommendation 18:**

### **Amendment to Article XXIII Accessory Uses – Fences**

Councilor Lauterborn **MOVED** to recommend to the full City Council an amendment to Article XXIII, Fences, by adding (h) and (i) 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 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.**

Councilor Keans questioned if this was the language reviewed by Attorney Wensley. Chief Planner Campbell replied that paragraph (h) deals with a specific matter that the Planning Board wished to address and paragraph (i) is the exact same language submitted by Attorney Wensley. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- **Chapter 42 Signs**

Chief Planner Campbell stated that the existing Chapter 42 sign ordinance is being carried over to the proposed ordinances. Mr. Sylvain stated that the Planning Board would begin work on the City's Master Plan. He proposed to put the Master Plan on hold in order to complete a proposed sign ordinance to the City Council to be presented to the full City Council as an amendment to the ordinances. Councilor Lachapelle stated that he would be in favor of this recommendation. Councilor Lauterborn recalled that the sign ordinance had been reviewed fairly recently anyway. Councilor Gates asked if a motion would be appropriate. Councilor Lachapelle stated that the Planning Board could potentially make some additional changes and submit a new proposal at the City Council Workshop.

- Business 1 Business 2 removed from the text

Councilor Varney recommended that the Planning Department seek to rid the references in the text Business (1) and Business (2) since the terms are no longer utilized in the Chapter 42 proposed ordinance. Chief Planner concurred.

- Public Comments Discussed

Councilor Gray recommended that the Planning Board review some of the issues brought up during public input relative to dog kennels, storage units, crop growing, and parking of commercial vehicles. They could submit a recommendation.

Councilor Lachapelle asked if a commercial farm is the type of farm which would need a 10 acre requirement. Mr. Sylvain stated that Planning Board's intent was not to prevent someone from growing a small garden and the Planning Board would likely be willing to amend the language, if necessary. Chief Planner Campbell stated that the proposed ordinance is the same text as the existing text and he agreed that it would not prevent someone from growing a garden in their backyard. Mr. Sylvain invited the public to come forward and ask questions.

Councilor Varney asked if the Planning Board could address some of these issues at their next Planning Board meeting. Mr. Sylvain concurred.

Councilor Torr spoke against the 10 acre requirement. Councilor Collins stated that the ordinances should be made simple enough for the residents to understand without having to do a lot of research.

#### **Recommendation 19:**

##### **Amendment to Boundary Lines on Highland Street**

Councilor Varney **MOVED** to recommend to the full City Council that the proposed Commercial District on Highland Street retain the same boundary lines that it does on the existing zoning map and that it be changed to Neighborhood Mixed Use. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **Recommendation 20:**

##### **Amendment to Article XX Yard Sales [22]**

Councilor Varney **MOVED** to recommend to the full City Council that an amendment be made to Article XX Standards for Mixed Use Yard Sales [22] by removing the words ~~in the front yard~~, which means it cannot be left out overnight.

Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- **Discussion: XVIII-A Residential Uses – Apartment, In-law**

Councilor Varney **MOVED** to recommend to the full City Council that Permitted Use be changed to Conditional Use under the Residential (1) zone. Councilor Varney stated that abutters should be notified. Chief Planner Campbell explained that in-law apartments must be part of the existing dwelling and cannot have its own entrance. Councilor Keans asked if the in-law apartment could have a full kitchen. Chief Planner Campbell replied that there is only so much square footage allowed for an in-law apartment. Councilor Varney asked if Accessory Apartments are permitted by special exception in a Residential (1) Zone, would they still have to appear before the Zoning Board of Adjustment. Chief Planner Campbell replied yes.

- **Request to extend Highway Commercial further down on North Main Street**

Councilor Varney stated that he is not in favor of allowing the Highway Commercial District any further down on North Main Street. He added that Highway Commercial permits some intense uses. Mr. Sylvain stated that is the lot of Carriage Hill and it is being proposed as Neighborhood Mixed Use.

### **Recommendation 21:**

#### **Amendment to North Main Street revert back to Residential (1)**

Councilor Gates wished to open up the discussion of North Main Street.

Councilor Keans stated that the businesses can have unsightly back yards and the home owners in this area should be protected from this type of situation. Mr. Sylvain stated that by proposing this area as Neighborhood Mixed Use would require proposed business owners to first seek the Planning Board's approval. He added that a site plan review would prevent unwanted businesses from being located at the end of these streets.

Councilor Varney spoke against trying to fix this situation with the Neighborhood Mixed Use. He stated that an administrative issue occurred a few years ago that allowed a problematic home occupation to grow its business; this problem could be avoided in the future by administration.

Councilor Keans asked about allowing commercial vehicles to park overnight at a particular business. She read that only one small commercial vehicle is permitted to be parked overnight. How is it that there is a problem with commercial vehicles on North Main Street? Mr. Sylvain replied that there is only a regulation in place for parking such

a vehicle overnight. He agreed to check to check the regulations about parked vehicles for a home occupation.

Councilor Gates **MOVED** to recommend to the full City Council that the proposed Neighborhood Mixed Use on North Main Street be changed to Residential (1). Councilor Varney seconded the motion. Mr. Sylvain advised the Committee that this motion would in effect make Carriage Hill non-conforming. It was determined that the specific area of location is to be from Strafford Square north, starting after the CPA office next to Holy Rosary Parish, up to Claire Street, *the other side of Claire Street is the Shell Station [Highway Commercial]*, to the street prior to Holy Rosary Parish. It was further determined that Residential (1) begin at Strafford Square up to Burger King, but not including Burger King. Councilor Hamann stated that this was a tough decision for him. He said this action would **not** prevent the original problem from happening. He said no Planning Board Site Plan review would be in place. Mr. Sylvain replied that is correct, if there is a home occupation request in a Neighborhood Mixed Use, then the application is sent to the Planning Board or Zoning Board of Adjustment. Councilor Varney did not agree. Chief Planner Campbell stated that the intent of the Planning Board was to allow businesses in that area that would serve the neighborhoods; it was not to create large businesses. The Committee debated the matter. The **MOTION CARRIED** by a unanimous voice vote.

### **Recommendation 22:**

#### **Amendment to Article XXVIII [A] Residential Uses**

Councilor Varney stated that multifamily units are proposed as “permitted” use in the agricultural zone. He **MOVED** to recommend to the full City Council an amendment to XXVIII [A], Residential Uses, by removing 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, which is how the existing ordinance is written. Councilor Lauterborn questioned what zones the multifamily units of three units or more would be permitted. Councilor Varney stated that they would be permitted in the Granite Ridge District, Neighborhood Mixed Use, Downtown Commercial, Office Commercial, and Highway Commercial. Councilor Gray spoke against the motion and suggested making an “exception” use. Councilor Collins read the five objectives of the agricultural district and stated that these objectives would be in direct conflict of allowing multifamily units in this zone. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **Discussion – Rochester Hill Road inconsistent zoning**

A discussion ensued about the inconsistent zoning of Rochester Hill Road. Councilor Varney asked what is this corridor supposed to look like. He added that there are three different zones as you travel up Rochester Hill Road. The Committee discussed the zones in this area. It was determined that this should be kept in

Committee. Councilor Varney stated that the area on Rochester Hill Road that is currently a Residential (1) zone is now being proposed as Residential (2); should this be changed to back to Residential (1) to be consistent with the area across the street. Councilor Lauterborn stated if the Cornerstone Apartments were allowed to be developed in this area then someone else could seek a variance too. She wished to clarify if this is the same property which a density ring runs through. Councilor Varney replied yes. Councilor Lachapelle asked why the Planning Board decided to propose this area as Residential (2). Mr. Sylvain stated that the airport is located in this area. Chief Planner Campbell stated that there are other multifamily units located in the area. City Manager Fitzpatrick could not see anyone wishing to build a single family home dwelling on this parcel. He questioned what is the best use for the City. Councilor Lauterborn suggested leaving this in Committee for now.

A discussion ensued about the lots directly across from the airport. Chief Planner Campbell agreed to review this area.

### **Recommendation 23:**

#### **Rochester Hill Road near Crocket Street**

Councilor Lauterborn **MOVED** to recommend to the full City Council that the Neighborhood Mixed Use be reverted 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 Gates seconded the motion. The **MOTION CARRIED** by a majority voice vote.

### **3. Other**

Jim Grant, Building Zoning, and Licensing Services gave a brief update to the Committee about the housing and stated that he would provide more information at the next Codes and Ordinances Committee.

### **3. Adjournment**

Councilor Kittredge **MOVED** to **ADJOURN** the meeting at 9:37 PM. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters  
City Clerk