

SPECIAL CITY COUNCIL MEETING
June 16, 2015
COUNCIL CHAMBERS
7:50 PM

COUNCILORS PRESENT

Councilor Bogan
Councilor Collins
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Keans
Councilor Lachapelle
Councilor Larochelle
Councilor Lauterborn
Councilor Torr
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

City Manager Daniel Fitzpatrick
Deputy City Manager Blaine Cox
Terence O'Rourke, City Attorney
Chief Michael Allen
Michelle Mears, Planner

MINUTES

1. Call to Order

Mayor Jean called the Special City Council Meeting to order at 7:50 PM. All members were present.

2. **AB 178 Resolution Authorizing the City Manager to Enter into a Lease Agreement with the New Hampshire Department of Health and Human Services - **First Reading, Second Reading, and Adoption****

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASE AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF HEATH AND HUMAN SERVICES

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the City Manager to enter into a Six (6) month lease agreement with the New Hampshire Department of Health and Human Services (HHS) from July 1, 2015 to December 31, 2015 to temporarily extend HHS's lease with the City for use of Nineteen Thousand Seven Hundred Fifty (19,750) square feet at 150 Wakefield Street, Rochester, New Hampshire, originally signed between the City and HHS on May 24, 2005. **CC FY 15 06-16 AB 178**

Mayor Jean said that it is a six-month lease agreement with the New Hampshire DHHS that will go from July 1, 2015, through December 31, 2015, to temporarily extend their lease with the City.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

3. AB 154 Amendment to the City of Rochester General Ordinances Relative to Chapter 42.10 Aquifer Protection Overlay District [APOD] - Second Reading and Adoption

Councilor Lachapelle **MOVED** to read the amendment by title only for the second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote. Mayor Jean read the amendment for the second time as follows:

**AMENDMENTS TO CHAPTER 42 OF THE GENERAL ORDINANCES OF
THE CITY OF ROCHESTER THE AQUIFER PROTECTION OVERLAY
DISTRICT (APOD)**

THE CITY OF ROCHESTER ORDAINS:

That subsections 42.10 of Chapter 42 of the General Ordinances of the City of Rochester regarding the Aquifer Protection Overlay District (APOD) and currently before the Rochester City Council, be amended as follows:

That subsection 42.10, presently before the Rochester City Council, be amended by deleting subsection 42.10 in its entirety, and by substituting in its stead, the following provisions, to be known as subsection 42.10 of the General Ordinances of the City of Rochester, to wit:

42.10 Aquifer Protection Overlay District [APOD]

- a. **Authority.** The City of Rochester hereby adopts this ordinance pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls.
- b. **Purpose.** The purpose of this ordinance is to preserve, maintain, and protect from contamination existing and potential groundwater supply areas that may be available for use as a current or future source of supply for Rochester's municipal water system. The ordinance serves as a public education tool to provide residents and small businesses awareness on typically unrecognized hazards.
- c. **Definitions.**
 1. **Aquifer:** for the purposes of this ordinance, a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water. [*NHDES Model Groundwater Protection Ordinance, Chapter 2.5 Protection of Groundwater and Surface Water Resources, Innovative Land Use Planning Techniques*]
 2. **Fuel storage:** see Chapter 42.2 of the Zoning Ordinance of the City of Rochester, New Hampshire.
 3. **Gasoline station:** see Chapter 42.2 of the Zoning Ordinance of the City of Rochester, New Hampshire.
 4. **Groundwater:** subsurface water that occurs beneath the water table in soils and geologic formations. [*RSA 485-C (VIII), the Groundwater Protection Act*]
 5. **Household hazardous waste collection project:** any location that accumulates, collects, transfers, or otherwise manages household hazardous waste [*Env-Hw 103.66, NH Code of Administrative Rules*]
 6. **Impervious surface:** a surface through which regulated substances cannot pass when spilled. The term includes concrete and asphalt unless unsealed cracks or holes are present, but does not include earthen, wooden, or gravel surfaces or other surfaces that could react with or dissolve when in contact with the substances stored on them. [*Env-Wq 401.03(c), NH Code of Administrative Rules*]
 7. **Junkyard:** see Chapter 42.2 of the Zoning Ordinance of the City of Rochester, New Hampshire.
 8. **Regulated container:** any device in which a regulated substance is stored, transported, treated, disposed of, or otherwise handled, with a capacity of greater than or equal to five gallons. [*Env-Wq 401.03(g), NH Code of Administrative Rules*]
 9. **Regulated substance:** any of the following, with the exclusion of all substances used for the treatment of drinking water or wastewater at department-approved facilities¹ [*Env-Wq 401.03(h),*

NH Code of Administrative Rules]:

- A. Petroleum products and their by-products of any kind, and in any form including, but not limited to, petroleum, fuel, sludge, crude, oil refuse or oil mixed with wastes and all other liquid hydrocarbons regardless of specific gravity and which are used as motor fuel, lubricating oil, or any oil used for heating or processing. Shall not include natural gas, liquefied petroleum gas or synthetic natural gas regardless of derivation or source. [*RSA 146-A:2(III), Oil Discharge or Spillage in Surface Water or Groundwater*]; or
- B. Any substance that contains a regulated contaminant for which an ambient groundwater quality standard has been established pursuant to RSA 485-C:6; or
- C. Any hazardous substance as listed in the 40 CFR Part 302, Table 302.4². Reportable quantity (RQ): the reportable quantities of hazardous substances as listed in 40 CFR Part 302, Table 302.4 under column heading final RQ pounds (Kg).

10. Rochester municipal water system: the public treatment and distribution system, which consists of water treatment plants, water main pipes, storage tanks, booster stations, and service connections that convey potable water for domestic, fire protection, and other community uses.

11. Sanitary protective radius: areas around a public water supply well which must be maintained in its natural state as required by Env-Dw 301.06 (small community wells); Env-Dw 302.06 (large community wells).

