

**Rochester City Council Public Hearing
February 21, 2017
Council Chambers
7:00 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

City Manager Daniel Fitzpatrick
Deputy City Manager Blaine Cox
Terrence O'Rourke, City Attorney
Carl Johnson, Resident
Joyce Luvisi, Resident
Tom Pierce, Resident
Sandy Averill, Resident
Lionel Lachapelle, Resident
Charlotte Dubois, Resident
Julie Spurling, Resident
Joanne Johnson, Resident
Calvin Legge, Resident
Bob DeColfmacker, Resident
Nancy Gilbert, Resident
Brian Main, Resident
David Duchesneau, Resident
human, Resident
Jane Flanagan, Resident
John Storer, Director of City Services
Kenneth Bisson, DPW

MINUTES

1. Call to Order

Mayor McCarley called the City Council Public Hearing to order at 7:00 PM. Marcia Roddy, Deputy City Clerk, took a silent roll call. All Councilors were present.

Before the Public Hearing officially began, City Manager Fitzpatrick invited Kenneth Bisson and John Storer, Director of City Services, to come forward and presented the Employee of the Month award to Mr. Bisson.

2. AB 90-A Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Accessory Apartments

**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.

No one came forward to speak.

- 3. **AB 90-B Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Table 18-A**

**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.

Residential Uses	Industrial				Commercial			Residential		Special		Criteria/Conditions
	R2	AG	NMU	DC	OC	HC		RI		AS	Section Reference	
Accessory	P	P				P						2.21 & 42.23
Apartment, Inlaw	P	P		P	P	P		-	-	-	-	
Apartment, Security	1.	P	-	P	P	P		P	P	P	P	Sections 42.2 & 42.23
Living Facility	2	C	C			C						Section 42.21
House												
Single Residence - I	1.	E	E			E					-	Section 42.22
Single Residence - II	2.	-	E			-					-	Section 42.22
Conservation	C	C				C						Sections 42.21 & 42.33
Apartments (Apt/ Mixed Use Bldg)	-	-				P						Section 42.21
Multifamily Development												42.20 & 42.22
Multifamily												
Dwelling, Single Family	P	P				P						
Mobile Home Development	C	C				C						Section 42.33

No one came forward to speak.

4. **AB 91** Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Entertainment Overlay District

**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

c. General Provisions.

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d. Definitions.

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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 explained that the City has never had an ordinance regarding an entertainment district, so the City Council asked the Planning Board to look into the process. She invited members of the public to come forward and speak on the matter.

Carl Johnson, resident, spoke of his concerns regarding the possible expansion of the Fairgrounds for entertainment venues.

Joyce Luvisi, resident, spoke of her concerns regarding property values should an entertainment overlay district be developed.

Tom Pearce, resident, asked for clarification of what the proposed entertainment overlay district is.

Sandy Averill, resident, said her understanding was that the proposed entertainment overlay district would encompass several streets in the neighborhood and that there was not enough good information provided so far regarding it.

Lionel Lachapelle, resident, questioned the district proposal and changes in zoning.

Charlotte Dubois, resident, addressed her concerns about how this proposed district could affect the property owners of the neighborhoods in question.

Julie Spurling, resident, said she and her family are deeply affected by the proposed entertainment overlay district.

Joanne Johnson, resident, gave her opinion on how an entertainment overlay district would be disruptive to their normally quiet neighborhood.

Calvin Legge, resident, said he is concerned that the value of his home and property will decrease significantly should an entertainment overlay district be created.

Bob DeColfmacker, resident, said the City of Rochester has the capability of being one of the most beautiful cities in the State of New Hampshire and the type of entertainment brought into the city will have a direct effect on the future of the city.

Nancy Gilbert, resident, commented that several years ago Mayor Shaw wanted to build on the Common and how that could have spoiled that attractive property.

Brian Main, resident, said that the Fairgrounds website is advertising that entertainment will be brought to the Fairgrounds year round. He took issue with the idea of using these residential streets as a main thoroughfare to the Fairgrounds.

David Duchesneau, resident, shared his concerns about the proposed project and would like to know what it is all about.

human, resident, spoke about the level of transparency, or lack thereof, regarding the proposed project.

Jane Flanagan, resident, expressed her concerns about the unknown facts surrounding the project and the impact on the neighborhoods.

Mayor McCarley explained that there currently is no plan to transform the Fairgrounds and the surrounding area to an entertainment overlay district. She said that the owners of the Fairgrounds approached the City and asked for some different ideas on how they can better use their property. She said that a committee was formed that included people from different City departments, City Council, and residents to explore the various possibilities. She said the City Council wanted to open the discussion with the residents to hear their opinions and concerns.

5. AB 83 Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts

AMENDMENT TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE

**CITY OF ROCHESTER REGARDING THE LOCATION AND BOUNDARIES OF
ZONING DISTRICTS**

THE CITY OF ROCHESTER ORDAINS:

WHEREAS, Chapter 42.1, Section J establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 42.1, Section J further declares that the City of Rochester Zoning Map is incorporated by reference as party of Chapter 42 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to expand the Industrial Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that the Industrial Zone in the City of Rochester shall be expanded to include the following properties:

1. 0255-0017-0000 290 Rochester Hill Road
2. 0255-0018-0000 294 Rochester Hill Road
3. 0255-0019-0000 296 Rochester Hill Road
4. 0255-0020-0000 302 Rochester Hill Road
5. 0255-0021-0000 0 Rochester Hill Road

FURTHER, the City of Rochester Zoning Map shall be amended and updated to reflect that the above named properties are included in the Industrial Zone and are removed from the Agricultural Zone.

The effective date of these amendments shall be upon passage.

No one came forward to speak.

Mayor McCarley closed the Public Hearing at 8:01 PM.

6. Adjournment

Mayor McCarley adjourned the Public Hearing at 8:01 PM.

Respectfully submitted,

Marcia H. Roddy, CNHDCC
Deputy City Clerk

