

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

**November 27, 2000**

**7:00 PM**

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Wihby, Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil, Shea, Vaillancourt (late), Pariseau, Cashin, Thibault, Hirschmann

Absent: Alderman Lopez

Mayor Baines advised that the purpose of the public hearing is to hear those wishing to speak in favor of or in opposition to the proposed amendment to the Zoning 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  
Comprehensively Revising the Zoning Ordinance Including Changes  
to the Text, Tables, and Maps."

Mayor Baines requested that Robert MacKenzie, Director of Planning & Community Development, make a presentation.

Mr. MacKenzie stated I am going to try to be relatively brief tonight. I know that I have made presentations to this Board in the past at several workshops about the purposes of zoning and the major changes here and I believe that a lot of the participants and speakers tonight have already received a lot of the information and are here to comment, so I am not going to go into a lot of detail but there are certain things that I would like to cover tonight. First is the importance of zoning. A zoning ordinance, in any community, as I

have said before is not a perfect tool but it is one of the most important tools that a community has to shape the way the community grows. One of the most important tools to have quality, livable neighborhoods and it is one of the most important tools to improve the business climate and insure that commerce happens in the City. It also touches on every single property in the City. There are 30,000 parcels in this City. Zoning is intended not only to help guide growth the way the City wants it to, but to protect property values so that when development happens adjacent to it, it is not going to depreciate that piece of property. So, zoning is important not just for the City, but all of the individual property items. Of course, when you are touching every single parcel in the City, there are going to be issues. We are here tonight to begin the process of review by the Aldermen. There are still glitches to be worked out. Certainly if there were 1% of glitches left, that is still 300 parcels that we have to work on. I also wanted to mention tonight what is called a Catch-22. Once the City published the newspaper notice for this particular hearing, any changes that come into the City have to meet the stricter of the existing ordinance or the proposed ordinance. In some cases, this does create a Catch-22 because they are not always allowed in both districts. So, to the extent that the Board can review this material fairly expeditiously, we can resolve this Catch-22 without too many problems. Next, I would like to go over certain changes. Over the last several weeks since the last time we had a work session, there have been a number of property owners that have talked to us. The Planning Board held a public forum to get additional input. It was designed in a way to be a question and answer session so that anyone who had a question about their property could actually get an answer to that question. We have prepared a relatively concise change sheet that I believe has been handed out. There are actually 14 changes here that I would like to quickly touch upon. The first is a glitch that we ran into relatively recently. You will notice that certain changes to the ordinance did not allow all professional offices in the general B-2 district. We are proposing under Number 1 that that be revised to allow, permitted by right, general offices in the B-2 general district. The second one is basically a follow-up to what the Board had recommended once before, that extended stay facilities be included with hotels and motels under the use table. So, Number 2 we are making pretty consistent with the Board action at the last workshop. Number 3 is to eliminate an inconsistency on auto service repair. This particular provision eliminates confusion that was created by certain inconsistencies. Number 4 would allow three story multi-family homes in multi-family districts rather than the two and a half stories that were proposed in the zoning ordinance. Number 5, you may have seen an article today in the paper. We had highlighted this previously that in the R2-PO district, which includes the area up around North Bay and Sagamore Street, that during certain changes to the ordinance medical offices were split off and were not referenced to be allowed in the R2-PO. They have been in the professional office overlay and we are recommending that they stay allowed in the overlay and this change would allow that. Number 6, 7, and 8 are all final changes to the

sign ordinance that we reviewed with the NH Sign Association. We made some changes previously and these changes handle some inconsistencies or clean up certain inconsistencies from that previous review. Number 9 is a provision that allows, in certain cases, that if a corporation wants to build a facility and they don't need nearly the parking that is required under the zoning ordinance, that they may submit for and get a special conditional use permit from the Planning Board and be part of the site plan review so that they don't have to go to both the Zoning Board of Adjustment and the Planning Board to reduce the number of parking spaces. Number 10 inserts the correct parking requirements. On this chart that is attached in the package you will see the current parking requirements as proposed. Inadvertently, an older table was inserted and in many cases we are requiring too much parking than is demanded. That can be an issue, particularly with the CSO program and how much drainage run off we have. We do not want to provide too much parking because we have other environmental issues if we do. Number 11 is to be more consistent with State law. This indicates that an impact fee shall be paid on the Certificate of Occupancy. The wording, I think, was unclear in the proposed ordinance. It talked about the building permit stage, but to be consistent with the State law it should be paid at time of Certificate of Occupancy. Number 12 also you will see attached to this sheet two maps related to the Airport zone that were not in the previous package. We have been reviewing that with the Airport Authority. They still have some questions and suggestions and I believe Kevin Dillon is here tonight to talk about those. The last two changes on this particular list are map changes that we have reviewed. The first is on Gold Street where there are three automotive dealerships. We have reviewed that because under the proposed ordinance, auto dealerships are not allowed in industrial parks and they were caught in a Catch-22. We are proposing that those become B-2 on the zoning map to make sure that those dealerships remain conforming with the zoning ordinance. The last one is an area that we were requested by the owner...this is between Harvell and Schiller Street on the west side. Right now, there is a thin sliver of land between Wolf Park and the business zone on Second Street that is currently zoned R-2. There are no residences in there. We went down and reviewed that area and that area should be more B-2 than residential. So, that summarizes the changes as we see them right now. I did want to take just a few minutes and run over the proposed zoning map. The Board has seen before in their packages the summary zoning map. This has all of the zoning boundary changes. There is actually a list of 49 changes that were made to this map. Some of those are technical changes and some are actual changes. Tonight I would like to review with you in more detail the actual detail zoning maps that will be used eventually. There is a set of 10. These 10 formal zoning maps actually replace a series of 58 zoning maps under the old system. Now with the computerized GIS system that we have, we are able to condense these down into 10 maps. If I can just quickly run through the City and show you some of the key changes based on these new zoning maps, the northwest part of the City, this is the upper half of

the west side. You can see that the major changes here are a new zoning district. In the dark green, there is a research park district. That area was recently discussed at the meeting with the Hackett Hill Master Plan. That is proposed primarily to have a corporate office park. I know there were some questions raised about manufacturing. That is an issue that perhaps this Board may want to deal with as part of the changes. The second major change deals with the two conservation zones on this portion of the City. The proposed preserve area that will be sold to the Nature Conservancy of almost 400 acres and also the area around Black Brook that is proposed to be a conservation zone. Other areas have not significantly changed. There is a new R-SM multi-family zone along the Piscataquog River and you will likely hear tonight from the owners of the former Optima property on the very upper portion of the City that they would like to extend this R-SM to include this corner, which is single-family. We did not include them currently on this change list because we have a few more items to review, although generally I believe that is a reasonable change. Moving a little bit easterly, this is the north end. You can see that the R-1A area includes most of the north end. The major changes on this particular map...there are three major changes. One is that Livingston Park area, as you can see here, would become a conservation zone, a CV district. Secondly, the commercial on Webster Street, right along here, which is now predominantly business would be zoned a neighborhood business, a B-1. That does not allow large shopping centers, but it does allow business uses that would be consistent with that zone with a neighborhood on either side of it. The third major change in this particular neighborhood is the area just west of I-93 and above Bridge Street. That area, if you know that area, has been developed over the past by variance into multi-family housing. One of the goals of the zoning ordinance is to make sure that if we are preparing a brand-new ordinance that a large area that has been developed in that type of multi-family district should be zoned multi-family because if you continue to allow it by variance, there are really no standards, no requirements, no density. If you do rezone it multi-family at least there is a certain standard that everybody would have to follow in that district. Moving further east, the primary change in this area, and as you can see this is Lake Massabesic on this side. The primary change in this area is the addition of a conservation district all around the lake. All of this property here is owned by the Manchester Water Works. Secondly, there was a fairly large area in this particular section that had been zoned R-1B, but there has been a lot of difficulty with development in that area. Every subdivision that has gone in there has been contested. There have been frustrations about the density allowed. There are still questions about the sewer and it is proposed that at least the section right here be rezoned to a less density R-1A versus the R-1B district. Moving along, this is the area just to the west of where we are looking. This is the Wellington Road/Bridge Street Extension/Mammoth Road. The primary change on this particular map sheet is again the area that I talked about on Mammoth Road, to the east of Mammoth Road, which as already gone primarily multi-family. This

zoning reflects that fact and makes it consistent for all of those property owners. There are no other major changes on this particular map sheet. Looking further downtown, this is the downtown area right here. The changes here primarily include expanding the size of the downtown business district. It used to be that the B-4 district was just in the core. Now the central business district, which is different than the CBSD, the central business zone is to be expanded both northerly and southerly. The AMX, which was formerly the Millyard district, is about the same and it would include a little bit more area on the west side, the Mill buildings on the west side as well. Moving south of downtown, and this you can see is the South Willow Street area. This line here is the old railroad that extends from the downtown down towards the Airport. The major changes on this particular plan are the fact that this old industrial area, the light green area, which was industrial up until the early 50's, is now a very changing area and as part of that we are proposing a redevelopment zone that allows more mixed uses and allows more use of that particular area. That area developed only because it had rail access and industry used to primarily need rail access. No longer do they need rail access so the basis for the industrial zoning has gone. That is why we are proposing that this is more of a mixed use redevelopment zone. Moving to the southeast, this is the Bodwell Road area. Bodwell Road extending down here. The major changes here include again two conservation zones. The remaining area around Lake Massabesic, as well as a conservation zone around Crystal Lake. The other major changes are this area around Crystal Lake and South Mammoth Road, which used to be zoned a high density R-1B is now proposed to be an R-1A. That is an area of the City that does not have many services. It does not have sidewalks. It does not have a fire station. There is inadequate school and road capacity. In that particular area, we are proposing that we control the density of development in this southeastern portion at least until the time when we have the adequate services to service a development in that area. This is the southern portion of the City. This is the Airport. This is the southern portion of South Willow Street. One of the changes along South Willow Street is that we used to have several different zoning districts. We used to have an R-3. We used to have a B-3 and we used to have a B-2. Frankly, the distinction between those over the last 10-15 years has blurred so we are proposing in most cases that there be one zoning district, a B-2 district, including the Mall of New Hampshire and several areas down to the point where the Board of Mayor and Aldermen recently rezoned commercial down to the end of the runway. The final map of the 10 is the southern portion of the west side. Again, the primary change in this particular area is the conservation zone along the Piscataquog River. That is part of the old Piscataquog Open Space project that started in the early 1970's. There are some changes along Second Street and I believe there are none along South Main Street so the primary changes here are certain changes along Second Street and the Piscataquog Open Park. I would like to conclude basically by saying that we recognize that with a brand-new zoning ordinance, again the last time it was updated was 1965, there is a strong need for a new zoning

ordinance. There are many uses that are not allowed under the new ordinance and we are trying to improve both the living conditions in the neighborhoods, as well as the ability for business to come into the community. We do recognize, however, that with any new, relatively complex zoning ordinance, there is going to be a teething period. We expect to log any difficulties over the next 12-18 months and probably come back to this Board with an update to work out and fine tune the ordinance to make sure that it is fully operational. Once we have tested it for 12 months, we will see where the glitches are and we will come back to the Board to fine tune it. I did want to let you know that we have David Boutin here, Chairman of the Planing Board, as well as Pamela Goucher and at some point, although we don't normally allow questions during these hearings, we are available to answer any questions of the Board.