12. Seasonal high water table: the depth from the mineral soil surface to the upper most soil horizon that contains 2% or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed Hydrogeologist, Soils Scientist, Wetlands Scientist, Engineer or other qualified professional approved by the Planning Board or the shallowest depth measured from ground surface to free water that stands in an unlined or screened borehole for a period of one week or more³. [*Env-Wq 1502.49, NHDES Alteration of Terrain*]

13. Snow dump: for the purposes of this ordinance, a location where snow is placed for disposal from any off-site location (i.e. cleared from roadways, and/or motor vehicle parking areas). [*NHDES Model Groundwater Protection Ordinance, Chapter 2.5 Protection of Groundwater and Surface Water Resources, Innovative Land Use Planning Techniques*]

14. Stratified-drift aquifer: a geologic formation of predominately well- sorted sediment deposited by or in bodies of glacial meltwater, including gravel, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells. [*RSA 485-C (XIV), the Groundwater Protection Act*]
15. Wellhead protection areas – the surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield. [*RSA 485-C (XVIII), the Groundwater Protection Act*]

d. **Aquifer Protection Overlay District Boundaries.** The Aquifer Protection Overlay District (APOD) is an overlay district that is superimposed over the existing zoning. The APOD shall impose additional requirements and restrictions beyond the base zoning. Boundaries of the APOD shall be referenced by the latest edition of the map entitled "City of Rochester Aquifer Protection Overlay District." The District shall include:

1. All delineated wellhead protection areas around existing and potential municipal production water wells, including a protective radial distance of 1,000ft⁴ around those wells (see definition for "wellhead protection area" in provision c).

e. **Applicability.** This ordinance applies to all uses in the Aquifer Protection Overlay District, except for those uses exempt under this ordinance (see provision k).

f. **Performance Standards.** The following Performance Standards apply to all uses in the Aquifer Protection Overlay District unless exempt under this ordinance (see provision k).

1. For any use that will render impervious more than 20 percent⁵ of any lot or 5,000 square feet of land disturbance of any lot, whichever is greater, a stormwater management and erosion control plan, approved by the Planning Board and prepared in accordance with Chapter 50: Stormwater Management and Erosion Control shall be provided.
2. Animal manures, fertilizers, and compost must be stored in accordance with the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire⁶ – "New Hampshire Department of Agriculture, Markets, and Food," revised June 2011, and any subsequent revisions.
3. All regulated substances within regulated containers or hazardous substances listed under 40 CFR 302.4 with a capacity equal to or

greater than the reportable quantity must be used and stored in accordance with Env-Wq 401, Best Management Practices for Groundwater Protections⁷.

4. All activities related to rock blasting must adhere to NHDES WD-10-12, Best Management Practices for Blasting⁸ – “Rock Blasting and Water Quality Measures That Can be Taken to Protect Water Quality and Mitigate Impacts,” prepared 2010, and any subsequent revisions.

g. **Permitted Uses.** All uses permitted by right or allowed by special exception in the underlying district are permitted unless they are Prohibited Uses or Conditional Uses in the Aquifer Protection Overlay District. All uses must comply with the Performance Standards unless specifically exempt under this ordinance (see provision k).

h. **Prohibited Uses.** The following uses are prohibited in the Aquifer Protection Overlay District:

1. Development or operation of a solid waste facility.
2. Outdoor storage of road salt or other deicing chemicals in bulk.
3. Development or operation of a junkyard.
4. Development or operation of a snow dump.
5. Development or operation of a wastewater or septage lagoon.
6. Development or operation of a petroleum bulk plant or terminal.
7. Development or operation of gasoline stations.
8. Use of powdered ammonium nitrate fuel oil and explosives that contain perchlorate during blasting activities

i. **Conditional Uses.** The Planning Board may vary the provisions herein by granting a conditional use permit in accordance with RSA 674:21 (II) to allow for a use which is otherwise permitted in the underlying district. The following conditions shall apply to all uses in the Aquifer Protection Overlay District:

1. Storage, handling, and use of regulated substances in quantities exceeding 55 gallons per container or 660 pounds per container⁹ at any one time provided that an adequate regulated materials response plan has been submitted. This plan must address:
 - A. Description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.
 - B. Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.
 - C. List of all regulated substances in use and locations of

- use and storage.
 - D. Description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.
 - E. List of positions within the facility that require training to respond to spills of regulated substances.
 - F. Prevention protocols that are to be followed after an event that causes large releases of any regulated substance.
2. Any use that will render impervious more than 20 percent of any lot or 5,000 square feet of land disturbance, whichever is greater, provided that an adequate stormwater management plan has been submitted. This plan shall be prepared in accordance with Chapter 50: Stormwater Management and Erosion Control.
3. Projects that will excavate more than a total of 5,000 cubic yards of bedrock through rock blasting activities within a two year period or are within a radial distance of 1,000 feet from a municipal production well provided that an adequate groundwater monitoring plan has been submitted. This plan must address:
- A. Identification of potential sensitive receptors and evaluation hydrogeological background information.
 - B. Identification of monitoring well locations and install monitoring wells, where appropriate.
 - C. Collection of background water quality samples to identify, or rule out, pre-existing groundwater contamination issues and to establish background chemistry levels and performance criteria for groundwater quality.
 - D. Collection of periodic groundwater samples, including but not limited to nitrite/nitrates, as well as standard analysis for inorganic chemical, volatile organic chemical, and synthetic organic chemical contaminants as designated in Env-Dw 703 through Env-Dw 705, and ambient groundwater quality standards as designated in Env-Or 603, from the groundwater monitoring points during blasting, as well as collect water level data, when pertinent.
 - E. Collection of post-blast groundwater samples (conducting multiple rounds of sampling may be prudent, and/or sampling could be ongoing for extended periods if contamination is detected as a result of the blasting).
 - F. The Planning Board may, at its discretion, require a performance guarantee or bond in an amount conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for

compliance with the Performance Standards.

