

**SPECIAL MEETING  
BOARD OF MAYOR AND ALDERMEN  
(PUBLIC HEARING)**

**August 26, 1996**

**7:00 PM**

Mayor Wieczorek called the meeting to order.

Mayor Wieczorek called for the Pledge of Allegiance, this function being led by Ald. Pariseau.

A moment of silent prayer was observed.

The Clerk called the roll. There were seven Aldermen present.

PRESENT: Ald. Elise, Reiniger, Sysyn, Clancy, Domaingue, Pariseau, Hirschmann

ABSENT: Ald. Wihby, Soucy, Shea, Cashin, Robert

Mayor Wieczorek advised that the first purpose of the hearing was to hear those wishing to speak in favor of or in opposition to a proposed Ordinance amendment; that the Clerk would present the proposed Ordinance for discussion at which time those wishing to speak in favor would be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record; that each person would be given only one opportunity to speak and any questions must be directed to the Chair.

The Clerk presented the proposed Ordinance:

"Amending the Zoning Ordinance of the City of Manchester by modifying Section 4.03 Item 71 and Article VII limiting parking lots for business uses within residential zones."

Mayor Wieczorek requested that Robert MacKenzie, Director of Planning, make a presentation.

Mr. MacKenzie stated this is a proposal by the Planning Board to try and avoid some of the conflicts between businesses and some of the residential neighborhoods. In essence, it's an issue of limiting commercial activity within commercial zoning districts. This has been a problem in several neighborhoods, most recently in the Hanover Street area, but it is an issue that's going to become more important and I think I can probably show you what this particular zoning change

is about better graphically. I would note that there is, we're submitting a slightly revised change here that I believe the City Clerk has and will pass out. The change is after additional discussions with the Building Commissioner. Currently, you can see on this generic type of map showing a commercial area in red, with commercial buildings in red, a zoning district line. Now, typically you do get commercial on major arterial streets. I've shown here just a major street and then off the major street a smaller residential street where you can see in green here they might be single-family homes. Now, typically the zoning would limit the commercial activity right at the zoning district line. You can see right here several businesses on either side of the street. Based upon a current interpretation of the zoning ordinance it would be allowed for a business, for example, right here on the major street to purchase the residential properties into the neighborhood and use those properties even though they're not zoned for commercial, in general, but use those properties for parking and thereby it would allow them to expand their business here. You can see though that this frequently causes conflict with abutters and in this case here you have an abutter that his backyard would then be commercial parking, a residential abutter where a sideyard is commercial parking and these neighbors are then subject to increased traffic on the street getting in and out of the parking area. This, in essence, has been starting to happen and it's based upon an interpretation made by the Building Inspector that our existing ordinance does, in fact, allow for this. The proposed changes here, in essence, say that you cannot have this commercial activity within the residential zone. If this was suitable for commercial activities they could come to the Board and rezone it, but at this point it is not recommended that you have commercial activity within a residential neighborhood. That in a nutshell is really what this ordinance is about. The Planning Board has wrestled with a couple of projects recently and there will be more projects. Many of your wards have strip commercial areas which directly abutting residential behind them and this is a situation where land becoming more scarce, it is possible for businesses to start buying those residential properties and, therefore, enlarge their commercial use. At this point, I'd be happy to answer any questions of the Board.

Ald. Domainque asked is it generally assumed then, Mr. MacKenzie, that for those circumstances that this has currently happened in there would be no action, they would be, in effect, grandfathered.

Mr. MacKenzie replied if they had submitted an application to the Planning Board before the newspaper notice of this, they're grandfathered. So, it's not retroactive, it does not hit any applications into the Board prior to this time.

Ald. Clancy stated, Mr. MacKenzie, let me use a scenario here. See, this red part here is like a nightclub or a lounge and they buy out those two or three houses in the back of them and all of a sudden the nightclub runs to one, one-thirty at night and when people are getting out, all hollering, and getting in their cars and stuff like that. How would you feel if you were one of

the abutters, I'm just saying that is turning into a parking lot and people are getting out at one, one-thirty in the morning and maybe quarter-of-two and you would have one of those green houses as one of your houses, how would you feel.

Mr. MacKenzie replied, I wouldn't be very happy.

Ald. Clancy stated it's kind of hard to do it, just because a person can buy out those pieces of property, the people that own those properties are happy because they made a heck-of-a-sale, but in the meantime we inconvenience people who are surrounding them. In other words, how would you feel.

Mayor Wiczorek called for those wishing to speak in favor.

Emilia Biron, 777 Hanover Street, Manchester, NH, stated:

I'm sorry that so many are missing, but I hope you spread the word. I'm strongly in favor of the proposed change regarding business parking in the interest of all residential areas. Especially, the old established neighborhoods which have contributed much to Manchester's rich history. The amendment is most important. One on which all residents will benefit. It will give all City offices associated with planning and development clearer rules and guidelines sorely needed to deal with the City's continual growth especially traffic problems which plague the City. The proposal intends to eliminate the ambiguity of business accessory parking on abutting residential lots, but it appears that stronger, more direct language is needed. In all good conscience the amendment must also specifically state the words "residential lot" in addition to the indicated "residential district or residential zone". With the added language businesses will not be permitted to use adjoining residential lots for accessory parking or for other accoutrements of their business. Such encroachment must not be allowed by variance or by special exception. The revised ordinance must be an absolute, clear and doubtless resolution and must not be left vulnerable to the self-interest legalize interpretation. I urge you to give priority in approving the proposed amendment to the ordinance. Moreover, with the added strict language you will protect the City's tax base. For when businesses expand their activities into adjoining residential lots the whole neighborhood suffers devaluation. Therefore, the tax base suffers as well. Preservation of the good, stable residential areas promotes the good health of the City even as it grows. Thank you.

Leslie Auger, 53 Trinity Street, Manchester, NH, stated:

I'd like to speak in behalf of my neighbors who have signed a petition in support of the proposed amendments. We are in agreement with this proposed draft for amending the zoning ordinance. Specifically, to limit parking lots for business uses within residential zones. We've had first hand experience in fighting the attempts of big business - McDonald's restaurants, Kenny Rogers Chicken, and most recently Monroe Muffler - to extend business parking into an R1-B

district. Unfortunately, our own Planning Board had disregarded the long history of ZBA rulings against accessory parking on the R1-B lot on the adjacent to the corner of Hanover Street and Woodland Avenue and has approved a site plan from Monroe Muffler. Had the proposed amendment been in place the Planning Board could not have done this. Therefore, we support the above-referenced amendments to the zoning ordinance to protect the public interest and the integrity of residential neighborhoods in the City of Manchester. I also have a question of Mr. MacKenzie, may I ask him. What is the interpretation that a business can acquire residential property and, therefore, have accessory parking on it, what is the interpretation by the Building Department based on.

Mr. MacKenzie replied they had actually received a legal brief from a law firm in town indicating that there was a section of the ordinance where it said accessory parking and there was an "X" under all of the residential zoning districts and I think the Building Department ultimately felt that that legal brief was probably correct from a technical standpoint and that's why the interpretation was changed by the Building Commissioner.

Ms. Auger stated that particular interpretation favors business over residential, citizens of the City of Manchester and I think that it could just as easily be interpreted that accessory parking is only allowed in support of a principle use which is allowed within the zone.

Mayor Wieczorek stated I don't think we want to get into a dialogue here of what's what, we just want to get some input from everybody.

Artemis Paras, 1275 Hanover Street, Manchester, NH, stated:

I am testifying this evening in support of the proposed change to limit parking lots in residential zones for business purposes. The proposed change number one and I understand we have an opportunity to testify on proposed change number two later on. In Director of Planning Bob MacKenzie's letter to the Board (6/24/96) is what I'm referring to, I support the Director's position that the original intent of the ordinance was not to allow the annexing of residential lots in residentially-zoned districts to business lots within business-zoned districts and to use those annexed lots for business parking. To allow for such interpretation would violate the entire intent of the zoned districts. Each district by name permits certain designated uses within the districts and accessory parking is allowed to support that use. The current interpretation would totally disregard the integrity of the zoned districts and their boundary lines based on the City's zoning map. This is the case of amending a zoning map without you, the Aldermen, officially amending it and that's why I believe the interpretation is erroneous. The boundaries are in place and need to be upheld. I believe there is an error of interpretation to cross these district boundaries for business expansion tendencies. To avoid difficulties in land use decisions regarding business lots in residentially-zoned districts, I support number one, and I refer to the text of the amendment given to you by Director MacKenzie, amendment as stated in I, I support

the language. Number two, I offer a minor change for consistency of language in II - delete under Sections VII proposed by the language specifically permitted and replace with "permitted by rights" since that appears under Section 4.03 under the headings. Delete the word zone and replace with "district" again for consistency rather than shifting the language. And, number three, I support the amendment as stated in III. Thank you for this opportunity to speak to this proposed change which I think is very necessary, but let's start thinking about the expansion tendencies of all businesses that have come into residentially-zoned land by either special exception or a variance and let's uphold the intent of the ordinance. Thank you.

John Creeden, 269 Woodland Avenue, Manchester, NH, stated:

I'm for this change on the amendment, but I also feel that the construction part hasn't started on our corner and that's why I'm here and I don't see how they can be grandfathered. I know it hasn't been, the construction hasn't started yet this year there should be no grandfathering. I just don't feel that the grandfather part of the thing is going to be right because we are going to be the last ones and someone else is going to be the first under the new, different type of technical thing. I just don't feel that the grandfather part of this is right and that's all I have to say. Thank you.

Albert R. Allaire, 90 Trinity Street, Manchester, NH, stated:

I have nothing to add.

Mayor Wieczorek called for those wishing to speak in opposition.

Attorney Anne F. Ross, One N. Spring Street, Concord, NH, stated:

I'm here to speak about a specific property that I think illustrates a problem with the proposed amendment. I represent Marion Windmill who is the mortgage holder on 444 Daniel Webster Highway, the old Cavanaugh Brothers Motors building which has been vacant for sometime and is currently being advertised for sale. The lot that that lot sits on is actually partially commercial and partially residential and has been, so as far as I know for at least 40 years. The back 130 feet of that lot are residential. The zoning line actually runs through the lot. The problem I have with this amendment is that that property is not grandfathered because there is not currently parking on the back portion, however, as the property is marketed, it's very likely that there will be some different use on it since the auto market has not been responsive to that property. If that occurs this would prevent any use of the back portion of that lot for parking. When you have residential actually within the lot as opposed to a situation where you have a commercial party buying up adjoining lots, I think it's a very different situation. This certainly takes away from the value and the use or potential use of that lot and I would really encourage the Board of Mayor and Aldermen to consider grandfathering lots which have been configured with lot lines running through them as this one has. This is not a situation of a commercial party going out and acquiring property, this has been this way for a long period of time. There are residential

lots behind this building. What these people would have to do if this amendment is passed in order to get parking would be to somehow show that this was a hardship not to be able to use the back portion of the lot and that's a very difficult standard to meet and I feel that in this case it creates a hardship on an existing commercial use. If there are any questions, I'd be happy to respond.

Ald. Pariseau stated I have a question for Mr. MacKenzie, would it be appropriate at this stage of the ballgame if they so desire to come in for rezoning.

Mr. MacKenzie replied I'm familiar with that particular site and I think that would be an appropriate situation for the Board to consider rezoning the property. Currently, the area that she is speaking of is not used, there is kind of a buffer area to the residential neighborhood, but given the correct use coming in the zoning was very narrow in that particular area. In fact, it widens out even more a little bit to the north, I believe. So, I think that would be an appropriate situation to come to the Board for rezoning so that the land would be appropriately zoned.

Attorney Ross stated one of the issues that would come up if you requested a rezoning would be that all of the abutters would have notice and I feel would probably oppose it because they like having that buffer even though it's contained in the lot and it's residential, it certainly limits the use of the back portion of that lot and I'm afraid the abutters might oppose it just because they like that additional 130 feet of protection, so that as things currently stand we would have to go in for site plan approval and hopefully buffer issues would be reviewed at a time when we requested parking. We would not be able to have any other commercial uses on that property because it would remain zoned residential, so I think that in this case that might not be an option, I don't know.

Ald. Domaingue asked is the residential portion of that lot the only area in which the business that would be there could park or would there be additional parking under the commercial zone.

Attorney Ross replied there is some parking on each side, there is an existing building that goes fairly far back on the lot, so there's very limited parking right now behind the building, there is some parking on the side. But, probably not enough if a retail-type business went in there.

Mr. MacKenzie stated I just wanted to add one more point concerning that last testimony. I did want to make it clear to the Board that up until about a year ago, it was the Building Commissioner's interpretation that they could not park by right in the residential areas, so this has not been any long-standing vested right that these businesses have had to use those particular areas, it's only been within the last year that it's been opened up, so it's not a long-standing issue.

Ald. Domaingue stated I just have two questions for the Planning Director. The first person that spoke here tonight recommended adding the phrase "residential lot", is that something that you feel might be acceptable.

Mr. MacKenzie replied I guess I would like to look where that would be applied because then you may have residential lots within business districts and I'm not sure if it's fair in that case to require a higher standard for that lot in the business district just because it's residential because ultimately it's the intent of the Board if it's zoned commercial, it's the intent of the Board that someday that area become commercial whether or not it's temporarily residential or not.

Ald. Domaingue stated in the history of this issue my second question is were approvals granted because of the lack of specific language that this is now attempting to address, is that how we got to this point, it was a lack of language rather than language that permitted it.

Mr. MacKenzie replied there was language in several sections of the ordinance. For years, the Building Commissioner interpreted one way based upon certain evidence that he received, he interpreted another way. So, it was obviously not crystal clear if the interpretation could change that radically. This is to try and clarify it for everybody. I think it helps both the businesses and the residences if they know crystal clear right up front what the rules are and I think that is always important for a City to do.

Mayor Wiczorek advised that all wishing to speak having been heard, the testimony presented would be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.

Mayor Wiczorek advised that the second purpose of the hearing was to hear those wishing to speak in favor of or in opposition to a proposed Ordinance amendment; that the Clerk would present the proposed Ordinance for discussion at which time those wishing to speak in favor would be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record; that each person would be given only one opportunity to speak and any questions must be directed to the Chair.

The Clerk presented the proposed Ordinance:

"Amending the Code of Ordinances of the City of Manchester by adding a new Article XV under Chapter 2 - Administration providing for a Heritage Commission and amending the Zoning Ordinance by deleting Article XI - Historic District Commission.

Mayor Wiczorek requested that Robert MacKenzie, Director of Planning, make a presentation.

Mr. MacKenzie stated the proposal tonight is to establish a Heritage Commission under New Hampshire State RSA's. Currently, the City does have a Historic District Commission and they have certain regulatory powers. The Historic District Commission, however, has as their purview only a very small area of the City, perhaps less than one percent of the land area of the City and that's a small area in the Historic Housing District down towards Canal Street as well as the Millyard. So, there are no public agencies, public bodies that have as their charge looking at the entire City, looking at historic resources, advocating for historic resources, and promoting them for a variety of purposes including tourism or economic development. The proposal is to create this body the Heritage Commission which would have the powers of the existing Historic District Commission, but also advisory powers throughout the rest of the City and I think I would just like to read to you from the proposed ordinance what the duties of the Heritage Commission would be:

- (a) Survey and inventory all cultural and historic resources.
- (b) Conduct research and publish findings including reports to establish the legal basis for district and preparation of Historic District ordinances prior to its legal basis for a district and preparation of Historic District ordinances as provided in NH RSA 675:6.
- (c) Assist the Planning Board as requested in the preparation of those sections of the Master Plan which address cultural and historic resources.
- (d) Advise, upon request, local agencies and other local boards in their review of requests, matter affecting or potentially affecting cultural and historic resources. When information or a recommendation is requested by another board or agency the Heritage Commission shall respond within 30 days.
- (e) Coordinate activities with appropriate service organizations and nonprofit groups.
- (f) Publicize its activities.
- (g) Hire consultants and contractors as needed.
- (h) Receive gifts of money in the name of the City, subject to approval from the Board of Mayor and Aldermen, such gifts to be managed and controlled by the Commission for its proper purposes.
- (i) Hold meetings and hearings necessary to carry out its duties. Regular meetings shall be held at least four times a year.

Mr. MacKenzie stated it's clear that the charge of this Commission is to provide a proactive role, a body that can go out and protect the historic resources of the City, provide advice to other departments. The role of this Commission, however, is not to regulate historic resources. I would also note that there would be a potential under this ordinance to have a Heritage fund which the Board of Mayor and Aldermen at their choice could contribute money towards and that fund would then be a fund that could build over time and would rollover, it's not limited as the nature budget process is. This ordinance, in general, is pretty much patterned after the State statutes which does allow the creation of Historic District Commissions and it does allow the combination of a Historic District Commission and Heritage Commission and there are other communities in the State that have adopted this same approach, Concord, in particular is one. This has been reviewed by the Planning Board and after several changes went through the Board, is supportive of it and at this point I'd be happy to answer any questions of the Board.

Ald. Pariseau stated I have a concern with Item (h) that Mr. MacKenzie just read and also under the next section 2-193 Item I relative to the funding, they'd be allow to receive gifts of money

with the approval of the Board of Mayor and Aldermen, but expenditure of those funds, the Board would have no say and I think it would be the only Commission in the City that would have that right. I understand that if the Board appropriates \$5,000 to the Heritage Commission, fine, they have the \$5,000 to spend whether it be on salaries or whatever, but the monetary gifts that the Commission may receive I have a problem with no one authorizing but themselves the expenditure of the funds. Because I can imagine that if the Heritage Commission in their wisdom decides to buy some facility and it just happened to be a boondoggle, the Board of Aldermen could be subject to all kinds of ridicule by the citizenry of Manchester. We appropriate and we hold the purse strings of the City, but in this case we just give them a free rein with the expenditures of those funds and I have a concern about it.

Ald. Hirschmann stated my question, Mr. MacKenzie was about the survey and inventorying of all cultural and historic resources, is that to include private property or is that just public property.

Mr. MacKenzie replied that could include private property, as well.

Ald. Hirschmann stated as an advisory group, if the production or economic impact of a piece of property, say we wanted to bulldoze the Empire Theatre and they're saying that that's a cultural resource, is that going to be an obstacle in the future.

Mr. MacKenzie replied the only real weapon the Commission has is how concise and logical their arguments are, they do not have any regulatory control, they cannot stop a demolition permit, but if they can convince you that it's a valuable resource that's going to be important for the City that's their charge to try and convince and advocate people that something is worthwhile in the City. So, they're going to make an inventory of everything that could possibly be historic in Manchester and that will be part of their charge.

Ald. Elise stated I understand Ald. Pariseau's concerns, maybe if there was something in here whereby other than administrative things in terms of projects that they would want to do that it would be put in here that they would come before the Board of Mayor and Aldermen other than administrative work similar to the Conservation Commission in terms of the administrative work they have to do, would that be something that would satisfy your concerns.

Ald. Pariseau replied so long as there was something.

Ald. Clancy stated maybe we can put a cap on how much money they're entitled to spend beside the \$5,000. Say they went out and recommend that this building needed \$10,000 worth of business, they'd have to come before the Board of Mayor and Aldermen before they'd spend that money. In other words, you want a final say on what they're doing.

Mayor Wieczorek stated any changes or recommendations could come from the Committee on Bills on Second Reading before it comes back to the Board.

Ald. Elise stated I do want to say that this ordinance was put together over 2 1/2 years in conjunction with a lot of the groups in town that this would affect or who would lend development to this ordinance such as the Historic District, the Heritage Manchester, the Manchester Historic Association, the Planning Board, and the Planning Department. So, this was put together in conjunction with all of these groups and I just wanted to add that.

Mayor Wieczorek called for those wishing to speak in favor.

Bernard H. Cowette, III, 14 East Meadow Way, Manchester, NH, stated:

I'm the Chairman of Heritage Manchester, a nonprofit corporation dealing with preservation issues. If you don't mind, I'd like to touch on a few of the points that you folks brought up. One, I think is the boondoggle issue, Bob. There would seem to be a presumption on your part, at this point, that those people who go through the process and are, in fact, nominated by the Mayor and appointed by yourselves would then somehow fail in their duty or their fiduciary responsibility to the City in the dissemination of monies that would be available to that Commission. I think in this case, we might be beating up a near dead horse to get it to do something when we don't really have to do that. But, that's just a point. Ladies and Gentlemen, I have to be perfectly honest with you here and I don't mean to appear combative. As Alderman Elise just stated this has been about a two year project. If in fact, you have the revised draft before you that's probably the eighth or ninth revised draft. I have to be perfectly blunt and frank and I hope, in fact, that what I am about to say does not endanger this piece of legislation just because of what it is I do say. The City still needs it. My attitude about the process on the other hand is something entirely different. As I stated, you probably have the eighth or ninth draft in front of you. This started as a much more comprehensive piece of legislation, it had teeth, it was built in order to allow this Commission, the Commission that will hopefully, eventually be impaneled to have an active say, and actively participate in where this City is going in the 21st Century. It's not just about us, it's about the next centuries. The original draft has for all intents and purposes been emboweled. What you have now before you is so watered down and the language has been so changed, changed to such a degree that if you pay strict attention to the language you will note that this Commission has no charge if it's not called upon by City agencies. There is no where in that language that now gives that Commission an active

participatory role in this process. It's only if those agencies that have been set up for God only knows how many decades call upon them. That's not likely. Based on our history it's not likely in this environment. We had a major developer come into this City and he's still here. He said when we decided what we were going to do with the money they donated, I can't tell you specifically what he said but to paraphrase him he said, well I'm glad to see that they did away with a useless or groundless historical argument. I would suggest to you that no one outside the City has the right to do that. No one outside the City can decide for the people that live here what is a valuable historical argument. Yet, the legislation you have here before you will basically, if it's so chosen to be treated that way that legislation will, by its very self keep that Commission silent. I would certainly, in all honesty rather see, I want to see some kind of legislation, I want to see some kind of body impaneled where people at least have the opportunity to let that Commission grow in its duties and responsibilities and respect. I'm not going to bother reading the various economic benefits that people have gleaned from across the country in dealing with this kind of issue, in this kind of program or project. I apologize if I, as I said seem combative. I would certainly request that you look favorably upon this piece of legislation and treat it as best you can with an open mind and hopefully through your good auspices you will be able to move those agencies in the City - commissions, committees, what have you - toward treating that Commission, if it is ever impaneled as a fully participatory branch of local government. Thank you.

Artemis Paras, 1275 Hanover Street, Manchester, NH, stated:

Not having the background of Mr. Cowette, I can appreciate all of his comments and my position is one of support for this Heritage Commission because I think it's a beginning and we have to start somewhere and we know that we can always amend certain sections, certain duties, certain powers, but it is a beginning and I think our City has some rich cultural, historical sources that yes, somebody ought to have some say about them. At least, so someone can listen out there and say somebody tried. My support is general that I support the deletion of Article XI Historic District Commission and amending the ordinance to provide for a Heritage Commission which shall have advisory authority as indicated under Section 2-192 Powers and duties in your text. Mayor Wieczorek may I ask one quick question of the Planning Director MacKenzie. Bob, did I understand you to say that in Concord they have both a Historic District and a Heritage Commission.

Mr. MacKenzie replied, yes, it would be, it is set up in Concord as we're proposing here that there would be one joint commission.

Ms. Paras stated good, because you do have deleting the Historic but then as titled in the new proposed ordinance it would indicate the combined efforts, okay, that's what I wanted to understand.

Mr. MacKenzie stated in effect there will be no Historic District Commission but the Heritage Commission will have the former powers and duties of the Historic District Commission.

John Mayer, 81 Stowell Road, Bedford, NH, stated:

I'm delighted to have the opportunity to be here this evening and speak in favor of this proposed ordinance. I am the Director of the Manchester Historic Association and I have worked with Alderman Elise for 2 1/2 years and some of the language in this ordinance and also have worked with Bernie on some of the different drafts that have been considered. I see this as an important opportunity for the City to establish for the first time a public process than can build City-wide leadership in matters of preservation and I think the key words are opportunity and public and leadership here. Currently, at the Historic Association on a regular basis we receive phone calls from citizens of the City who are concerned about preservation matters. Mostly recently, some of the changes that are occurring in the Sacred Heart Parish, people have called and expressed their concern over demolish there and I have no way of responding to their concern other than to guide them to the Planning Department. When I first came on Board at the Historic Association there were a series of summer meetings with the developers at the Mall of New Hampshire. These are issues that were sort of arbitrary and in some way matters of coincidence and in no way fairly applied throughout the City. I think the advantage of a Heritage Commission would be to recognize across all boundaries in the City issues that have bearing in preservation and to work with City agencies in guiding them through areas of their jurisdiction. Bernie Cowette's concerns in terms of the risk of the Commission is that it is purely advisory on request and the success of this will reside in the manner in which this Commission is respected and utilized by those different City agencies. It's a very important first step for us, it is not onerous, it creates a wonderful opportunity to do things that are appropriate and considerate for the historic resources in the City and I really hope that the Board of Mayor and Aldermen will look favorably upon it. Thank you.

Mayor Wieczorek called for those wishing to speak in opposition. There were none.

Mayor Wieczorek advises that all wishing to speak having been heard, the testimony presented would be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.

There being no further business to come before the public hearing, on motion of Ald. Pariseau, duly seconded by Ald. Hirschmann, it was voted to adjourn.

A True Record. Attest.

City Clerk