

**City Council Public Hearing
November 16, 2021
Council Chambers
6:30 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Beaudoin
Councilor Bogan
Councilor Fontneau
Councilor Gray
Councilor Hainey
Councilor Hamann
Councilor Hunt-Hawkins
Councilor Hutchinson
Councilor Lachapelle
Councilor Rice
Councilor Walker
Mayor Lauterborn

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Dana Berlin, resident
Shanna Saunders, Planning Director
Tim Wilder, Assistant Fire Chief
Anthony Deluca, resident

Minutes

1. Call to Order

Mayor Lauterborn called the City Council Public Hearing to order at 6:30 PM. Deputy City Clerk Cassie Givara took a silent roll call. All Councilors were present (Councilors Beaudoin and Fontneau were sworn in prior to the meeting.)

2. Resolution Authorizing an Application for Community Development Block Grant – COVID-19 (CDBG-CV) Housing Funding to Support Easter Seals Senior Affordable Housing Project

Mayor Lauterborn read the following statement prior to opening the public hearing:

Community Development Block Grant funds are available to municipalities

through the NH Community Development Finance Authority. Up to \$1,000,000 is available for housing projects under the CDBG-CV allocation due to COVID-19, and entitlement communities are eligible for consideration for projects that specifically respond to or recover from the impacts of COVID-

- I. All projects must directly benefit a majority of low- and moderate-income persons.

Easter Seals New Hampshire, Inc.. through its subsidiaries and affiliates, plans to construct on an undeveloped 140-acre parcel of land into a planned campus of affordable housing, supportive services and recreational amenities designed to serve Rochester and Strafford County residents seeking to age with dignity in a supported residential community. The goal is to provide high quality, sustainable housing options (65 units) to older adults with incomes ranging from 30-80% of the area median income.

This application is consistent with demonstrated needs in response to COVID-19 because limited housing supply and homeless shelter decompression have strained the entire housing spectrum, including shelters, supportive housing, and market rate housing, and placed low- to moderate-income individuals and families at greater risk of experiencing homelessness.

The City Council acknowledges that its Consolidated Plan, adopted on May 5, 2020, meets the requirements of and will be submitted in fulfillment of the CDBG grant's Housing and Community Development Plan threshold requirement.

This project is consistent with the City's Consolidated Plan goals of:

- Assisting Homeless Persons to Obtain Affordable Housing and assisting Persons at Risk of Homelessness
- Retention and Creation of Affordable Housing Stock

As part of the City's adopted Consolidated Plan, the City also maintains an existing Public Participation Plan, which will be submitted in fulfillment of the CDBG application threshold requirement for a Public Participation Plan.

The City also has an existing Anti-Displacement and Relocation Assistance Plan that is in place for projects completed in furtherance of the City's Consolidated Plan. To satisfy CDFA application requirements, a project-specific Residential Anti-Displacement and Relocation Plan has been prepared and is proposed to be adopted by the City Council for this project following a public hearing.

If the City Council is supportive of submitting an application, they will authorize submission by means of the following resolution:

**RESOLUTION AUTHORIZING AN APPLICATION FOR COMMUNITY
DEVELOPMENT BLOCK GRANT – COVID-19 (CDBG-CV) HOUSING FUNDING
TO SUPPORT EASTER SEALS SENIOR AFFORDABLE HOUSING PROJECT**

