

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

November 26, 2007

**6:00 PM
Aldermanic Chambers
City Hall (3rd Floor)**

Chairman Lopez called the meeting to order.

Chairman Lopez called for the Pledge of Allegiance, which was led by Alderman Pinard.

A moment of silent prayer was observed.

The Clerk called the roll. Nine Aldermen were present.

Present: Aldermen Roy, Gatsas, Duval, Pinard, Lopez, Shea, DeVries, Garrity,
Smith

Absent: Aldermen Long, Osborne, O’Neil, Thibault, Forest

Chairman Lopez advised that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to proposed changes to the Neighborhood Business District of the Zoning Ordinance; that the Clerk will present the proposed Zoning Ordinance changes 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.

5. The Clerk presented the proposed Zoning Ordinance changes:

“Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking.”

6. **Chairman Lopez** requested that Robert MacKenzie, Director of Planning and Community Development, make a presentation.

Mr. MacKenzie stated I have a very brief Powerpoint presentation, and hopefully you've gotten the handouts. I did want to touch on all the key points and why some of these changes are being proposed. The goal of this is to really help revitalize the neighborhoods. We had been working on the Rimmon Heights in terms of a revitalization plan. It has been well received by the neighborhood, both the residents and the businesses in those areas. We're also starting to work in the Massabesic Street area and the Wilson Street area in terms of revitalization. It did become clear that there was demand for additional services in these neighborhoods, but that the zoning wasn't really well tailored. The zoning was done in 2001, but it didn't really look at the B-1 zoning district, and so it really dates back to 1965. And it hasn't been tailored really to encourage business. I know it's quoted in the press as saying that I couldn't really think of one business on Kelley Street, for example, that met all of the zoning requirements. So a lot of small businesses in particular, they don't want to have to go to various boards, particularly if they have to go to two boards before they start a new business. So there are vacant spaces in these areas, and part of the reason is concern about going through a lengthy process to get approvals. So really the goal of the changes is to encourage the development of small businesses and the jobs that they create within neighborhoods in order to provide services to the residents, to preserve the existing character of the neighborhoods, and to make them more walkable. And I did want to point out that there are several studies that indicate that most new jobs that will be created in the next ten years are going to be small business jobs. It's not the large corporations that are going to create more jobs. The majority will be in small business. So you need more places, really, to encourage small business development. They can find places downtown, but other than that, there are very few other places in the City where a small business can start and grow. That's the primary goal. The first major change was allowing additional uses. I just want to quickly read through this list so that we cover them all. Small scale fabrication and craftsmen; artisan lofts; small furniture and appliances; small general

goods and merchandise; small restaurants serving alcoholic beverages; banking, financial, real estate and insurance offices; other business and professional offices; theaters, cinemas, etc.; indoor health and fitness; private schools, cultural facilities; membership, fraternal and social organizations; townhouses; accessory dwelling in single family homes; and accessory retail in multi-family. Now some of these are already allowed but you have to go get a special exception or a conditional use permit from either the ZBA or the Planning Board. So then in these cases these would be permitted by right. And I did happen to get an example of a business that is on Webster Street, Upstairs Downstairs. That type of facility would not normally be allowed there. It's a good, ongoing business. They've fixed up their building. But for some reason there were a lot of typical neighborhood business uses that were not allowed in the zoning ordinance. We also want to make some changes to the dimensional regulations, and perhaps the most important, and the one that makes most small businesses non-conforming, is that right now there's a ten foot setback from the sidewalk required in the B-1 district. But realistically, the businesses...if you picture in the neighborhoods...and I use this example, this is Jillian's at the corner of Bridge and Union Street. We really want to encourage these small businesses to be up against the sidewalks, to make them pedestrian friendly, encouraging people to walk or wait on the sidewalks. And yet the zoning ordinance says there has to be a ten-foot setback. So part of that would also be recommending reducing the rear setbacks somewhat from fifteen to ten feet, and increasing the floor area ration, because we do want to allow mixed uses. In this case you can see this building has two stories of residential above the commercial uses. The floor area ration in the zoning ordinance currently would not permit this. Small changes to signage: a lot of the businesses rely on these small projecting signs. Again, this is the Briggs property on Kelley Street that went through renovations. Our office assisted in a façade improvement program. It's hard to see in this photo, but these projecting signs, including the Police substation worked out very well. They identify the business and you can see it as you're either walking up and down Kelley or if you're driving, but the current ordinance clearly would not permit those particular signs. Changes to parking

