

**City Council Workshop
September 17, 2019
Council Chambers
7:03 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Bogan
Councilor Hutchinson
Councilor Gates
Councilor Gray
Councilor Keans
Councilor Lachapelle
Councilor Lauterborn
Councilor Torr
Councilor Walker
Deputy Mayor Varney
Mayor McCarley

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Michael Scala, Director of Economic
Development
Jennifer Marsh, Economic Development
Specialist
Vincent Gregg DeNobile, Resident

COUNCILORS EXCUSED

Councilor Hamann

Minutes

1. Call to Order

Mayor McCarley called the City Council Workshop to order at 7:03 PM. Kelly Walters, City Clerk, took a silent roll call. All Councilors were present except for Councilor Hamann who had been excused.

2. Public Input

Vincent Greg DeNobile, of Madison Avenue, addressed the City Council about the new fire codes and where to find this information on the City's website. Mr. DeNobile asked questions about the proposed 79-E project(s).

3. Communications from the City Manager

City Manager Cox announced that the "Vouchers for Veterans" is still occurring at the local Farmer's Market.

City Manager Cox said the City is still seeking resident input for the downtown chapter of the City's Master Plan.

4. Communications from the Mayor

Mayor McCarley reminded residents about the Annual James W. Foley Freedom Run and the upcoming Porch Fest, which will draw a lot of residents to the downtown area.

5. Discussion: Amendment to Chapter 275 regarding downtown commercial District

Mayor McCarley stated that she felt this topic needed more discussion prior to the proposed scheduled adoption at the next Regular Meeting. She added that the Planning Board has made additional amendments to include a requirement of the review of the Conditional Use Permit application process.

Councilor Abbott listed a number of concerns as to why this amendment would likely have unintended consequences. He said this amendment would allow residential development on the bottom floor of downtown area buildings by mandating that at least the first fifty feet (linear) of the building (bottom floor) must remain commercial. He gave specific examples of what this would mean for a building frontage of 15 feet to 23 feet wide and trying to develop commercial space for the first fifty feet (linear). He said most of that space would be used up with compliance to the fire codes, and as a result, a very small space would remain for the commercial space. This would not leave enough space for a restaurant, beauty salon, nail salons, or other types of commercial development which require proper ventilation. He added that for these types of commercial developments there would be set-back requirement for exhaust that must be met. Councilor Abbott said once a dwelling unit is placed in the back or on top of one of these buildings the opportunity for proper ventilation is lost and commercial space is limited. Councilor Abbott expressed concerns about limiting space for commercial use in the downtown area. He said the City should ensure that commercial space is preserved in the downtown area in order to draw the right sort of development for the downtown area. Developers are not likely to care much about their commercial space if they have fulfilled their obligation to preserving at least 50 feet (linear) of commercial space and the rest of the building is occupied by residential units.

Councilor Abbott said there are currently plenty of vacant units in the downtown area and an amendment to the ordinances should be about planning for the future. He said the City should focus on changing the demographics of the downtown area. Once the City has allowed the commercial space in the downtown area to be overcome by residential development, there will be few commercial opportunities to offer. A strong commercial base is needed to draw attention to

the downtown area. He stated that he is not opposed to allowing some residential development to the back of some of the downtown buildings or above the commercial space; however, a significant amount of space must remain commercial. He added that if residential development is permitted in the back or above such buildings, then the City ordinances should require proper ventilation to be installed in order to allow more types of commercial opportunities in the downtown area.

Councilor Walker asked what Councilor Abbott would suggest in lieu of the 50 feet (linear) footage requirement for commercial. Councilor Abbott replied that a minimum of 4,000 square feet should be set aside for commercial development on the bottom floor of the downtown buildings. He added that provisions for a possibility of a duct chase must be required as part of the commercial/residential plan for proper ventilation. There should be a requirement to include enough space for the duct chase; however, construction of the duct chase would not be required unless necessary. He gave reasons to support his suggestion. Councilor Walker agreed with Councilor Abbott and said it seems like a reasonable compromise. Councilor Abbott said that an amount of 4,000 square feet of space of commercial space for a building would be consistent with most of the restaurants in the downtown area, with a few exceptions to as low as approximately 2,300 square feet. He felt by adopting this amendment as is, the City is giving itself away to developers.