- WHEREAS: The 2020-2025 Rochester CDBG Consolidated Action Plan documents rising demand for housing for elderly residents, including residents living on fixed incomes; and
- WHEREAS: HUD Community Development Block Grant CARES Act (CDBG-CV) funds are available through the NH Community Development Finance Authority for housing grants of up to \$1,000,000; and
- WHEREAS: A primary component of the CARES Act is assistance to State, Local, Territorial, and Tribal Government for the direct impact of the COVID-19 pandemic; and
- WHEREAS: Easter Seals owns the location at 215 Rochester Hill Road, Rochester, NH 03867; and
- WHEREAS: Easter Seals, through a subsidiary, proposes to construct multiple units of apartments at 215 Rochester Hill Road, Rochester, NH 03867 to serve an income-qualified population of elderly residents; and
- WHEREAS: Easter Seals and its services will benefit a limited clientele made up entirely of elderly individuals or families; and
- WHEREAS: Elderly persons are presumed by HUD to be low- to moderate-income for the purposes of CDBG eligibility; and
- WHEREAS: An application for a CDBG-CV grant has been prepared by Easter Seals on behalf of the City of Rochester and in collaboration with City staff; and
- WHEREAS: A duly-noticed public hearing for the purposes of soliciting feedback from the public and meeting the requirements of the CDBG program will be held on November 16, 2021.

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

- I. That the City of Rochester will submit an application for Community Development Block Grant COVID-19 funds of up to \$1,000,000 for the purpose of constructing senior affordable housing units at 215

Rochester Hill Road, Rochester, NH 03867 in partnership with Easter Seals.

- II. The City of Rochester hereby adopts a project-specific Anti-Displacement Policy that incorporates and is subordinate to the pre-existing CDBG Anti-Displacement and Relocation Assistance Plan.
- III. The City Manager is authorized to apply for, accept, and expend the CDBG-CV funds of up to \$1,000,000 and to officially represent the City of Rochester in connection with the application, including execution of contracts on behalf of the City and any other related documents necessary or convenient to carry out the intent of said grant agreement (including acting as the certifying officer for HUD environmental documents) without further action of the City Council for the purposes set forth in the grant agreement.
- IV. The City Manager is hereby authorized to enter into agreement(s) with Easter Seals as subrecipient for the grant.

There was no public input and no Council discussion on the Easter Seals resolution.

3. Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding Impact Fees

Dana Berlin, resident, spoke in opposition to repealing the impact fee ordinance and spoke about the potential adverse effects of repealing the ordinance without thorough review and consideration.

4. Presentation: Tebbetts Road renumbering proposal – Planning Director Shanna Saunders & Assistant Fire Chief Tim Wilder

Shanna Saunders, Director of Planning and Development, gave an overview of the discussions which had already occurred at previous City Council meetings in regards to the Tebbetts Road renumbering. She gave the three current options for handling the renumbering issue on this road:

- 1) Assign number as best we can given the constraints
- 2) Fix the closest constraints and assign numbers
- 3) Renumber the whole road according to the standards.

Director Saunders detailed each of these options and went over the pros, drawbacks, and implications for each solution.

Ms. Saunders addressed a concern that had been expressed by several residents in the area and stated that whenever a new addressing assignment is put in place, the City notifies the post office, the electric company, and utility companies to try to minimize the work the resident has to do. She stated that the post office works very closely with the City of Rochester and, due to this communication, there should be no issue with mail delivery upon readdressing.

Councilor Beaudoin asked what the term "station" means in the context that is presented on the option outlining address assignments every 50-feet. Director Saunders stated that engineers use "road stations" on plans. These stations are increments of measurement at even intervals along a road each with a unique number to help pinpoint and clarify the location of utilities, driveway cuts, and other identifying locations along a road.

Councilor Hunt-Hawkins referenced conversations that had occurred at previous meetings where the role of geocoding had been discussed as part of the renumbering process. She pointed out that the station numbers were different than the geocoding numbers and asked if that would be an issue if this is the solution chosen. Assistant Chief Wilder said that geocoding is utilized with the internet and google searches, so it is used more by delivery services like UPS or Amazon. He stated that first responders rely more on the road stationing and visual house numbers as mentioned earlier. However, he said that the geocoding often coincides with the stationing numbers on a road that has been readdressed.