- j. **Existing Nonconforming Uses.** Existing nonconforming structures and uses are exempt from this zoning ordinance under RSA 674:19. Any existing nonconforming structures and uses must be in compliance with Chapter 42.30 of the Zoning Ordinance of the City of Rochester, New Hampshire.
- k. **Exemptions.** The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:
 - 1. Any private residence, excluding home occupations, is exempt from all Performance Measures.
 - 2. Any business or facility where regulated substances are stored in regulated containers with a capacity of five or less gallons or where hazardous substances are stored in containers with a capacity of less than the reportable quantity is exempt from Performance Standard 3.
 - 3. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard 3.
 - 4. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standard 3.
 - 5. Storage and use of office supplies is exempt from Performance Standard 3.
 - 6. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standard C if incorporated within the site development project within six months of their deposit on the site.
 - 7. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance.
 - 8. Any non-reoccurring household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03(b)(1) and 501.01(b) are exempt from Performance Standard 3.
 - 9. Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under this ordinance (see provision m).
- l. **Relationship between State and Local Requirements.** Where both the State and the municipality have existing requirements, the more stringent shall govern.
- m. **Maintenance and Inspection.**

1. For uses requiring planning board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards shall be recorded so as to run with the land on which such structures are located, at the Registry of Deeds for Strafford County. The description so prepared shall comply with the requirements of RSA 478:4-a.
 2. Inspections shall be required to verify compliance with Performance Standards. Such inspections shall be performed by City staff at reasonable times with prior notice to the landowner.
 3. All properties in the Aquifer Protection Overlay District known to City staff as using or storing regulated substances in regulated containers with a capacity greater than five gallons or hazardous substances with a capacity greater than the reportable quantity, except for facilities where all regulated substances storage is exempt from this ordinance (see provision k), shall be subject to inspections.
 4. If applicable, a fee schedule shall be established by the City Council as provided for in RSA 41-9:A. The Rochester City Council shall require the fee be billed at an hourly rate as determined by the City of Rochester Public Works Department for compliance inspections. The fee shall be paid by the property owner.
 5. City staff shall develop reporting and tracking criteria for properties in the Aquifer Protection Overlay District that are subject to compliance inspections. Property owners shall submit reports to the City on a biennial (every other year) basis.
 - n. **Enforcement Procedures and Penalties.** Any violation of the requirements of this ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676 or RSA 485-C.
 - o. **Saving Clause.** If any provision of this ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the ordinance.
 - p. **Repeal.** All ordinances or parts of ordinances in conflict with this chapter are to the extent of the conflict, hereby repealed.
 - q. **Effective Date.** This ordinance shall be effective upon adoption by the Rochester City Council.
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¹ These chemicals are excluded from the definition of regulated substances within state administrative rule Env-Wq 401, because they are used in the treatment of wastewater and drinking water supplies and are not considered to pose a significant risk to groundwater.

² http://www.ecfr.gov/cgi-bin/text-idx?SID=faf57ef83c3514de4442d1c07acf144f&node=se40.28.302_14&rqn=div8

³ This definition includes a focus on both soil morphology and groundwater hydrology

⁴ The protective radius around the municipal production wells pertains to rock blasting activities.

⁵ Two times the percentage of impervious surface area at which stream quality decreases (USGS, 2005).

⁶ <http://www.agriculture.nh.gov/publications-forms/documents/bmp-manual.pdf>

⁷ <http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wq401.pdf>

⁸ <http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/wd-10-12.pdf>

⁹ According to the Pipeline and Hazardous Materials Safety Administration's Emergency Response Guidebook, large spills are defined as containers that are greater than 55 US gallons (208 liters) for liquids and greater than 660 pounds (300 kilograms) for solids with regard to initial isolation and protection action distances. This is a standard that is used by the bulk of the voluntary first responder organizations.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

4. **AB 161** Amendment to Chapter 42.29 of the General Ordinances of the City of Rochester Regarding Signage - **Second Reading and Adoption**

Councilor Lachapelle **MOVED** to read the amendment by title only for the second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote. Mayor Jean read the amendment for the second time as follows – *This is the amended version – changes are marked with red ink:*

42.29 Signage

- a. **General.** All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the City of Rochester and other applicable city regulations, except as shall be under the jurisdiction of New Hampshire RSA 236:69-89. Signs shall be permitted in accordance with the following regulations.
- b. **Purpose and Intent.** The purpose of this ordinance is to create a legal framework to regulate the type, number, location, size, and illumination of signs on private property in order to maintain and enhance the character of the city's commercial district and residential neighborhood and to protect the public from hazardous and distracting displays.
- c. **Nonconforming signs.** A sign which was lawfully established prior to the adoption of this article but which does not meet the requirements of this article is considered a nonconforming sign. Non conforming signs and sign structures may remain or must be removed as follows:

1. Applicable provisions of the nonconforming section of this Zoning Ordinance shall apply unless superseded herein.
 2. No changes in the sign or sign structure are permitted except for basic maintenance and repairs necessary to keep the sign in good working order or other changes which bring the sign into compliance. No nonconforming sign shall be reconstructed, modified, or relocated except for changes to the sign face itself within the same size and shape to accommodate a change copy. *A nonconforming sign which is damaged beyond repair due to a cause beyond the control of the owner may be replaced within one year of when damage occurs.*
 3. Nonconforming sign may not be altered in any way.
 4. Existing temporary signs which are not in compliance with this article are not considered to be "grandfathered" under this ordinance. If any notification of noncompliance is given from Director Building Zoning Licensing Services or designee, these signs or conditions must be brought into compliance within 60 days from that notification.
- d. **Permits Required.** All signs, regardless of size, shall require the issuance of a zoning permit before public display unless otherwise specifically exempt by this Ordinance.
- e. **Application Process.** Application for a sign permit shall be to the Building, Zoning, and Licensing Services Department. The application should contain the following:
1. Name, signature, address and telephone number of the applicant.
 2. Owner's authorization for the application if not the applicant.
 3. Location of the building, structure or lot to which the sign will be located.
 4. The district the sign will be located.
 5. Historic District. Signs in the Historic District, except for portable easel, placard, and sandwich board signs, are subject to review by the Historic District Commission (see

Article XIV – Historic Overlay District).