Councilor Varney questioned why this suggestion wasn't made at the Planning Board level. Councilor Walker said there was a further amendment made by the Planning Board to require that an applicant may apply for a Conditional Use Permit to review these uses between 30 and 50 feet; however, he felt that Councilor Abbott's suggestion is reasonable, too.

Mayor McCarley stated that the proposed amendment does include an additional review step which requires a Conditional Use Permit. She understood that it does not address all of Councilor Abbott's concerns.

Councilor Varney asked if consideration had been made to what impact a requirement of 4,000 square feet of commercial would have on the downtown area. He added the additional step of requiring the Conditional Use Permit is reasonable and would give the Planning Department the final determination. Councilor Varney said he would not support Councilor Abbott's suggestion without taking a look at how that amount of commercial square footage would impact the downtown area. Mayor McCarley agreed to have the Planning Department look into how this new proposal of mandating that 4,000 square feet (commercial space) of the ground floor space in the downtown area vs 50 feet (commercial space) of frontage (linear) be researched. She said the Planning Department has already researched the idea of limiting the commercial space to 50 feet (linear)

and should be able to do the same research for limiting commercial to 4,000 square feet and report back to the City Council on October 1st.

Councilor Keans asked where this amendment originated from. Councilor Walker recalled that it began at the Planning Department level and was sent to the Planning Board. He added that after further discussion, he does agree that a requirement of square footage vs feet (linear) of commercial space does seem to make more sense. Councilor Walker said the Planning Department should look at this option before a final decision is made.

6. Presentation: Wayfinding Status Update

Michael Scala, Director of the Economic Development Department, gave a lengthy update for the Wayfinding project including information about cost savings.

Mr. Scala said he is seeking guidance from the Council to proceed with the RFP for Phase I of this project. He added that the funding is in place; however, he believes this phase will cost far less than what had been anticipated.

Councilor Walker asked what type of material is being used for the less expensive signs. Mr. Scala replied the signs would be constructed from 80-mm aluminum, which is basically an engineer-grade and should last for quite some time.

Councilor Lauterborn questioned if the estimated cost includes installation of the signs. Mr. Scala replied the cost did not include installation, but much of it could be installed in-house using City staff. The Department of Public Works would ensure that the signs are positioned correctly. Mr. Scala said there should be enough money saved if the process ever did have to be contracted out to a company.

Councilor Keans questioned where the large pedestrian signs would be located. Mr. Scala replied that the three large pedestrian signs would be located at City Hall, the Union Street Parking Lot, and across the street from the Lilac City Grill. Mr. Scala said the signs would be placed in areas which would be most effective.

Councilor Keans expressed concerns about the fact that the bottom of the large signs are only seven feet from the ground and could get damaged.

Councilor Varney asked if Phase I of this project included the large gateway signs near the airport and on the turnpike. Mr. Scala replied that it did not, and that the City is still waiting for more information about the turnpike signs. He

added that one estimate received would cost approximately \$18,000 to \$20,000 for the turnpike sign and the gateway signs would be closer to an \$8,000 to \$9,000 price range.

Mayor McCarley thanked Mr. Scala and requested to be updated about the bid process as it proceeds.

7. Department Reports

No discussion.

8. Other

No discussion.

9. Non-Public/Non-Meeting

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

Councilor Lauterborn **MOVED** to enter into a Non-Public Session per RSA 91-A:3, II (d) Land at 7:32 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 12 to 0. Councilors Torr, Abbott, Varney, Hutchinson, Lachapelle, Gray, Walker, Bogan, Gates, Keans, Lauterborn, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public Session at 7:59 PM. Councilor Walker seconded the motion. Lauterborn **MOVED** to seal the minutes because disclosure could render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a roll call vote of 12 to 0. Councilors Bogan, Torr, Walker, Lachapelle, Lauterborn, Hutchinson, Gray, Gates, Abbott, Keans, Varney, and Mayor McCarley voted in favor of the motion.

10. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the City Council Workshop at 8:00 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk