

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

April 5, 1999

6:00 PM

Mayor Wieczorek called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Reiniger, Sysyn, Clancy, Pinard, O'Neil, Girard,
Shea, Rivard, Pariseau, Cashin, Thibault, and Hirschmann

Absent: Alderman Klock

Messrs: R. MacKenzie, T. Harlacher

Mayor Wieczorek advised that the first purpose of the public hearing is to hear those wishing to speak in favor of or in opposition to a proposed Ordinance; that the Clerk will present the proposed Ordinance for discussion at which time those wishing to speak in favor will 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 will 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 extending the I-2 (Industrial Park) zoning district to include a portion of a parcel of land located on South Mammoth Road, identified as TM 810, Lot 10, currently zoned RSM (Residential Suburban Multi-Family) and having an area of approximately 28,000 sq. ft."

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

Mr. MacKenzie stated good evening Honorable Board members. I am going to have Mr. Terry Harlacher show an overhead of the site and describe the actual petition.

Mr. Harlacher stated the property for the rezoning petition is identified on the exhibit. This shows the general area of the petition. The property is located on Mammoth Road. Identifying the subject property is a little X. It is a small portion of Lot 10, approximately 28,000 square feet. This is an area that is industrially zoned. It is located west of Mammoth Road and south of Sheffield Road, generally in between Mammoth Road and South Willow Street to the west. For a closer view of the property, looking at this exhibit here we can see that the area to the left of the exhibit identified as RSM to I-2 is the subject site. As I said, it is a portion of Lot 10 consisting of about 28,000 square feet. As you can see on this exhibit, the property is not located directly onto South Mammoth Road, but is located approximately 300 feet westerly of South Mammoth Road. The intent is to change the zoning district, which is currently RSM, which is a multiple family residential district, and converting it to an I-2. Generally, the RSM

district is a multiple family residential district that allows townhouse type developments. In the RSM area, you can see that there are two multiple family buildings, each containing eight units a piece and that is just to the southeast of the subject property. There is also a single-family house just to the east of the property fronting on Mammoth Road. Opposite the RSM, you see Lucas Road and there are several single-family lots south of Lucas Road on Mammoth Road. The R-S district is a low density, single family zoning district. I think that is about all I have.

Mr. MacKenzie stated unless the Board has any questions, we will be available after the public testimony to answer any additional questions.

Alderman Wihby asked how do you get to that parcel. You take South Mammoth and then where is the road.

Mr. MacKenzie answered the intent is that ultimately this site, which is proposed to be rezoned, would actually become part of a parcel related to land that goes out to Sheffield Road and again the intent is to convert this building right here to All Dogs Gym. They would develop kennels out to the side here and out to the side on this portion of the site so all of the traffic would go out onto Sheffield Road, which is in the industrial district. There would be no street access out to Mammoth Road from here.

Alderman Wihby asked where is this street that goes to the other buildings. What is that curly thing behind that building on South Mammoth Road. That eight family.

Mr. MacKenzie answered I believe that is a septic field. This is one eight family here and one here. I believe that is a septic field that was built up out back here and they had to elevate it in order to get the septic in.

Alderman Wihby asked so the only way in is from Sheffield Road and they are going to have some other development going in with it.

Mr. MacKenzie answered correct.

Mr. Harlacher stated, Alderman Wihby, the curly lines represent the topography of the area.

Alderman Girard asked, Mr. MacKenzie, how much more of that RSM zone is developable.

Mr. MacKenzie answered there is quite a bit of wetland in this area. Clearly, depending on whether they have sewer in this area, right now there is no sewer but ultimately there might be sewer available with the development of the Cohas Brook Interceptor and a sewer that will come down South Mammoth Road. Clearly, this site here which contains a single family house, a portion of that could be developed. An area in the back here could also be developed. Down here it is probably more difficult to develop into multi-family. That is a power line and there are

wetlands generally in this area. As you can see, this is actually a stream that comes down and across and quite a bit of that is wetland area.

Alderman Girard asked would it be smart in the future to look at the balance of that property and see whether or not a change in the zoning might be beneficial.

Mr. MacKenzie answered I think that is always a possibility, yes.

Alderman Shea asked, Mr. MacKenzie, what is the distance of that single family home from the proposed area that wants to be rezoned. Are we talking just a few feet.

Mr. MacKenzie replied it is actually a fairly good distance. I mean I am guessing that is over 100 feet, but we can check that. That is actually from this point here which is a single family home which I believe is the same property owner that owns the apartments here, it is at least 100 feet from that point out to the edge of this proposed industrial zone.

Alderman Shea asked now in the enclosed industrial area there, will dogs be in there. Will there be kennels and things like that.

Mr. MacKenzie answered the current plan; there was a plan that proposed kennels extending down along the property line all the way to this point. That did raise concerns by the abutters. Ultimately, the Zoning Board of Adjustment did deny that plan. The intent is now not to develop it southerly at this point. The intent is to develop it further easterly like this and there would be more of a wooded buffer in this area between the multi-family and single family than previously. I would probably defer any issues of how far that is to the applicant and the abutters who may be here tonight as well.

Alderman Shea asked is there any indication as to the number of dogs that will be there. Are there going to be 10, 20, 100 or 200.

Mr. MacKenzie answered this is a large kennel and correct me if I am wrong, Terry, is it 110 kennels. Terry is going to check that, but it is a fairly large kennel.

Alderman Shea asked is it subject to growth too, as well.

Mr. MacKenzie answered on this particular site I don't see where there would be any additional room based on the plan they have provided. There is not a great deal of additional room beyond what they are showing on the plan. Terry has a larger plan that he can show you, but I believe it is somewhere between 100 and 110 dog kennels in the complex.

Alderman Shea asked just to follow-up, there will be a traffic impact as well because of the number of dog owners that would have to utilize that area. Is that correct.

Mr. MacKenzie answered yes. There is also going to be a show, I think a show facility as part of this and there will be traffic issues. I believe that the applicant's engineer is developing at least some traffic numbers. I think that the applicant and their attorneys and engineers are here and they could probably give you more information on the traffic issues on the project.

Alderman Rivard asked, Bob, Norman and Lillian Lee, are they the residents of that single home.

Mr. MacKenzie answered yes.

Alderman Rivard asked and they are the petitioners in this particular exercise. Is that correct.

Mr. MacKenzie answered yes.

Alderman Rivard asked so they reside there and they are joining in the petition to ask to have this property rezoned. Is that correct.

Mr. MacKenzie answered I am not sure if they are residents there. They do own that property.

Alderman Rivard asked so you don't know if they reside there or not.

Mr. MacKenzie answered I can't answer that. I know they own the property.

Alderman Clancy asked, Terry, how close is the closest house going to be to this kennel. How many feet. Did you say 100.

Mr. Harlacher answered at least 100. My guess is it would be about 150 feet or so to the applicant's house or the single-family house. Now most of the area that is being requested for rezoning will be remaining as a wooded buffer. It currently is tree covered. The northerly portion of it, basically where it said tax map 810, Lot 10. The extension of the kennel runs will be in that area. The majority of the site will remain as a buffer area as we understand it.