- f. **Construction Documents.** Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Building, Zoning, and Licensing Services Department official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the *International Building Code*.
- g. **Changes to signs.** No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.
- h. **Permit Fees.** Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.
- i. **Prohibited Signs.** The following devices and locations shall be specifically prohibited:
 - 1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
 - 2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public rights-of-way. No *sign* shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
 - 3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or to have the appearance of municipal vehicle warnings from a distance.

4. Any *sign* attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - a. The primary purpose of such a vehicle or trailer is not the display of signs.
 - b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
5. Vehicles and trailers used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
6. Snipe Signs

j. Exempt Signs. The following signs shall be exempt from the provisions of this chapter:

1. Official notices authorized by a *court*, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state, or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
6. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 square feet (0.56 m^2) in area.
7. Signs required, or deemed necessary for the public welfare and safety, by a municipal, state, or federal agency such as traffic control and directional signs.
8. Interior signs.

k. **Definitions.** For the purpose set forth in this ordinance the following definitions apply:

1. **Abandoned Sign:** A sign structure that has ceased to be used and the owner intend no longer to have used.
2. **Animated Sign:** A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:
 - a. **Electrically activated:** Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - b. **Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on- off phases of illumination exceeds 8 seconds.
 - c. **Mechanically activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
3. **Architectural Projection:** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning;" "Backlit awning;" and "*Canopy*, Attached and Free-standing."
4. **Awning:** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light

sources.

5. **Awning Sign:** A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."
6. **Backlit Awning** An awning with a translucent covering material and a source of illumination contained within its framework.
7. **Banner:** A flexible substrate on which copy or graphics may be displayed.
8. **Banner Sign:** A sign utilizing a banner as its display surface.
9. **Billboard:** See "Off-premise sign" and "Outdoor advertising sign."
10. **Building:** A structure which has a roof supported by walls for shelter, support, or enclosure of persons, animals, or chattel.
11. **Canopy:** A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached *canopy* may be illuminated by means of internal or external sources of light. See also "Marquee."
12. **Canopy (Free-Standing):** A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing *canopy* may be illuminated by means of internal or external sources of light.
13. **Canopy Sign:** A sign affixed to the visible surface(s) of an attached or free-standing *canopy*.
14. **Changeable Sign:** A sign with the capability of content change by means of manual or remote input, including signs which are:
 - a. **Electrically activated.** Changeable sign whose

message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."

b. **Manually activated.** Changeable sign whose message copy or content can be changed manually.

15. **Combination Sign:** A sign that is supported partly by a pole and partly by a building structure.
16. **Copy:** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.
17. **Development of Complex Sign:** A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned *industrial* park, which is controlled by a single owner or landlord, approved in accordance with Section 1009.2 of this chapter.
18. **Directional Sign:** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.
19. **Double-Faced Sign:** A sign with two faces, back to back.
20. **Electric Sign:** Any sign activated or illuminated by means of electrical energy.
21. **Electronic Message Sign or Center:** An electrically activated changeable sign whose variable message capability can be electronically programmed.
22. **Exterior Sign:** Any sign placed outside a building.
23. **Flag:** A sign, constructed of cloth and attached to a staff

or pole.

24. **Flashing Sign:** See "Animated sign, electrically activated.
25. **Free-Standing Sign:** A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.
26. **Frontage (Building):** The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.
27. **Frontage (Property):** The length of the property line(s) of any single premise along either a public way or other properties on which it borders.
28. **Illuminated Sign:** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).
29. **Interior Sign:** Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.
30. **Marquee Sign:** A permanent roof-like structure, including the structural support system, projecting beyond a building wall at the entrance to a building or extending along and projecting beyond building wall.
31. **Menu Board:** A free-standing sign orientated to the drive- through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.
32. **Multiple-Faced Sign:** A sign containing three or more faces.
33. **Nonconforming Sign:** Any sign that existed lawfully prior to the adoption of the Sign Ordinance which now does not conform with the provisions of this ordinance.

34. **Off-Premise Sign Directional:** A sign on private property whose only purpose is to direct vehicular traffic for deliveries and visitation and is not intended to be used as a form of advertisement.
35. **Off-Premise Sign:** A sign, which pertains to a business, industry, or other activity which is not located on the premise upon which the sign is located.
36. **On-Premise Sign:** A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
37. **Outdoor Advertising Sign:** A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
38. **Permanent Sign:** A sign that is displayed for more than a total of ninety days in any one year.
39. **Pole Sign:** See "Free-standing sign."
40. **Political Sign:** A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.
41. **Portable Sign:** Any *sign* not permanently attached to the ground or to a building or building surface.
42. **Projecting Sign:** A *sign* other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Section 1003.
43. **Premises Sign:** A lot or number of lots situated a building or group of buildings designed as a unit or on which a building or group of buildings are to be constructed housing multiple businesses.

44. **Real Estate Sign:** A temporary *sign* advertising the sale, lease or rental of the property or premises upon which it is located.
45. **Sandwich Board Sign:** A portable sign shaped like an A- frame with a sign pane on one or both sides.
46. **Sign:** Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.
47. **Sign Area:** The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped *sign* shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the *sign*.
48. **Sign Face:** The surface upon, against or through which the *sign* copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.
49. **Sign Structure:** Any structure supporting a sign.
50. **Snipe Sign:** Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.
51. **Special Event:** A temporary sign that is either on-site or off- site that provides identification or information pertaining to a special event or occurrence sponsored by a non-profit or civic organization.

52. **Temporary Sign:** A sign not constructed for or intended for permanent use. Temporary signs may not be displayed for more than a total of thirty (30) days in any one year.
53. **Wall Sign:** A *sign* that is attached to a vertical wall of building that projects not more than 18 inches from the building or structure wall.
54. **Window Sign:** A *sign* within one foot of a window message intended to be visible to and readable from the public way or from adjacent property.

I. General Provisions.

1. **Conformance to codes.** Any sign hereafter erected shall conform to the provisions of this ordinance or regulation within this jurisdiction.
2. **Signs in rights-of-way.** No sign other than an official traffic sign or similar sign shall be erected within 2 feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the **City Council after a recommendation is made by the Licensing Board.**
3. **Projections over public ways.** Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet from *grade* level to the bottom of the sign. Signs, architectural projections or *sign* structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.
4. **Traffic visibility.** No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

5. **Computation of frontage.** If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.
6. **Maintenance, repair and removal.** Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the Building, Zoning, Licensing, Services official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
7. **Master sign plan required.** All landlord or single-owner controlled multiple-occupancy development complexes, such as shopping centers or planned *industrial* parks, shall submit to the Building Zoning and Licensing Services a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:
 - a. Proposed sign locations.
 - b. Materials.
 - c. Type of illumination.
 - d. Design of free-standing sign structures.
 - e. Size.
 - f. Quantity.
 - g. Uniform standards for non business signage, including directional and informational signs.

8. **Illumination.**

- a. No internally illuminated sign shall be used within 100 feet of any residential zone.
- b. On externally illuminated signs, the light source shall be steady, stationary, shielded, downcast, and directed solely at the sign. The sign surface shall be non-reflective.
- c. Illuminated signs shall send no glare onto the road or onto any neighboring residential properties.

9. **Removal of Portable and Other Movable and Temporary Signs.**

- a. The Zoning Administrator, or other city personnel designated by the City Manager, shall cause to be removed any sign placed on or over any public right-of-way or public property that is without a valid permit or is not in compliance with the terms of a valid permit, or where such a sign is exempt from permit requirements, the sign is not in compliance with the standards and provisions of this ordinance.
- b. Signs Related to An Adjacent Principal Use. Where a sign that is placed on or over any public right-of-way or public property in violation of this ordinance is related to a principal use of adjacent private property, the Zoning Administrator, or other city personnel designated by the City Manager, shall notify the owner of the principal use or the property that a violation exists and shall specify a time limit for removal of the sign. If the owner fails to comply with the order for removal, the Zoning Administrator, or other city personnel designated by the City Manager, shall remove the sign and the owner shall be liable for the cost of said removal and subsequent storage. If the owner does not redeem the sign within thirty (30) calendar days from the date that the sign is removed, the sign shall be deemed to be abandoned and may be disposed of by the City as abandoned property; and
- c. Other Signs. Where a sign that is placed on or over any public right-of-way or public property in violation of this ordinance is not erected in connection with elections or political campaigns, and is unrelated to

a principal use of adjacent private property, the Zoning Administrator, or other city personnel designated by the City Manager, shall remove the sign and it shall be deemed to be abandoned and may be disposed of by the City as abandoned property."

m. **Specific Sign Requirements.**

1. **Animated Sign.** Animated signs, except as prohibited in [Section 13](#), are permitted in Granite Ridge Development, commercial and *industrial* zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.
2. **Awning Sign.**
 - a. The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
 - b. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.
3. **Canopy Signs.**
 - a. The permanently-affixed copy area of *canopy* or marquee signs shall not exceed an area equal to 25 percent of the face area of the *canopy*, marquee or architectural projection upon which such sign is affixed or applied.
 - b. Graphic striping, patterns or color bands on the face of a building, *canopy*, marquee or architectural projection shall not be included in the computation of sign copy area.
4. **Directory Signs.** For businesses located on Secondary Streets within the Downtown Commercial District.
 - a. Not to exceed four (4) square feet in area.
 - b. Permission must be obtained in writing from the

property owner on whose premise the sign is to be placed.

- c. These signs shall not obscure any portion of road, intersection, or sidewalk.
- d. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

5. Directional Signs.

No more than two directional signs shall be permitted per street entrance to any lot. There shall be none in residential zones. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be 10 square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

6. Development and Construction Signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

- a. Such signs on a single residential lot, residential subdivision or multiple residential lots, and nonresidential uses shall be limited to one sign, not greater than 10 feet in height and 32 square feet in area.
- b. Such signs for commercial or *industrial* projects shall be limited to one sign per street front.
- c. Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for any or all portions of the project.

7. Electronic Message Sign. All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions

at all times of the day or night. Electronic changing signs may be freestanding or building mounted, one or two-sided, may be a component of a larger sign or billboard, and shall conform to the following minimum requirements along with all other requirements for signage within this ordinance:

- a. Electronic Message Center portion of the sign shall not make up more than 75% of the actual sign surface. In no case shall an electronic message center exceed 32 square feet.
 - b. Animation on Static EMCs shall be limited to the actual changing of the message. No flashing, blinking, or pulsating of lights shall be allowed. Electronic Message Centers must be equipped to freeze in one position or discontinue the display in the event that a malfunction occurs.
 - c. Minimum Display Time: All illumination elements on the face of Static electronic changing signs shall remain at a fixed level of illumination for a period of not less than 8 seconds.
 - d. Software for operating the EMC must be able to show current and factory brightness levels upon request. The owner/installer of Electronic Message Displays shall certify as part of the application that signs will not exceed the brightness levels specified in this section.
 - e. The brightness shall not exceed 0.3 footcandles at night.
 - f. Flashing or animated signs (including temporary interior window displays or banners) of red, amber, or green colored lights shall not be permitted.
8. **Flag.** Each store front may be allowed one (1) Open or welcome flag that is position at a height so as not to impede the flow of pedestrians.
9. **Home Occupation-1 Sign.** No signs are permitted.
10. **Home Occupation-2 Sign.** There may be only one sign for the business visible from the street. The sign shall be non- illuminated and shall not exceed three (3) square feet.
11. **Home Occupation-3 Sign.** There may be only one sign for the business visible from the street. The sign shall be non- illuminated and shall not exceed four (4) square feet.

12. **Marquee Sign.** No marquee shall be erected unless designed by a registered structural engineer and approved by the Director of the Building Zoning Licensing Services. It may extend over the sidewalk across the ROW to the curb line provided it has a minimum height above the sidewalk of ten feet above the curb level and does not exceed five feet in height.
13. **Off-Premise Sign.** Off premises signs are prohibited except for the following signs if permission is granted from the owner of the off premises location. A setback of at least 5 feet is required for these signs and they shall not be placed in the road right-of-way (i.e. they must be placed on private property).
 - a. One freestanding sign per business directing people to the site. The sign may not exceed 2 square feet per side or 4 feet in height. No illumination is allowed. It may include only the name and/or logo, with simple directions. The sign must be durable and constructed of solid, finished materials.
 - b. A real estate sign one per premise shall not exceed 6 square feet per side.
 - c. Yard sale signs (See section M 24)
 - d. A sign for an office park or industrial park may be erected at the entrance to the park on an out parcel or, within the road right-of-way, with the approval of the City Manager.
 - e. A promotional banner for special event may be placed anywhere in the City, including across a public road, if approved by the City Manager.
 - f. Two seasonal agricultural directional signs not to exceed 4 square feet each are permitted when intended to direct patrons to a farm for the purpose of purchasing or picking seasonal agricultural produce or products during the season within which the produce is available for sale or harvest.

g. One portable sign on the sidewalk in front of businesses in the Downtown Commercial, Special Downtown, and Neighborhood Mixed Use lying in density rings.

h. Road Signs.

14. **Political Sign**. Political Advertising. The following provisions are in addition to the political advertising controls established under RSA 664:14, 664:17, and 664:2, as amended:

a. Political advertising shall be defined in RSA 664:2, as amended. No political advertising shall be placed or affixed upon any public property, including City rights of way. No political advertising shall be placed or affixed upon private property without the owner's consent.

b. Signature, Identification, Lack of Authorization shall be in accordance with RSA 664:14, as amended.

c. Political signs shall not be erected in the City Adopt-A- Spots or the Rochester Common.

d. Removal of signs shall be in accordance with RSA 664:17, as amended.

e. The area and location of signs used in conjunction with uses allowed by the Board of Adjustment as special exceptions shall also be approved by the Planning Board and shall conform to the sign regulations for the district in which they are located. The area and location of such signs shall be in harmony with the character of the neighborhood in which they are located.

f. No sign, except for political signs, shall be erected until a permit for same has been obtained from the Director of Building, Zoning, & Licensing Services.

15. **Portable Sign**. Portable signs shall be permitted only in the Downtown Commercial, Special Downtown Overlay, Neighborhood Mixed Use lying in Density Rings, subject to the

following limitations:

- a. No more than one such sign may be displayed on any property, and shall not exceed a height of 4 feet or an area of 8 square feet per side.
- b. Any portable sign that is placed on sidewalk
 - i. Shall be situated directly in front of the business(es) which is being advertised.
 - ii. Shall not block passage along sidewalk including passage for handicapped persons and shall not present a safety hazard.
- c. May be displayed during business hours only.
- d. Appropriately placed to minimize appearance of clutter as determined by the Director of Building, Zoning, and Licensing Services.
- e. Only one sign per individual business.

16. Projecting Sign. Signs are permitted in the following zones:

- a. Multiple projecting signs shall be permitted on buildings having multiple occupants providing only than one projecting sign per occupant will be permitted.
- b. Projecting signs shall:
 - 1. Not overhang any public property or public right of way.
 - 2. Be attached to the side of a building with a decorative support bracket engineered to and designed to withstand wind loads.
 - 3. Extend from the side of the building no more than eleven feet.
 - 4. Be part of the wall sign calculations which cumulative total include both projecting s and wall signs shall not exceed twenty percent of the wall area to which the sign is attached.
 - 5. Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 10 feet.

17. Roadside Farm Stand Signs. No more than 2 signs with a

maximum combined total of 20 square feet is permitted.

18. Real Estate Sign. shall be permitted in all zoning districts, subject to the following limitations:

- a. Real estate signs located on a single residential lot shall be limited to one sign, not greater than 8 square feet in area and 6 feet in height.
- b. Real estate signs may not be illuminated in residential districts.
- c. There may be no more than one sign per street frontage except on lots with more than 500 feet of street frontage a second sign may be placed.
- d. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

19. Sandwich Board Sign. See portable signs.

20. Street Banners. Temporary street banners used to inform the public about community events and activities may be placed within or above the road right of way or in other public locations if approved by the City Manager and signed off from all departments.

21. Special promotion, event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses and for all commercial and *industrial* districts subject to the following limitations:

- a. Such signs shall be limited to one sign per street front.
- b. Such signs may be displayed for not more than 30 consecutive days in any 12-month period, and not more than 30 days in any calendar year. The signs shall be erected no more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
- c. The total area of all such signs shall not exceed 32 square feet.

22. Special event signs in public ways.

Signs advertising a special community event shall be allowed in or

over public rights-of-way, subject to approval by City ~~Official~~
Manager as to the size, location and method of erection. The ~~City~~
~~Official~~**Manager** may not approve any special event signage that would
impair the safety and convenience of use of public rights-of-way, or
obstruct traffic visibility.