Mr. Boutin stated I just wanted to point out that several other Planning Board members are here tonight also.

Mayor Baines called for those wishing to speak in favor.

Tom Prieto, 1000 Elm Street, Manchester, NH stated:

I am with the Granite Commercial Group. I am representing PSNH this evening. As you are aware, PSNH has a petition before the Mayor and Board of Aldermen for a rezoning of the properties, which I submitted to you as exhibit lots 1, 2 and 3 and also land abutting it known as Manchester Volkswagen, formerly McDevitt's Volkswagen and also the Hannaford Shop n' Save parking lot. That is part of a petition that was submitted in the early part of March. We are here today to request that the Board of Mayor and Aldermen consider as part of the master rezoning that this parcel be rezoned from the current proposed industrial to the B-2 zone. They are all map 438, Lots 2, 4B, 3, 5A, 5B and 4A. In the interim period since March, PSNH has been in negotiations with the City planning staff, the Board of Aldermen, Alderman Pariseau, and the administration in discussing ways to have an orderly rezoning process because we do understand that there will be some implications on the Gold Street residents. As part of that, we have submitted or reacted to a proposal that the City has made to us. We have given copies of that to the administration this evening. For the record, I just want to make sure that the Mayor and Board of Aldermen recognize that PSNH still has an interest to have this property rezoned. We do think it is good policy because as you can see from the exhibit we presented, all around us is retail and we suspect that this parcel's highest and best use, as a matter of fact we are certain of it, would be for retail. I also want to speak for a moment on a technical basis. If you look at the sheet I gave you, you will find on the corner of Gold Street and John Devine Drive a 12,000 square foot outline. That building would encroach and become non-conforming if it was to be put under the proposed industrial zone because the industrial zone has a setback for front yard of 35 feet and they

defined the setback from the frontage both on the side or the front so we want you to consider that as well if you do keep it industrial; that we would ask for some relief from that proposal for the side yard setbacks being the same as the front yard setbacks. That is under your proposed zoning ordinances under Article 6, Section 6.03, Minimum Yard Requirements. Again, I am not here to repeat all of the proposals that we have made to the City in our March presentation, but again we do believe that it is consistent with the Master Plan. It is an emergent retail area. We are confident that we can address some of the traffic issues that were raised and we believe it is in the best long-term impact to the City of Manchester to have a vibrant area consistent with areas surrounding uses. I am available for questions.

Richard Girard, 166 Moore Street, Manchester, NH stated:

Mayor Baines and Chairman Cashin thank you for the opportunity to speak tonight. I plan to be brief. Alderman Pariseau has already read me the riot act this evening. Good naturedly so. In general, Mr. Mayor and members of the Board, I support the changes that are being proposed tonight. As a former long-term participant in City government, I am painfully aware as many of you are of the need to change the City zoning. However, there are some areas that I would like to bring to your attention. Some of this testimony I have given to the Planning Board at its hearing and some of it, thanks to Mark Hayward, can conveniently be found in Friday's *Union Leader*, November 24. I also believe a tape that the City Clerk...I did a show with a commercial realtor on MCTV about various zoning needs of the City. I know that some members of the Board have seen it. They have commented on it and it will be available for your convenience. I also will give this to the Clerk. It is an article that was printed in the *New Hampshire Business Review*, the current issue, about Manchester's zoning and some of the areas that it needs to change. That having been said, there are some specific areas that I would like to draw your attention to because I think that for all of the good changes that have been proposed here, there are several missed opportunities and they are in the areas where traffic has already overwhelmed residential neighborhoods and whose property values, as a result, and their desirability have declined significantly. I note in a handout that was given by the Planning Board at its hearing, 10 Ingredients for Making a Great Community, number two was livable and safe neighborhoods and I would argue with anybody who says that when you have 40,000 cars going by your front door that you have a livable and safe neighborhood. The areas in particular, Mr. Mayor and members of the Board, that I would like to address include Front Street from Goffstown Road to the Highway Interchange; Candia Road from the Massabesic Traffic Circle to the Highway Interchange; Brown Avenue from the Industrial Park to the Airport Entrance or thereabouts; South Willow Street and the one area that is being zoned residential. I believe it is between Seames and Laxson Avenue. There are two areas of Second Street, one near the Granite Street Interchange and one by the Bedford border and I will leave it

at that in the interest of time. These areas, Mr. Mayor and members of the Board, are areas that are heavily trafficked. These are areas whose residential character has been completely lost and whose make-up, frankly, is almost as much business whether it is a pre-existing non-conforming use or been done by zoning as it is residential. So, what we have here is a situation where there is very little residential value to the property. I think a good example of this and a situation which I think is a lose-lose and half win situation is down along Brown Avenue. Currently, the Airport is expending considerable dollars to buy the homes of people who live along Brown Avenue and it is a good thing for the people who live on Brown Avenue. That is the half win, Mr. Mayor. The reason why it is a half loss is because the Airport is only going to be able to give those folks so much for their homes under the laws they operate under. If they get \$120,000 or \$125,000 for those homes, they will be doing pretty well but in today's market, \$120,000 or \$125,000 isn't going to buy them a lot. Moreover, it is hardly compensation for the fact that once was a quiet country road is now one of the City's major arteries. I have been told by commercial realtors that if that area from Brown Avenue to the river south of the industrial park to the Airport, the proposed Airport entrance, were rezoned commercial or industrial, that the values of those properties would double. Now, the Airport is taking over those properties and spending a lot of money and in the process it is taking property off of your tax roles and creating for itself a maintenance problem. I don't know what the Airport intends to do with those properties once it buys them or the land thereafter, although I do say that if they turn around and sell it to commercial interests they ought to track down the people whose houses they bought and share the wealth with them. You have this situation being played out in all of these areas. Front Street is an area that is very busy right now and about to be busier with the development of Hackett Hill. There is little residential value to those properties. I might say that all of those areas that I have mentioned, it is not mistake that a majority of the people who live in these areas are elderly folks. They are people who were there long before the traffic got there and they are people who can't leave because they can't sell their homes for what they need to sell them for to live in today's world. I think we are missing an awful lot of opportunities and today's newspaper brings us an interesting highlight. "Developer Wants 154 Unit Park for Manchester." The good news in this article is that they are going to be double-wide manufactured homes. I don't mean to cast dispersions on this kind of development, but not too long ago the very same property owner and developer who just east of the City is developing a business park in the town of Auburn, proposed a 70,000 square foot supermarket and 250 units of assisted elderly housing. It was a \$20 million project that would not only provide more housing than is being talked about here by a significant sum, but would have provided the City and particularly the east side of the City with much needed supermarket and commercial retail development. Now the reason why that project was shot down was because some of the neighbors came out and said we have too much traffic. They are correct and nothing the City does is going to take that traffic

away, which is why I think that entire area should be rezoned. The highest and best use of this land is not 154 double-wide manufactured homes. A supermarket with elderly housing would certainly have been better. If that entire area were rezoned and the people who lived in that area were given the ability to leave by virtue of the fact that their property value had been restored and doubled in most cases, we wouldn't be struggling with this. All of the areas, Mr. Mayor, and I will wrap up in the interest of time, that I have pointed out to you face the same issue and the same problem. Traffic on side streets can be controlled with signals and other methods. I understand the frustration of the people in today's article who are concerned about traffic. They can't get off of Peabody Avenue, which by the way is a dead end street. I think that can be controlled with a traffic light in that area, but every time we run into a situation like this, we cheat the taxpayers. If this zoning ordinance does not take a look at the reality of the situations in those heavily traveled areas and those are just some of the ones that I think come to the top of the list, then we cheat the taxpayers out of needed tax base development, economic development and tax revenue and we cheat the citizens of this City of the services, retail or otherwise, that they need to live their life conveniently. It troubles me when the neighboring towns get the big shopping centers. It troubles me that the Town of Bedford got the Shop n' Save development that was once proposed for Second Street. We still get the traffic but guess what folks, Bedford got the tax dollars and if we don't take a look at these areas that have been raised by myself and others then the towns are going to continue to get the development, we are going to continue to get the traffic, we are going to continue to have the depreciated residential values and we are going to lose neighborhood after neighborhood after neighborhood with no solution for the people who are trapped. I think it is a travesty for the people who own the property, live in the neighborhoods and for the taxpayers who increasingly shoulder a heavier burden because residential property values in the City continue to drop in these areas. Mr. Mayor and members of the Board, I thank you for your time.