Alderman Clancy asked what are they going to use for a buffer.

Mr. Harlacher answered currently there is existing tree cover, Alderman.

Alderman Clancy asked do you think that is sufficient.

Mr. Harlacher answered it may well be. We haven't received the site plan application and haven't done any kind of site analysis or field walk of the total site to really determine what time of landscaping the buffer would be.

Alderman Pinard asked, Terry, as I am looking at this, the front of this is going to be on Sheffield Road, right.

Mr. Harlacher answered that is correct.

Alderman Pinard stated on either side there are houses, right and there is a brook and two or three houses across the street. I am talking about it because I grew up right there and one of the houses was my mothers so I think that this proposal here is going to be very, very close to the houses on either side and across the street.

Mayor Wiczorek called for those wishing to speak in favor.

Richard Head, Getman & Stacey, 163 South River Road, Bedford, NH stated I represent the petitioners, Norman and Lillian Lee. One point I do want to clarify is the original plan for the All Dogs Gym has been approved by the ZBA just to clarify that point. I do have a plan here which describes both the original plan for the All Dogs Gym and then the modified plan and I want to give you a little history, if I can, as to how it is that we came to this point. The original design had the...and actually before I begin also Norman and Lillian Lee are here. Gail Fisher who is the owner of the proposed dog facility, her attorney Charles Cleary and the engineer is also here today if you have any questions for any of them. Norman and Lillian Lee own the property down below what will become or what was planned to be the kennel for 120 dogs I believe. At the presentation before the ZBA, Mr. & Mrs. Lee objected on the basis of their ownership of the two multi-family dwellings and the thought was that the extension of the kennel alongside the property line only gave it a 6' buffer between the kennel and the lease property line and what they were seeking was an additional buffer for this kennel from the multi-family residential properties that exist on their property. The two parties actually came together and worked together to come up with a suitable plan that satisfied her needs in terms of putting together the All Dogs Gym and Mr. & Mrs. Lee's needs relative to their two multi-family residential dwellings. What the parties came about doing in an effort to avoid litigation and to come together with a plan that was beneficial to both sides was a modification of the extension of the kennel that previously came down all along the property line, only allowing for a 6' buffer and contemplated this little jog out essentially in the property that would allow the kennel to extend as a T into that new industrial zone. Also, I should point out that the property owned by the lease was previously zoned industrial. It was converted into residential when they petitioned in order to put in the residential housing units. What this would allow would be 130' buffer between the kennel and the property line as opposed to the 6' buffer that existed previously when the kennel extended along the property line and the parties came together, worked together and came up with a plan with TF Moran's help and developed this as an alternative to the extended kennel look. All the parties have agreed that this is of benefit to both parties and increases the buffer; the buffer meaning the trees and brush that exist there and aiding with regard to the multi-family residential properties that already exist there. That is basically the highlights in terms of what would be provided. The access to the All Dogs Gym is from Sheffield Road and I would have the proposed owner of the gym speak to that.

Alderman Wihby asked the green space at the bottom, that is all of the area that we are rezoning.

Mr. Head answered that is correct.

Alderman Wihby asked if it went straight across, you could build all that other stuff that is there.

Mr. Head answered that is correct.

Alderman Wihby asked it is just that extension coming down that is new.

Mr. Head answered it is just this little bit here that would extend into the new zoned area. This has already been approved and actually the extension along here has already been approved and this was all zoned Industrial already.

Alderman Wihby asked so the extension could be further where people didn't want it, that has already been approved.

Mr. Head answered this has been approved, that is right and the problem and what the agreement was with the Lee's was to come up with a better plan and that is how we came up with this plan which wouldn't have been possible when the proposal was first brought forward.

Alderman Rivard asked, Mr. MacKenzie, did I misunderstand you when you stated that it hadn't been approved. Didn't we ask you if, in fact, the ZBA approved the rezoning and you said it hadn't been approved and now you are telling us that it has been approved. So has it been approved or hasn't it been approved.

Mr. MacKenzie answered, Alderman, I was in error. It was approved by the ZBA.

Alderman Rivard stated so it was approved and one of the neighbors has taken issue with that is that correct.

Mr. MacKenzie replied, as I understand it, yes.

Alderman Rivard stated so you are saying that if it were to go forward as approved, they would just extend it to my left and they wouldn't be here if that was acceptable to the property owners we wouldn't be here tonight asking for a rezoning, right, you say you could go forward under the old design.

Mr. Head replied I am sorry, what.

Alderman Rivard stated take that leg out, the T, it looks like a T right. That was approved.

Mr. Head replied that is correct.

Alderman Rivard asked so if you weren't asking to alter that program here you folks could develop that without coming here this evening, is that what you are telling us.

Mr. Head answered my folks are the Lee's. They are not the ones doing the development. They are the ones who objected to having it extended.

Alderman Rivard asked do they object to this.

Mr. Head answered they objected to the original plan, that is correct.

Alderman Rivard asked and it was passed anyhow.

Mr. Head answered that is correct.

Alderman Rivard asked in an attempt to keep everyone happy, they have reconsidered and we have another plan before us and that keeps everyone happy.

Mr. Head answered that is correct.

Alderman Girard asked, Mr. Head, is this development and perhaps it is not fair to ask you, but is the kennel going to be enclosed.

Mr. Head answered it is my understanding that it, yes. Actually, I would have to have that question directed to the owner if that is okay.

Alderman Cashin stated maybe I missed something. You said that this parcel of land that you are asking to rezone was originally what, Industrial, you said and then it was petitioned to become residential.

Mr. Head answered the larger block was, that is correct.

Alderman Cashin stated they built the houses.

Mr. Head replied right there are two residential units.

Alderman Cashin asked and this property is owned by the Lee's.

Mr. Head answered this little piece here is owned by the Lee's.

Alderman Cashin asked the whole jog is not owned by the Lee's.

Mr. Head answered this bottom portion here where the T comes out is owned by the Lees.

Alderman Cashin asked so it was Industrial first. It was rezoned residential, they built the houses and now they want it to go back to Industrial.

Mr. Head answered that is correct. In order to facilitate this new design that is right.