Councilor Fontneau asked if it was a long-term goal to renumber other roads in the City to conform to this 50-foot stationing standard. Assistant Chief Wilder clarified that the E-911 Committee is currently reactionary and they are handling issues as they are identified as opposed to having a long-term plan to renumber streets citywide over time. Tebbetts Road was identified as an issue when a 5-lot subdivision was being developed and it was realized that there were no street numbers available for these lots. Councilor Fontneau clarified that he had concerns that the stationing is every 50-feet when there are areas in the City that require 150-feet of frontage for development. Director Saunders said that the 50-foot stationing was a middle ground, aiming for an average between areas where 200-feet frontage is allowable versus downtown when

there is nominal frontage required. Ms. Saunders reported that with all new developments and streets coming into the City, 50-foot stationing is already being utilized and this standardized model is being used for future address assignments.

Councilor Lachapelle said that the Tebbetts Road is just one of many streets in the City which are need of renumbering or readdressing. He requested a copy of the entire list of streets identified for review and action.

Councilor Gray clarified that this item is on the agenda for Council discussion under the workshop meeting later in the evening. He said he would reserve further comment on the matter until that time to allow the public to speak regarding the issue.

4.1 Resolution Authorizing Certain Renumbering on Tebbetts Road

Mayor Lauterborn read an email correspondence that had been submitted by Elvira and John Knowlton, Tebbetts Road residents, opposing the renumbering of Tebbetts Road. The Knowltons also referenced a new business being developed at the Granite State Business Park and inquired if the large truck traffic would be using Tebbetts Road as a shortcut. Mayor Lauterborn reported that the secondary issue of truck traffic from the business referenced would be referred to the Public Safety Committee.

Anthony Deluca, Tebbetts Road resident and Rochester police officer, said that from a first responder's perspective, the street numbering is not important. He stated that emergency and law enforcement personnel respond from visual review of the area and experience, as opposed to geocoding or stationing numbers. He said that the proposed solutions seem to be based on a landline system that is not often utilized in current times. Mr. Deluca questioned if the numbers would be assigned consecutively for each neighboring lot; with his house assigned a number and his neighbor receiving the next consecutive number even though there is 200-feet of frontage in front of his property. He questioned how future subdividing of properties would affect this proposed numbering system and if the process would need to be started all over again if this comes up in the future. Mr. Deluca also questioned the efficiency and accuracy of post office delivery when numbers are reassigned.

5. Adjournment

Mayor Lauterborn **ADJOURNED** the City Council Public Hearing at 7:43 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

REPEAL THIS ENTIRE SECTION

§ 275-27.3

Impact fees.

A. Purpose. This section is enacted pursuant to RSA 674:16 and 674:21: [Amended 1-7-2020]

(1) To assess new development for its proportionate share of the public capital facility costs.

B. Authority. [Amended 1-7-2020]

(1) Impact fees may be assessed to new development to compensate the City of Rochester and the School Department for a proportionate share of the cost of the capital facility needs occasioned by new development. Any person who seeks a building permit for new development may be required to pay an impact fee in the manner set forth herein.

(2) The Planning Board may, as a condition of approval of any subdivision or site plan, and when consistent with applicable Board regulations, require an applicant to pay an impact fee for the applicant's proportional share of public facilities affected by the development.

(3) Nothing in this section shall be construed to limit the authority of the Planning Board or the City to require exactions for off-site improvements, other conditions of approval, or to assess other fees governed by other statutes, ordinances, or regulations.

C. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

IMPACT FEE

A fee or assessment imposed upon development, including subdivision or building construction, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the City of Rochester or the Rochester School Department, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; stormwater, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space. [Amended 1-7-2020]

NEW DEVELOPMENT

(1) An activity that results in any one of the following:

(a) The creation of a new dwelling unit or units;

(b) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units;

(c) Construction resulting in a new nonresidential building or a net increase in the floor area of any nonresidential building; or

(d) The conversion of an existing use to another use if such change results in an increase in the demand on public capital facilities that are the subject of impact fee assessments. [Amended 1-7-2020]

(2) New development shall not include the replacement of an existing manufactured home or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in size, density, type of use, and where there is no net increase in demand on public capital facilities.

OFF-SITE IMPROVEMENTS

Highway, drainage, sewer, or water upgrades or improvements that are necessitated by a development but which are located outside the boundaries of the property, as determined by the Planning Board during the course of subdivision or site plan approval. [Added 1-7-2020]

D. Assessment methodology.

(1) Proportionality. The amount of the impact fee shall be calculated by the Planning Board to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The Planning Board may prepare, adopt, or amend studies or reports that are consistent with the above standards, and which define a methodology for impact fee assessment for public capital facilities, and impact fee assessment schedules therefor.

(2) Existing deficiencies. Upgrading of existing facilities and infrastructure, the need for which is not created by new development, shall not be paid for by impact fees.

E. Administration.

(1) Accounting. In accord with RSA 673:16, II, and 674:21, V(c), impact fees shall be accounted for separately, shall be segregated from the City's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which they were collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fees were collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Rochester or the Rochester School District for the funding of capital improvements that are the subject of impact fee assessment, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.

(2) Assessment. All impact fees imposed pursuant to this section shall be assessed at the time of Planning Board approval of a subdivision plan or site plan. When Planning Board approval is not required, or has been made prior to the adoption or amendment of the impact fee ordinance, impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development, as determined by the Building Inspector. Impact fees shall be intended to reflect the effect of development upon municipal and/or school facilities at the time of the issuance of the building permit. [Amended 1-7-2020]

(3) Security. In the interim between assessment and collection, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed impact fees.

(4) Collection. Impact fees shall be collected as a condition for the issuance of a certificate of occupancy. If no certificate of occupancy is required, impact fees shall be collected when the development is ready for its intended use. Nothing in this section shall prevent the Building Inspector, with the approval of the Planning Board, and the assessed party from establishing an alternate, mutually acceptable schedule of payment. [Amended 1-7-2020]

(5) Refund of fees paid. The current owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest, under the following circumstances:

(a) When either the full or partial portion of the impact fee, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six years from the date of the full and final payment of the fee; or

(b) When the City of Rochester or, in the case of school impact fees, the Rochester School District has failed, within the period of six years from the date of the full and final payment of such fee, to appropriate its proportionate non-impact fee share of related capital improvement costs.

F. Appeals.

(1) A party aggrieved by a decision made by the Building Inspector regarding the assessment or collection of impact fees authorized by this section may appeal such decision to the Planning Board.

(2) In accord with RSA 676:5, III, appeals of the decision of the Planning Board in administering this section may be made to Superior Court, as provided in RSA 676:5, III, and 677:15.

G. Waivers. The Planning Board may grant full or partial waivers of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed:

(1) An applicant may request a full or partial waiver of school impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 55 or over in a development that is also maintained in compliance with the provisions of RSA 354-A:15, Housing for Older Persons. The Planning Board may waive school impact fee assessments on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for a period of at least 20 years. [Amended 1-7-2020]

(2) A person may request a full or partial waiver of impact fees for construction within a subdivision or site plan approved by the Planning Board prior to the effective date of this section. Prior to granting such a waiver, the Planning Board must find that the proposed construction is entitled to the five-year exemption provided by RSA 674:39, pursuant to that statute. This waiver shall not be applicable to phases of a phased development project where active and substantial development, building and construction has not yet occurred in the phase in which construction is proposed. [Amended 3-5-2019]

(3) The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities,

the Planning Board shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind and may not be credited to other categories of impact fee assessment. The applicant shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.

(4) The Planning Board shall waive all of an impact fee assessment for properties located in the Downtown Commercial District, with the district boundaries defined as the boundaries that exist at the time of the approval of this amendment.

[Amended 1-7-2020]

(5) The impact fee assessment for accessory dwelling units shall be waived with the stipulation that this waiver is reviewed every two years.

[Added 1-7-2020]