

**SPECIAL MEETING  
BOARD OF MAYOR AND ALDERMEN  
(Zoning Workshop)**

**August 22, 2000**

**5:00 PM**

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance, this function being led by Alderman Clancy.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil, Lopez, Pariseau, Thibault and Hirschmann

Absent: Aldermen Wihby, Shea, Vaillancourt, and Cashin

Workshop on proposed zoning districts and maps.

Mr. MacKenzie stated this is a follow-up to the last workshop that we had over at the Nynex Building. One of the key parts of the zoning ordinance is the zoning map. The Board deals with a lot of rezonings and in most cases these are changes to the zoning map. There are roughly 46 changes to the zoning map that are being proposed as part of this new zoning ordinance. Tonight we kind of wanted to run through both what the proposed zoning map is going to look like, what the changes are, what the net changes are from the current zoning ordinance and then maybe give you an opportunity to ask questions about your own neighborhoods or about specific zoning districts. I did want to start by...this is a currently proposed zoning ordinance. For tonight's reference you will find three things in here that you might find useful. There are two maps in the back flap. One is a colored map of the City. This is the actual proposed map and I am going to put one of these up on the screen in just a moment. This is a proposed map. For your reference, we have also put together a map that identifies all of the changes from the old zoning ordinance just so you have a point of reference. Within the three-ring binder, there are two pages at the very end of the zoning ordinance that is a summary of all 46 changes to the zoning map. I won't be going individually through each one of these 46 tonight, but I will touch on the highlights of these particular maps. I would like to start out by going to the overhead projector. This is the same map that you will find in the

back flap. I did want to kind of go over the different zoning districts and what comprises the zoning ordinance map in this particular case. You will see that there are 15 zoning districts with three overlays. You see those on the little legend on the lower right. That is actually a reduction in the number of districts from our previous map. We have 15 districts. The old map had 20. One of the attempts here was to streamline the zoning ordinance a little bit. For example, there used to be four different industrial zones – I-1, I-2, I-3 and I-4. Nowadays, most industrial zones are more homogenous so those have been reduced. The intent here is to streamline the number of districts a little bit so five zoning districts have been eliminated. Just as an example again, there used to be a B-2 district, general business, and a B-3 highly district. In reality, nowadays there is no distinction between those type of uses so there is really not much logic in having those two particular breakdowns so those are collapsed into one zoning district. If I could just run through the City and show you some of the zones, I am going to start with what is a dash line along the river, on both sides of the river. That is proposed to be the Amoskeag Millyard District. That is a mixed-use district that allows a number of uses. It allows some traditional industrial, restaurants, office and it even allows housing although we have not had any housing in the Millyard yet. There seems to be a tremendous amount of interest in getting housing into the Millyard area. Given the size and shape of the buildings and given their unique historic character, they have their own zoning district. Adjacent to that district is the dark red and that is the Central Business District. That is, in most communities you have a Central Business District that allows high buildings, high floor area ratio, which means for every piece of property you can have a lot of square footage on that lot. In the Central Business District there is no required parking. People can build buildings at the full capability of that particular area. The other red zones along the City...you can see along South Willow Street and in other parts of the City are B-2. Those are general business zones. There are several smaller zones that are somewhat hard to see, but there is one for example this is the Cory Square area which is B-1. B-1 is neighborhood business. Those are areas where you don't want to really encourage a lot of traffic because they are within residential neighborhoods so you allow small drug stores, you allow coffee shops and small grocery stores but nothing that would really create strip shopping centers. Those are neighborhood oriented. Right now it is being proposed that Webster Street become a B-1 district. It is now zoned residential, yet most everything is business. Another example following along that line of thought, there are some properties on South Willow Street that have traditionally been zoned for residential from Burger King down to what used to be Scandals. Those are being proposed for commercial versus the residential although I will just note that there are a couple of areas on South Willow Street that we have been more cautious about and those are Laxson Ave and Seames Drive. In those particular areas, the streets come down directly to South Willow and if you rezone the properties on South Willow you would be encouraging traffic into those residential areas so we have been hesitant at this point to

zone those two sections that are residential streets. Continuing along the different types of zoning districts so those are the key types of commercial districts. We also have reduced the number of industrial zones. You can see on the map that we have a large gray area. This gray area is East Industrial Park. This is the Industrial Park around the Airport and on Brown Avenue. Those are the two largest of the industrial parks. There is a new category in the center of the City. You can see this slightly darker gray shaped like a gun right here. That area used to be a general industrial I-3 in the central part of the City like up Valley Street and down along the Hesser Sundial Center. Those became industrial and you can see there was kind of a corridor that headed out in this direction. Those were industrial because of the rail line, yet industry really no longer uses in that area, rail. So, there is not as much logic for having an industrial zone in those particular areas. It is proposed that those become what are called RDV's, redevelopment zones. They would be redeveloped for various types of commercial, not necessarily just industrial and not necessarily higher line retail because that creates a lot of traffic but most other types of commercial uses would be allowed within the RDV district and a lot of those have already started.

Alderman Pariseau asked is the RDV going to be considered a catchall that anything or everything can be dumped into.

Mr. MacKenzie answered the things that it does not allow are housing and it does not allow the big box retail, but generally everything else. Automotive uses are allowed, offices are allowed, other types of commercial like drycleaners. Those would be allowed in that district.

Alderman O'Neil asked is this a case where like the cement transfer station would be allowed.

Mr. MacKenzie answered that would be an allowed use although in the proposed ordinance there would be an issue with the height. The proposed ordinance limits those types of uses to 50 feet.

Alderman O'Neil stated since there is some talk about bringing back passenger rails, would this exclude that type of use.

Mr. MacKenzie replied no the older line industrial uses, if they are interested, could still go along the railroad tracks.

Mayor Baines stated there are also, and correct me if I am wrong Bob, there are some Federal laws that give rights to the rails in terms of their development that sometimes supercede State and local ordinances and regulations.

Mr. MacKenzie replied that is correct. There are very few situations where the Federal government gets involved with land use law, but two of them are some of the rail corridors and telecommunications. They want communities to be very careful about regulating telecommunication towers. Moving along to some of the special districts, you will see here in blue that there are two type of civic zones. The one in darker blue is the Civic Institutional and that is being carried forth from what the current ordinance is. We have a lot of the City's institutions in there. The Currier Gallery of Art, the NH Institute of Art, and the Catholic Diocese offices. There are a lot of institutional uses in that zone. Also, there are three C-2, which are Civic Hospital zones. That includes the CMC site, Elliot Hospital and the Hitchcock Clinic area. Those would continue on as they are. You will note this large mass of area up in the northwest part of the City. The dark green. That is what is being proposed for the research park district. That would be a new type of zoning district encouraging high quality corporate offices and corporate manufacturing in some cases. That would be a high-end corporate office park in that particular part of the City. As you can see, it is a relatively large area although the primary development area will be in this zone adjacent to the highway. Also, you will see in the various other colors, particularly the orange and the gold, all the residential uses. Right now, much of the City and many of the neighborhoods that you probably recognize are zoned R-1B. Many of the areas from the Ward 2 area over through and including the Candia Road area and down towards Southside and Memorial, and much of Ward 9 are R-1B. They allow single family homes only pretty much on relatively small lots.

Alderman Pariseau asked why would we look into the possibility of rezoning the cemetery R-1B. Why wouldn't that be a civic thing?

Mr. MacKenzie answered that the City controls the property and the City can exempt itself from its own regulations if it so chooses so it was felt that there was not a need necessarily since the City has control over both the zoning and the cemetery. You can control the uses that go in there. The R-1B district is actually a fairly dense single-family zone. You can have 6,500 square foot lots on that with single-family homes, which is relatively tight but it is typical of a City scheme. Also, you will see areas of slightly lighter yellow, which are R-1A. That includes much of the north end, Wellington Hill, and parts of the west side such as the Straw Road area down through Cohas Avenue. Those are R-1A. They are also single-family, but larger lots.

Alderman O'Neil asked have we taken any...50' by 100' is R-1B.

Mr. MacKenzie answered 75' x 100' is R-1B.

Alderman O'Neil asked what is R-1A.

Mr. MacKenzie answered 100' x 125'.

Alderman O'Neil asked have we taken any land that is currently R-1B and made it R-1A. I know that we don't have a lot of land left in the City that can be developed but some of the stuff that has gone on in the past few years is just building houses on top of houses on top of houses.

Mr. MacKenzie answered yes and I think I am going to move to the other map to talk about that one.

Alderman Hirschmann stated seeing how we are changing things and trying to move towards the future but this is the final draft and maybe I should have said something sooner but the area up in the northwest corridor, why didn't we create a conservation zone because we want to give the impression to people that part of that parcel will never be developed and it is very important. I think it should say conservation district or area. I think there should be other conservation areas as well in the City.

Mr. MacKenzie replied the Board can consider that. Some communities do have conservation zones. You do have to be careful if it is not public property because communities have gotten into trouble by designating private property conservation zones and they couldn't do anything with it and that infringed on their Constitutional rights.

Mayor Baines stated this would be our property.

Mr. MacKenzie replied this would be our property and the City could do that.

Alderman Hirschmann stated my intent would be the northwest corridor land that we are giving to that endowment or trust and then the Livingston Park/Doors Pond area. There has to be a couple of conservation areas that we never change.

Mr. MacKenzie replied Lake Massabesic Watershed for example.

Alderman Thibault stated, Mr. MacKenzie, in the acquiring of that property haven't we already identified some sections of that that would not be touched, such as the Rhododendron area and some wetlands and some gum trees or whatever. Those areas are going to be protected as they are, right?

Mr. MacKenzie replied yes. All of the unique natural areas, all of those wetlands that you talked about, will be set aside and preserved. Actually, recently we were out with the Nature Conservancy walking the site to make sure that we all agreed on the boundaries between the Nature Conservation area and what could be developed and we are close to finalizing that. That will be coming to the Board of Mayor and Aldermen probably in the next two months to talk about that particular subject.

Alderman Hirschmann asked right now is that conservation land in the green area.

Mr. MacKenzie answered yes it is.

Alderman Hirschmann stated that is a problem because that gives the indication that possibly it could become research park zoning.

Mr. MacKenzie replied yes. We can create a new district if the Board would like and look at other areas including Lake Massabesic or Livingston Park to put into a conservation zone.

Alderman Hirschmann stated I will be submitting a letter recommending that.

Mayor Baines stated I think it would be good to look at possible areas and present them to the Board for consideration. I think that is a very important statement to make. It was a major issue last night at our neighborhood meeting as well. I think it would be a positive statement that we would be making as a Board if we were looking at things like that throughout the City.

Alderman Gatsas asked what is the density for housing in the Millyard.

Mr. MacKenzie answered the density is less limited by the...typically you would have a density like the R-SM district that is 15 units to the acre. In the Millyard it is more regulated by the square footage that you have in the Mill buildings. So, you have to have a minimum square footage within the Mill buildings, but there is no density per say for the lot. As long as you meet a certain minimum size of a dwelling unit, you could have

as many as you could fit within the space and provide parking for. There is a balance of parking and square footage of the building that would be allowed.

Alderman Gatsas asked do you have a...in other words let's say an 1,800 square foot apartment or 1,000 square foot apartment has to be X amount of square feet of...is there some formula that if I said I have 1,000 square foot building how many apartments.

Mr. MacKenzie answered there is no set formula because every one of the buildings is a little bit different and we are encouraging mixed usage. For example let's say the top two floors residential and the lower floors might have some high tech offices and some restaurants but if you took one particular building, let's say the Waumbac Building is 400,000 square feet. You could potentially put, if that was converted all to housing, you could potentially have 300 dwelling units in that building.

Alderman Gatsas asked the R-SM zones that you have on here, have they all been developed or do you have open ones that are there.

Mr. MacKenzie answered that is a good question and I would like to point out some of those R-SM districts here on the map. Bodwell Road, for example has been partially developed under a current zoning classification but there is land that could additionally be developed in that area. So, pointing out the areas where you could have additional development, Bodwell Road there is some room; Wellington Hill there is still room for quite a bit of additional multi-family and up above the UNH property, Countryside Village, has the largest amount of vacant land for multi-family.

Alderman Gatsas asked so we changed the density from an R-3 to an R-SM.

Mr. MacKenzie answered yes. The logic is that back when the ordinance was passed in 1965, the R-3 was intended for triple-deckers so it was tailored for triple-deckers and then as some developers came in looking for rezoning, they used this triple-decker zoning in suburban areas. Frankly, it didn't all work out well. It is proposed to have a Suburban Multi-Family District that is more tailored to these suburban locations.

Alderman Gatsas asked if you were to make a guess, Bob, give me...if those R-SM zones were fully built out how many units do you think could possibly come to the table.

Mr. MacKenzie answered I do know because we had calculated at one time that under the R-3 districts that were out there that we could have up to 3,700 dwelling units built in those R-3 zones.

Alderman Gatsas stated so that drops by almost 1/3 because of the density so you are somewhere around maybe 2,500.

Mr. MacKenzie replied yes. Probably somewhere between 2,000 and 2,500 total in the City as a rough guess. That is still a lot of units. I did want to, if I could, get back to Alderman O'Neil's question. You can see...this is a map that shows the changes to the zoning map and as you can see all of the colored areas are areas that would be changed and there are three classes here. There are more technical changes so for example in the Airport area that is changing from R-1, Airport to an IND, general industrial. So, some of them are technical. The ones in dark green are changes to make the zoning more consistent with the City's Master Plan, which was developed several years ago. The ones in yellow are somewhat more recent changes that are suggested. There are four large ones right here. Those do include areas that were zoned R-1B previously, the small lot, single-families, that are proposed for R-1A in both this case the Crystal Lake area out around the Pheasant Lane/Quail Court area and up around a portion of Youngsville that is still open. There is quite a bit of land left in that portion of Youngsville for development. There is another area in the more central part of the City. This is the area south of Candia, west of Mammoth Road and north of Somerville that is primarily single-family, but it is zoned R-2. There has been concern about a lot of conversions from single-family to two-family in that particular area so that is an area that the Board could rezone from R-2 down to a single-family district or an R-1B. The largest chunks of property are the Crystal Lake area, the Pheasant/Quail Court, Youngsville and this area that is over near Mammoth Road. As you can see, it is fairly large geographic area that would be, in essence, downzoned. If I could charge on and I would like to comment on some of these areas, particularly these three here. The zoning has been high density for awhile but the City's conversion and upgrading of the sewer system is going to trigger much higher allowable density. It has always been zoned R-1B, but because of the sewer limitations, rather than 75,000 square foot lots, they had to build 25,000 square foot lots. Now that the City is providing the sewer, that limitation goes away so you are almost tripling the density by making the changes with the sewer system and that is what we have to be careful about, particularly in the Crystal Lake area, which has had limitations for a number of years but now with the sewers going in that is going to eliminate that limitation.

Alderman O'Neil stated R-1A doesn't necessarily mean and I am trying to think of the development that is off of Wellington Road, Currier Hill, those are actually in an R-1B zone correct. The developer has just chosen to do larger homes on larger sites?

Mr. MacKenzie replied Wellington Hill is actually in an R-1A. That, along with a portion of Youngsville. Interestingly, when the zoning ordinance was passed in 1965, there were several neighborhoods where it was proposed R-1B and the neighborhoods said we want to be R-1A. Youngsville is a good example. The area north of Candia Road north of Hanover Street, Bridge Street Extension, that area was actually proposed by the City to be R-1B but the neighborhood wanted it R-1A. Other changes. As you can see, some of the B districts. If you drive down South Willow Street it pretty much looks the same to you but there are several different types of business zones. We are proposing that basically you have a consistent B-2 zoning district, although we are not proposing that all of the industrial areas be converted to business. On South Willow Street in particular, I think the City has to be fairly careful about rezoning that area because of traffic impacts on South Willow and traffic impacts on the residential neighborhoods on either side. As you know, Public Service is going in for a rezoning and the City is trying to work with the residential neighborhoods to protect that area but there are cases where sometimes it is better to review on a case by case basis the zoning in order to allow the capacity to absorb it. South Willow Street is one of those areas. At this point, I did want to take a little break to see if there are any questions either about your own neighborhood or any other questions that you may have.

Alderman Levasseur asked did we make changes to downtown or is it still the same.

Mr. MacKenzie answered there is a change to terminology. What used to be B-4 is now becoming the CBD district, Central Business District and that is expanding both northerly and southerly. The Central Business District actually used to end just about at Bridge Street. In essence, the area north of Bridge up towards Salmon, we believe, is consistent with the downtown zone so the area to the north of the old CBD and to the south heading down to about Valley, is proposed for a larger Central Business Zoning District that would allow a number of uses.

Alderman Levasseur asked so you can tax them above and beyond. Is that why?

Mr. MacKenzie answered I am not sure if there is a direct correlation between the CBSD district, which is for taxation and the zoning. They are two separate districts and the Board can tailor them differently. Any changes made to the zoning, for instance, does not impact on the Central Business Services District.

Alderman Levasseur asked what about the Millyard area as far as putting apartments in above second floors. Does that need a zone change or a philosophical change?

Mr. MacKenzie answered that we have loosened up to some extent a couple of years ago. We just didn't have any takers. This one loosens it up a little bit more. Before you had to submit a special use development plan. It is still a conditional use, but it is more by right than it used to be. It is encouraging housing. They just want to make sure, I believe, that you don't have heavy industry on the same floor as two or three dwelling units because that creates conflict but it does encourage more development of full floors into housing in the Millyard.

Alderman Levasseur asked why would it create a conflict. If a person moves in knowing that they are living under a commercial place then they can move in. If they don't want to, they don't have to. Why don't you loosen up the zone in this district, which everybody is screaming for? You have all of those down in the Mill area. You have those beautiful apartments facing the river. You should try and make it so that it is easy for builders or contractors to go in there and put more apartments in. There is a screaming for it.

Mr. MacKenzie answered you still have instances where one business might be fine and you have two or three people move into an apartment and suddenly they are making injected molding things that smell all the time and they start complaining.

Alderman Levasseur asked you mean the change of the commercial business is affecting the people on the second or third floor.

Mr. MacKenzie answered correct so you do have to be careful to make sure...and also to meet the building codes. There are codes that separate residential from commercial/industrial uses. Leon is here tonight and can answer some of those questions, but there are fairly strict building codes that separate those uses.

Alderman Levasseur stated I want to know a little bit more about how this zoning thing started. When did you start working on this rezoning plan?

Mr. MacKenzie replied it was actually about three and a half years ago that the City said the last zoning plan was updated in 1965 and it has been amended a lot of times, but that has created a patchwork over time so the City felt that there should be a new zoning ordinance that is clean, streamlined, easy to read and more up-to-date. So, it started about three and a half years ago. There was a technical team that included Tom Arnold, the Economic Development Office, Leon and some of our staff. There was also a sounding board that got together of general citizens and representatives from the Planning Board and ZBA to bounce off ideas. They talked about things like well should you allow home occupations on every property and that was hotly debated. So, it has been about

three and a half years. We are getting close, but it takes a long time because zoning affects every single piece of property in the City. Everybody has a right to enjoyment of their property, but what they do on their own property affects next door so you have to strike the balance between allowing people to use their property for what they want and making sure that they don't adversely affect their neighbors and that is a tough balance.

Alderman Levasseur asked how about the first floor along West Merrimack say to Langdon Street and from Elm Street down to Canal Street. Those first floors are all row houses down there. Are we possibly changing any kind of a use on those first floors? Right now they are only used for professional offices such as doctor's offices and lawyer's offices. It seems that there will be a need maybe for some sort of offices like...or maybe some light retail like galleries and such. Has that been taken into account in this zoning change down here?

Mr. MacKenzie answered I know we had talked about that and I guess I am going to ask Pamela to check that one and I will get back to you on that. It is a great area to have certain type of small shops. I know there was some concern by some of the residential people though about how much is that mix. I will check that one and we will get back to you on that because it has been discussed.

Alderman Thibault asked in this protected area that we are talking about way up in Ward 12 also there is another area in Ward 11 right underneath the Biron Bridge on the west side of the railroad bed. There is a big section of land down there that I believe we do own and I would like to see that get protected in that same manner so that if eventually the parks want to increase into that area we would have that land down there.

Alderman Clancy asked what are you talking about, the West Side Arena.

Alderman Thibault answered yes. Towards the dam if you will.

Mr. MacKenzie stated we could include, for example, all of the Piscataquog River Park. This is the Piscataquog River Park and that would perhaps be a reasonable one. I know that there is some privately owned property towards Goffstown and that is something that we would have to look at and be careful about. All of the parkland we could certainly include.

Alderman Thibault replied I want that parkland included.

Alderman Clancy stated I don't want to step on Alderman Pariseau's shoes but let me ask a question. I know that Public Service is looking to rezone around Shop n' Save. If it goes through and we have a Shaw's Market down there, I hope we don't rely on just South Willow Street to get to that store. We would have to have an outlet.

Alderman Pariseau stated Alderman Clancy, Shaws is coming into Ward 9 but not at that location.

Alderman Clancy asked where are they going to be.

Alderman Pariseau answered Upton/Loring/Linguard Street with an access for automobiles coming out onto South Beech Street off the record.

Mr. MacKenzie stated I am going to follow-up on that one in just a minute but I know that Alderman Lopez had a question.

Alderman Lopez asked can we go back to the RDV area going out to Brown Avenue there towards the Airport. What is that really and why is the R-3 or is there any value to making connections to a B-2 to the other area if you follow me on the map? You have an RDV connection into the B-2 and why isn't that all B-2 or is there any value in making that B-2?

Mr. MacKenzie replied that is a good question. Let me get to the other map here and I can talk to the Board about it. The area that Alderman Lopez is talking about, if you see South Willow Street it comes up to the point where Queen City Avenue and Union Street intersect. That is this location here. He is asking why perhaps we could not extend it either along Willow Street or Elm Street to make all of this a retail/commercial. Frankly, that is a choice that the Board could make. You do on Willow Street have a couple of industrial uses. An autobody shop but there is also Electropac. The very southern section of Elm Street does have a few parcels that are partly industrial and partly retail. This Board could make a decision on whether you wanted to connect the southern tip of the Central Business District here at Valley Street and either extend it down Willow or down Elm to Queen City and include that. There are issues related to Bakersville School. You encourage more retail and you will have more traffic and that impacts the ability to get buses in and out and people in and out. Queen City Avenue is a limited access roadway so I am not sure if you would want to make that retail because you can't gain access to it. Southern Elm and Willow Street could be rezoned by the Board if they so choose.

Alderman Lopez stated this being the final draft, after this meeting what happens. Is there a public hearing?

Mr. MacKenzie replied we were going to have one more work session like this to talk about some of the nuts and bolts of the text. We are looking at the map tonight, but each of the districts have a lot of regulations behind them. What type of uses do you allow in the district, how much mass of a building do you allow floor area ratio and dwelling unit density. We were going to have one more workshop to go into all of those details. Then we were proposing to have a public hearing sometime roughly in October to get additional public interest into this and the Board could then act upon it anytime after that October meeting.

Alderman O'Neil stated one of the things I remember being discussed with the civic center was specifically westerly from the civic center was creating and I think you used the term gaslight district. I don't really see that reflected here. It appears, if I am looking at it right, to be part of the Central Business District. I thought we had talked about some special zoning in there. What are your comments about that?

Mr. MacKenzie replied yes. We are intending to do some additional planning. There was likely some need for some special zoning in that area. We just did not have time to go into that amount of detail and planning as part of this effort. There is a separate study that the Board can start at some point that looks at the civic center area. How do we handle the traffic, how do we protect the residential neighborhood and how do we turn that area, for example, into a gaslight and do the proper zoning?

Alderman O'Neil stated how soon. We did approve some money in CIP, correct?

Mr. MacKenzie answered yes. There is money. I think a number of groups should get together and talk about how we proceed with that and who might be...I don't know if there is to be an Advisory Board or if the Board of Mayor and Aldermen directly want to oversee that but there is some need for some consultant assistance. We are talking about traffic and zoning and new development opportunities.

Alderman O'Neil asked is that the only one of those types of districts out there or do we have some others that are...I heard Alderman Hirschmann bring up the conservation district but you are suggesting that we need to move forward on this as soon as possible.

Mr. MacKenzie answered I think that the civic center area planning effort will probably take 12 months and will conclude a few months before the actual civic center so that we can have the controls in place by then. This one, this particular zoning ordinance has

been in the making for awhile and the Board can review it as long as they want but we are hoping to move ahead.

Alderman Lopez asked could a person in the R-3 in reference to the civic center now, tear down a building and make a parking lot.

Mr. MacKenzie answered there are currently limitations about putting commercial parking into residential zoning districts because of some difficulties in the past with areas like Hanover Street and DW Highway. There have been some fairly strict controls about how many commercial parking lots you allow into residential areas because it does impact those areas but I will have to get back to you on the current ordinance and the proposed ordinance.

Alderman Gatsas asked can you tell me why the piece that I believe we talked about in Alderman Pariseau's ward about the industrial use, if this is going to be finalized in October why did we address that rezoning in this piece now.

Mr. MacKenzie answered that is and I will show you the piece that is being discussed. That is the Public Service parcel right here. It is up to the Board as to what the timing is. Clearly there are a lot of issues related to that, including recreation around Nutts Pond, and traffic impact on Gold and Sewall. Those are being worked on as I understand it and Alderman Pariseau has a meeting tomorrow night with the neighborhood that I will be attending. The Board can decide on the timing.

Alderman Gatsas responded I understand that we can decide on the timing but what would your recommendation be.

Mr. MacKenzie replied I think you asked this when it came before the Committee. I do believe that the area appears to be suitable for commercial but until we can find a way of protecting that residential neighborhood from the additional traffic, we need to...

Alderman Gatsas responded I don't mean that. I mean from a timing point of view. I would hate to look at us passing this October 5 and then in a meeting on October 18 or 20 the full Board decides to rezone that.

Alderman Pariseau stated we want all of our ducks in a row before we go ahead and make a recommendation of approving the rezoning or not. There are issues still outstanding like those dealing with the residential neighborhood and the acquisition of land for recreational activities and when we can finalize those things...

Alderman Gatsas asked you don't think it is going to be in the near future then.

Alderman Pariseau answered I would say that by the end of September we ought to have a better understanding than we do this evening.

Alderman Gatsas stated I hear what you are saying, Alderman. All I am saying is that if this comes in October 5 and we say fine and we approve this and then we are going to rezone it then we have already butchered something that we just put into place.

Mr. MacKenzie stated I would anticipate that this, overall zoning ordinance if the hearing isn't sometime in mid to late October the Committee on Bills on Second Reading will probably take a least a few meetings to review all of the issues and review all of the changes outlined and optimistically I am thinking November is the date that this Board would be acting. I know Public Service is anxious to get a rezoning certainly before that day but...

Alderman Gatsas stated, Bob, you probably can't give me the number but I will ask you anyway. Let's assume that tomorrow somebody is going to come in and develop the entire R-1A and R-1B space. I am just looking for some gauge because obviously we are in a rental crunch and housing crunch and I understand that certainly our schools are in a crunch for the number of students but I think that before we put this into place somebody needs to give us an idea and say the last time once of these proposed zoning maps happened was in 1965 and if we look at the next 35 years and the entire City didn't change its complexion from the zoning that is here, how many residential units...obviously I am not...if you have the crystal ball we are going to leave now but is it 1,000, is it 10,000, is it 20,000, is it 50,000?

Mr. MacKenzie replied I do know that we did what is called a saturation analysis probably about eight or nine years ago and it looked at the zoning. I do remember then that there was far more units allowed in those few R-3 zones, the R-3 zones that are scattered on Wellington Hill and Bodwell Road. That was on the magnitude of like 3,000 units. I know that building out in the single-family districts was far less. I believe it was less than 1,000 units that could be developed in all of those vacant areas because the land that we are dealing with that is left is not very good land. I would guess it is less than 1,000 single-family homes could be built in the remaining districts.

Alderman Gatsas asked so to say that the R-SM zone would have 2,500 because we have reduced that from an R-3 to an R-SM and the residential would be, let's stretch it and say 1,500, there is only 4,000 units left to build in the City roughly. That is pretty scary.

Mr. MacKenzie answered yes and that equates to roughly 2.7 or 3 people per unit and that is on the order of 12,000 more people. What is hidden though is the fact that there is tremendous absorption capability in older areas like the Millyard. If you could develop more of the Millyard buildings you could get a tremendous amount of units just in those mills and in some of the old industrial areas like Valley Street or some of these areas where there are unused buildings. Reusing and recycling those could actually generate a lot more units.

Alderman Gatsas stated not with the square footage that we talked about just in the Millyard. See I have a problem that we are looking at the Millyard and missing the boat on the residential side. I think that the accessibility to the buildings and I am not saying that a multi-use building is not right but if somebody wants to go in to let's say the Waumbec building and put in the units, your density size is such that if I were to go somewhere else I could get more density in an R-SM area than I can in the Millyard and I personally don't think that is what I would be looking for. I would think that you would want a greater density in the Millyard because we are injecting an awful lot of time, effort and money in that walkway.

Mr. MacKenzie replied again I see a tremendous amount of potential in the Millyard for housing. If you took all 3,000,000 square feet of the Millyard, which again I think we should encourage mixed use but if you took all 3,000,000 square feet, you could potentially have 3,000 dwelling units in that space.

Alderman Gatsas responded that is far fetched because the square footage on a commercial spot or office space versus a residential is at a much higher rate so we need to entice...that rate has to change and entice the developer to come in with residential housing so that his square footage cost is going to be reduced and it is almost like...right now if you go in there there is no reason to go with residential.

Mr. MacKenzie replied yet if you look at other cities, once you have the first person make the attempt you have others that follow. I have talked to most of the mill owners and talked to them about the opportunities for housing and the ones that have actually looked at it and there have been several who have done the market studies said right now the cost of rehabbing the building and converting it to residential you would have to get rents that are over \$1,000 per unit and they are not sure if Manchester is ready for that market. I believe we are very close, but the zoning in the Millyard is not as much a limiting factor. There are no dwelling unit density limitations in the zoning ordinances. The limiting factors now in the Millyard are really getting that cost of rehab down to the point that it meets the market.

Alderman Gatsas stated that cost is driven because of the floor area that you must consume per unit. If that was loosened up, instead of 300 units maybe they could put 500 units in which brings the cost down because obviously the income is up.

Mr. MacKenzie replied again the zoning ordinance does not have any limitations on density. The size of the units is controlled by the building code except I think it is a relatively small size. Do you remember what it is Leon? Is it 700 square feet? So, it is not necessarily any limitations that the City has. It is the market that is controlling whether those units are going to be rehabbed and there is typically a gap in financing that some building owners might look for but the City to this point has not offered that gap financing. The zoning ordinance does not have limitations on dwelling unit density for the Millyard area.

Alderman O'Neil asked what are the mechanics...I am a developer and I currently own or have the possibility of owning R-1B land and there are indications that it is going to be changed to R-1A. Can I come in tomorrow and say that I am building 100 houses. What happens at that point? I believe we are going to head in the direction, and I don't want to speak for the Board, of the R-1A.

Mr. MacKenzie answered the trigger is actually the day that the newspaper notice is published. When the Board sets a public hearing date, let's say October 15, roughly two weeks before then the City Clerk's Office publishes a newspaper notice and that is the trigger. At that point, any application received afterwards by the Planning Board or ZBA has to follow the stricter standards. So if they get an application in before that public hearing notice in the newspaper, they are in essence grandfathered. They can go through the process and they are grandfathered. So the trigger date is the newspaper notice.

Alderman O'Neil stated let's set a date as soon as possible.

Alderman Levasseur stated I want to know and I want to know in advance, you are making these zoning changes, do you already have people lined up who want to build things. Are changes being made in anticipation of people coming to you that want changes made for these specific reasons?

Chairman Cashin asked are you asking if he is changing a zoning to accommodate somebody. Is that what you are asking?

Alderman Levasseur answered are you anticipating some sorts of businesses that we don't have yet that are going to be looking at this. I know that we are already seeing this with Alderman Pariseau's ward that somebody wants to put in a bigger building and I am

just wondering if we are doing that with these kinds of ideas in mind. People must be coming to you and saying we would like to do this.

Mr. MacKenzie stated there is quite a bit of frustration with the old zoning ordinance. For example, right now you can't allow a funeral home anywhere in the City. The old zoning ordinance does not allow it so anybody who wants to put in a funeral home or put an addition on has to go to the Zoning Board of Adjustment. Movie theatres are not technically allowed so there are some frustrations. There are people I know like the owner of the Sundial Center building, which is currently zoned industrial but they are trying to get in high tech tenants. They are trying to get in some professional offices and they can't do it under the current ordinance. People like them have been saying for the past couple of years let's make these changes so it is not just industrial that it is RDV and more up-to-date with our current economy than some of the old zoning ordinances so there are people out there who want to see the evolution so they can have...particularly in the older industrial areas, who are looking forward to changes in the zoning ordinance.

Alderman Levasseur asked so you have heard frustration from developers and business people and this is a way of changing things for more business to come in. We are right now at what, 2% or 3% occupancy for residential right now.

Mr. MacKenzie answered I heard the number under 1%.

Alderman Levasseur asked this little area here, the RDV, redevelopment district, is that made that way to accommodate that. Is that what the redevelopment district is?

Mr. MacKenzie answered the redevelopment area includes places like the south side of Valley Street, where technically right now you can only have industry but frankly the trend is towards...Advanced Auto Parts wants to go there and they had to get a variance and 7-Eleven wants to go there and they had to get a variance. The pressure is for general commercial as opposed to heavy industrial in that particular area.

Alderman Levasseur asked so by doing the rezoning like this it eliminates the variance process.

Mr. MacKenzie answered it will not alleviate, but I believe it will reduce the caseload and when I look at places like two of the biggest industries in East Industrial Park had to go to the ZBA. The Union Leader building and Burndy Corporation had to go to the ZBA for various violations. It will reduce the caseload for the ZBA and avoid some of these crazy ones like no funeral homes. It will reduce the number and I wanted to see if Leon had any comments on that because he attends all the ZBA meetings.

Alderman Levasseur stated you said the last zoning change occurred in 1965. Is that correct?

Mr. MacKenzie replied the last comprehensive zoning change, yes.

Alderman Levasseur stated I know that nobody was around except for maybe Alderman Cashin but what do you think is going to happen when we put this out to the public. It seems to me like we are making some pretty drastic changes. Are we going to hear it?

Mr. MacKenzie replied given that it affects every single property owner in the City and there are 30,000 parcels, you will probably hear from some people who think it is a great idea like the Hesser Center that said it is way overdue, but even if you have ½ of 1% of those people unhappy because there are changes that affect some people, you know you will hear from people. Overall, we have tried to tailor this to be more modern, more streamlined, protect the neighborhoods but adjust the commercial districts to be more up-to-date but not every single group is going to be happy. There are some neighborhoods that might not like some of the changes on South Willow Street so it is going to potentially be a difficult process but in the end I think everybody has to realize that the regulations that we have now are antiquated. The 1965 ordinance talked a lot about drive-up restaurants but they were talking about the girls on the skates that would come out to the car. They did not hear of computer companies or dot com companies.

Alderman Pariseau asked with the rezoning changes, those businesses that are currently in an R-1B area on South Willow Street, would they be allowed to expand as they wish. Currently because they are there by variance by have to come back to the ZBA if they want to expand. Would this negate the control the City current has?

Mr. MacKenzie answered yes and I would discuss perhaps each individual lot there because frankly sometimes when the ZBA granted a variance they granted more, in some cases, building area than even the business district would allow. I don't see any particular building boom on that stretch that is zoned residential and I know the neighborhood is very sensitive in the back there with the Jobin Drive and Weston Road area, but the properties that are in that, the old Scandals place, the Mattress store, the new CVS, Cactus Jacks, Pizza Hut, Bagel Place and Burger King, those are the ones that would be impacted and I don't see any major development boom in that particular area. We have to carefully craft how deep we want those commercial lots to be and that is where we try to make sure that we retain the tree buffers, etc. so that in crafting the line we will be able to somewhat control how much they can expand.

Alderman Gatsas asked the three proposed changes from R-1B to R-1A that you have, the density of those three proposed changes, how much density would be reduced. How many units would be eliminated?

Mr. MacKenzie answered it is going from 7,500 square foot lots to 12,500 so that is roughly if you are talking on a per acre basis, close to a 30% reduction in those specific areas.

Alderman Gatsas stated the number that you threw out of 1,500 residential or that I threw out, are you saying that with those three proposed changes it would go from 1,500 to 1,000.

Mr. MacKenzie replied knowing those three districts and knowing what land is available for development in those, I think it might only affect potentially 100 units total. The swing might be only 100 units because there are very few good locations left. A lot of those are swampland areas. A lot of those are very hilly sites. Some are already developed. My guess is that there would only be a swing of 100 few units.

Alderman Gatsas stated so what you are saying is it would be 300 units if we didn't touch the zoning and if we effectively change the zoning it would go to 200 units.

Mr. MacKenzie replied yes. I don't know if those are the exact numbers but that proportional change sounds right.

Alderman Gatsas stated if we are at 1/3 or 30% that is...if you are telling me 100 I can do the math and it is a little easier. So those three changes would effectively be about 1/3 of the residential number that we are looking at. 1,000 units to 300 units.

Mr. MacKenzie replied again I am thinking in total those three specific districts we would be affecting 100 units so if we had 1,000 allowable before we are talking 900.

Alderman O'Neil asked, Bob, the one zone that is in yellow is R-2 to R-1B, Mammoth Road between Cilley and Valley Street maybe, why R-1B and not R-1A although there are houses on just about every lot there anyway.

Mr. MacKenzie answered just looking at the house lot sizes in that area, most of them are actually pretty close to the R-1B. A couple are a little bit less, but very few of them would hit the R-1A. What you have to do is try to balance how much you might be impacting these people.

Alderman O'Neil stated so it is a move in the right direction and really going R-1A is stretching it.

Mr. MacKenzie replied if you are going R-1A you are probably making 90% of them non-conformant. If you do R-1B, you may be making 20% of them non-conformant. It is kind of a quantum change there.

Alderman O'Neil moved that the zoning ordinance be sent to public hearing as soon as possible. Alderman Pariseau duly seconded the motion.

Chairman Cashin asked aren't there some recommended changes that are supposed to come back before it goes to public hearing. At least that was my understanding.

Alderman O'Neil stated I know that Alderman Hirschmann brought up the conservation district but I think we can still set a date.

Chairman Cashin replied it is up to you gentlemen, but I would like to see the changes before I even set a date because what happens if it changes and then you want to make more. What do you do then? Do you change the date?

Alderman O'Neil stated if we do that, this is going to drag out forever.

Alderman Clancy stated why don't we ask each individual Aldermen what their concerns are and then we can go from there.

Alderman Pariseau stated I think you have to give us time to read the zoning ordinance. The discussion that we have had is fine but I have to read the nitty gritty inside here. I don't have any problem with setting a date for the public hearing.

Alderman Lopez asked didn't you say, Bob, that you had another work session like this to schedule before we have the public hearing.

Mr. MacKenzie answered we do have one tentatively set for September 19. The Board could either come back to that work session and set the public hearing date that night if they would like because you would have had a chance to review all the material and we will present that night the changes that you have requested.

Alderman Clancy asked so, Bob, if we have a question we can call you.

Mr. MacKenzie answered sure. Either myself or Pamela has been working on it. If you have specific questions or want changes, we will make a record of that and bring all of those changes back to the Board.

Alderman Hirschmann stated I wanted to add the conservation thing in tonight and we are not making any motions or anything like that so I will send a letter to the Clerk to put it on the agenda.

Alderman O'Neil stated my only concern is that somebody knowing that we are going to make changes is going to try to take advantage of it. That is all I am saying. If we lock in...is it too early to lock into a public hearing for October?

Mr. MacKenzie replied I would defer to the City Clerk. At this point you could pick a date.

Clerk Bernier stated you could pick a date now.

Alderman O'Neil stated I certainly recognize that there are going to be changes to this.

Chairman Cashin stated let's take the other side of that coin. Let's assume that some of the citizens out there do get wind of this and they look at the map and they come up with some constructive ideas. If you have already set the date, then we have a problem.

Alderman Pariseau stated no. It has to be changed after the public hearing anyway.

Chairman Cashin replied not necessarily. I just want to give everybody an opportunity. If they look at it and they come up with constructive ideas, I think we would be looking for that.

Alderman O'Neil stated but we can make those changes afterwards.

Alderman Gatsas stated my concerns and I don't know Bob maybe I am looking at something I shouldn't be looking at but when you are talking a City of our size and for full capacity is another 4,000 units, how comfortable are you with that.

Mr. MacKenzie replied the number that you have of 4,000 units only applies to the R-1 districts and the R-SM districts. There is still a large area of R-3 that we haven't talked about that are more the urban, multi-family districts and the downtown, which allows...both the downtown and the Millyard allow multi-family housing. I believe the capacity to absorb more population and more dwelling units is larger in that area,

although I can't quantify that. It is larger in that area than in the outlying suburban multi-family districts.