Todd Connors, 554 Union Street, Manchester, NH stated I am from TF Moran. I am Gail Fisher of the All Dogs Gym engineer. If I could clarify maybe a couple of things and add to the discussion, our action in front of the ZBA we received a couple of different approvals. The first one is a variance to have a kennel manager. Because it is in the industrial zone, if we were to have a live in kennel manager we would need a variance for that residential unit. That was granted back early last fall. The second action that the ZBA took was to grant a special exception. The special exception was to allow the training and the show facility. The commercial kennel, which is actually the long, thin tubes where the dogs will be, that is permitted in the I-2 zone so essentially even though the whole plan is considered by the ZBA, it was a special exception for the training use whereas the commercial kennel use is permitted in the I-2 zone. The commercial kennel, however, is not permitted in the RSM zone. We had filed an additional application with the ZBA to go forward with the plan before you; the compromise that addresses the Lee's concerns and the All Dogs Gym's proposal. The Zoning Board didn't see fit to approve that. They were unsure of an extension into the residential zone and it seemed like their direction was to address this Board and look for a rezoning. We did make them aware that this parcel had originally been I-2. I am not sure if there are other issues that I can address. Maybe one would be whether this is enclosed. Technically, the kennel will be considered a structure. It will have a roof and about half of it will be enclosed with a block wall. The other half, which is the outside of it, is fenced in. The intention here is that the dogs will have access to the fenced in area and the interior block wall construction area during the daytime hours and they will be locked in at night say from 6PM until 6AM or something like that. When I say locked in, they will be inside an area that is concrete block walls, a roof and everything else. We have paid particular attention to noise attenuation here. We realize that there are still some residential dwellings in this industrial zone and we are trying to design the kennel to minimize the noise. For instance, we have broken 120 kennels down into blocks of 10 or 15 and the intention there is that when one dog barks, all the dogs are going to bark. If they are separated in small groups, you get smaller groups of dogs barking. We are doing things like acoustical panels, anything to address noise issues. One other thing that is of benefit to this layout that we are putting forth tonight, it directs the dogs. When they are in the caged area, they will be looking out into the wood as opposed to looking out into the multi-family backyard. That is going to settle them and they are not going to see motions, they are not going to see people, there is not going to be much to bark at other than a squirrel or two. We realize that the end of it is somewhat close to the single family home that is there. It is somewhere in the order of 150' away, but it is also the butt end of the building so there won't be any dogs facing out in that direction. I am not sure if there is anything else I can add, but I would be happy to answer any of your questions.

Alderman Wihby stated so the end of that T is 150' away from that single family home. If you kept on going with the old plan, how far away were you from the multi-family.

Mr. Connors replied about 300' more or less. Oh, did you say multi-family or single family.

Alderman Wihby asked if you keep on going to the left, then you are going to come across the other two buildings.

Mr. Connors answered if you keep on going to the left you end up being closer to the multi family than they would prefer.

Alderman Wihby asked how close. Is it further than the 150' for the single family.

Mr. Connors answered I can't give you an exact figure. It is somewhere on the order of 250' which would be to the building and that is further than the 150'.

Alderman Wihby asked so the people who own this had it rezoned I-2 or they bought it I-2.

Mr. Connors answered the people who currently own the multi-family development; they bought it out of a bankruptcy proceeding I believe. It had been rezoned from I-2 to RSM to allow the construction of the multi-family.

Alderman Wihby asked and he put in the two buildings.

Mr. Connors answered well he bought the two buildings that were put in by the previous owner.

Alderman Wihby asked does he own the single family too.

Mr. Connors answered he does not, but I believe it is his intention to purchase it or at least it was when we started.

Alderman Wihby asked so this plan helps the multi-families but it goes closer to the single family of which we don't care about because he doesn't own that.

Mr. Connors answered that is not necessarily true. It is going to be closer to the single family, however, it is densely wooded there and we are also talking about the butt end of the building. You have to remember, with respect to the kennel, that the dogs are going to be looking out the short direction, perpendicular to the face of the building if you would. The butt end, there won't be any dogs looking out so technically dogs will not be looking in the direction of the single family house, thereby the noise will not be going in that direction. It will be going straight into the wooded buffer that we intend to leave.

Alderman Wihby asked how far is the wooded area from the multi-family if you continue the old way.

Mr. Connors answered I am not sure I understand.

Alderman Wihby asked if you went to the old plan, how far wooded is that coming out towards those multi-families.

Mr. Connors answered it is a good 150 feet or so, maybe a little bit more.

Alderman Wihby asked of wood.

Mr. Connors answered yes.

Alderman Wihby stated you are getting me confused. If you are going towards the multi-family, you still have 150 feet of wooded space and another 100 feet of open land. How is that not better than putting it 150 feet next to a single family.

Mr. Connors replied it comes down to the direction the dogs are facing. The dogs are not going to be facing any building, so they are not going to be necessarily barking, at least the dogs in the closest units.

Alderman Wihby stated but they are 250 feet away of which 150 feet is wooded, how are they going to see the buildings anyway.

Mr. Connors replied I think one of the concerns that the Lees' have is that their land where the multi-family is developed has significant room in the back and if sewer were ever to extend to that area, it would open it up for them to further develop it. I believe the original plan, whether it was submitted to the Planning Board or not, showed some conceptual expansion of his multi-family units. I believe his fears that if he were to make better use of his property and use the undeveloped portion that would then put him in very close proximity of the dogs and they would be facing him in that consideration.

Alderman Wihby asked so there are dogs on both sides of that building then.

Mr. Connors answered yes there are. You walk down the center aisle and there would be dogs on both sides.

Alderman Wihby asked and they go out on both sides.

Mr. Connors answered correct.

Alderman Wihby asked who owns the single family home. Is that person against or for.

Mr. Connors answered that person has not participated to this point in any of the Zoning Board hearings we have had. They have been notified several times. They have chosen not to come out and be on record. I believe they are working with Mr. Lee, but I can't speak for them tonight.

Alderman Wihby asked to sell the house, you mean.

Mr. Connors answered that would be what I expect, but again they haven't said anything on the record and I haven't been in direct contact with them.

Alderman Shea asked this particular operation is now on Perimeter Road, correct.

Mr. Connors answered that is correct.

Alderman Shea asked and the operation is 24-hours a day, 7 days a week, correct.

Mr. Connors answered that is not correct. The operation on Perimeter Road is a training facility and a daycare facility. People will bring their dogs there in the morning; say around 6 AM I believe being the earliest. They will drop their dog off and pick them up after work. They also have training classes, but all those dogs go home at night so the existing facility on Perimeter Road is not 24-hours. There are no dogs there overnight. The current proposal will continue the daycare use, continue the training use, expand a little bit into the showing use and it will also expand into overnight kennels. The dogs will be there 24-hours a day. That is why we obtained a kennel manager to live on the site.

Alderman Shea asked seven days a week.

Mr. Connors answered seven days a week, 24-hours a day, yes.

Alderman Shea asked is there any limit to the number of dogs that can board overnight.

Mr. Connors answered we have room under the current plan for 120 overnight dogs.

Alderman Shea stated I am not saying that all of the people would prefer to have their dog there, but there is provision for that.

Mr. Connors replied there would be provisions for 120 dogs to live there 24-hours a day, seven days a week. We wouldn't expect it to be full all of the time. It would be a little bit like a hotel. They would have their occupancy percentage.

Aldermen Shea asked are there provisions for improvements to the roads there or anything. In other words, there is going to be quite a bit of daily traffic. I know I go by the area now on

Perimeter Road and I see several vans and other things there picking their dogs up and dropping them off. What are the provisions for this. It is going to impact the traffic over there.

Mr. Connors answered there will be additional traffic due to this development. How would we address it. There is going to be approximately 60 or so additional cars coming and going during the peak hours. We have looked at the capacity of the road and the intersections to handle left turns and things like that. Because the level of traffic on Sheffield Road is low, there is no net impact. It is very negligible with respect to overall capacity of the road. If you live next door, 50 cars, you may not consider negligible, but there is no need for us to do further road improvements. I might also mention that Sheffield Road has recently been resurfaced and I believe the grade has been improved and some drainage improvements have been made as part of a project further up Corning Road.