regulations: One is that we want these again to be pedestrian friendly. We want people walking up and down the street or walking in from the neighborhoods, so parking in the front yard, in other words, parking right in front of the building would not be permitted. We would also be recommending that we eliminate the minimum parking spaces of the ordinance. There are districts in the City such as the downtown where there are no minimum parking requirements and we'd be recommending that for the neighborhood businesses. Lastly, I wanted to make sure you knew where these districts were. There are twelve small districts around the City. On the West Side we have Kelley Street, Amory Street, South Main Street, and a very small one here at the corner of Milford and Donald. On the East Side we have Webster Street, Bridge Street near Maple, the Corey Square area which is right near Central High, two near Massabesic Street, and then there are two outlying – one on Wellington Road near Eddy Roy Drive and one on Bodwell Road. Now eventually we will want to look at the physical boundaries of these districts because there are some neighborhoods where there probably should be some small business districts. I look at Somerville Street...your Ward, Alderman, where there's a couple of small businesses right in the middle, and you could have a small, tailored neighborhood business district. So we should at least explore those. That's not within this particular review, but we should be reviewing these to make sure that these are well-suited to the neighborhoods. And that concludes my presentation, Mr. Chairman. I'd be happy to answer any questions.

Alderman Roy stated Mr. MacKenzie, your first picture is a building I'm very fond of and very proud to have in Ward 1, which is the Upstairs Downstairs. It was a great project, redeveloped from a longstanding printing business, got a great facelift, and a wonderful operation. That being said, you're fifth bullet point under additional allowed uses are small restaurants serving alcoholic beverages. With that building in the redevelopment abutting mostly residential usage on three sides – the two street sides and the rear - could a small pub, restaurant, Irish bar, sports bar, go into a building like that under this change?

Mr. MacKenzie responded I do draw a distinction between restaurants serving alcoholic beverages and bars or pubs. There is a distinction and we're not really encouraging any type of nightclubs or bars in these neighborhoods, but restaurants that may want to open for the evening, typically almost any restaurant that you have that opens in the evening does have alcohol available as part of the meal. So we're not encouraging, as you say, pubs or bars, but to have a restaurant that's open in the evening, probably they will have to serve alcoholic beverages.

Alderman Roy stated okay, I'm not quite drawing the distinction between encouraging and an allowable use. I go before boards for a living, not that I love going in front of planning and zoning boards throughout the state, but they have a fantastic purpose in protecting neighborhoods and citizens of whatever town they are from. And that's where I'm kind of having a problem drawing that distinction. If we don't encourage it, then we allow people to go through the planning and zoning process, change of use, they come before the board, they state their case. People much smarter than I ask questions, and we go from there. And allowable use means they're allowed to walk into the Building Department and get their building permit. So I just had a concern that, while this takes care of a lot of good, we may see some downside in the future of some of those small restaurants or small theaters doing well and expanding, and hurting the abutting residential areas. If the long-term goal was to turn some of these areas truly into more commercial areas, I think this is a good step. The South Main and Corey Square have developed commercially through variance, as well as much of that Webster Street area. I think there are a number of variances along that corridor, but if that's the long term goal, then I think we'll get there, because unfortunately some of your louder commercial concerns tend to push away good family residential neighborhoods, as we've seen. So I guess the answer is 'allowed' but not 'encouraged.' Is that it?

Mr. MacKenzie stated on the restaurants serving alcoholic beverages, I will probably clarify because my reading of the ordinance is that bars are different than this particular

category would entail. I'd probably like to check with Leon on that. There is a distinction and I don't think this is intended to encourage bars in the area.

Alderman DeVries stated the district out on Bodwell Road, I note that the parking for new construction would prevent front yard parking. Wouldn't that be disruptive with that particular B-1 district that I think has all front yard parking? It's the road that turns to Camp Carpenter. I think a very small industrial building. Have you reviewed that?

Mr. MacKenzie stated actually that little store that is down there is not in that B-1 district. They're building townhouses, currently in that one that's actually zoned B-1. The little store is actually beside it. But again, this is intended to encourage neighborhood commercial. If you had a property with parking out front, it would not shut them down; they'd become grandfathered and could continue that.

Alderman DeVries stated I did realize they would have grandfathered use. I was just trying to envision it. Thank you for the correction. I didn't realize that the businesses were not in the B-1 district, that it was the townhouses, the residential use. But that's Manchester. We do things by variance. You said that the new parking ordinances would pertain to new construction. So that would be new or rehab over fifty percent?

Mr. MacKenzie answered correct.

Alderman DeVries asked have you had a conversation with Alderman Osborne? I see there's a lot of...he's a little concerned. Ward 5 is just one district, but he's chair of Traffic so...