Rick Fradette, 91 Bay Street, Manchester, NH stated:

Mr. Mayor and members of the Aldermanic Board and also Planning Board members, my name is Rick Fradette and I appear here this evening on behalf of a client and I will be very brief. I also served on the sounding board when the original proposed amendments to the zoning ordinance began back in 1995. Overall, I think this is a tremendous improvement to the ordinance. We need it. There are a lot of tools here. I am a lawyer and I do a lot of land use type representation and the changes are very much needed. Having said that, I distributed a letter and you should each have a copy with today's date and it deals with South Willow Street, particularly my client's property which is located between Seames Drive and Laxson Avenue. The letter, if I were to read it, would take me 15 minutes or so and if you are going to read it it is going to take some time also because it cites some authority, some case law, for why this Board should take a look at

this particular parcel of land. I want to just point it out to you because here on the map that the Planning Department has prepared you will see that on South Willow Street on the east side of South Willow Street, all of this area is being changed to B-2, the red. Then there is this 3/4", which is Laxson and Seames, that remains yellow and then it all goes red. What this is really is an evolution of uses by variance. Everything on the east side here used to be residential and actually still is residential and it is all being used for business and commercial uses by variance. Now there is no real contest about the fact that South Willow Street is not a residential street. If you front...my client has over 200' of frontage on South Willow Street and he is being trapped into a residential use. Now there are 23,000 cars that go by that site every day. Just to the north of my client is another little elderly woman who owns the land there and it is remaining residential and she says that she used to live there when South Willow Street was a dirt road and the City came along and developed it into a four lane super commercial area, which caused the value of her home to severely depreciate and now when she has an opportunity, as Mr. Girard was just saying, to try and recapture the value of that land she is being denied that right because for some reason the City is insisting that it remain residential. Nobody is going to buy that for a residential use. Getting a variance in this neighborhood to be able to put this to a business use is not possible because the residents come in...it is a political thing and they object to a business use and they use as their weapon the fact that it is zoned residential. Technically, it is very difficult to overcome that argument if you take a strict instruction of the law. So, I would ask you to take and I am going to wrap it up by just saying take a look at this. You have it within your power to recommend or to direct that the Planning Department in fact include those lots in the rezoning to a B-2 use. It is fair. It is right. It is appropriate. It is what should be done. I would like to have my letter be part of the record and I would ask this Board to do that. Thank you.

Richard Danais, 241 River Road, Manchester, NH stated:

I am here this evening as the President of a real estate company dealing exclusively in commercial real estate and one who deals with zoning issues on a daily basis. I am here this evening in full support of the proposed zoning ordinance. I believe that 35 years is too long for a comprehensive review of such an important issue. There is no question that many people are here this evening to give specifics and specific concerns about certain issues. I am here as somebody who wants to support the issue as a whole. I think it is necessary and I think if the City can pass a comprehensive zoning ordinance then it will be much easier for you as a Board and the Planning Board and the Planning staff to tweak it over the next 12-18 months. I know you have a busy agenda so that is all I will say. Thank you.

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

I am here tonight in support of the rezoning, but for the record I would ask that Brown Avenue on the west side, the Airport side, the pond side, be included in that rezoning. We have come before this Board prior to this to ask for the rezoning. It had been tabled at that time. I would ask that you look at this in a more serious and a definitely diligent manner. We need your support. We need the City's help in getting our home purchased commercially. We cannot sell our homes residentially. The value would be such that we would take a loss and could not purchase another home. That would leave us in an apartment of which there are few in New Hampshire to live in at this time unless we want to travel an hour out of the City. The Airport has tried diligently to purchase our homes through the FAA and have been unsuccessful. Senator Smith had expressed interest. I had submitted a letter to Senator Smith's office, but have not heard from him. The Airport is now in the process of purchasing the homes across the street from us with the anticipation of Brown Avenue being widened to four lanes. This will, in essence, take away any value that I have remaining in my home. I never intended to live on a four lane road. We purchased our home in a relatively quiet neighborhood and now the traffic has increased so that most times we find it very difficult to get in and out of our driveway. I cannot go to my mailbox because it sits on the road. It does not have any space for me to step to the front of it and get my mail. My house is 9' from the road. We may have an opportunity to sell our home to a hotel venture in a commercially zoned area if this was changed. This would allow us to once more enjoy life by moving and not have to worry about our quality of life anymore. I do not see our area on the map tonight but I came before this Board to ask for rezoning consideration. At the time that it was tabled last year, we waited diligently. This year, I am asking you not to table it. I am asking you to look at the rezoning and not for the sake of just the people who remain on our side of Brown Avenue, but for the City itself and its well being and for the future of Manchester, change the zoning in the City. Manchester is changing. It has become a City, a very busy City. Manchester can realize more revenues from a commercial venture than a single family dwelling. It also alleviates more driveways on one single road than numerous single dwellings. We need the City's support and backing. We need the people who live in Manchester to know what it is like to live on Brown Avenue backing up. If this Board tonight votes to oppose the zoning, you are in essence tying our hands and taking away the ability for me to sell my home. I would ask that you approve this zoning. Thank you.

Mayor Baines asked, Deborah, you are on the east side right.

Ms. Carder answered I am on the side by the pond. The opposite side is the one that is being bought.

Alderman Vaillancourt stated Kevin Dillon can address some of her concerns.

Mayor Baines replied he is going to be talking later.

Robert Cruess, 17 Charles Chase Way, Manchester, NH stated:

I am a business owner within the City. Sometime in June I believe it was Mayor Baines held a meeting of developers and people actively involved in the City. I was privileged to attend that and it was my impression that most people said the number one problem was zoning and that if we could do anything to improve the climate in Manchester, that would be to improve the existing zoning ordinance. In that light, I am speaking in support of the zoning ordinance. I do believe that we have lost many millions of dollars in taxes because of the existing ordinance. It is so old that there are just many uses that have never been envisioned in the existing ordinance that, therefore, requires us to go before the ZBA to get an exception or a variance, which is even more difficult. It is my strong opinion that this is definitely an improvement. It certainly isn't probably the ideal ordinance that we all might want, but in view of where we are, I believe it is going to decrease the appearances before the ZBA by as much as 50-75%. Right off the bat, this gives us a much better chance to attract good development to Manchester. I also believe that we should have a look back provision. I think there is a lot of items that are happening in planning, particularly in City planning, that would lead to a better dynamic but to try to get everything into an ordinance the first time around, I think, would be self defeating. I think if we could incrementalize, pass this and come back in a year or 18 months with a few little creative ideas, some tweaking or some other ideas to get into that ordinance and in essence consider making the ordinance a dynamic document wherein we might look at it every two years or every two and a half years because times are changing quickly and to be a progressive City we need to stay up with the times. Again, thank you very much. In conclusion, I support it and I would love to see it remain as a dynamic document almost written into it that we will collectively look at it every so many years.

Mayor Baines asked so you don't think that waiting every 40 years or so is a very good idea, Bob.

Mr. Danais answered no; I don't think that is a very good idea.

Douglas Hausler, 238 Central Street, Hudson, NH stated:

Our firm represents the owner of Manchester Volkswagen. It owns property at the corners of Gold and John E. Devine Drive. We fully support PSNH's redesignation of the area that they identified on their map as parcels 1, 2 and 3 to B-2 and we ask further that the Manchester Volkswagen property be considered part of the B-2 district as well. My

client acquired this property under a purchase and sale agreement in April of this year and actually acquired the title enclosed in June. He immediately undertook efforts and obtained and purchased parcel 3, which is shown as Lot 4B from PSNH in August and then closed in October. His intentions are very clear and direct. He wants to make an investment in the City. He wants to make millions of dollars in investment building a state-of-the-art Volkswagen car dealership, which will be a substantial improvement to that area and will take an eyesore which is on the corner of John E. Devine Drive heading towards South Willow. It will be an enhancement and it will be an attractive building for this entire area that is consistent with the uses in that area. To be succinct, if you intend to redesignate only parcel 3, which is shown as Lot 4B, you will in essence bifurcate or divide my client's allowed uses right in half. We would urge you to apply common sense and extend the B-2 district all the way down to the corner of Gold Street to allow my client to continue his existing business, to encourage him to improve an eyesore, to allow him to invest millions of dollars in the proposed development, which will probably and very likely lead to better safety conditions with respect to any residential areas that may be affected that are accessed, egressed and ingress and obviously better state-of-the-art lighting so that we will have a nicer improvement and we will be conforming with the other retail establishments in that area. We urge you to use your good judgement and extend the B-2 district to include all of the Manchester Volkswagen property. Thank you very much.

Ray Pinard, 65 Kidder Street, Manchester, NH stated:

I am here to speak to you this evening in my role as a member of the Board of Directors of the Chamber of Commerce and as Chair of the Chamber's Government Affairs and Economic Development Committee. I also in 1995 served as a member of the sounding board when this project originally began. The Chamber wishes to express its support in adopting the changes of the Manchester zoning ordinance. The Governmental Affairs and Economic Development Committee, along with members of the Board of Directors, have had the opportunity to listen to a presentation by Mr. MacKenzie and Mr. Boutin with regard to the proposed changes. At the completion of this meeting, it was agreed by the Committee to recommend support of the new ordinance to the entire Board of Directors of the Chamber. Last week at the Chamber's monthly board meeting, there was extensive discussion concerning the proposed changes. In general, the proposed changes would reduce administrative effort, is more business-friendly and will reduce the requests for special exemptions and variances for new projects to about 20% from the current estimate of about 50% of all the projects. We agree that there are many good components to the proposed zoning ordinance and that it is certainly better than the current ordinance, which has been pointed out was adopted over 35 years ago. Yet we are disappointed that the adoption of the new zoning ordinance has been so far removed from the Master Planning process. It is our understanding that in most communities the

zoning ordinance is updated shortly after the Master Plan is updated. It is our further understanding that the City's Master Plan has not been updated since 1993 based on census data from 1990. Manchester is a much different City in the Year 2000 than it was in 1990. We believe that once a new Master Plan has been updated, the zoning ordinance as well should be updated so as to be in concert with the long-term mission set forth by the Master Plan. We believe that a public hearing should be held approximately 12 months after the new ordinance has been adopted. This will allow for needed improvements that have been identified during its first year in operation. Further, we feel that there should be an annual public hearing with regard to the zoning ordinance. This will allow interested parties to voice their concerns and recommend changes in the ordinance. Changes in the zoning ordinance are evolutionary. We believe that the zoning ordinance should always be current, forward thinking and a planning tool and not really tinkered with as time goes on to fit the needs of the time. Other concerns that we have are as follows. There needs to be a significant planning effort put forth to identify potential new commercial and industrial land that will shift the current imbalance of the City's tax burden between the homeowner and business and industry. Additional commercial and industrial areas are necessary to reduce the property tax burden of the homeowner. Also, the issue of signage has not been addressed in this revision. We recommend that a goal should be set to review the signage portion of the ordinance within 12 months after the new ordinance is adopted. We also have concerns about wetland setbacks and continued residential buildings along South Willow Street. The Chamber would like to offer their assistance in working with the City to continue improving the ordinance, as well as an updated Master Plan. This work should be done immediately so that we can plan for the Manchester of the future and not the Manchester of the early 1990's. In closing, I wish to reiterate the Chamber's support for the changes in the zoning ordinance. We hope you will look favorably on accepting the updated ordinance as it is a beginning of much needed improvement. Thank you very much.

Kevin Dillon, Airport Director, Manchester, NH stated:

First of all I would like to commend the Planning Department and the Planning Board for undertaking this comprehensive review of the City's zoning ordinance. Over the past several years the Airport, as well as the City itself, has experienced significant growth and it is certainly very timely and appropriate that the ordinance be amended. Since land use and appropriate zoning regulations have such a significant impact on the operation of the Airport, I request that the Planning Board continue to consider the Airport needs and concerns as it relates to zoning amendments. The Airport would like to insure that our arrival and departure flight card is protected from obstruction penetrations, specifically I am requesting that the zoning ordinance require a submittal of the Federal Aviation Administration Notice of Proposed Construction or Alteration as required under Federal regulations. The zoning ordinance should be amended to read that the FAA Notice of

Construction shall be filed if the proposed development, construction or alteration falls within either of the following categories - 1) the proposed object would be more than 200 feet above ground level at its location, or 2) the proposed object or alteration would be within 20,000 feet of the Airport and the object would exceed the height of an imaginary plane defined by a slope of 100-1 beginning from the nearest point to the runway at the runway's elevation. I would expect that the City zoning ordinance would mandate compliance with any regulations and requirements that the Federal Aviation Administration may determine necessary as a result of the Construction Notice filing. Further, I would request that the zoning amendment require copies of all Federal Aviation Administration Construction Notice filings be sent to the Building Department, as well as the Airport for review. The Airport would also recommend adopting a more stringent noise attenuation guideline in the updated zoning ordinance. Specifically, I am requesting that the noise compatibility zone, designated as N-1, be expanded to include areas between the 60 DNL and 70 DNL noise contour. This would coincide with efforts recently undertaken by the Airport to encourage the Federal Aviation Administration to increase Federal eligibility guidelines for soundproofing from 65 DNL to 60 DNL. In essence, we are asking that more homes be made eligible for soundproofing. I wasn't planning to talk about Brown Avenue, but since the issue was raised I will address it very quickly. There are approximately 39 homes on Brown Avenue between the Airport entrance and the existing commercial district that front Brown Avenue. It is certainly the Airport's desire to see as many of those homes removed because of traffic concerns on Brown Avenue. We have been working extensively with all of the homeowners. We have been able to get permission to purchase approximately 23 of those homes. That leaves about 16 homes that the FAA has not allowed us to purchase. We have, however, offered those homeowners an alternative. We have reached out to a private foundation, Manchester Regional & Industrial Foundation, to expend their assets on making the acquisition of those homes. However, the program that has been offered is not as lucrative as the program that the Airport can offer when we have FAA permission, but the offer has been made for all of the homes that front Brown Avenue. In terms of the request for zoning in a particular section of 10 of those 16 homes, certainly the Airport would support any initiative that would assist in eliminating residences from Brown Avenue. Certainly I enjoy working with the residents. The Airport, no doubt, would like to have commercial and industrial neighbors if possible. Certainly that is a lot more compatible with the Airport. The only thing that I would ask in terms of the Board considering that move is there is still a fairly large community that will remain behind once those residences on Brown Avenue leave and I think the wishes of those residents need to be heard as well.

Chris Davies, 1000 Elm Street, Manchester, NH stated:

I have a company called Great Bridge Properties located in Manchester and it is a real estate development company. I would like to say that I am in support of this zoning ordinance. I can't say that I agree with every detail, but I am not sure that I am supposed to either. Any document like this is difficult to pull together. There is a lot that went into this and I also commend the Planning Department for a lot of hard work. I really think it brings us up-to-date and gives us a blueprint for going forward. Some of the things that I particularly like about it are the streamlining of the planning process. I have done projects with this City in the past that have required special exception variance site plan...you know an all for one project. I think the streamlining in here will still give the control to the Planning Board, but it will also be a benefit to the developer. I think the reduction of the zoning districts is positive. I think it makes it easier for everybody and I especially like the creation of the conditional use permit. I think that is a benefit to everybody and I think the result of that will be a little bit more creativity, which can come from the developer. I have looked through the zoning districts, if I read that right a project that I did a couple of years ago, a senior project, under this conditional use permit if I had to get a special exception, a variance, and site plan review I could have done that all at one time, which to me as a developer is a big benefit. Some of the other things in there are flexibility on parking. I think that will also be a real positive. Overall, again, every detail I can't say I agree with but I think it is a great step forward and I am in support of it.

Barry Brensinger, 400 Whitford Street, Manchester, NH stated:

I am also principal in a local architectural firm. I am not here representing a specific project or client or issue, but rather to express general support for the new zoning ordinance. I think as all of us know, the ordinance provides a model for how we will use our land in Manchester today, increasingly valuable land, and that model will serve as a foundation for the vision of our future for what our City will be like for many decades to come. It is, therefore, essential I believe that our zoning ordinance be timely and as Mr. Cruess expressed, evolutionary. That it evolve over time to truly reflect our values as a community. As a more practical matter, I can tell you that I personally have spent considerable time with City staff trying to figure out how to fairly accommodate modern business uses that are not addressed in the current ordinance. This unnecessarily complicates the approvals process. I have also experienced text in the current ordinance, which has lost its meaning in the past and is now potentially misleading. Manchester, as we would all agree, is a very different place than it was 35 years ago. It is time for a new forward looking, well coordinated and evolutionary zoning ordinance. Thank you for your time.

Peter Rotch, 900 Elm Street, Manchester, NH stated:

I work with the McLane Law Firm. I am a land use lawyer. I have had the opportunity to appear before the City boards on numerous occasions over the last few years. I am not here representing any particular client but I just want to echo the prior speakers who say that it is time to adopt this ordinance. I think this ordinance, as it is proposed, will help development of commercial projects. I have had the opportunity personally to be before the Board on projects on South Willow Street...not only do you need a variance to develop a project on the east side of South Willow Street for a new project, but if you have an existing commercial use and you want to redevelop it, improve it, and change that use, you are going back to the Board for a variance. This ordinance, as proposed, is a wonderful step in the right direction for the reasons that you have heard tonight. I urge that you support it and we can move forward.

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

I own the property at 2929 Brown Avenue and also my home at 2943 Brown Avenue. My sister lives between those two homes at 2935 Brown Avenue. 2929 abuts the Carder's residence and I have to commend her for the presentation that she made. Collectively, there are five families that own this strip of property. It encompasses 10 separate parcels. We have had discussions and I will document that, starting from December of 1997 with letters addressed to Alderman Robert Rivard, sharing our dismay over the widening of Brown Avenue and also sharing with him our concerns about the safety and the lack of quality of living associated with Brown Avenue. We then, on October 3, 1999, came before this Board and based on information provided by Robert MacKenzie, we proposed that we change those particular properties to commercial. The homes on the west side of Brown Avenue, of course, are either going to be taken by eminent domain or sale but again the five families on the east side of Brown Avenue are left to flounder for themselves and fight the traffic. Tonight, what we would like to do is again submit that request dated October of 1999 signed by all parties, the five families, and beg that you consider rezoning it to commercial. That is the only way that we are going to be able to sell our property. I also want to thank Kevin Dillon at this time. He has been very supportive of us as far as the rezoning of our property. Again, thank you for your time.

Gabriel Bilcz, Brown Avenue, Manchester, NH stated:

I work for Global Commercial Corporation. As a matter of fact, you are going to hear tonight about Brown Avenue repeatedly. We have all of the owners on the west side of Brown Avenue and as we speak right now I have more buyers than land available on Brown Avenue. Therefore, I respectfully request that it be zoned commercial to make it much easier to sell this property.

Mayor Baines asked east side or west side.

Mr. Bilcz answered west side. We have 10 lots and only five owners.

Mayor Baines stated just for the record, you are talking about the east side.

Mr. Bilcz replied that is correct, I am sorry. If everybody signs with Global Commercial, we can sell this property and it will make it much, much easier if we have it zoned commercial.

Mohammad Mobeen, 376 South Main Street, Manchester, NH stated:

I completely support the rezoning map. Several people mentioned Brown Avenue, Massabesic Circle, Front Street and South Willow Street. I think all of those roads right now need to be zoned commercial because those roads have become very commercial. The traffic is so heavy that keeping them zoned residential will create more work for the City. People will be coming back and forth for variances to change the zoning. In particular, I have my own particular case. My attorney, Richard Fradette, mentioned earlier that on South Willow Street I own a lot at 560 South Willow Street, which is between Laxson and Seames. I have tried several times to get a variance and my variance has been denied for a business use. Right now, the City is going to be rezoning almost the entire street but that particular lot has been left alone. I am asking that you include my lot and save me the trouble for coming back and asking for a special exception. I don't think anyone wants to put a house over there. Once again, Mr. Mayor and Board of Aldermen, please reconsider my request. Thank you very much.

Elias Ashooh, 83 Gilhaven Road, Manchester, NH stated:

I am here this evening representing the Manchester Development Corporation as its Vice Chairman. I am a resident of the City of Manchester and I own a business here in town. As many of you sitting here within the Chambers, I was born and brought up here and I have seen the changes that have taken place in this City. The Manchester Development Corporation has been involved in the Business Friendly Task Force and has dealt with a lot of the issues that I think this zoning ordinance amendment addresses. We find ourselves in a position of growth, unanticipated uses and I think that the effort by the Planning Department to review this massive document that anybody who does business in town and looks to buy or to sell has to operate by, I think the review and look back is long overdue. When the MDC chose to support this, we kept in mind what our mission statement is and frankly it is to seek the highest and best use of the assets of the City of Manchester for all of its residents. That is what a zoning ordinance does. It gives us a document whereby all of the assets are coordinated for their best use for all of the citizens in town. Sitting in the gallery and listening to the speakers who came before me tonight,

there is one addition. I think it would be in the City's best interest to establish a periodic look back and coordination of the zoning ordinance with, as said before, the Master Plan, but having a frequent review of the zoning ordinance I hope would eliminate some of the stories you hear tonight - Ms. Carter on Brown Avenue and Atty. Fradette's client. What you find is that these people are victims of let's say unanticipated success. The Airport is a great example of that success and its rapid growth and its unanticipated success creates a situation whereby what should have happened in 15 years happened in three or four years. I think that having a more rapid review of the zoning process or the zoning amendment would hopefully minimize that. I thank you very much for your time. The MDC supports this ordinance and we look forward to participating in any look back. Thank you for your time.

Barbara Hagan, 154 Winter Street, Manchester, NH stated:

I am not a developer or a business owner or a lawyer. I am not going to make any money one way or another by these proposed zoning changes. I am a mother, a voter and a taxpayer. I am coming to you this evening because I have some concerns. I think that I do not wish to take away any of the work...I know that a tremendous amount of work went into this zoning proposal, but the problem with a comprehensive anything is that one size never really does fit all. I would just urge you to be very cautious in passing this and then saying we will go back and fine tune it later or we will go back and tweak it later because that is not always the case and I certainly don't want Manchester to stay in the 1930's or 1940's. I want it to be the City that I am proud to live in and proud to raise my children in so I want to qualify that remark, but I am noticing that a lot of the speakers that have come before me have indicated that this is an important tool. That your zoning laws are an important tool to the community and they are also speaking about property values and as a taxpayer and a homeowner, that is where I am coming from in this whole story. I do also wish to note that it took eight maps for the presenter to be able to show you these different changes and yet we are considering making all of these changes into one. I think it is unfortunate that we had to rely on very small maps to try and look at these things. People who have been in the City for a long time, elderly people, may have great difficulty reading them and I would also like to request that you get on the Web so that we can look at what the zoning laws are currently and what the proposed changes are. Now I understand from the secretary in the Zoning Office, one of the secretaries did inform me that there is a Web page that is being worked on but it is going to be after the fact once this whole proposal is passed if that is, in fact, what happens. I think if we are going to be revolutionary or evolutionary that is something that we definitely need to do. I have a specific concern with respect to a multi-family section in the City that is going to be rezoned so that variances will no longer be required and it is on the Penacook Street area in Manchester, which is very near the north end. Now I do have a hearing on specifics that I want to bring before the Zoning Board on

December 6, but this particular rezoning effort got me looking on the Web for the State zoning laws and also I looked with great interest tonight at your definitions and as was also pointed out by earlier speakers tonight, there are new uses for businesses and for properties and for premises that are not necessarily contained in your zoning ordinances. I noticed, for instance, that you have under your definitions in Section 3, Pages 10 and 11, a whole section devoted to sexually oriented businesses. I am assuming that the reason the Zoning Board did this was because we certainly would not want to put these establishments near school yards or where children would have a frequency of passing them so you went through an effort to define these and as a taxpayer I appreciate that you did that. In another section of these definitions you define hotel and motel and I am noticing that you have adult motel defined, which is quite a different thing, on Page 311. I would like to call your attention to medical offices and clinical services. Hospitals, nurses, doctors, professionals who deal in the health field and the difference between a medical office or a medical business coming into an area that is zoned to accept that type of a medical office and a facility such as being proposed in the Penacook Street area where there are multi-families and children. It is also near the north end of town where there are some historic type buildings that have been refurbished and are being used by other businesses and you have a variance that was allowed for an abortion clinic that is putting in bulletproof glass. This is a first experience that I am aware of for the City of Manchester, but I can tell you that when the abortion clinic went in at Strawberry Bank in Portsmouth, NH, it raised so much havoc with the other business establishments. It almost became a combat zone up there because of the nature of the business and because of the highly volatile topic and controversy surrounding that business and I notice in the definitions that you do not distinguish. There are some cities and towns that do distinguish in the special exception for medical offices that provide this type of service and I would urge you to take this under consideration in view of the fact that you have situations like what has happened in Strawberry Bank in other states. In states like Atlanta where there have been bombings that have taken place at these clinics. You are talking about safety and security and property values. In Brookline, MA, where they had the shootings and where literally I have spoken to a person who knows a dentist down there who literally had to move his business because his patients were afraid to come into that area given the highly volatile situation by this business being present there. I would like to bring this to your attention. I noticed as I was looking on Webster at the NH RSA's, that there were some very strict zoning requirements that were put in place for some professions. Are we going...I noticed for instance the slaughter houses. They are required to have an 80 acre lot, 500 feet of frontage, the building had to be 100 feet from any right-of-way and the Zoning Board could deny approval for the business to operate if it posed a health hazard, devalued property, was adverse to safety issues in the area or a public nuisance. I think that these considerations are really important as we go forward in the City. We maybe need to look at some of these definitions. I would like to suggest

that because it took eight maps to bring this presentation to us, that perhaps in passing this zoning ordinance we could make an amendment so that you could pass eight sections rather than just one all encompassing, one size fits all zoning proposal. I think one comprehensive plan doesn't fit all and the taxpayers and the homeowners and the voters who are in the City of Manchester are going to have to carry the burden of whatever decisions you make so I come to you this evening on that level and I thank you very much for your time and listening.

Preston Arnold, 167 Seames Drive, Manchester, NH stated:

My wife and I think that it is great that you have taken a look at this and we also agree that there are some changes needed on South Willow Street. The only thing we ask you to consider from our perspective is what we are calling side street creep if you will. We know from a little bit of experience that this year where you put the dot on the map or the line has a lot of important effects. We know that Dora Street, Laxson Street and Seames Drive will be affected. We are just asking that you not allow that to go too far up those roads. Thank you.

Fred Cuolbroth, 111 Amherst Street, Manchester, NH stated:

I am from the law firm of Devine, Millimet and Branch here in town and I am here on behalf of two quite different clients. First, I am here for Alliance Resources, Inc., which as you may know is an affiliate of Catholic Medical Center and the owner of about 400 acres of real estate in the northwest corner of the City. That property is in the process of final development and disposition following the disaffiliation of CMC and Elliot. We had previously raised in writing three areas of concern and I can say that based on the presentation tonight from Mr. MacKenzie it sounds like two out of those three areas of concerns have been resolved and we appreciate that. First, the two and a half story limitation in the R-SM zone, which was going to be a source of concern, has been moved to three stories and that resolves that issue for us. In addition, we had raised the point that one tract of land was going to be split into two zones and we also understand that that issue is being addressed. We have one final area of concern and that was a desire to have the opportunity to work with the Planning Department and the Planning Board to see if we can develop some zones that will allow, within that 400 acre parcel, for some limited supporting commercial development in there so that the zone would be largely residential, but perhaps provide for a small B-1 zone or a small R-S zone to provide for supporting development there. So, we are seeking that opportunity to be able to bring that up with the Planning Board and the Planning Department. I am also here representing Construction Planning & Management, Inc. tonight. CPM is the owner and developer of several large multi-family developments in the City. They own the Colonial Village and Regency North developments on North River Road. They also developed and own Washington Park Estates, Greenview and Regency West on Front Street in the

northwest corner of town. Together, these properties comprise over 1,500 units of housing for the City of Manchester. CPM has prided itself in these projects. It developed them initially. Some go back to the early 1970's. They have stayed with these projects throughout and managed them and provided quality housing in the City. We have also provided written comments to the Planning Board and this Board. The first area of concern that we raised was the height limitation, which we understand is being addressed in the R-SM zone. The two and a half story limitation would have made all of CPM's developments non-conforming. Going to three stories solves that problem and we appreciate that. On the west side, the properties, the Washington Park Estates, Greenview and Regency West properties are being moved from the R-3 and R-4 zone to the R-SM zone under the proposed ordinance and the principle area of concern there is that multi-family housing in these zones becomes a conditional use. For the zones that these CPM properties are adjacent to, Front Street, multi-family housing is the predominant type of development that is in these zones. We feel that conditional uses are an appropriate mechanism in instances where a development kind of pushes the envelope in terms of limited uses in a zone. However, in these zones multi-family developments are what is there and we are urging that in these zones multi-family housing be a permitted use and not a conditional use. We also have one other specific area of concern. CPM owns a tract of land adjacent to Washington Park Estates on which it has previously developed plans for a high rise project. Washington Park right now is in the R-4 zone, which does not have a height limitation and would have accommodated a high rise. Moving it to the R-SM zone with a three story height limitation would knock out the plans of CPM. Our desire is to have the Planning Board and this Board consider the possibility of a high rise use in that zone, perhaps with a conditional use or special exception understanding that it would be beyond what is typically there now, but we believe that we could develop a very beneficial project for the City of Manchester. These items, I think, are items of fine tuning. We do appreciate the work that the Planning Board has done in developing this ordinance, however, we would like to see the fine tuning done before the ordinance is adopted and not after. Thank you.

Edward Mosca, 630 Coral Avenue, Manchester, NH stated:

I am here on behalf of myself. I want to make some very brief, general comments in support of the proposed amendment. First, it is timely. I understand that the existing ordinance is 35 years old. That makes it almost as old as I am and as my children tell me, that is too old. I don't support change simply for the sake of change. I think that change should be productive change, but I want you to bear in mind and I hope that you would bear in mind as you go through this process that no comprehensive plan could possibly satisfy everyone. If there were no opposition to this plan, that means that there is probably something wrong with it because it is too byzantine and too detailed to make sense of the comprehensive plan. Please don't construe that comment as meaning that

there is not merit to any of the suggestions or admonitions that you have heard here tonight. Some of them certainly are worthy of consideration and I hope that you do give them consideration. My final comment is that I would like to thank Mr. Boutin for the leadership and hard work that he has put into this. I certainly appreciate it and I think that most people here do as well. Thank you.

Susan Duprey, 111 Amherst Street, Manchester, NH stated:

My partner, Fred Cuolbroth, spoke a few moments ago about certain concerns that have been raised by our clients CMC and CPM, Inc. I would like to say that subject to those concerns being addressed and most of which the Planning Board seems open to addressing, I am here this evening in support of this ordinance. I have been working in the land use area for about 20 years and much as I enjoy all of my work with the Zoning Board of Adjustment, I am sure that they won't be sad and neither will I to have me there what one person has estimated maybe 50% less of the time due to changes that this ordinance makes. I think that we all acknowledge that our zoning ordinance needs changes and has needed them for some time so I thank the Planning staff, the Planning Board and you as well for your time in this process. It takes a lot of determination to get a project this gargantuan this far down the road. It is inherently difficult to accomplish an overhaul that is as large as the one we are looking at here and it requires extraordinary patience and energy that our Planning staff and Planning Board have shown and they deserve thanks for their significant efforts. By way of example, I sat for six years as a Planning Board member for the City of Concord. We changed our Master Plan in 1993. Despite three public efforts and several years, we have been unable to even get a proposal on the table that will coordinate our zoning ordinance with the changes that we made seven years ago in our Master Plan. I say this to encourage you to keep at this process by allowing the Planning Board to iron out the issues that it acknowledges it needs to address and some of the others that have been raised here this evening. Know that we can adopt an ordinance that as has been mentioned by others will hopefully be revised a little more frequently than we have done in the past here so that we can get an ordinance that is better reflective of the community that we all wish to put forward. Thank you.