Alderman Shea asked how about environmental factors involved here. That is a real concern when you have that many animals that are going to be housed there. Have provisions been made for that as well.

Mr. Connors replied yes there have. The design will include floor drains, which will allow us to wash out the kennels and maintain them safely and cleanly. We also intend to cart solid waste off site. Things will be double bagged and put in a dumpster and the dumpster will be picked up as regularly as necessary to keep the smell down.

Alderman Shea asked but there is no sewage there.

Mr. Connors answered excuse me, yes, with respect to sewage a gravity sewer has been extended from further up Corning Road down to the Sheffield Road pump station. It is our intention to tie into that.

Alderman Pariseau stated my question was relative to sewage. That currently is taken care of by septic.

Mr. Connors replied currently there are, I believe, two septic systems out there. One for the house on site and one for the carpet store that exists there today. We don't intent to use either septic system.

Alderman Pariseau asked and they proposed to bring that down from Sheffield Road, the sewage.

Mr. Connors answered actually the sewer goes down Sheffield Road currently. It goes from the pump station that is on Sheffield up to the Philbs Farm subdivision on Corning Road, so there is a gravity line right in front of the site that we intend to tie into.

Alderman Pariseau asked if this request is denied you can go back to the original drawings, right. It has been approved by the Zoning Board of Adjustment.

Mr. Connors answered it is our understanding that with the variance and the special exception granted by the Zoning Board, that we can go to the plan on the flip side of this board which would put the kennel further along the Lees' property line.

Alderman Pariseau asked so why don't you do that.

Mr. Connors answered that is not our preference. Our preference is to work out some compromise with what is essentially the abutter closest to the dog kennels. The abutters that live up along Sheffield Road, they are going to see the dog training facility up front. Actually, they will see a parking lot and then the dog training facility beyond that. The actual kennels are along that back property line with Mr. Lee. Our concern for noise would put him at the top of the list. This proposal before you is a compromise that we have worked out with him to address his concerns. That is why it is our preference.

Alderman Pariseau asked how do you propose to muffle the noise from 120 dogs every day.

Mr. Connors answered like I said we are trying to design and build this kennel with certain noise factors built into it. Separating the dogs, locking them up at night, having a kennel manager, having acoustical tiles. It is our intention for people to not know that there is a dog kennel back here when they are traveling on Sheffield Road and Mammoth Road.

Alderman Pariseau asked but wouldn't they just be in a fenced in area. Is that what you are proposing.

Mr. Connors answered I guess it is difficult for you to understand. If you take a long narrow tube, there is a hallway down the center of it. On each side are dog kennels. Let's say the kennel is 8 feet long. The first 4 feet of the kennel is all concrete block, totally enclosed as if it was in your house. The 4 feet further out is fenced so that during the day they will open the door and the dog will have the option of going into the fenced in area or coming back into the fully enclosed concrete walled area. It is our intention to lock the dogs into those concrete areas during the evening hours.

Alderman Girard stated just so I can be clear on one point, the plan that you are before this Board asking for approval on tonight is a compromise worked out between the owners of the gym and the owners of the property.

Mr. Connors replied the owners of the gym and the owners of the property to be rezoned or our abutter, Norman and Lillian Lee.

Alderman Girard asked so this is a mutually agreed to site plan.

Mr. Connors answered they came to us very dismayed about the original proposal and said look, we would like to do something further with our land. What can we do to reduce and limit the impact from noise, smell and things like that. They came up with the idea that one of the two parcels of land that they own is kind of boot shaped and the toe of the boot, they never expected to be able to use and here we are right in the vicinity of the toe of the boot. It was natural to reconfigure the kennel to make better use of that land for them.

Alderman Girard asked so this configuration actually comes at the suggestion of the owners of the property of the land to be rezoned.

Mr. Connors answered you are correct, yes.

Alderman Wihby stated you know where the bottom of the T is. Where is the first multi-family next to there.

Mr. Connors replied the first multi-family is approximately right here. This is a property line right here that goes straight up to Mammoth Road. One multi-family is here and the other is right down here.

Alderman Wihby asked the first one from the butt of that T, how far is that.

Mr. Connors answered I am going to guess and say approximately 250 feet.

Alderman Wihby asked and the other building is straight down from there, the single family is straight down from there.

Mr. Connors answered the single family is about 150 or so feet further out this way.

Alderman Clancy stated you said that the Lees own this property.

Mr. Connors replied the Lees own the property that we are seeking to rezone tonight.

Alderman Clancy asked and where do they live right now. What is their present address.

Mr. Connors replied I am going to let them answer.

Mr. Lee responded we live in Londonderry.

Alderman Clancy asked but I understand you are in favor of doing this.

Mayor Wiczorek answered he is going to be speaking later.

Gail Fisher, 83 Gilhaven Road, Manchester, NH stated I am owner of the All Dogs Gym doing business at 801 Perimeter Road in Manchester. I am speaking in favor of this obviously because this is my business that is going to expand. I will be the abutter to Mr. Lee's land and the benefactor of the rezoning should the Board decide to grant the rezoning. It is a compromise that was brought to me by Mr. Lee and it definitely benefits both my business and his multi-family residences on the property so I am hoping that you will vote in favor of it and I will be happy to answer any questions you have.

Alderman Wihby asked you said that it benefited you. How does it benefit you.

Ms. Fisher answered it is a better configuration for the kennel, a long building, as Mr. Connors said is slightly harder to control in terms of noise buffers being able to have different zones in the kennel. If we are not full, we will be able to close off portions of it, the portions further away from the residences and enable us to keep greater control over the dogs under our care.

Alderman Girard stated it was said earlier, I believe by Attorney Head, that the abutters or the current owners of the single family have been non-participatory in any of the public processes. Have you had any discussions or conversations with them at all regarding this project.

Ms. Fisher replied I have not.

Alderman Girard asked so if they had any concerns, they have not aired them in any public or private forum that you are aware of.

Ms. Fisher answered correct.

Alderman Shea stated there was, according to Alderman Rivard, a person that has appealed to the courts regarding a certain ruling that was made by the Zoning Board. Is that correct.

Ms. Fisher replied correct.

Alderman Shea stated so there is opposition by someone.

Ms. Fisher replied to the training building, the training kennel. The commercial kennel is an allowed use in this zone. It is the training building for which we needed a special exception that the abutter is objecting to.

Alderman Shea asked so they are objecting to the special exception made by the Zoning Board that was granted is that correct.

Ms. Fisher answered correct.

Alderman Shea stated obviously there is a difference in the approach that you are using in your business now because on Perimeter Road, as was indicated by Mr. Connors, you did not have the same type of functions. Why is there a difference there contrasting it to your desire to have something different in the new facility.

Ms. Fisher replied first of all, I lease the building on Perimeter Road and my lease is up in December, but more importantly we don't have facilities for overnight boarding where we are now and our customers have requested that we have overnight boarding. Being located so near to the pride of Manchester, the Manchester Airport, really has sort of made it a no brainer to put in an overnight boarding kennel in an industrial zone where it is an allowed use.

Alderman Shea asked is it in Londonderry where you are leasing now.

Ms. Fisher answered no, we are in Manchester.

Alderman Rivard stated I guess the question is allowed use. At its present zoning, you folks could put these kennels in and have overnight housing of the dogs, is that correct.

Ms. Fisher replied that is correct.

Alderman Rivard stated so whether or not we approve this rezoning, you could still go forward with those plans.

Ms. Fisher replied that is correct.

Alderman Rivard stated so the only thing we are kind of wrestling with here is the training facility or whatever they are appealing.

Ms. Fisher replied no that is not correct. What we are wrestling with here is making my abutter as happy as we can possibly make him and making me as happy as we can possibly make me.

Alderman Rivard stated the term abutter is interesting because the abutter doesn't live there and there are a lot of people who probably lease through him. I don't know if this is appropriate, but if I was someone who was going to lease an apartment from this gentleman and his wife, I would hope that somewhere in the lease there would be a place that you would sign to be made aware that there is a dog kennel nearby so that they wouldn't be surprised if they committed to a year lease if the dogs are not able to be controlled. I would be interested to know how that is done, but nevertheless I would hope that is part of your lease agreement because I would hate to move into an apartment on a quiet summer day and find out that there are 120 dogs 200 feet away that bark with great enthusiasm when the moon is full or whatever. That is an interesting situation that these people are going to be facing. I know that they don't live there and I can understand probably why, but that would bother me if I lived out there, I can tell you that.

Ms. Fisher replied I will let Mr. Lee address that, but I will address the 120 dogs baying at the moon. One of the things that we are very proud of is being very good dog trainers and it is definitely our intention to keep control over these dogs. We do not want to have problems with our neighbors. There are ordinances against that right now and certainly we are well aware of that. We want to be good neighbors and that is why we are here.

Alderman Rivard asked where do they have a facility that would be similar to this in the Manchester area. Do you know of any.

Ms. Fisher answered there are kennels on Straw Road which is a residential zone.

Alderman Hirschmann stated they are in my ward. We haven't had any problems.

Alderman Rivard asked how many do they house there.

Alderman Hirschmann answered I think it is 100.

Ms. Fisher replied they just had an expansion and I believe they now have over 100 and it is a residential zone.

Norman Lee, 27 Beacon Street, Londonderry, NH stated this goes back a year now. The original plan that was proposed was very not acceptable to us. I opposed it adamantly. There were a number of reasons bearing on that. First, I had no relationship with Gail Fisher at all, didn't know her from Adam until I received a notice that this plan was being presented and when we got more involved with hit, your zoning laws, being I-A did approve the boarding of her dogs and we were very, very concerned that any opposition, if it fell within the proper zone, our hands were going to be pretty tied anyway. So, as things progressed, I got a relationship established with Gail. We looked at the plan, along with TF Moran and Alan Eaton Architects. We realized that there are wetlands involved. We realized also that my property could have suffered a diminishment in value, possibly restricting further expansion of the multi-family. You asked about the buffer and a lot of your questions and concerns were the same as mine at that time. With this, we put our heads together. We wanted to consolidate her building and keep it from becoming expansive; hence the T did bring a restriction to that. It was also an increase to the buffered area, which is to remain a permanent buffer. It also kept the construction of her site away from any wetlands of which we are downgrading it and should we have expanded at any time or submitted a plan to the Board for further expansion of our use which was multi-family, we would not be facing a dog kennel, nor would my tenants be facing a dog kennel. So, Gail has been very agreeable. I appreciate the time she has put into this. We tried to come up with a plan and even though we can't keep everybody happy, we felt that it was a very good compromise.

Alderman Wihby asked what more can we put on a multi-family parcel, Mr. Lee's parcel.

Mr. MacKenzie answered the zoning ordinance would allow more units. Right now, I think the limitation is the non-availability of sewer at the present time. Eventually, there will be sewer in this area and they would be able to put more units on that.

Alderman Wihby asked where would they be, along the left-hand side where that building would be.

Mr. MacKenzie answered remember you talked about the curve mound. That is a septic area. Perhaps adjacent to that they could potentially put some more units. There are a couple of locations where they could potentially put units.

Alderman Wihby asked if he bought the house, could he put a multi-family there.

Mr. MacKenzie answered yes.

Alderman Wihby stated and that is even going to be closer...well you are going to have the butt end of the building. What stops her from later on enlarging down the left-hand side and putting another 100 units there.

Mr. MacKenzie replied I guess that is something you might want to refer to the applicant to see if they have any agreements on buffer zone.

Alderman Wihby asked, Mr. Lee, do you have an agreement where she can't put in another 100 units.

Mr. Lee answered I would probably defer to Gail on that. We do have an agreement that the area that is undeveloped would remain a permanent buffer.

Alderman Wihby asked is that theory water with us, Mr. MacKenzie.

Mr. MacKenzie answered that would, unless the Planning Board included that as a condition when the plan came into the final site plan, typically that would be a civil action, a civil agreement that they would have to enforce themselves.

Alderman Wihby asked so we would be okaying this subject to if they wanted to get rid of that later on they could and she could build on it. Can we okay it with that stipulation.

Mr. MacKenzie answered I guess I would want to perhaps refer that question to the City Solicitor a little bit more. You have to be careful what you do with the zoning ordinance. I would prefer, perhaps, to work something out with the applicant so that when it comes to the Planning Board there would be a condition placed on the plan. If there isn't, the Board might have more difficulty approving that.

Alderman Wihby asked what Board.

Mr. MacKenzie answered this Board.

Alderman Girard asked, Mr. Lee, am I to understand in your presentation that you have agreements in place now with Ms. Fisher and you are satisfied that they protect not only your current, but your future interests.

Mr. Lee answered with the approval of the Board this evening for the rezoning, yes, we are happy with the agreement and Gail has agreed to go ahead with what we are calling Plan B versus Plan A with this Board's approval.

Alderman Girard asked so you are confident then that your present and future interests are protected by the agreement that you have with Ms. Fisher.

Mr. Lee answered yes.

Alderman Girard asked there had been mentioned earlier, I forget which presenter made it, but said that you perhaps were interested in buying the single family home.

Mr. Lee answered we have interest. She is elderly and we have not had conversation at this time. I spoke with her son some time ago. He has since moved out so with that, I cannot make any comment further other than we have interest.

Alderman Girard asked would your interest be to buy it as a residence for yourself or for other purposes and if for other purposes, what are they.

Mr. Lee answered we had thought that if the site had future expansion possibilities that that would serve as a resident manager as well.

Alderman Girard asked so your intended use for that if you were to buy it would be some kind of single family use, whether it is for resident manager or something else.

Mr. Lee answered yes, that is accurate.

Alderman Cashin asked, Mr. Lee, when you originally purchased this property I guess you got it through bankruptcy, how was it zoned.

Mr. Lee answered at that time, it was multi-family. We purchased it as it existed.

Alderman Cashin asked, Mr. MacKenzie, are you guys ready to make a recommendation on this tonight.