Mr. MacKenzie stated I did see the letter tonight. I had not spoken with Alderman Osborne. He actually has one of those neighborhood business areas, part of the Hollow area. Massabesic Street is in his Ward. He may have some concerns. But again, I look

at the parking issue and say that if we really want to make the neighborhood walkable...because one of the main frustrations with businesses, when it comes to residential areas, is not necessarily the uses that go on, but it's the big loading, it's the big parking lots, it's the drive-up windows out back that tend to create frustrations, and those are typically new fast food restaurants, the ones that are geared towards the car. But if you gear it towards...again the Hollow, if you go to Kay's Bakery, they have adequate parking out front, and those types of businesses the neighborhood seems to love. So we're trying to make these more walkable. We're trying to discourage them from tearing down buildings and putting in more parking lots.

Alderman DeVries stated the liquor laws, if you could review those, if you would, because they do require a certain percentage of food sales, and there was some amendment to that statute last year, so before this comes before us for a final hearing, would you review that to make sure that we haven't created any issues for the future?

Mr. MacKenzie indicated that he would.

Alderman Gatsas stated Mr. MacKenzie, I'm looking at some of the changes here. I look at indoor health and fitness center, pool, gym or membership recreation center. What would happen if we wanted to put one of those in in the building that Alderman Roy was talking about?

Mr. MacKenzie responded again, all of these districts are small districts so physically they're not big enough to put a business like Gold's Gym in. But if you wanted to have...there's a series of fitness centers called Curves, typically those are small scale and fit well into some of these smaller neighborhood areas. So that type of fitness center would be allowed if it was a relatively small one.

Alderman Gatsas asked have the abutters in the neighborhoods that we're talking about, other than understanding that this is a public hearing, have they been notified about the changes?

Mr. MacKenzie responded no, they have not. There are no changes to the boundaries of the districts, and it hasn't been past practice if you change the wording or you change the districts themselves, that they're notified.

Alderman Gatsas stated we're changing the make-up of what we had presented in that district to accommodate these new changes. So I understand that it's not a change of district, but it's certainly a change of parking. It's certainly a change of some of the other elements that are allowed within that district. Because if this was in place, Elliot Hospital would never have been able to build the structure they have on Webster Street unless they put all the parking in back. Because there is front parking there. So I have some concerns that certainly we're doing this in public, but when you start talking about some of those neighborhoods, some of these conditions going in there, and the parking that you're going to have on those side streets, is certainly going to have some neighbors getting pretty excited. So I would think that somehow that these uses and changes, we would be notifying abutters in these districts so they're aware of it.

Chairman Lopez asked by changing this, with twelve different places, does that give us the authority later to add, or do we have to have another zoning hearing? In other words, if we say okay, let's have this on Second Street, would we have to go through the whole process again?

Mr. MacKenzie responded yes we would.

Chairman Lopez stated one of the other things that I wanted to mention, I think that with the ten year planning, the neighborhood was one of the biggest things that came up.

Could you give us a brief report about that, about the neighborhoods? We've had a couple of meetings and I know you were there. The walkable neighborhoods I think you mentioned.

Mr. MacKenzie responded we had some focus group meetings. The Planning Board is now working on the next master plan. There is a Planning Board steering committee that's really focused on that, and hopefully we'll be able to bring back to this Board in the next three or four months some of these main things. What we did find from some focus meetings and hearings that were held with the general public, and we had probably a list of 200 people who attended these various sessions, surprisingly one of the biggest things they were interested in is making the City a little bit more walkable, making the neighborhoods more walkable, having trail systems in the City. That came out in these meetings but also we had an open internet line where people could write in and make suggestions. So that came out like number one and number three in terms of walking the neighborhoods and additional trails in the City, which I think surprised the staff.

Alderman Duval stated listening to the presentation tonight, I applaud the initiatives by Planning to author proposed changes, naturally with some reservations as was raised by Alderman Gatsas and Alderman Roy. I imagine in the authoring of the proposed changes, Mr. MacKenzie, Planning must have considered the potential risk in perhaps a location like the one on Webster Street that was referred to earlier. But I imagine it would be minimal because you really couldn't because of the size of the building. It's limited by the size of the building, and all over the City operations are already there. They already exist. It's not like the change is going to be terribly drastic, and from what you said earlier, it was basically to take down the barrier to attract the suitors of these buildings. Was that the idea? Was it sort of to eliminate bureaucracy and promote easier establishment of businesses?