Kathy Souza, 628 Belmont Street, Manchester, NH stated:

I am here to address a specific concern. I first became aware of some of the details when the *Union Leader* printed a little color picture on the front page of the proposed zoning last week. However, the print was so small you really couldn't see the streets and then they put a bigger picture in, but it didn't have the streets. I know a lot of people, a lot of homeowners, did have concerns but they did not have time to come down to the Planning Board and I know that an enlightened electorate has responsibilities to do this, however, I think that in view of the magnitude of the project and all of the work that has gone into it, that perhaps it would be of benefit to send the homeowners a copy of the proposed map.

The one maybe that was in the *Union Leader* with streets. I know that a mailing is going out very shortly with all of the tax bills so maybe we could save postage and every homeowner could get a proposed map so that they could intelligently and reasonably take a look at it. I do have a specific concern that was alluded to a little earlier. From what I could see from the map in the *Union Leader*, there are just a few blocks in the north end on the east side of Elm Street that will be rezoned from R-3 to commercial. Now, there is a business proposed to go in that many of the neighbors up there find objectionable - an abortion clinic. There is some protection in having it zoned R-3 because it has to go to certain boards to get certain permits. In fact, we have an appeal going on that is going to come up very shortly. These residential homes with children right across the street have no protection of this process by way of the zoning changing to make it mute. They would be able to just move in. I feel that the children will be at risk and the neighborhood will be at risk of devaluation and a lot of other issues that have already been mentioned and it really wouldn't be fair. Now this is a very small part of the project you are working on. I know that you have been working very hard and I don't think it would be very difficult to address this one small issue. I thank you for your time and attention.

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

Mayor Baines and respected members of the Board, I am here this evening representing myself. Before the Planning Board members conducted a public forum recently, I made this comment and I think it is appropriate to make it before all of you. When a City like Manchester has reached almost its apex in terms of developed land, we have to consider that the new zoning ordinance is going to allow for in fill, redevelopment and build out in areas where the land is vacant. The first draft that I saw was 2/98. No one has supported an update of the zoning ordinance as much as I have or an adoption of the Master Plan as much as I have because I started with land use issues in 1986. Since the 1965 adoption of the City zoning ordinance, it has undergone many, many amendments. Some were called housekeeping changes, whatever that meant at the time. The grand power or authority per statute for this proposed zoning ordinance revision surprisingly remains nearly the same as the existing zoning ordinance. That surprised me as I compared the two based on statute and the existing ordinance. It is designed to regulate and restrict a) height, number of stories and size of buildings and other structures; b) lot sizes, percentage of the lot that may be occupied and size of yards, courts and other open spaces; c) density of population in a municipality; d) location and use of buildings, structures and land that can be used for business, industrial, residential and other purposes. One of which is to conserve property values. Keep them stable and don't encourage destabilization through encroachment of incompatible pieces. This is in one of your purpose statements. The proposed zoning ordinance grants the power to the Board of Mayor and Aldermen to adopt an innovative land use control ordinance. This is again per statute. It has provision for administration, including the granting of conditional use permit and it designates the

Planning Board as administrator of such permit. The innovative land use control ordinance to have validity, provision must be made for such in the City's Master Plan. This was a statement made by the presenter and attorney at the Municipal Law Lecture Series this past fall. With no such provision in the ordinance, it may not be legal. I would ask you to check this out with your legal counsel. Under the draft table of principle uses, 510, under F, retail trade except automotive and restaurant uses, number 7, limited retail, restaurant, hotel and service uses servicing an industrial or research park area, I am emphasizing the word area, in accordance with a City area Master Plan. In a research park district, such limited uses are permitted under conditional use permit, but they are all prohibited under the H3 services lodging facilities, hotels and motels and I thought it was important that you cross-reference Article 7, Special District-Wide Regulations, Research Park 702 - a Master Plan is required. However, under the section number 7, you have area Master Plan and there is a difference. If you look at the map, the conceptual plan for Hackett Hill, you will notice that it has many designated areas and for purposes of consistency of language, I thought that may be something you would want to consider. It is important with the conditional use permit that you all know that once the Planning Board makes a decision, favorable or unfavorable, in this instance unfavorable, the applicant cannot appeal to the same Board as they can to the Zoning Board motion for rehearing. If you are denied and you become an aggrieved party, you have to go directly to Superior Court. This is the basic distinction that has to be understood. This proposal is the final draft, yet I wanted you to be aware that the tables like for dimensional regulations, etc., indicates that they are a draft so can we assume that there are going to be more changes to the draft tables? How am I going to be affected? I have concerns about the two and a half acres of wetlands that I own in an industrial zone. They can't be developed. There has been such encroachment through unauthorized filling and I would like to suggest that maybe there can be some consideration of making it a conservation preservation district, open space buffing or whatever if the Planning Director, Deputy Director and other staff members agree because it cannot be developed. It is strictly a buffer and open space. In fact, a gentleman once opened his trunk and I head that he was going to dump on my property and I ran over to him and said please no dumping can't you see that my land is posted. He said I just want to sit out here and take a break. I had an argument at work and this is the only available open space in the entire neighborhood.

Mayor Baines asked can you let me know where that is Artemis. I would like to come up.

Ms. Paras answered you may come at any time.

Mayor Baines stated usually after these meetings. I will bring my flashlight.

Ms. Paras stated the children walk along Proctor Road. My husband picks up the trash every day. I do want to mention that when this ordinance was proposed and there was a decision to merge certain districts, one of the results was the merging of the I-1 Airport and the Industrial-2. Now please keep in mind that on Hanover Street you have a lot of residential neighborhoods there and the reason for the 1965 ordinance doing that was that we had the B&M railroad. When my family bought our home in 1946, I heard train engines and they woke me up. What I noticed was a truck or rail terminal in the current ordinance was not allowed in the I-2. Now it is but yet the trails are going to be used from the rails being abandoned so I thought that really doesn't quite make sense. I hope you agree with me. Also, I want you to be aware of another incident. The manufacturing use. We have now performance or supplementary regulations that in essence they were originally part of the table of use regulations and Alderman Pariseau probably remembers like with the nursing home a 60 foot setback providing and all of that. Now they become supplementary regulations. I do want to go on record with this Board and with the Mayor that when any use in this City has dual or triple jurisdiction and by that I mean the use has to meet another set of standards, regulations at either the State or Federal level, for example the Department of Environmental Services, their administrative rules for Air Resources Division, without exaggeration, are about this high.

Mayor Baines asked have you read them.

Ms. Paras answered yes I have. I read them and I even noted that there was an illegal legal notice in the paper.

Mayor Baines stated I hope you informed them.

Ms. Paras replied certainly. It is in the director's ruling. What I want you to realize is that you can have all of the supplementary performance standards imposed locally, but it is very hard to enforce them when these applicants go to the State and they say I want to increase my toxic air pollutants. Yes, we have such facilities near residential homes. The point I want to make is as soon as we open up the mixed uses we have to be very sensitive to the fact that some uses, while seemingly appear to be compatible, could end up being not compatible and this is where you get your destabilization of property values, cause for abatement and I know that none of you want to hear that side of it but I had to let you know. The same with wetlands. It is the same with daycare regulations. I told Leon LaFreniere that the State's law indicates that if you get a license because a lot of communities don't have a building department if you can believe that because they are small towns so the license goes only to the Fire Department and to the Health Department and it doesn't go to the Building Department. So, those who are in the business probably

say oh there is a loophole there so when I go to the Health Department I will add to the capacity of children and go to the Fire Department and do the same but what was approved with conditions is something different. Then we end up with a piece of property being utilized far beyond what they are allowed to do and again, the City is not getting its fair share of revenue. I would like you to please look at some of these uses. I have mentioned on. I couldn't understand and I don't know who made the recommendation but the solid waste resource recovery facility, 52-A, the way it was written up provided that it be approved by the Board of Mayor and Aldermen. That was the condition when we had the regional transfer station proposed in back of the Union Leader. That was a very controversial project. I was involved with that. I think it was that condition that really saved those who did not want it. That was a regional transfer station and also you eliminated out of language from that entry under the Table of Use Regulations, screening, separation, incineration. I would urge you to reconsider reintroducing the language that was repealed and the condition and I hope the Board of Mayor and Aldermen agrees with me. I am almost finished. I was happy to hear Mr. MacKenzie say that we are going to have a Massabesic Lake conservation district. In fact, I called Tom Bowen this morning on that matter. On the conservation district, it brought to mind something that I wanted to discuss and I am glad that Mr. Pinard and others talked about the Master Plan because I didn't want to be the only one talking about it, but it is critical to know that your zoning ordinance has to implement the goals and the policies of the Master Plan and you heard what Mr. Pinard say. I will not repeat it. Our Master Plan was adopted in November of 1993. Now you have probably noticed that many communities are updating their Master Plan every five years. They are using visioning techniques, etc. Where did this five years come from? I wondered because I couldn't find anything in any statute. I checked with one of my sources and they told me that there was a Technical Bulletin #3, 1988, so I accessed it and I have it at home. I discovered by reading that that in the Master Plan statute, 674:2, one of the sections on the Local Water Resources Management Plan, that plan has to be updated every five years. Manchester's Board did not write that plan. Our Local Water Resources Management Plan was written by the NH Southern Planning Commission so a good question to ask is we have exceeded the five years so what have we done to reactivate that. That is where the five years came into being because there are other things that have to be updated. I can honestly say to you that one of the most difficult problems that I had with this revision and I think it can't be helped is it is a revision but you are also adopting amendments. When you adopt amendments, it is like the NH statutes, the revised statutes. You have to indicate what is the existing language, what are you deleting, what are you supplementing and believe me Mayor Baines and all of you Aldermen, without that it is a very hairy, scary journey. I had so many of these drafts plus the existing cross-referencing and going to the statute. It is almost an impossible task. I don't know how it could have been done better but Leo Bernier knows that even in the City Code of

Ordinances they indicated that section on Administration on what amendments mean so I am mentioning that. Also, the accessory uses. I remember with Munroe Muffler there was a real problem. Director MacKenzie, with his staff, put together limited parking. Bob probably remembers that. I think that has been removed from the new ordinance. I would ask you to look and see whether you want to. I am not certain of that, Bob. Also, the off-street parking. I mentioned with him that when it says serving any principle use, you want the accessory parking to serve the use that is on the lot zoned for whatever use. I am finished and I thank you for your interest and I ask you to please consider some of my points that I made. I did want to say one last thing. The legal notice, no one else spoke of it but I have it clipped here. I, too, am concerned about some of the people perhaps who might not have seen this and maybe didn't read the paper. Under the notice requirements, there has to be a sufficiency of notice and because here it says "and changes have been made to some zoning districts" on this, well some is not 46 and it is not 50. I think it is important that we recognize that the City, not want to be liable or having any lawsuits, that this be clarified because I don't want the generalized zoning map to become the revised by default through accepting amendments to the zoning ordinance. It is complicated, Mayor Baines. Nothing is easy.