Mr. MacKenzie answered we don't have a formal recommendation. In essence, I don't believe we have any specific issues. They have worked hard to resolve a number of the neighborhood problems. We feel that it is consistent with the Master Plan so while we don't have a formal written recommendation, we don't have any problem with it.

Alderman Clancy asked, Mr. Lee, are you going to be the owner of the property on both sides of that T.

Mr. Lee answered I don't believe so. The area that is proposed for rezoning, I believe we still have a portion of land that abuts two sides of that, yes.

Alderman Clancy asked now if you buy this single family home and if sewer is extended down to your neck of the woods, I understand you own those condominiums down there on Mammoth Road, is that right.

Mr. Lee answered yes.

Alderman Clancy asked so if you bought this single family house and if the sewer goes down there, you are probably going to demolish the house and put more condominiums down there. Is that true or false.

Mr. Lee answered speaking with architects; there was the potential to increase the density there. We don't have that desire. We would never develop the site to where people didn't share their own area, their own privacy. If anything, it would be more or less townhouse style and that is a long ways away. We know that eventually sewage should come into the area. I have no idea when.

Alderman Clancy asked so what do you have, your own holding tank now.

Mr. Lee answered yes, actually we are on our own leechfield and private systems.

Alderman Pinard asked, Mr. MacKenzie, could you tell the Board what is going on with Sheffield Road from Willow Street and Dan's City and the used car lot. Shouldn't all of Sheffield Road be an industrial site.

Mr. MacKenzie answered all of Sheffield Road is actually zoned industrial. While that property was zoned industrial, there have always been some homes on Sheffield Road. The Board, when they originally passed the zoning ordinance felt that ultimately that entire area should, over time, transform into industrial property.

Mr. MacKenzie asked could I respond to a question by Alderman Wihby. I did talk to the applicant and they are willing to put a condition on the plan that goes to the Planning Board indicating that they would retain the buffers as represented on the plan.

Mayor Wieczorek called for those wishing to speak in opposition.

Mayor Wieczorek advised that all wishing to speak having been heard, the testimony presented will 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 Wieczorek advised that the second purpose of the public hearing is to hear those wishing to speak in favor of or in opposition to a proposed Ordinance; that the Clerk will present the proposed Ordinance for discussion at which time those wishing to speak in favor will 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 will 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 extending the R-3 (Residential Three-Family) zoning district to include a parcel of land at 866 South Beech Street (TM 691, Lot #15) currently zoned R-1B (Residential Single-Family) and having an area of approximately 6.68 acres."

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

Mr. MacKenzie stated I am going to turn it over to Terry to describe the property and the proposed rezoning.

Mr. Harlacher stated the property in question is identified on the overhead exhibit. It is generally a property that is located at South Beech Street. The size of the property is approximately 6.6 acres. It is located adjacent to the existing R-3 Residential District, which is a multiple family district, which contains approximately 380 dwelling units. The balance of the area along South Beech Street is generally a single-family residential area as you can see it zoned R-1B and generally it contains older and some new single family homes. To give you a closer view of the property in question, here in this exhibit we see a closer view of the property generally from Titus Avenue to the north down to Gold Street to the south with Beech Street running down the middle. You can see the area in question as identified R-1D to R-3. Adjacent to that area to the right, which would be to the east is Beech Hill Avenue and Beech Hill Drive which contains the existing multiple family development as I said which contains approximately 370 or 380 multiple family dwelling units. The balance of the area is single family. You have Saint Augustine's Cemetery immediately to the south of the subject property and south of that is Gold Street. Generally, the property slopes from Beech Street. The high point is kind of the southwest corner where the tax map number is and it generally slopes northerly and easterly kind of toward Beech Hill Avenue and Beech Hill Drive to a low point around the rear of the multiple family area. If this property were rezoned, the R-3 district would allow approximately

190 dwelling units at the current density limits of the R-3 district. I will be happy to answer any questions.

Alderman Wihby asked what are those small squares in there.

Mr. Harlacher answered currently that is an old farmhouse that is a two-family home, we believe, and then there are several out buildings, sheds and whatnot associated with the farm.

Alderman O'Neil asked under R-1B how many homes could be built there.

Mr. Harlacher answered probably between 20 and 24, Alderman.

Alderman Shea asked the R-1 is directly across the street from that particular area is that correct.

Mr. Harlacher answered yes, Sir.

Alderman Shea stated now the Beech Hill area is how far away. In other words, the dwellings you had mentioned, are they five blocks away, four blocks away, six blocks away.

Mr. Harlacher replied the Beech Hill development is immediately adjacent, Alderman. It is a very short distance from the rear of the multiple family buildings to the property line as you can see. It is just a matter of feet.

Alderman Shea stated and on the other side is the St. Augustine's Cemetery and then north of that it is R-1 again. Is that correct.

Mr. Harlacher replied yes.

Alderman Shea stated and you mentioned that there would be 190 dwelling units put in there. Is that correct.

Mr. Harlacher replied no. What I said, Alderman is that the potential would be for about 190 dwelling units.

Alderman Shea asked now this is multi.

Mr. Harlacher answered yes; this would be multiple family dwellings.

Alderman Shea asked is that the intent of the people that are selling it, the people that are buying it rather to put that in there.

Mr. Harlacher replied I really couldn't answer that, Alderman.

Alderman Shea asked there was nothing on their stipulation. I thought I saw something concern that.

Mr. Harlacher answered we believe the intent is to develop the property as R-3, but the applicant may provide more information on that subject.

Alderman Shea asked, Mr. MacKenzie, concerning the zoning map what kind of effect does that have. We do have a Master Plan. How does that fit into the zoning map situation.

Mr. MacKenzie asked the land use map of the Master Plan. Generally, this area is shown as medium density, single family residential under the Master Plan.

Alderman Pariseau stated I don't know if this is the appropriate time, but I have to express my opposition to this proposed project for a number of reasons but before I get onto that, I would request that the Bills on Second Reading establish a new policy whereby abutters are officially notified by mail relative to any future proposed rezoning issues. Currently, all there is is a legal notice and not too many people read the legal notices in the paper and people were surprised. I guess one neighbor got wind of it this afternoon and they were surprised and angry because they weren't notified of this proposed rezoning. My reason for opposition is the density of the project with their capability of putting in 193 units adjacent to Beech Hill Avenue apartments where there are 320 units. The traffic that it would generate there on South Beech Street and if you have been on South Beech Street you know that it is horrendous already. The proposed egress and entrance to the property presents poor site distances from South Beech because of the humps in the roadway. Also, a concern with the property being right in the flight line and as was already mentioned by Mr. MacKenzie, is that it isn't consistent with the City's Master Plan. So for those reasons, I oppose the proposed rezoning from R-1B to R-3.

Alderman Girard asked, Mr. MacKenzie, the R-3 where Beech Hill is, has that always been an R-3 or was it at some point consistent with the R-1B's around it and if it was rezoned do you know when it was rezoned. Perhaps Alderman Pariseau knows that.

Alderman Pariseau stated I believe it was in the early 70's, 1973 or 1974.

Alderman Girard asked so that was rezoned a number of years ago, then.