Mr. MacKenzie responded yes. And there is a balance between making sure that the businesses that go in are comfortable to the neighborhood, but there is concern by the neighborhood businesses about the amount...I mean, it can be intimidating for a small business owner to come to either the Planning Board or the Zoning Board of Adjustment, and sometimes they have to go to both. That can frankly discourage small businesses from moving in. We've been kind of helping people through the process, and we've been trying to fill up some of the vacant storefronts on Kelley Street. But it did seem as though one of the reasons we have a lot of vacancies is that small business owners have more difficulty coming through the process and to boards.

Alderman Duval stated just so I can understand exactly where you're coming from, obviously these businesses are already in operation, and they were given the opportunity to operate there by the governing bodies, Planning and Zoning, with input I'm sure by the Building Department. So I'm sure that someone sitting at this Board here could say, it's working now; why change it? The idea is to promote that growth is really what you're saying.

Mr. MacKenzie stated it's really to promote it. The neighborhood business areas have kind of died back, probably in the past twenty years, but part of that is some of the restrictions that came out of the 1965 ordinance that said you had to be set back from the sidewalks ten feet; you had to have X amount of parking. But I think people really like their small businesses that again, you go to Kelley Street and you go to Chez Vachon and you go to some of your other businesses, and people like those in their neighborhoods.

Alderman Shea stated Bob, in all of these things, the consideration has to be for the implementation of this and the impact it might have on the outlying districts that are involved. In other words, a concern that I'm going to raise is sometimes people use this particular ordinance and the approval of it in order then to either bypass certain Planning or Zoning Board regulations and so forth, because by implication they can say what

precedent has been set here and therefore we would like this to happen. Can you indicate how that might or might not be felt, if you would...in other districts other than the business district?

Mr. MacKenzie responded they would still have to come to this Board, and I would have difficulty...this doesn't cover areas like South Willow Street where some of the larger national chains come in and they typically want drive-up windows. I'd be hesitant about reducing parking standards in those areas because they're very auto-oriented businesses. But they would have to come back to this Board if they wanted to change that. I'm not sure even that they would want to request things like reduction in parking, because most of the national chains have their own standards for how much parking they want to see with the chain stores.

Alderman Shea stated I'm not referring specifically to that particular area, but other outlying areas that may or may not be aligned with what you're talking about in terms of the type of businesses that can be covered and so forth. Can they use this as a blueprint in order to throw themselves at the mercy of the court and say, this is happening in the business district; therefore, we would like to have that same prerogative? So often people use this.

Mr. MacKenzie stated they would still have to come back to this Board for that, other than if they had one particular building and they wanted to go seek a variance to the Zoning Board of Adjustment, they might argue that if they were zoned B-1...but any wholesale changes would have to come back to this Board. I look at these also is you have to...there would be a trial period for a couple of years, to make sure that these work well. If the Aldermen get neighborhood complaints, if they're frustrated with parking issues, that's something that could be reviewed a year from now or two years from now. We have been looking at the parking issues and for example, Southern New Hampshire Planning Commission which helped us; they were partner in the Rimmon Heights area.

They did a parking survey and at the peak point of the day, the parking along the Kelley Street area and adjacent streets was at 16% of capacity. So there is room for on-street parking without having to tear down buildings and put up parking lots.

Alderman Shea stated and my final question is: Is this cemented in the sense that once it happens there's no recourse back if there are abuses and so forth that people tend to bypass this in their own building up of a business and so forth? Is there any recourse, or is this similar to zoning where the variance and the special exception stays with the property and so forth. Is there any kind of feedback in terms of making sure that the abuse doesn't continue if in fact it is as referred to over on Webster Street where somebody might decide to put in an Irish pub or whatever?

Mr. MacKenzie explained this is different than a variance. Once a variance is granted and the appeal period lapses, which is about thirty days, the City has no recourse about changing the uses or changing the purpose. This is a zoning change, and if the Board does have issues they can go back again and change it back or change it again. So it's unlike a variance because that is locked in for perpetuity, as long as that business wants to stay there. But the Board can change the zoning ordinance.

Alderman Shea stated but what I'm saying is I mean, in other words, you don't want to change the necessary entirety of the zoning but just this specific area that might be trying to usurp the district's intent, as it were. Is that possible to do anything in that regard or is it not possible? That's what I'm asking.

Mr. MacKenzie responded it's really not possible unless you rezone some other areas.

Alderman Shea stated so you'd have to rezone the whole...

Mr. MacKenzie stated really when you get to the point of looking at the geographic areas...again, I would like to do a lot more research, talk to the neighborhood, talk to the owners, to make sure that any new ones coming before the Board are right for this type of zoning.