Mayor Baines asked where do you keep all of this paper. You don't have to tell me now.

Ms. Paras answered a lot of it I keep in my head.

Carol Sampson, 320 Manning Street, Manchester, NH stated:

I wrote a letter to the Mayor and Board of Aldermen about the rezoning and asking that they take into consideration rezoning Manning Street, the section I am in. In the area around me there is mostly R-2's. South Cypress down below me, South Taylor, Cilley, Brunelle Avenue, there are R-2 families in these areas. I was wondering if you would consider rezoning it to an R-2.

Bill Larkins, 245 Carnegie Street, Manchester, NH stated:

First I would like to say that the revision to the ordinance is a terrific one in terms of its improvement to the format. A greater flexibility in counting parking spaces is another huge improvement. I think that everyone would agree that there is an excess of parking and we could use that parking for a greater value in terms of the facilities that are placed on those lots. Another great thing in this new zoning ordinance is the enhancement and encouragement of mixed use districts. The Central Business District, the Amoskeag Millyard, the Redevelopment District and the Residential and Professional Office Districts are all great improvements and great extensions of what we currently had zoned in the ordinance. With that said, I think it is a really great ordinance in those respects and I noticed that people have talked about it being evolutionary, but I would like to point out

a few genes that I would like to splice in there and the way I got to this is I reviewed the Master Plan. It is a terrific document although some people have worried about how out of date it is, I actually believe that it was a lot more forward thinking than people realize and that a lot of the uses and a lot of the planning and a lot of the way that the City has developed over the past few years is reflected very well in that document. I don't want to create a panic on that document. In fact, I think it is a great guide. Let's not overemphasize the need for revision although revision is always useful. In my reading of the document, I identified about 40 zoning related recommendations of which I believe 12 are definitely addressed by the new ordinance, 12 are not addressed by the new ordinance and there are about 16 that I can't quite figure where they belong in terms of addressing or whether the zoning ordinance ought to. This is in keeping with the evolutionary stand that we have with the change in the zoning ordinance but I do believe that there are a couple of issues that are definitely not addressed in there and if you would refer to your Master Plan later, this is J 6B and H11 and they have to do with how we treat traditional neighborhood commercial centers, how we treat the B-1 district and how we treat the B-2 district. This is my main issue that I would like to bring up and I would like everyone here to consider. It is what I would call South Willowization. Where it occurs currently is on South Willow Street, Daniel Webster Highway, Second Street and in some places even on Mammoth Road. What it is are isolated single-use structures that do not bring a lot of architectural value to their areas. They provide disconnected pods of parking. There are no pedestrian connections between the stores and no pedestrian connections to their neighborhoods, especially in regard to the B-1 districts. This is not as important with the B-2's. We do not want to see it creep deeper into the neighborhoods that surround these areas and we do not want to see stuff like this extended into other areas such as Candia Road, Front Street or worse yet a really great opportunity not to be lost is the redevelopment district. This is very important. I think it is really important to understand that the redevelopment district is one of the great ideas of this zoning ordinance, but it is also one of the areas that would be most in danger of having the quality of the built environment degraded by improper application of performance standards. What causes South Willowization, if you will, the term I believe among other things and I think the Planning Board and the Planning staff will know this better than I but I would suggest that for one it is too coarse a grain of zoning. Others have recommended the extension of some of the areas of zoning and when you do that you tend to concentrate more of that retail and commercial use in areas which generates the greater traffic in that area. I will tell how to address this later. What also causes it are large minimum setbacks that put the buildings far from the streets with large parking lots in front of them and lots of curb cuts in addition to all the road access and buildings that do not fit in size or architecture with their neighboring structures. What results is traffic or a degraded quality of built environment. One example I would like to give on the issue of too coarse a grain of zoning has to do with an area up near my neighborhood.

Unfortunately these maps are also too coarse but maybe I could give it a go. If you look at this B-2 area up here there is a shopping mall, the Maple Tree Mall, that sets nearly an equal distance between I believe this is Red Coat Lane and the outlet to this Hillhaven District. There are some sidewalks there but it is literally a mile trip for hundreds of homes here to make it to all of these great places. It is a well maintained district and a well thought out place. Unfortunately, it ought to be right at the exits to these roads. When we make coarse zoning like we have here and here, we ought to fine grain the areas at these exit and entry points to put in street front architecture, retail that is in keeping with the style of the neighborhood and other commercial services that can be accessed. The benefit being you reduce the amount of traffic, you provide a sense of community because these places are places people will go and meet their neighbors on foot or in short distances by car. A traditional neighborhood commercial center has maximum setbacks, not minimum setbacks. It has an architecture that is intended to bring the building's front to the sidewalk and provide a built space more in keeping with downtown Portsmouth, downtown Manchester or downtown Concord. Parking should be provided with parallel on-street or to the side and the rear and I hope that the current changes to the zoning ordinance will continue to enhance flexibility in setting-up parking for these places. It should be of mixed use with offices or low cost apartments above, which helps address some of the issues that Alderman Levasseur brings up when he talks about low cost housing being available for people in the area and it is necessary to have fine grain zoning to provide that. I will go back to the map and show two really good things that are going on and as yet undeveloped unfortunately. This B-1 here and this B-1 here are excellent examples of what we need throughout the City to deter people from having to make all of their trips to these large regional centers and causing all of the traffic that we hear about in the neighborhood meetings. I believe a developer talked earlier today in the hearing about wanting to have a mixed use district in his residential development. I think that is a terrific idea and I think we need to promote that. I would like to make sure that it is understood that there is an important distinction that is made. Occasionally the example of a Candia Road supermarket is brought up as an idea of a neighborhood commercial retail center. I believe that it is too large and out of scale to be considered what I am talking about. It doesn't blend in in terms of size. It doesn't match up to the neighboring buildings. It is a regional center. It is not a neighborhood center. What we need to promote for a vision of the City as it heads five and ten years down the road are the Nickels Markets, Gosselins on Somerville Street, Sully's Superette, and Milligan & Currier Hardware. Even though these places are owned by franchises, at some point it is important that these places exist so that we are not traveling all over the City to meet our needs. Compatibility has less to do with use and more to do with building type. The small scale neighborhood commercial adds value to a neighborhood. Large scale regional commercial breaks up neighborhoods and may contribute to traffic congestion but it provides other regional value that must be considered. I think that we

should decide that we would rather not further degrade our building environment and if we believe that we should identify those areas in the City that would best utilize a traditional streets scape design overlay with maximum setbacks both in front and on the sides, on-street parking, a desire to have architecture that fits in with both the scale and design of the neighboring houses, promotes connectivity between structures for pedestrians and automobiles via good sidewalks and good fine grain road access, not lots of cul-de-sacs, not lots of cut-offs, not lots of deadends, and provide for more smaller B-1 districts throughout the City. Our zoning ordinance can promote good design and over time when good designs come to the Planning Board they would be recognized as such by the abutters and planners and the developers would find an easier path to approval. I have been told that the City is built out and that my ideas may be late in coming. I also believe that change can happen over time. Properties are bought and sold and uses change. Buildings are renovated or replaced. Good examples would be the Bonneville Dodge up on Webster Street, which I believe is the right use in the right place done well. Building 19 1/2 over on Mammoth Road, I believe, was unfortunately a lost opportunity to build a terrific neighborhood commercial center in that area. Also, Webster and Union, the corner there, Shaw's Gas Station is being renovated. Think 1, 5, 10 and 20 years. Think about where the City is going. We need to improve South Willow. It is an important commercial experience for people out of town. We need to prevent the redevelopment district from ending up like South Willow. We need to identify and improve existing neighborhood centers along the guidelines that I have tried to express here and I believe recommended reading would be Suburban Nation and I am glad that Chairman Boutin is also expressing interest in this book. We need to make the most of the developed neighborhood businesses. It is a huge part of the image of the City. Not just strip development should be allowed. It affects the congestion of traffic and the speed of traffic and it affects our quality of life. We can head in a direction towards Portland, Oregon or Providence, Rhode Island or we can head in the direction of Houston, Texas or Detroit, Michigan. I would like to finish up...I know I have spoken for awhile here. This is the one gene I want to splice in. I think overall the zoning ordinance change is terrific. It shows a lot of hard work and leadership on the part of Chairman Boutin and on the part of Robert MacKenzie of the Planning staff. I think I would like to make sure that it is clear that we need to in addition to this ordinance change, support the sidewalk Master Plan. We need to support the establishment of new street width standards, which I believe the Chairman of the Planning Board is pushing along and it is important for the Board of Mayor and Aldermen to support him in that task. I also believe that along the lines of what I am promoting is a sub-Committee that is helping determine the zoning around the civic center is a terrific idea as well. Thank you for your time. I hope you consider my ideas in this current revision. If we wait too long, South Willow can happen anywhere else in this City as opposed to the great stuff that is going on downtown.