23. Window Sign. Window signs shall be permitted for any
nonresidential use in, all Downtown Commercial and *industrial*
districts, subject to the following limitations:

a. The aggregate area of all such signs shall not exceed
25% of the window area on which such signs are
displayed within the Historic District.

24. Yard sale signs.

a. Yard sale signs may not be placed prior to 3 days
before the sale and must be removed within 24 hours
after the sale. The date and time of the yard sale
must be on the sign.

b. They may not exceed 6 square feet and may not be
illuminated.

c. The signs may be placed off premises for
noncommercial sales related to a single residential
dwelling unit (or informal joint sales among
neighbors) provided they are not placed on utility
poles, are not a distraction to traffic, and comply with
Requirements by Zoning District.

n. **Requirements by Zoning District.** The following special
requirements shall apply in each respective zoning district.

1. **Residential Zoning Districts.**

a. For permitted nonresidential uses one
freestanding sign with a maximum area of 6
square feet per side plus one attached sign not
to exceed 12 square feet is permitted. Height:
Signs shall have a maximum height of six (6)
ft.

Internally illuminated signs (including neon signs
and signage placed in a window) are not permitted.

- c. No sign may be illuminated between the hours of 9:00 p.m. and 7:00 a.m. with the exception of signage: a) showing property addresses; b) for residential communities; and c) for businesses and organizations during any specific hours in that time period that the businesses are open.

2. **Nonresidential Zoning Districts**

- a. **Baseline.** The following advertising signage is permitted for one nonresidential use occupying a single building in commercial and industrial zoning districts (except as otherwise indicated in this article). Additional allowances beyond these limitations or other restrictions for various situations are shown in the subsequent subsections.
- b. **Freestanding signs.** Only one free standing sign shall be permitted on a lot even if there is more than one building or use on that lot. No part of any free standing sign shall be located within 5 feet of any property line.

Dimensional standards are as follows:

Zoning District	Maximum Area (in square feet)	Maximum Height (in feet)
Highway Commercial General Industrial Hospital Granite Ridge Development	75'	30'
Airport Recycling Industrial	50'	20'
Downtown Commercial	25'	15'
Neighborhood Mixed Use Office Commercial	20'	8'

Note. All signs that are to be located in the historic district are also subject to the provisions of Article XIV – Historic Overlay District

- c. **Wall Signs.** No wall sign shall exceed ten percent (10%) of the area of the building frontage as measure

by the width of the wall containing the main public entrance by the height (measured from the floor level to the top of the first floor cornice area, or to one foot below secondary story window) to which it is attached. For buildings with multiple tenants having store fronts only, the façade rented by the tenant shall be considered as wall area for a sign.

- i. A maximum of four (4) signs. Buildings located in the Granite Ridge Development District, between the service roads and Route 11, are allowed one additional wall mounted sign per tenant is permitted on the rear façade. The same size restrictions as applied to the front façade shall determine the size of sign.

d. Temporary signs. One temporary sign is allowed at any one time, including portable and banner signs. For portable signs (where they are permitted; (see below) the maximum area is 8 square feet and the maximum height is 4 feet. Banner signs, not exceeding 60 square feet, are permitted for grand openings of new business only, and may be displayed for a maximum of 30 consecutive days. Permits are required for these signs with a fee of \$10.

e. Directory signs. For each additional independent enterprise on a site beyond one, an additional 10 square feet may be added to one freestanding directory sign not to exceed 100 square feet. Property owners of separate adjoining lots may also elect to have one joint directory sign.

f. Attached directory signs. One additional attached directory sign of the principal uses within a multi-tenant building is permitted on the exterior wall at each entrance to the building. It shall not exceed 3 square feet plus 1 square foot for each independent enterprise.

g. Upper floor units. Each upper floor occupant may use one attached sign placed at no higher than

the second floor level – not to exceed six square feet per side for each occupant plus window signs. Window signage shall not exceed 25% of the total window area.

h. Multiple Occupant Sites. On multiple occupant sites up to 3 portable signs for independent enterprises may be placed at the same time.

i. Secondary Entrance. By Conditional Use Permit issued by the Planning Board any site with at least 300 feet of linear lot frontage and with a second driveway entrance located at least 200 feet from the primary entrance may have a second freestanding sign at the second entrance not to exceed 16 square feet and 8 feet in height.

j. Corner or multiple frontage lots. By Conditional Use Permit issued by the Planning Board any corner lot or a rear frontage lot (or double frontage) may have one additional freestanding sign with a maximum area of 24 square feet is allowed on the second frontage provided the property across the street on that second frontage is not zoned residential.

k. Specific Zoning Districts. Internally illuminated signs are permitted only in the Highway Commercial, Downtown Commercial, Granite Ridge Development, and Industrial Districts.

Sign	Residential Districts				Commercial Districts				Industrial District		Special	
	R1	R2	NMU	AG	DC	OC	HC	GRD	GI	RI	HS	AS
Canopy	N	N	P	N	P	P	P	P	P	P	P	P
Changeable Copy	N	N	P	N	P	P	P	P	P	P	P	P
Electronic Message	N	N	N	N	N	N	P	P	P	N	N	N
Freestanding Pole	P	P	P	P	P	P	P	P	P	P	P	P
Interior Window	P	P	P	P	P	P	P	P	P	P	P	P
Marquee	N	N	P	P	P	P	P	P	P	P	P	P
Portable	N	N	P	N	P	N	N	N	N	N	N	N
Projecting	P	P	P	P	P	P	P	P	P	P	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P	P
Window	P	P	P	P	P	P	P	P	P	P	P	P

** Signs which are permitted in the designated zone are indicated with

a "P", and signs which are not permitted are indicated with an "N"
Chapter 42.8 (j):

3. Signage. All provisions of Section 42.29, Signage, herein shall apply.

The effective date of these amendments shall be upon passage.