Mr. MacKenzie answered yes. The current zoning ordinance that was have was adopted in 1965. This came roughly five years later. This was rezoned. Originally, it was all R-1B.

Alderman Girard asked, Mr. MacKenzie, with another 190 somewhat units that could go into this zone if we were to change the zoning, about how many school kids would that amount to.

Mr. MacKenzie answered we could check our impact numbers, but clearly it is going to have some impact. I believe this would be going to Highland Goffe's Falls School. We can check the calculations and let you know, but it is going to have an impact.

Alderman Girard asked but is it about one child per unit. Is there an average.

Mr. MacKenzie answered typically multi-family is going to be much smaller. It might be down to .02 or .03 child per dwelling unit so the total impact is not going to be one per unit.

Alderman Hirschmann stated it says in two places on the letter "contemporary residential adult living." Is this going to be an adult community of some kind. Elderly housing. What is this.

Mr. MacKenzie replied that is something that I know the applicant's attorney is here tonight and they can probably better address that. We understand that there is interest possibly in turning this into, if not an elderly than one of the other definitions of an older person living community.

Alderman Hirschmann asked so it wouldn't necessarily impact the school district then.

Mr. MacKenzie answered that is correct.

Alderman Girard asked, Mr. MacKenzie, at this point the Planning Department has received no site plan for this parcel if it is rezoned. Is that correct.

Mr. MacKenzie replied no we haven't, Alderman.

Alderman Girard asked so if the City changes the zoning here, regardless of what is represented by the applicant, once we change the zoning, anything that can be put in an R-3 zone can be built in that R-3 zone. Is that accurate.

Mr. MacKenzie answered that is generally accurate, although in certain difficult zoning cases the applicant has come forward. You may remember Lahey Hitchcock Center. They came forward before the final approval and made some covenants on the property to protect abutters. That is not presented here tonight to our knowledge but that could be a possibility.

Alderman Girard asked so we have just general concepts and maybes and we don't have any real idea of what is proposed here.

Mr. MacKenzie answered that is correct.

Mayor Wieczorek called for those wishing to speak in favor.

Richard E. Fradette, 1415 Elm Street, Manchester, NH stated I appear here on behalf of the applicant. In listening to the questions, perhaps the best way to answer the Board's questions about what is proposed there is to first state that there is no plan before the Planning Board because the developers aren't certain as to what they are going to put in. they are certain that it is going to be targeted towards adult residential units, either townhouses or condos and the owner, Barbara Laventure, did do a letter. Now I am told, Alderman Pariseau, that this letter was sent to you but it may have been...I think you were out of state and it may be in your mail.

Alderman Pariseau stated I have the letter.

Mr. Fradette replied great. This letter, essentially, identifies the owner. They have owned the property since...it has been in the family for 67 years. It was expanded to, or rezoned rather in what she recalls as the late 70's or early 80's when the upper portion of this parcel was rezoned to multi-family. They prefer and their view is that they would like to sell the property. They can't sell it for single family development or they haven't been successful in selling it. It is a large tract, 6.68 acres and so they are stuck in the sense that it is not appropriate or they haven't been successful selling it for a single family. They did get a buyer interested in multi-family. She makes reference to lack of decent housing for the aging baby boomers. That is where I think this notion of...and I tried to capture the term by saying residential adult living. Not elderly, I am one of those baby boomers. The other point that is made and it is consistent with the discussions that I have had with the buyer is the impact on the school, the infrastructure is not going to be as you would expect if it were single family residential. Again being the target population those that are kids in college, they are vacationing in Florida and Arizona and that sort of thing. The prospective purchaser is here this evening and if there are questions that I can't answer, perhaps I can bounce them off of him. The Planning Board, as you are well aware, can exercise great powers in my estimation and in my experience with respect to holding developers to their representations and it is my information that the development there would be targeted at adult living so we wouldn't have those concerns relative to children in the school systems and the like.

Alderman Girard asked, Mr. Fradette, the intended use as you say is for adult living, but really what guarantees could the developer or the property owner if this changes, what guarantees could the City be given that that is the only population that would be sold to or rented to. Are these going to be owned or are they going to be leased out to people first of all.

Mr. Fradette answered there is nothing on paper as to what is going to be built. I heard Terry say that maybe 24 single family residential units. Probably double that if it were single family townhouses. If it was condos, and incidentally I don't know that the 190 number and you would have to ask Terry if that 190 number is under the current ordinance or under the proposed ordinance because I am told that the developer that is looking at this is looking to build under the proposed amendments to the ordinance. Getting back to your question of how you can make sure, that is the Planning Board. I don't think that this Board and my own personal opinion is

this Board can either approve or deny and then it is going to be the Planning Board's responsibility to make sure that whatever is built there is built in harmony with what should be done.

Alderman Girard replied but we don't know about the proposed development and whether or not it is going to be rental property or property that people can own individually. Is that correct.

Mr. Fradette responded that is correct.

Alderman Girard stated we don't know how many units or what type of unit. Is that correct.

Mr. Fradette replied that is correct. This is a use or application to redistrict based on use.

Alderman Girard stated I heard somewhere along the line that there were potentially Federal funds of Federal tax credits or something that would be used that would either restrict the use of this property or somehow turn the land and the property into non-taxable land by the City. Is that accurate.

Mr. Fradette replied I have not heard anything and based on the visual that I just had from my client, he has not heard anything along those lines. That is news to me. The owner makes reference to the Airport. One of the difficulties that they have had in trying to sell the land for single family construction is the fact that there is increased activity at the Manchester Airport. I don't know if that is where you got reference to Federal funding.

Alderman Girard responded no it is not, but if there is a letter out there from the current owner that says that they have been unable to sell this as single family because of the Airport, it seems to me that it would be as difficult to sell it if it was small condos and certainly it would be difficult to build and lease space because it seems to me that people who live in multi-unit dwellings are no less sensitive to noise than people who live in single family homes.

Mr. Fradette stated I guess the market would probably bear out that and the fact that she has got a purchase and sales on it as a multi-family versus not being able to get one as a single answers that.

Alderman Girard asked is it possible then that the development of this land might be a low-income development to attract people who would be more willing to put up with noise and maybe don't have as many alternatives.

Mr. Fradette answered I don't want to speculate as to what it might attract, but what it hasn't attracted is single family residential.

Alderman Girard stated your Honor it seems to me that there are an awful lot of unanswered questions here. Thank you.

Alderman Pariseau asked, Mr. Fradette, what do you mean by adult community. I have heard of elderly, but adult. A 20 year old or 21 year old person would be considered an adult.

Mr. Fradette answered yes, I can't argue that statement but I guess in my letter and what I understand the developer to be targeting and just to distinguish them I view myself as an adult that fit within this category. I am 45 years old, my kids are about ready to fly the coop and I am looking for a two bedroom, nice place to live which I don't necessarily have to maintain as heavily as a single family residential. That is the spirit that I was using that term in, the baby boomer generation.

