

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

December 6, 1999

7:00 PM

Mayor Wieczorek called the meeting to order.

Mayor Wieczorek called for the Pledge of Allegiance, this function being led by Alderman Shea.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Wihby, Klock, Sysyn, Clancy, O'Neil, Shea, Pariseau, Cashin, Thibault, and Hirschmann

Absent: Aldermen Reiniger, Pinard, Girard, and Rivard

Messrs: R. MacKenzie

Mayor Wieczorek advised that the first purpose of the public hearing was 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 B-3 (Highway Business) zoning district to include land of Manchester Executive Center Associates (TM 757, Lots 2A & 2B), currently zoned R-1B (One-family Residential) and having a total area of approximately 10 acres."

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

Mr. MacKenzie stated good evening honorable Board members. I did want to orient you to where this project, this rezoning request is and a couple of other facts about the project. This rezoning request is adjacent to I-293. Right along this area here on this map is I-293. Across the highway is the Mall of New Hampshire. The property is at the end of the South Porter Street extension. South Porter Street comes down and connects to South Willow Street about here, adjacent to Dobles Chevrolet. International Harvester is located here. Some of you may remember the site where a new hotel, Microtel, had been started, but the construction has not continued. That is located on this lot and that lot is zoned B-3. The area that is requested to be

changed is highlighted in dark here. This area is currently R-1B, which is single family zoned land. It is a vacant parcel, mostly with trees directly adjacent to the highway. The person that owns this property also owns a section that I am highlighting right now that is currently zoned B-3. The request is to extend the B-3 for the entire length of this group's property, which extends over to Huse Road. Right here, you may remember that there is a pump station on Huse Road adjacent to I-293 and that is located right here. Access would be via South Porter Street as extended and proposed along a new roadway, which would end in a cul-de-sac. As you can see right here, this would be a cul-de-sac at the end of the street so their property would front on the end of this cul-de-sac. It is also my understanding from the applicant that they would not be intending on having any normal access onto Huse Road. I think they recognize that this is a residential neighborhood to the East and that there might be concerns for bringing commercial traffic into that residential area. The site to be rezoned is 11.5 acres. Again, it is currently vacant. There are certain areas of wetlands. Actually on this map you can see delineated certain wetland areas that they either have to work around or get permits to fill if that was at some time constructed. While this is zoned single family, the area to the North is zoned R-SM. R-SM is residential suburban multi-family and there is a condominium project, Parkview Hills, located just to the North of this site. At this time, those are all of the points that I wanted to bring out. I would be happy to answer any questions.

Alderman Pariseau asked, Mr. MacKenzie, you put out that from South Willow Street there will be a cul-de-sac right there. How does the applicant propose to get to the rest of that property?

Mr. MacKenzie answered this property then would be developed as one total piece so the rest of the property would have internal driveways and internal ways and probably a parking lot to develop the site. They would probably have one or two access roads off of this cul-de-sac and there would be an internal parking lot or some type of loop road within here that would be all private.

Alderman Pariseau asked do we know what they propose to put in there. A hotel or retail?

Mr. MacKenzie answered I know that they have several possibilities, but I would prefer that you ask the applicant about that.

Alderman Pariseau asked is he here.

Mr. MacKenzie answered I believe the applicant is here tonight.

Alderman Pariseau asked if this is approved, could this Board stipulate maintaining some trees along that area so that it doesn't negatively impact the condominium people. Do we have that authority?

Mr. MacKenzie answered we have to be a little bit careful about the issue of contract zoning where a lot of conditions are attached. I think we successfully, on the Hitchcock Hospital site off of Wellington Road, the City kind of negotiated and the land owner voluntarily put conveyance on the property that made restrictions so it is possible that the applicant, if they see concerns by the Board, could make restrictions on the property to make the Board more comfortable.

Alderman Pariseau stated I would encourage them to leave that buffer along that condominium side anyway so those people that live there wouldn't be negatively impacted by noise or whatever else is being proposed in that area.

Alderman Clancy stated I see the owner is here and wants to let us know what he plans to put on his lot. Can I ask the owner?

Mr. MacKenzie replied yes, I am sure they are going to testify and I would be happy to turn it over to them.

Alderman Clancy stated seeing that Alderman Pariseau said that we are going to maybe put some trees along the Parkview Condominiums, are they going to put South Porter Street straight through now.

Mr. MacKenzie replied it would not connect all the way to Huse Road. It would come to a cul-de-sac as shown on the plan here so South Porter would be extended a little bit but then end at this cul-de-sac.

Alderman Clancy asked where is the hotel now that is down there to the East of Dobles.

Mr. MacKenzie answered that is located right here. That is the Susse Chalet, which is located on this site. There is a small office building right here and there was under construction at one point a second hotel that was not ever finished. That is on this lot that is adjacent to the site.

Alderman Clancy stated this is going to abut, more or less, Huse Road.

Mr. MacKenzie replied yes and you mentioned a buffering and I have raised two issues with the applicant that I think are of concern. One is how do you buffer and protect the residential development here from the commercial development in terms of some buffer along here as well as how to handle the traffic impact, particularly at South Porter Street and South Willow Street where there is a signalized intersection.

Alderman Clancy asked how many ways in and how many ways out of this area.

Mr. MacKenzie answered there is only one way into this area. It would be possible and likely, I suspect, to at least have some emergency access, a gated emergency access here on Huse Road.

Alderman Clancy stated but, Mr. MacKenzie, I have problems in my ward with streets that have one way in, mainly Portsmouth Avenue. That is not a good idea. That is just my opinion.

Alderman Hirschmann asked what would be the value of the property as it sits and what would be the value after it has been rezoned.

Mr. MacKenzie answered I don't have any hard numbers for you. Typically you would have, especially in this part of the City there would be likely more land value if it were zoned B-3 versus an R-1B district.

Mayor Wieczorek called for those wishing to speak in favor.

Nick Lazos, 1 Wall Street, Burlington, MA stated:

I am an attorney here in Manchester. I represent the Guitierrez Company. Next to me is Keith Taylor. I have a proposed rendering of the site, which I believe will answer all of the questions that the Board members have raised this evening. The first thing is and I will try to remember Alderman Pariseau's questions first I guess, he asked what the proposed use of the site would be. Right now, depicted on this plan we have interest from a hotel, a furniture store and an auto dealership. All of those uses are permitted in the B-3 zone, but obviously not permitted in the R-1B zone. One of the advantages and focuses that we make for those kind of uses is that although they are commercial uses, retail uses, they are low intensity retail uses, low traffic retail uses. They are not a department store or anything like that. Our studies and our traffic studies have indicated that they would attract mostly existing people, existing traffic running along South Willow Street because they are compatible with what is already out there. As all of you can see here, and I will try to hold this up so you can see it, here along the back edge of the property there is an existing stand of trees, which is almost entirely on our property.

Unfortunately, when the condominium was constructed they cut all of the trees down right to their lot line and my client intends to maintain this treed area here. It is roughly 25' from the edge of our property to the edge of the fire lane that runs along the back of the property. We would agree to maintain that tree buffer on our property. The condominium has pretty much just grass and open field in their area. The design that we have right now is to place all of the parking in front of the buildings heading down towards the Interstate and also over in this area where the access road to the condominium is. There is no planned exit out onto Huse Road.

One of the planning issues is, in fact, having traffic go out onto Huse Road, which is essentially a residential area. We have a retainage basin here for surface water and all of the access is from this cul-de-sac, which is going to be built at the end of a 50' wide public street which will be partially constructed by the hotel which is right here, the proposed hotel, and also extended by my client. There will be a driveway running through this property into the parking lots in front of both structures and out to this area as well, which is an additional parking lot that will provide adequate parking for the site. That is pretty much the configuration. It could be two hotels. It

could be one dealership. It could be two buildings. At this point, there is no agreement with any party. There is some interest by a number of individuals looking to locate here. The property is currently R-1B zoned. Pretty obviously, putting single family residential in this particular location where there is an exit ramp off of 93 across from the Mall of New Hampshire is not what you would call an appropriate location for that kind of housing. There was some discussion about noise. Frankly, the noise off of the Interstate is probably going to have more of an impact than we are and there is not much that we can do about that kind of noise. If anything, this development would buffer the condominium in the back from that kind of noise level. Any other questions that I didn't answer? My client is also here to answer questions.

Alderman Clancy stated you said a possible dealership. How about an auto body shop? They could be making noise.

Mr. Lazos replied well we don't intend to develop it as an auto body shop and I don't believe that auto body shops, although I don't have the ordinance at the top of my head, I don't believe that auto body shops are permitted in a B-3 zone anyway. We have no intention of putting an auto body shop in there.

Alderman Clancy responded you said a car dealership and a car dealership generally might do some auto body work themselves.

Mr. Lazos replied generally auto body work isn't done in dealerships. They do automotive repairs and that sort of thing and auto body work is dealt with separately. I represent Auto Fair so I have an idea of how they operate and I doubt that this would be inconsistent with that. I think that if you take a look at most of the dealerships, very few of them do any major auto body work. It is a different kind of business.

Alderman Shea stated you mentioned about hotels. Did you say that there would be room enough for two hotels there and how large would they have to be in order to be given a permit or something like that?

Mr. Taylor replied we have talked with one hotel. It would probably be 130 to 150 rooms and since there is already an existing hotel under construction up here, I think it is probably unlikely that there would be two hotels on our property. After consulting with the planing staff we were sensitive to...we have only talked to low density traffic generators. We talked to automobile dealerships, furniture stores and hotels. Those have really been the only types of people that we have even entertained conversations with.

Alderman Shea asked would there be any restriction on the height of your hotel building because of the Airport.

Mr. Taylor answered the current zoning restriction, I believe, is two stories and if it was to be higher than that you would have to have a variance for three. I believe the Susse Chalet, which of course is at the top of the hill, it's higher than any of this property and I believe it is three or four stories.

Mr. Lazos stated I believe that we would have to get a waiver from the Airport. I think the other hotel had to go through that process. Although it is not really...although it is in the flight path, it is not in any maximum height area. Normally, these things are passed by the Airport Authority and taken a look at.

Mayor Wieczorek stated we have the Airport Director here.

Mr. Lazos replied I don't mean to put him on the spot.

Mayor Wieczorek responded he is not on the spot because I think the FAA has to clear that. Don't they?

Mr. Dillon replied yes.

Alderman Klock asked how wide is that access road to the property, to the cul-de-sac?

Mr. Lazos answered it is going to be a 50' wide right-of-way, which is a typical Manchester street. The cul-de-sac basically runs to...our property line runs like this and around the cul-de-sac and down to the bottom. It basically ends at our property line and then crosses...there is an existing brook and the road will cross the brook and come up this way. This whole area will stay green.

Alderman Klock stated one concern I have with the layout as it stands in front of us is if you were going to put another hotel on that property wouldn't you be strapped for space in terms of emergency vehicles trying to get in there if there was a fire.

Mr. Lazos replied I think our goal, if that issue comes up, would be to have emergency access come out onto Huse Road with a gate. Again, we are sensitive to the neighbors out here and emergency access is very typical. It is done in a number of locations in Manchester and elsewhere. I think that would work quite adequately in the event that there is a need for it.

Alderman Klock asked and that would be favorable to the landowner to do that.

Mr. Lazos answered yes. We are sort of waiting to see what the Planning Board requires, but we are willing to do pretty much whatever they wish on that issue.

Alderman Pariseau asked are you proposing to have two businesses on that piece of property.

Mr. Lazos answered that is a possibility. It is possible to have two businesses on that property.

Alderman Pariseau asked why don't you just go with a bigger hotel. Instead of the 130-150 rooms, why don't you go to 300 rooms?

Mr. Taylor answered I don't have any interest from a 300 room hotel. That is really the issue.

Alderman Pariseau stated I can't see mixing uses on that property. If you are talking about having an auto dealership with that one road access, people are going to have to use that to test-drive the vehicles. They are going to be in and out of there all day long. That will create more problems on South Willow and South Porter Street. The hotel, I think, would be less of an impact on that intersection. To have two businesses in there, I don't know if we should rezone it based on that.

In fact, it is kind of being piggish I think. You want to have your cake and eat it too, having a hotel and an auto dealership. Enough is enough.

Mr. Taylor replied a part of the issue is that we really can't get people to firmly commit to coming here unless it is rezoned, but we have talked to a number of people who might be interested if it were rezoned. On 11.5 acres, if we don't want a large store that is going to generate a lot of traffic, you end up with probably...it is possible that we could have one use, but I think it is more likely, being completely honest, that we would have two uses; two relatively low traffic uses like we have talked about here. The hotels and the auto dealers are businessmen and make decisions whether or not they are going to be compatible so that it won't hurt their business.

Alderman Pariseau asked how many acres is the Mall of New Hampshire.

Mr. MacKenzie answered roughly 50 acres.

Mr. Lazos answered I think to give you a sense of comparison, we have two hotels next to Dobles Chevrolet on the same roadway. They are not incompatible uses. We have done a preliminary traffic analysis of the roadway and South Willow Street and they have come back with a very favorable indication that, as I mentioned earlier, much of the people visiting the site would be already out in the South Willow area and the retail area around South Willow. For example, people looking for cars would be coming down the road. They would be going to Dobles and probably coming down to this location. It is not a narrow road by any stretch of the imagination. It will be a 50' wide road, which is more than adequate to handle that kind of...when you say piggy if you look at the plan you can see that 40% or 30% is left vacant and the parking that we have here is more than adequate for the uses we have. So, we are clearly not paving the site like some other locations have in the City. I think the goal here is to come up with a relatively reasonable use of the site along the Interstate. Would we go with one larger

user if we could get that if somebody is interested? Absolutely, but we are talking about over 11 acres, which is a pretty large site.

Alderman Clancy asked, Nick, how do the people at Parkview Hills and Karen Street and Huse Road feel about this. Is this the first time it has been exposed?

Mr. Lazos answered this is the first time it has been exposed. I think the point is that until we have a specific user, it is awful hard to indicate exactly what it is going to look like other than this general layout. As we indicated, we would rather not impact Huse Road at all if we could, if the Planning Department allows us to.

Alderman Clancy stated I think there is a stipulation with the Mall of New Hampshire that when the Mall went into that location...there is a stipulation there. I am almost positive.

Mr. Lazos replied right. There is an emergency access gate. We have no intent of using Huse Road at all. Our goal is to keep our parking over here and leave this area. We would agree to that stipulation. That is not an issue for us.

Alderman Clancy responded of course you would. I would myself if I was putting in a building like that.

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

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 proposed Ordinances; that the Clerk will present the proposed Ordinances 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 Ordinances:

"Amending the Zoning Ordinance of the City of Manchester by creating a B-3 (Highway Business) zoning district to include land currently zoned R-1B and located between Brown Avenue and Whalley Road, from Dixwell Street southerly to Trafford Street."

"Amending the Zoning Ordinance of the City of Manchester by creating a B-3 (Highway Business) zoning district to include land currently zoned R-1B and located on Brown Avenue from Trafford Street southerly to Coldwell Street including the following lots: Tax Map 675, Lots No. 1, 2, 3, 4 & 5; Tax Map 683, Lots No. 5, 6, 7, 7A, 8, 8A, 9, 10 & 11."

"Amending the Zoning Ordinance of the City of Manchester by creating a B-3 (Highway Business) zoning district to include land currently zoned R-1B, located on the east side of Brown Avenue, south of Trafford Street, including the following lots: Tax Map 750, Lots No. 22, 23, 23A, 24, 25, 26, 27, 28 & 30."

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

Mr. MacKenzie stated I would like to kind of orient you as to exactly what area is involved in this project because it involves a number of parcels. Just to orient you, this is Brown Avenue as it continues down to the new signalized intersection at Goffs Falls Road right here. Brown Avenue continues down to the new Airport access road, which is further down here. The requested zoning is being brought by three of the property owners located here on the East side of Brown Avenue and the request was to rezone all of the properties fronting on Brown Avenue. The Cohas Brook is right here. Here is Pine Island Pond. From that point up to the lights at Dixwell. This would include a total of 37 parcels of which 28 of those have buildings on them. A majority are single family. There are some multi-family and some other type of uses in there, but the majority are single family and almost all of these lots do front on and have access directly to Brown Avenue. This petition does not include some of the other property owners that I think have expressed concerns in the past. There are some additional properties here to the north. There were six property owners, I believe, to the north here that in the past have expressed an interest in getting away from the difficult traffic problems and there are some additional residential users just south of the brook before you get to the Airport access road. So this petition is for a very specific portion of Brown Avenue. It does not connect to the existing commercial areas, which are further north. There is a B-2 district that starts probably in this area and that is where you would have the new hotel, a couple of restaurants and McDonalds further on up. As you can see, there are some other zoning districts here. This is an I-1 district, which is an Airport district. That includes the Anthem Blue Cross/Blue Shield up on the hill here. The property being requested, however, is in R-1B. That is a single family, medium density residential zoning district. At this point, I would be happy to try and answer any questions from the Board.

Alderman Pariseau asked, Mr. MacKenzie, why aren't we including those six original ones now for rezoning.

Mr. MacKenzie answered this petition was brought by property owners along Brown Avenue so we did not specify to them which areas should or should not be included in this petition. I do believe that eventually we will have considered the future of everybody from the Brown Avenue industrial park down to the Airport access road.

Alderman Pariseau stated now this isn't requested by a developer. This is being requested by the homeowners?

Mr. MacKenzie replied yes. Three of the properties have requested this particular petition.

Alderman Pariseau asked if this area was to be rezoned, what affect would you think it would have on the traffic currently going to the Airport.

Mr. MacKenzie answered I do have some reservations about this type of rezoning. Given that these are not very large lots, typically you would get smaller scale type retail commercial uses in this area and slowly houses would be converted over to pizza shops or other type of retail. It is possible that you will have more traffic problems. Those people immediately on Brown Avenue, some of them might get some relief from the traffic and sell their properties, but sometimes you create problems for other abutters behind you and you might possibly create other traffic problems in the area because you would have...more retail typically generates more traffic and you might have more traffic issues on that section of Brown Avenue.

Alderman Pariseau asked would we be better off if we had the Airport look at acquiring these properties instead of rezoning the area.

Mr. MacKenzie answered in my opinion, that is the best approach if possible and I know that the Airport Director, Kevin Dillon, has been looking at that. He is very interested in accomplishing it, however, it will not be an easy task to get that approved by the FAA so in the ideal sense, I believe that would be the ideal approach if that could be acquired by the Airport. The Airport Director is here and perhaps can answer that a little better.

Alderman Pariseau asked currently the Airport is acquiring what, 81 pieces of property.

Mr. MacKenzie answered I don't know the exact number. Those properties are down...most of them are down opposite the Runway 624 south of this particular area.

Alderman Pariseau asked has Mr. Dillon expressed to you his willingness...I just want to see if he has looked into the possibility of acquiring this land and what the feeling of the FAA is.

Mr. Dillon answered we have been speaking to the local residents about a potential acquisition. It is something that I am very much in favor of doing. We have run into a number of hurdles, though, that we need to get over as far as the FAA is concerned. One of the things that they have asked for is a look at the zoning of the area. Before they would consider an acquisition program, they would require appropriate zoning for this location.

Alderman Wihby asked is this considered spot zoning.

Mr. MacKenzie answered I would be more comfortable if it were zoned in relation to some other uses. For example, if this larger area in the long run were zoned Industrial and connected to both the I-1 industrial district and the Brown Avenue Industrial Park, that from a long range planning standpoint would be less of a spot zoning. I can't say that this particular situation would be spot zoning because there are so many private parcels, but it is a relatively small, isolated portion of Brown Avenue.

Alderman Clancy asked are these houses going to be on Whalley Road that you are going to try to...

Mr. MacKenzie asked what road.

Alderman Clancy answered Whalley Road.

Mr. MacKenzie stated almost all of the parcels except for maybe one have their frontage...maybe two or three parcels, almost all of them have their frontage on Brown Avenue. There are a couple of others that have frontage on Dixwell and I am not sure if there are any on Whalley Road in this proposal.

Alderman Clancy stated I, myself, would see problems with doing spot zoning. If they are going to do this, you might have a business next to you and you might not like it, maybe parking. All kinds of things like that. Truthfully, that is my way of thinking.

Alderman Shea asked, Mr. Dillon, when you mentioned about the FAA looking for appropriate zoning, could you elaborate.

Mr. Dillon answered the FAA, naturally their concern revolves around revenue diversion in terms of the grant assurances that we have committed to at the Airport. It requires that any Airport funds are used for Airport related projects. We need to prove that the use of Brown Avenue is consistent with Airport use, which naturally it is. The past traffic studies, though, have indicated that only 41% of the traffic on Brown Avenue is related to the Airport. The FAA then said that the most that it would allow us to use for the acquisitions would be 41% of the overall program. What we are about to undertake at the Airport is a new traffic study. I do believe that the usage of Brown Avenue is much higher than 41% related to the Airport, but based on that usage, we need to go back to the FAA then and get them to commit to the order of that percentage. The FAA, if they are to allow us to use Airport funds for this program, would require that the zoning along Brown Avenue then be appropriated for the widening of Brown Avenue. In other words, they would not want to see residential homes stay in that area if we were to widen it for Airport purposes.

Alderman Shea stated which breaks down to the fact that R-1B is not an appropriate type of zoning for that area if the FAA is to...if the traffic study indicates that it is higher than 41%. My question would be, what is appropriate zoning in your opinion or what might be or am I putting you too far above the present point in time. Timing is so important.

Mr. Dillon replied from the Airport perspective, and I don't claim to be a zoning expert, but from the Airport perspective I am very interested in acquiring the homes along Brown Avenue for a widening of Brown Avenue. As Mr. MacKenzie said before, I think if you look at the homes along Brown Avenue, the depth of those lots is not too consistent with too many commercial uses that would be good along Brown Avenue and that would be compatible with the level of traffic that the Airport could potentially generate. It would be my suggestion and again I don't claim to be a zoning expert, but I would certainly look for an industrial use versus retail/commercial.

Mayor Wieczorek asked R-1B is single family with a maximum of 7,500 square feet on a lot.

Mr. MacKenzie answered that is correct, your Honor.

Mayor Wieczorek asked then all of those are 7,500 square feet. Those lots?

Mr. MacKenzie answered most of them. There are probably a few there that are undersized that were there before the zoning ordinance of 1965. I think there are several undersized lots.

Alderman Klock asked going back to the last piece of property we were discussing, if you change this to B-3, the property values will go up, correct.

Mr. MacKenzie answered in this particular situation I am not quite so sure that could be stated. That last parcel off of South Willow Street was a large, regularly shaped 11-acre parcel. This total site, including all of these lots, is only 8.9 acres so this is quite a narrow commercial area. Once you start looking at potentially putting uses in, let's just pick a drug store for example. A drug store the way they are built now would not fit on many if any of these lots. If you limit the number of potential commercial uses that could go there, you also limit the potential price so I am not sure in this particular case that I could draw the same conclusion that I did on the other site.

Alderman Klock asked, however, if the Airport were to buy the property from a B-3, the property value would be more than R-1B.

Mr. MacKenzie answered again it is possible. I guess I didn't want to draw any conclusions on that. That is a tougher call, I think.

Alderman Thibault stated I am more concerned about the loss of property value if we, in fact, change this to business or even industrial. If you look at all of the properties that are there now paying taxes and if we eliminate all of those I think it is going to impact the City's tax base.

Mayor Wieczorek replied I don't know what the total impact would be. Do you know, Mr. MacKenzie?

Mr. MacKenzie responded no, I don't have a total number on the assessed valuation of those properties.

Mayor Wieczorek stated it must be about \$2.5 million anyway.

Mr. MacKenzie replied there are 28 properties with homes on them. If you figure that on average they might be \$100,000, that would be about \$2.8 million in assessed valuation.

Alderman Thibault asked are you looking at zoning it B-3.

Mr. MacKenzie answered that is what the neighbors or the abutters in this case are requesting.

Alderman Thibault asked where would we end up on property valuation if we did that.

Mr. MacKenzie answered I am not sure if I could draw a conclusion in this case because it is relatively narrow lots whether that would actually increase or potentially decrease in value.

Mayor Wieczorek stated there is no question that there is no easy answer to this because either you take all of the homes and you take them off of the tax rolls and the road is obviously going to be heavily traveled and you have to use the road and you have the economic impact that the Airport causes, which is what is on the plus side. On the minus side comes the taking off the values of the property. I know that Kevin is working hard with the FAA to see what they can do with that. The door is opened a crack. It is not open all the way, but it is open a crack and I think when you get your next traffic study that should give you a pretty good indication of what their attitude is going to be. Certainly, this is very important in their scheme of things as far as airports go in this country.

Alderman Thibault asked with the remedies that we have already done down there now, has anybody looked at whether it has lessened the traffic impact.

Mr. Dillon answered they are nearing completion on that work. It should be finished within the next couple of weeks. It has been the Airport's observation that since the intersection has been improved at Goffs Falls Road, the traffic does flow a lot smoother along Brown Avenue.

Mayor Wieczorek asked northerly.

Mr. Dillon answered more northerly it helps. South bound though, I think the intersection works better as well and there have been enhanced traffic flows. I do think there are a number of residents that could speak to that issue better than I could.

Alderman Cashin stated Mr. Dillon said that he would be, and I don't want to put words in your mouth, but that you would prefer an industrial zone if that was possible, right.

Mr. Dillon replied I guess I state that more in terms of my concerns of spot zoning in terms of commercial uses. If the rezoning isn't tied to an acquisition program, I am concerned about small commercial retail usage. I think it could draw more traffic to the area.

Alderman Cashin asked would industrial help us with the FAA.

Mr. Dillon answered I think that they would like to see that certainly more than the commercial uses.

Alderman Cashin asked, Mr. MacKenzie, this is going to go to Bills on Second Reading, right.

Mr. MacKenzie answered yes.

Alderman Cashin asked what happens if it goes to Bills on Second Reading and we come out with a recommendation and I am just throwing it out, that we recommend that this be changed to industrial as opposed to B-3. What do we have to do? Do we have to go back to another public hearing?

Mr. MacKenzie answered I believe in that case that it would have to go back to another hearing, which can be accomplished and if that is the right route to take we may want to do that.

Mayor Wiczorek called for those wishing to speak in favor.

Deb Carder, 2915 Brown Avenue, Manchester, NH stated:

I am in favor of rezoning Brown Avenue, especially along the route where we live, but with the stipulation that we aren't spot zoned and that it is tied into an acquisition. We aren't happy in our homes anymore. You talked about losing revenue. I am coming to City Hall on Friday to file for an abatement on my taxes because I can't sell my home, which I would do tomorrow if I could. I would love to have my home bought out by the City and/or Airport. We bought our home in 1987, not knowing the Airport would expand the way it has. Since we bought it, the City has taken our front yard and put in a sidewalk that is very nice for nobody that walks down it. I have no front yard. They have two lanes with a third lane for turning, which I call the suicide lane. We have had three accidents in front of my home since we have lived there. I have been rear ended twice. My son had a hit and run accident. All within this turning suicide lane. I have also had one close call where somebody was road raging down 55 mph and almost hit me head on as I was stopped to turn into my yard. It gets more and more difficult every day

to enjoy our homes and our lives. On a daily basis, we have complete strangers going into our backyard and turning around on our grass, what little we have left of it. We can't even have Fed Ex come into our yard because they have to turn around in the backyard to get out. You can no longer enjoy your life. People in the neighborhood are fed up. We all want to get out and I feel that rezoning is the only way that we can get out so that the Airport has the opportunity to buy us out. I would gladly move to someplace else in the City and pay you taxes if that is what it takes to get out of Brown Avenue, but I don't want to get stuck in a situation like I am in now. I want to go someplace where I can enjoy my life and enjoy my home. I bought my home to live in. I enjoy my home. I wish I could pick it up and move it, but I can't. That is impossible. I am asking you to consider helping us any way possible. We just need somebody to listen to us and if rezoning is what it takes to help us get out of this situation, then I am definitely in favor of rezoning. Thank you very much.

Alderman O'Neil asked does it matter to you whether it is B-3 or I-1.

Ms. Carder answered I have no difficulty with you changing to I-3 or B-3. You name it whatever you want. Just get me out of there. I will let you have my home.

Alderman Klock asked why did you choose B-3 as opposed to something else.

Ms. Carder answered originally when the Airport talked to us about acquiring our homes, this was the very first time they had a meeting at St. Francis, they said we would have to be rezoned commercial in order for us to be bought out. I don't know if they meant commercial meaning commercial or commercial industrial.

Alderman Klock stated that is fine. I think you guys do need to get out of there because it is pretty bad.

Alderman Clancy asked could you pinpoint where you live on Brown Avenue.

Ms. Carder answered do you know where the 4-H Center is. I am the very first house after the 4-H Center on flat ground. I am a big, huge gray New England Home. A three story house with a porch on the front.

Lisa Courtois, 2929 Brown Avenue, Manchester, NH stated:

I am one of the homeowners that did file the petition that we are here to discuss this evening. The question was asked about the zoning. The reason why I and some of my neighbors did this to begin with was more or less to open someone's eyes as to what we have to deal with down there. We had talked to several different people. We tried calling our Alderman and we didn't get our phone calls returned. We talked to Mr. Wiczorek and it just didn't seem to be getting anywhere so I called Mr. MacKenzie and this was an idea that I had come up with to put in a petition to rezone to get someone to look at the situation. I also don't care what you want to rezone it as. I am just looking for someone to purchase the area because it is not livable down

there. The traffic flow right now...you have almost alleviated the stop traffic but now in my opinion it is worse because my home is right on Brown Avenue and before when the traffic was stopped in front of my house I had means to back out gradually. Now, I could wait 15 minutes in my driveway and there is not a stop in the traffic. It is just continuous. Now with the flow it makes it worse.

Alderman Clancy asked how big is your lot.

Ms. Courtois answered I am not exactly sure. I don't know what the dimensions are. I live next door to Deb Carder. Also, down by where the Chinese Restaurant is, Goffs Falls Road, I don't know what exactly they are doing on that end but they have four lanes halfway after the stop light and I have seen three accidents there in the past two weeks because it all of the sudden stops and goes into one lane or you have people who think it is two lanes still but one of them is the turning lane that comes into right in front of my house. Now I have people coming at me in the passing lane. I pretty much just want to get it resolved. Zone it whatever you want. I just want someone to look at it and buy us all out.

Bob Coughlin, 2943 Brown Avenue, Manchester, NH stated:

I have owned this property now going on 10 years. I am also representing my sister, Joanne Coughlin, who lives at 2935 Brown Avenue. That particular home has been in our family since about 1890. You have heard two speakers before me and I promised my wife that I wouldn't get emotional tonight. The problem over the years, of course, aside from the traffic and the expansion of the Airport has virtually made our homes worth nothing. I am sure that you would probably agree if you know Brown Avenue at all and the amount of traffic it generates on a daily basis. If I were to put a residential sign up there tomorrow with any of the local realtors, I wouldn't be able to get anything for my home. There is on quality of life there. Any parents who bought that with small children would always be concerned about their children running in the road. You heard about road rage, which is a fact. I think we are here before you, not that we want to become the Donald Trump's of Brown Avenue, we are not trying to rape the City or walk away with big wads of cash. We are here before you because we want to preserve the values of our homes. It is a hot market right now. I am sure I don't need to tell you that. Again, there is no market for our homes. The ploy...ploy is not the right word, but trying to revalue or rezone our homes is simply to preserve the value of the houses. When we bought them, some of us back in the 1980's and mid-80's, I am not in a financial position or my sister or the previous speaker to take a loss on the property. If this were an ideal world, we would like the Airport to acquire our properties at a fair market value and have everyone walk away. They could widen Brown Avenue. We have experienced when the City did the expansion, which was costly to the City certainly. I don't know how much floor planning went into it but it was an inconvenience to both my sister and our abutters. I think the time has come certainly to give it a little thought. Let's think about buying the homes on Brown Avenue and doing an expansion. Also why I am here tonight is that the plan that Mr. Testa presented to us a couple of years ago earmarked only the homes on the west side of Brown Avenue and alleviated probably 12 or 14 properties. The rest of them were not going to be bought. They were going to remain forever sitting there with

an expansion of four lanes. As you heard, it is difficult enough to turn into my sister's home and my rental property, which shares the same driveway. It is an accident waiting to happen. I think I would like the Board to reconsider or consider changing the zoning down there only to be able to coordinate with the Airport authorities to acquire the homes. I think if you are going to buy the homes on the west side of Brown Avenue, you need to consider buying the houses on the east side of Brown Avenue. There are some people here from the west side of Brown Avenue who have a petition opposing the zoning change. Again, understand that the program or the presentation that we received two years ago from Mr. Testa excluded the East Side of Brown Avenue. I guess if I owned a piece of property on the West Side, I gladly would sign the petition as well and wait until the Airport Authority purchases the homes. I only ask that you look out for the 12 or 14 homes that are on the East Side of Brown Avenue.

Mayor Wieczorek called for those wishing to speak in opposition.

Roland Beaupre, 2904 Brown Avenue, Manchester, NH stated:

Good evening Mayor and Board of Aldermen. I have a petition here signed by the people on the West Side of Brown Avenue who are not in favor of rezoning from residential to commercial. Our reason as has been stated before is the lots are small. Real small. Some of them even on the East Side are really small. You would have a heck of a time getting a Quikcava in them never mind anything larger. Going commercial, the lots are so small you would be pinpointing an establishment. There would be a Dunkin Donuts on one side and McDonald's on the other side and your house right in the middle and nobody wants to buy it. You would be having residential homes along with the commercial properties. I don't feel that is fair for the people on Brown Avenue. Most of us on that side have lived there for a considerable amount of time except for probably four or five. A lot of us have been there for...like myself I have lived there for 34 years. Some have been living there for 40 years and some have been there I don't know how long. I certainly do hope that the Board of Mayor and Aldermen give consideration to voting this ordinance down and continue it as residential until we can come up with something so that they can take out the entire area.

Alderman Cashin asked, Mr. Beaupre, Mr. Dillon has stated that he would feel more comfortable if it was zoned Industrial. Do you have a problem with that?

Mr. Beaupre answered no, I don't.

Alderman Cashin asked allowing the Airport to buy it in one lump sum.

Mr. Beaupre answered I have no problems with that.

Glenn Cean, 2584 Brown Avenue, Manchester, NH stated:

The only reason I am in opposition to the proposed zoning change would be basically the same thing everybody else has been saying. The fact that if you are going to take it, take it all, don't pick it apart. The traffic is not going to be helped by picking this thing apart and rezoning it to

small, individual commercial properties. We feel that it would be better to take it all. Like I said, I want to reiterate what everybody else is saying. We have been there 22 years and it is getting worse and worse. I think the industrial park would be the best way to go, but I would only be in favor of it when they came to the point that they said yes I am going to take your home then I would vote to change the zoning, but not until.

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.

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

A True Record. Attest.

Clerk of Committee