Councilor Lachapelle **MOVED** to **ADOPT** the amendment. Councilor Walker seconded the motion.

Councilor Varney asked if the changes had been made by inserting certain words that had been missing. Michelle Mears of the Planning Department said that is correct; however, she suggested another change to the provisions of a sign being erected in a right-of-way. She requested this type of sign request be sent to the Licensing Board and then final approval by the City Council.

Councilor Varney **MOVED** to **AMEND** Section 2 of the General Provisions to require authorization of the Licensing Board and the City Council. Councilor Lachapelle seconded the motion. The Council discussed what this actually means. It refers to ground signs that the Licensing Board would recommend and the City Council would approve. Mayor Jean clarified the amendment to read that a sign would be reviewed by the Licensing Board for recommendation to the City Council for final approval. The **MOTION CARRIED** by unanimous voice vote.

Ms. Mears also recommended that special event signs in public ways be processed through the Licensing Board before going to the City Manager. Councilor Lauterborn asked why these would not go directly to the City Manager. Ms. Mears said that this is a safety precaution. City Manager said if the request went directly to him then it would be on the agenda for a department head meeting. This process would formalize it and he would get input from the Police Chief and Fire Chief.

Councilor Varney **MOVED** to **AMEND** (Special Event Signs in Public Ways) by inserting the word "manager" after the word "city." Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

The original **MOTION** to **ADOPT CARRIED** as amended by unanimous voice vote.

5. AB 176 Resolution Authorizing the City Manager to Enter into

Interlocal Agreement with the City of Somersworth Regarding a Justice Assistance Grant [JAG] - First Reading, Second Reading, and Adoption

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

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
INTERLOCAL AGREEMENT WITH THE CITY OF SOMERSWORTH
REGARDING A JUSTICE ASSISTANCE GRANT (JAG)**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the City Manager to enter into an interlocal agreement with the City of Somersworth, New Hampshire to apply for a Justice Assistance Grant (JAG). The City of Rochester's portion of the total JAG award will be Twenty Thousand Two Hundred Sixty Four Dollars (\$20,264.00) to be used towards the upgrade of cruiser in-car video recording systems. The City of Somersworth will act as fiscal agent in exchange for Five Percent (5%) of Rochester's portion of the JAG award. **CC FY 15 06-16 AB 176**

Mayor Jean explained that the grant is in the amount of \$20,264 and will be used for the upgrade of cruiser in-car recording systems. The City of Somersworth would act as the fiscal agent for the grant in exchange for a 5% fee.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion.

Chief Allen of the Police Department came forward to answer questions from the councilors.

Councilor Keans asked Chief Allen how many cruisers would this grant fund. Chief Allen said this funding would only fund a portion of the project

going forward. He said that the system currently in use is over ten years old and many of the camera systems are failing; the company that manufactured those systems no longer manufactures this particular model. The newer models have more hard drives built into them with internal DVDs that record all of the data. Newer systems are digital. He said this is the type of system that is desired since the current system is no longer being made or serviced.

Chief Allen said that they have been able to "band-aid" some of the equipment with parts that were acquired from another department that upgraded its system and no longer needed the equipment. This will not be sustainable.

Chief Allen said the plan would be to buy what they can with this grant money and look to other ways of acquiring funds to upgrade the system, either through grants or CIP requests in the future.

Councilor Keans wanted to clarify that this grant money would not buy any cameras or any equipment for inside the cars, but be used for back-up equipment used inside the station. Chief Allen said it may fund one or two cameras, but it has not been costed out as to what the \$20,000+ would buy. He said that it would be at least the server equipment and maybe one or two cameras.

Councilor Walker asked Chief Allen if the Police Department would be getting rid of all of the onboard hard drives in the cruisers. Chief Allen said the current systems do have internal hard drives. Councilor Walker asked about the storage of material; would it be on the City's server. Chief Allen said there would be a centralized server in the Police Station. Councilor Walker asked how long material would be stored, citing that it could be a right-to-know nightmare.

Chief Allen explained how the data is categorized. He said that once the "blue lights" go on the car's data system begins to record. The body cameras that are being used these days do not have that automatic capability. He said that the typical amount of time that the data is kept is 30 days, but there is no set time period for it. He added that arrest files are kept until the disposition of the court case, if there is one.

Councilor Keans asked if an officer writing a report views the video of the incident before or after writing the report. Chief Allen said that varies; every officer does it differently. Councilor Keans said there could be discrepancies between the officer's report and what is actually on a video.

Councilor Hamann asked about moving videos from a DVD to the

server. Chief Allen said that the videos are categorized and have case numbers that automatically download on to the server.

Chief Allen said that the money from this grant would not be spent immediately. He said that the technology is changing quickly and he wants to study it further and be sure that an educated decision is made that would be the best for the City.

Councilor Gates asked Chief Allen to clarify that the aim is to purchase an integrated system that would include both body cameras and in-car video systems. Chief Allen said yes.

Mayor Jean called for a vote on the motion to adopt. The **MOTION CARRIED** by a unanimous voice vote.

6. Non-Public Session, Reputation, RSA 91-A

Councilor Lachapelle **MOVED** to enter Non-Public Session under RSA 91-A, Reputation, at 8:15 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by roll call vote. Councilors Walker, Collins, Varney, Bogan, Lachapelle, Gray, Larochele, Torr, Hamann, Gates, Keans, Lauterborn, and Mayor Jean all voted yes.

Councilor Lachapelle exited the Non-Public Session at 8:42 PM.

Councilor Walker **MOVED** to exit Non-Public Session at 8:47 PM and to seal the minutes indefinitely. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

7. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Special Meeting at 8:48 PM. Councilor Gates seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Respectfully submitted,

Marcia H. Roddy
Deputy City Clerk