Alderman Pariseau stated you also stated that the applicant couldn't sell the property for single family homes, but in their letter they say that they didn't even do it. They were just advised by a realtor that they considered it would be difficult to market for single family homes because of the recent Airport expansion. That is ironic because they just built a single family home on the corner of South Beech and Gold Street which is further up the hill so their statement that it is not sellable to a single family, I think, is a little gray and I think if they made an effort they would find some developer that would come in and build a single family home without the need for rezoning. Secondly, they really don't know what they want. The developer doesn't know what he wants. All the Planning Department stated to me was that there is, because of the size of the property 6.68 acres, there is the potential for 193 units. That is what I go by. The developer didn't tell me that it was going to be 53 or 74 or whatever. 193 is the figure that I am using. Picture 193 units with possibly a vehicle and a half per unit using South Beech Street. It would be a mess. We can't even get a traffic light on the corner of Mystic and South Beech now. It just won't work. The other thing, elderly, today's society for the most part dictates that young folks who are leaving the next and seven out of ten come back with their children so there is no guarantee that it would be strictly adult and/or elderly. This is a concern that I have. The schools, Highland Goffe's Falls and even Bakersville would be impacted negatively. The gist of their letter comes down to the almighty dollar. "We would not be able to sell the property for the current price we are getting for it." I am sorry, but if the market doesn't dictate what they are looking for, that is not my problem nor is it the abutters of that immediate area.

Alderman Shea asked, Mr. Fradette, if this property were rezoned is it conceivable that some sort of an arrangement between the purchaser, the man purchasing or the company purchasing it and the Federal government might be worked out so that because of the funding flowing in from the Federal government is it conceivable that it could be a low income type of development. Is that conceivable. I am not saying it might be or it would be.

Mr. Fradette answered if your question is generically does the Federal funded, low income housing or for that matter elderly housing, there is money out there for elderly housing as well. I think the answer to your question is the Federal government has money available to develop elderly housing and has money available to develop low income housing in my experience.

Alderman Shea stated so that property could be a non-profit type of endeavor after the contract builds it and the Manchester Housing Authority or some other agency could take it over and it could be a non-profit type or even the person running this particular facility could petition as a non-profit entity. Is that correct.

Mr. Fradette answered yes; I suppose you are absolutely right. It wouldn't be the first time that there would be non-profits out there doing housing.

Alderman Pariseau stated Alderman Shea brings up the fact about the Federal involvement, which is even more scary. When did this come about.

Mr. Fradette replied just tonight.

Alderman Pariseau asked but the developer isn't necessarily looking for it.

Mr. Fradette answered when you say when did this come about, Alderman, the petitioners are here before this Board requesting that this be rezoned to multi-family ostensibly with no proposed development in mind. It is either going to be condominium, multi-family townhouses, arguably as many as 190 apartment units so this talk about Federal funding for building is not from me. This is the first I hear about it this evening. As I understand this process, in the first instance before we get to putting anything on the drawing board as to what is going to be constructed there, we have to get through this Board because it is not going to be single family residential.

Gary Watts, 98 Rundlett Hill Road, Bedford, NH stated I am a party to the potential develop on this project and I would just like to state for the record that I am in favor of the rezoning. If you have any questions, I would be happy to answer them.

Alderman Pariseau asked do you know what you are going to do there.

Mr. Watts answered not exactly.

Jim Campbell, 176 Broadway Avenue, Manchester, NH stated I am from the ReMAX Omega Group. I am involved in the transaction for this parcel of land and my opinion is that we are experiencing growth in Manchester and with too many people going through the Airport right now we are experiencing a shortage on two bedroom condo style units for older move down buyers and we are also experiencing a shortage in apartment buildings, good quality apartment buildings which the move down buyers are looking for to move into and they are looking to pay extremely higher rents for them. I wouldn't say low income. These people are willing to pay anywhere from \$900 to \$1,200 a month for a good quality apartment in Manchester.

Mayor Wiczorek called for those wishing to speak in opposition.

Mayor Wieczorek advised that all wishing to speak having been heard, the testimony presented will 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.

Alderman Pariseau stated I would like to ask Mr. MacKenzie if he has a recommendation to this Board.

Mr. MacKenzie replied again, your Honor I don't have a formal recommendation. I have some opinions on this rezoning and I don't know if the Board would like to hear that now or at the Committee level.

Alderman Pariseau responded I would like to hear it.

Mr. MacKenzie replied in general our staff has reservations about the rezoning. Again, to give you a little history as to why I have those reservations, the City had a tremendous amount of rezoning back in the 1970's and 1980's and as a result of those rezonings, the City changed quite a bit. In addition, I also think those rezonings had a tremendous impact on the recession that the community had in 1989, 1990 and 1991. As a result of that, we had a lot of new development of multi-family housing that there wasn't sufficient demand for and as a result the central city of Manchester lost a lot of people who went out to some of the spurned projects. That is when we had 25% to 30% vacancy rates in the central city. That is where we had a lot of problems with abandoned buildings, crack houses and other issues that were very important to the City and we have built back from that. We have attacked those problems, but it has taken a long time. I am concerned about any excessive rezoning of multi-family. Right now we still have land zoned on Wellington Hill, Hackett Hill, Brown Avenue and Bodwell Road that is undeveloped and zoned multi-family. We could have more than 1,000 growing units if all of that land was rezoned. I am very concerned about the balance of housing in the City. Nation wide there is 66% of units that are owner occupied. In Manchester, it is just the opposite. 66% are multi-family, tenant occupied and I think we have to strike a slightly better balance than that so until we can make sure that the central City has fully bounced back and until we can perhaps get back to this balance I am concerned about any major additional multi-family rezonings in the City and I also have concerns as have been expressed tonight about intensifying development in the flight zone, traffic issues and the fact that it is not consistent with the City's Master Plan.

Alderman Girard asked, Mr. MacKenzie, given your comments about a potential 1,000 other units in the City, multi-units that could be developed with the areas that you mentioned, should we be taking a look at and I don't know if the new zoning ordinance addresses this but should we be taking a look at those zones to determine whether or not they should stay multi-family.

Mr. MacKenzie answered yes. The new zoning ordinance you will see, in effect, looks at some of this outlying zoning. What has frequently been used for zoning in outlying areas as proposed tonight, is an R-3. In essence though an R-3 was originally intended back in 1965 to recognize triple decker neighborhoods in extremely dense inner City areas and that was then used in

outlying areas perhaps inappropriately so the new ordinance will look at the issue of whether we should adopt a more reasonable suburban type multi-family zoning district for those existing zones.

Alderman Shea stated I think, too, Mr. MacKenzie a couple of points and Alderman Pariseau raised this is the fact that when we are hearing appeals for rezoning, the people who are directly affected, unless they read the paper and some people don't subscribe to the *Union Leader*, they really don't know what is going on and I didn't want that point to be passed over lightly. I really think it is incumbent on the Planning Department to submit some type of ordinance whereby these people who abut the properties are notified because we do that with a variance and we do that with a special exception and also I think there is the responsibility of the petitioners to site the real reasons for their appealing zoning districts. In other words, their wanting to go from an R-1B to an R-3. I think that is very important and I don't mean to say that the people tonight haven't elaborated upon that, but I really think that is a very serious problem in our community because a lot of things slip by without people really being aware of what is going on.

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

A True Record. Attest.

City Clerk