Alderman Gatsas stated I hear what you are saying but to say that 1,000 or 1,200 residential single-family units...if we are talking about increasing tax base in the City what do we tell somebody who wants to move 600 employees into this industrial park or into this research park that we are talking about.

Mr. MacKenzie replied there is a balancing act between unit density. You could go to 5,000 square foot lots but we have found that generally...we have actually gone down to 6,000 square foot lots in clusters. Those have not worked well because you cannot have room for garages and you don't have room for parking. In many of those cases we have had a lot of variance requests. So 7,500 to 12,500 is a bare minimum lot size to be reasonable and to have good neighborhoods.

Alderman Gatsas responded I am not talking smaller but I am saying taking the R-1A and moving that to instead of 12,500 to 10,000 where the density is going to increase somewhat because you are taking most of the R-1B stuff and changing it to an R-1A, which is eliminating...all I am saying is I am looking at this and saying 1,500 units doesn't...the last time you showed us charts there was one year when they built 3,600 units.

Mr. MacKenzie replied 1,600 units in one year in the 1980's. At some point every community maxes out in terms of saturation for single-family homes and in Manchester we have had a lot of development in the last 20 years and we are approaching that. We can change the zoning, but you run into a lot of issues. If you took the north end at 12,500 and changed it to 10,000 square foot lots you will start to have quite a bit of in fill but that creates tremendous frustration with the neighborhoods. The neighborhoods just...they are concerned about in fill and it is a struggle that you will have almost on a weekly basis with projects filling into neighborhoods when the standards have changed. Neighborhoods have been the ones that have been saying that the density is too high now. We meet every month at the Planning Board with the ZBA and we hear a lot of issues from neighborhoods and that is what the neighborhoods have been telling us.

Alderman O'Neil stated I certainly don't disagree with my colleague from Ward 2 but what I have heard from some people who grew up in Manchester and bought their first homes in Manchester is there weren't enough opportunities to buy these larger lots and they end up moving to Hooksett, Bedford and Auburn because they don't want to be where driveways are on top of driveways and houses are on top of houses so I think we

need to create more of that type of housing and we probably would be able to keep more people in the City I think.

Alderman Pinard asked what is going to be the impact of all of these houses on the schools. I think you had made some kind of prediction of smaller households and all that. With all of these houses, there is going to be an impact somewhere.

Mr. MacKenzie answered part of the change in school impact is it is changing the geographic location of students. The more you develop the suburban houses, the more that brings the students out to some of the schools that are already overcrowded. We have schools now that are not overcrowded like Jewett Street School and Smyth Road School, but the overcrowded schools are out at the periphery. The Green Acres, the Highland Goffs Falls, and Northwest School. Wilson is an interesting example because there is a lot of new immigration in the Center City. The actual school enrollments are affected less by development than by the immigration trends and the baby boom bubble that has gone through and the boomlet that has gone through. Right now we are seeing a decline in elementary school students. The middle school population is maxing this year. The high schools we are going to have trouble with for five or six years.

Chairman Cashin stated I have a motion and a second to send this to a public hearing but we need a completed document to send to a public hearing. You understand that.

Alderman O'Neil replied all we are doing is setting a date. It could be October 30, I don't care. I just want to set a date.

Chairman Cashin responded you have another workshop scheduled. That is all I am saying.

Alderman O'Neil stated and I expect that it is going to be changed after the public hearing, Mr. Chairman.

Alderman Lopez moved to amend the motion to wait until September 19 before we send the zoning ordinance to public hearing. Alderman Thibault duly seconded the motion.

Alderman Pariseau stated have it on September 26 or 27. Could we impose a building moratorium tonight because you are going to have a run on City Hall once this becomes public?

Mr. MacKenzie stated in discussing with the Building Commissioner, it would be good when we send the document to hearing to know exactly what that document is and I know the Board has requested some changes. We will try to put those changes together in a package and finalize some of the other details. The Board could meet earlier than September 19 if it so chose and once it sees that completed package if you are comfortable with it you can set a date that night and then the newspaper notice could be published.

Chairman Cashin stated I still have a motion and a second.

Alderman O'Neil withdrew his motion. Alderman Pariseau withdrew his second.

Alderman O'Neil stated I want to keep this thing moving. I am afraid that people are going to take advantage of this. That is what bothers me.

Mr. MacKenzie stated we were just discussing the deadlines for the Planning Board and ZBA. We know pretty much what is in the pipeline coming into the City and given the deadlines to get on the Board agenda, I don't see that even if they started today with a piece of property that they could meet any of those deadlines to get on the Planning Board agenda. I don't believe we will see a serious rush if you meet September 19 or the week before that and at that point agree on the document that is going to public hearing and set the public hearing date. I don't think you will see any rush on the City in terms of dwelling units.

Chairman Cashin asked when is the next meeting scheduled.

Mr. MacKenzie answered tentatively September 19.

Alderman Gatsas stated I think the only place you are going to see a rush is when you are going from R-4 to R-3. If you take a 50' x 100' lot where you need you setback, somebody can come in and say...

Alderman Pariseau interjected from R-1B to R-1A.

Alderman Gatsas stated but the R-4's and R-3's are where you can come in and just draw up a plot plan and drop it off and say I want to build eight units where that would go back to maybe five. That is the only place you are going to see it I think.

Mr. MacKenzie replied the 5,000 square foot lots, which are allowed in the R-4 and you can have a triple-decker, those really haven't been built on because they can't get parking and they don't make money. I have seen very few of those built in the last 10 years just because of the parking issue. They want to get two spaces per unit and they can't on a 5,000 square foot lot.

Chairman Cashin stated so my understanding is that no action will be taken tonight and we will have a meeting on September 19 and at that point we will send it to a public hearing.

This being a special meeting of the Board, no further business can be presented, and on motion of Alderman Thibault, duly seconded by Alderman Pariseau, it was voted to adjourn.

A True Record. Attest.

City Clerk