Alex Vailas, Manchester, NH stated:

I am one of the owners of a local real estate firm here in Manchester. I am here to express my support of a new ordinance and to express my sincere appreciation to the Planning Board, Planning staff and other individuals who were instrumental in devising the new ordinance. Although the ordinance may not be perfect in its current form, I feel that it is very critical in order for the City to maintain growth in its tax base and to maintain its integrity as a community as a whole. My experience over the past 15 years with bringing forth some of the development such as the Marriott Courtyard, CVS, Copley Suites, Microtel, Home Depot and various other commercial projects has been met with a lot of frustration, confusion and often times confrontation with neighbors, the Planning and Zoning Boards. The current ordinance does not address a lot of the current trends with regards to a lot of development. For example, elderly housing is not addressed in the current ordinance, but it addressed in the newly proposed ordinance. Extended stay hotels. It is a high bred of corporate apartments and hotels. It is not addressed in the current ordinance, but will be addressed in the new ordinance. Parking requirements such as for the hotels, the national standards are one space per unit. The current requirements require the developers to provide a much greater number of parking spaces, often forcing encroachment onto neighbors, wetlands, etc. I would like for you to seriously consider this. Thank you very much for giving me the opportunity to speak.

Bill Boyd, 458 Notre Dame Avenue, Manchester, NH stated:

I am a former alternate member of the Manchester Planning Board. I rise in support of the zoning ordinance. I am not going to talk about the ordinance as it is written but I would at least like to point out one particular potential place of improvement in the ordinance that may be of interest to Alderman Cashin and Alderman Thibault. There is a section of property just north of the Bass Island Park area from Granite Street down to Blaine on the easterly side of Second Street. It is a relatively blighted area that is zoned R-3. It is smack in between two B-2 districts. To my understanding, that is where we are proposing to build a bridge to connect the west side with the Riverwalk and I think it would be a good opportunity to consider reclassifying this particular area as a redevelopment area to try and stimulate business growth and make the area more attractive for that particular walkway. I could be wrong as to where the walkway is but I think that is where it is located. Also in that area the State is also looking to built an off ramp so in general that particular area is going to provide a tremendous amount of growth opportunities for the west side, which I think would be crucial. It is a blighted area and to reclassify it as redevelopment I think would present a positive impact on the citizens that live on the west side. Again, I rise in favor of the ordinance and I thank you and the Board for the consideration.

Andy Manning, 27 Fremont Street, Manchester, NH stated:

I am here on behalf of the Crystal Lake Association. There has been a growing appreciation for Crystal Lake over the past number of years as a multi-use urban pond. As a matter of fact, it is one of the last remaining environmentally healthy urban ponds in the entire State of New Hampshire. It has been appreciated by the State itself through the DES and the City of Manchester. We think that the new zoning ordinance reflects that concern and that the more restrictive zoning would benefit the lake. The R-1A around it, the conservation zone, and also keep in mind that the other zone across on Corning Road, on the south side of Corning Road will help protect the lake because that is where we get most of the water that is in the lake from that hill. The entire watershed protection is important to the health of Crystal Lake. The experts have told me that the density of zoning can have an exponential affect on the environmental impact of the lake. It just doesn't go up little by little, the more dense the zoning the exponential possibilities that the lake will be degraded. We do rise in support of the zoning ordinance.

Lee Berard, 544 Spruce Street, Manchester, NH stated:

I own an architecture firm in Bedford. I have done the reverse. I have my business in Bedford and I have moved to Manchester consciously making an effort to do my own part with doing something in the inner part of the town. I bought a house a renovated it. It was a historic renovation and rehab. I have watched one building on Elm Street suddenly have a tax role cash flow coming out of it of \$100,000 a year with about 120,000 square feet that has been successfully rehabbed and occupied fully in about six months time. My guess with the current population in the mills is that the highest and best use of the total mill inventory is probably about 20%. That is all that is really at highest and best use. The rest of it is at uses that will evolve over time and go from \$5 and \$7 a square foot rental rates to \$15 and \$20 a square foot rental rates probably in the next two years or three years at the outset. The new zoning ordinance, to me, presents a wonderful opportunity for the City to grease the wheels and to make this transition happen fast and furious with a conditional use amendment giving you the power and the flexibility to make good judgment calls on interesting and innovative proposals that are going to come your way. The old ordinance is very static. It has sent back out a lot of proposals that really should have been accepted. This new ordinance just does a lot and I really appreciate the conditional use aspects and the flexibility that this new ordinance brings to the table. Thank you.

Ken Rhodes, 540 Commercial Street, Manchester, NH stated:

I have four comments to make within a couple of moments here. You folks have spent a lot of time already. Number one, I commend the staff, I commend the Planning Board and I commend you folks for taking on this project after 35 years since the last comprehensive revision of the zoning ordinance and some of the items that are in there

are long overdue. Keep going forward. Number two, the flexibility comments that have been raised here by several speakers I would continue to reemphasize those comments and we could take the opportunity to look at some issues as they come up and as we practice this ordinance through the Building Department and through the Planning Department over the next couple of years as those things work themselves out, that we come forward with those revisions and adjustments as would be appropriate. The properties in the northwest corner of town we have and we may have the opportunity through our engineering firm to assist in that area. I would encourage the consideration of the local B-1 business district as appropriate to support residential uses up in that area reflecting the comments of some others in this particular area. Lastly, in the South Willow Street area there has been a lot of activity and as activity evolves over the next several years west of South Willow Street, north of 293 and east of the railroad for some distance north there is going to be a combination of traffic concerns as has always been in that particular area and the industrial districts that are still proposed in this area that I think require some additional consideration. This area has a commercial flavor. I think it is going to continue to evolve more to a commercial flavor and I would encourage you to consider continually adjusting as some of the comments that have been made tonight and I know some of the amendments have already been proposed to expand those commercial districts further over towards the railroad with the combination of a comprehensive traffic plan to address South Willow Street concerns and the traffic that will be affected in those neighborhoods. Having said that, thank you very much for your time.

Todd Connors, 500 Corning Road, Manchester, NH stated:

I am a member of the Manchester Conservation Commission. I am here tonight to speak as a member of the Conservation Commission and to address two points included in the proposed ordinance. The first one is the proposed wetland setback for buildings, pavements, septic systems, etc. These setbacks do not exist in the 1965 ordinance. As a matter of fact, regulation of wetlands on a State and Federal level did not really exist before 1970 so this is obviously something that has been on the books statewide and federally for about 25 years now and it is about time that Manchester added it. We are glad to see that an effort has been made to include a buffer for these things to wetlands. I want to just emphasize the importance of wetlands to all of us. They are considered public waters. Water is a fluid material and it travels from one property to the next property. The problem is, of course, if you have a problem on one person's lot, if one person's lot is a dumping ground it quickly becomes a neighbor's dumping ground. A 25 foot buffer to wetlands is nice because it gives us a little bit of protection to that wetland, to that resource, that natural resource. Currently, without a buffer requirement in the City of Manchester, it encourages development right up to the edge. With a 25 foot buffer, it only encourages development 25 feet away from the edge so we are very glad to see that and we thank you very much for including it in the Planning Board proposal. The second

part that we are pleased to see if the flexibility associated with the requirement for off street parking spaces and in general the requirement for parking spaces for commercial and industrial projects. We found over the past few years that the current zoning ordinance does not allow for much flexibility. Consequently, we have had several projects where for instance a large industrial user has been required to construct hundreds of parking spaces for their facility knowing full well that they only really had about 50 employees or such that would use those spaces. Consequently, we lose open space, green space to large unused parking and pavement fields. There have been a couple of examples where a zoning variance has been obtained not to construct the parking. The current ordinance, of course, gives the Planning Board the flexibility to waive some of those requirements or issue conditional use permits and we think that is a step in a positive direction. We would much rather see some additional land left on each of these sites for future parking, for parking if it becomes needed at a later date, which can remain green in the interim. We think that those are two very important changes that are proposed. We are very glad to see them and in general think that the ordinance is an excellent effort to update the City of Manchester. We are sure that there will be some things over the next year that may need to be changed or we may want to adjust, but we think this is an excellent step and we are very pleased. Thank you very much.

Emile Bussiere, 15 North Street, Manchester, NH stated:

I simply want some attention called to the location of South Willow, Cilley and Beech Street, which I believe is a total of four or five pieces of property that seem to be in an island...I am not 100% sure how to read that map but they seem to be in an island surrounded by the redevelopment zone and yet are classified as R-3. It seems that considering the nature of the properties that some serious thought should be given to putting that into the redevelopment zone. Thank you.

Clerk Bernier stated we did receive some letters late this afternoon and we did provide them to the Aldermen. I would like to read these into the record. First is a communication from Attorney Bossie on behalf of Henry's Auto Body requesting an amendment to the proposed ordinance to rezone an area to B-11. There is another communication from Carl Panzieri, Jim Trombly Plumbing & Heating requesting an amendment to the proposed ordinance to rezone and area to B-1. These are letters that the Board received this afternoon. Petition from business property owners in the vicinity of Bridge Street requesting to rezone Bridge Street from Maple to Russell Street. Communication from Elmer Pease, II providing remarks and suggestions regarding various articles of the proposed ordinance. Communication from Robert Bennett requesting that the proposed ordinance address concerns in the South Willow Street neighborhoods. Communication from William Smillie reflecting opposition to some sections of Article 9 relating to signage of proposed ordinance and a communication from

Atty. Lazos on behalf of Finlay Properties, Inc. requesting that the proposed overlay district which provides for multi-family dwelling units for the elderly be modified on the west side of the Merrimack River so as to include an area between the Merrimack River and a line 200 feet westerly of and parallel to the west line of Interstate 293 from a line north and parallel to the Amoskeag Bridge to a line which runs along the northerly bank of Black Brook. Again, all of the Board members have copies.

Mr. Boutin stated I first want to bring to your attention two wonderful assets that this City has and who have done so much over the last couple of years to bring this process to where it is now and those two assets are personal assets that we should all be very proud of. They are Mr. Robert MacKenzie, Planning Director and Ms. Pam Goucher, member of the Planning Department. They have done an incredible amount of work to bring this process to where it is and they should be applauded for that. Most public employees don't get that kind of recognition. Secondly, Mr. Mayor, I know that my name has been singled out several times tonight and I am humbled by that but I do want to tell you that it is these people right here, these hard working people and Alderman Sysyn and some who are not on the Board now who have spent a year of hours upon hours every month to bring this document to where it is now and to bring it to you, the Board, and I think they deserve a lot of credit and I hope this citizens of this City will appreciate what these Board members do. Thank you.

Mayor Baines replied thank you and I would like to echo your commendations to everyone who has been involved in this process. Certainly a lot of hard work has gone into it and we very much appreciate that.

Mayor Baines 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 Pinard, duly seconded by Alderman Pariseau, it was voted to adjourn.

A True Record. Attest.

City Clerk