Alderman DeVries stated I guess a concern I have is still the overlap of hours, that there may be between some of these uses and a need for those parking spaces for the residential use at night, and I would assume...I did see the replay of that Planning Board meeting but I didn't happen to see the study that Southern New Hampshire did, but I would assume that there is a need for nighttime parking space in most of the areas, with the exception being Bodwell Road, maybe. So you are planning on that parking space for a homeowner or a renter to park in at night, but during the day you're hoping the accessory use, if you will, be allowed for a business when that individual would be away at work. Am I correct? Is that what we're looking to do with this?

Mr. MacKenzie responded yes. In essence, we're looking for more mixed use because it is a much for efficient use of the land so you don't have parking lots that are vacant most of the time. There is an overlap issue. But I haven't quite seen that in the downtown. Basically in the downtown area, we're having increasing residential but so far it hasn't been an issue in terms of that overlap.

Alderman DeVries stated I'm not sure I would make a true comparison between an established residential neighborhood where you're trying to bring a business component in and the downtown which is an established business area that has some residential that's building on top of it. I think the concern I would have is still some of these uses would overlap into the evening, and maybe well into the evening, you know the theaters and health and fitness; you know, traditionally that's an after work activity. It's not a daytime activity, as well as maybe that small restaurant serving alcohol, if it did under the liquor laws; the small neighborhood social club; etc... A cultural facility, I'm not quite

sure what you mean by that, and I hope that's described somewhere but it's that overlap at least I would have concern that's going to make it difficult for somebody arriving home at night seeking parking for their residence. It would make that job even more difficult. At the same time I very much think that the walkable neighborhood or the mixed use is a good thing. Maybe we need to discuss some of these uses a little bit further, and I hope the public brings some light to that as well because I'm somewhat uncomfortable.

Alderman Roy stated Mr. MacKenzie, one of the concerns in discussion with Alderman Gatsas while listening to some of my colleagues' concerns, I pulled up our GIS and went up and down the north and south side of Webster Street, and with the no parking in the front yard, there's a number of businesses as Alderman Gatsas alluded to at the Elliot Health Center. I'm looking at Dunkin' Donuts, Kinney Electric, Webster House, Skaperdas Office Building, Bob Shaw's former gas station, Stanley's Barber Shop. There's too many to name up and down that stretch that have front yard parking. How would those...would those now be not approvable?

Mr. MacKenzie responded the types of variance issues would change. I believe in all three of those cases there were variances required for certain items. Some of those variance items under this ordinance would go away for those but those front yard variance items would be added. So they would not be fully conforming, but they were not fully conforming before because of variance setbacks and other issues.

Alderman Roy stated okay, so hypothetically a redevelopment of the building next to the Upstairs Downstairs...they may fit everything but the front yard parking. They would still have to go through the variance process: come in and apply for their variance, and then it would be thumbs up or thumbs down, depending on the Board.

Mr. MacKenzie stated correct.

Chairman Lopez asked did I hear you correctly that a lot of people are not in compliance today? And this would put practically everybody in compliance?

Mr. MacKenzie responded it would certainly substantially increase compliance. Again, the spot areas that I looked at, a large majority were not in compliance, so basically anything they had to do, or changes they make, or expansions, they would have to go to some City board to get those changes. And I know in your...you live not too far from that South Main Street area. Basically most of those are not in compliance now. They would be more compliant. I can't say they would be one hundred percent, but they would be more compliant.

Alderman Gatsas asked do we have the ability to amend this ordinance before it goes to the Committee on Bills on Second Reading?

Mr. MacKenzie responded that's a procedural question to the Clerk.

Alderman Gatsas stated let me just tell you where I have a problem. I have a major problem with membership, fraternal and social organizations and clubs. I have a real problem with that. That we are eliminating everything and just allowing them to go into a neighborhood. So there are some things on here that I think that any Alderman would be hesitant that the constituents...we'd be allowing the private club, which is going to serve liquor until one o'clock in the morning, and you're not going to have jurisdiction over it.

Chairman Lopez stated let's see if the City Solicitor can help us out here. Can we amend it?

Mr. Tom Arnold, Deputy City Solicitor, stated I tend to think the amendment that's being proposed that you could probably do. As it happened in the past, the way we've interpreted state statutes is where there's a substantive or major change to a proposed ordinance, you have to go back to public hearing. If there is a minor, procedural change, then that is permissible. I tend to think that this may skate that line a little, but also without researching the matter tend to think the Board, in terms of that particular change, probably could do that.

Alderman Gatsas asked was that a yes or a no answer?

Chairman Lopez stated it was presented that if you want to make the amendment, you'd probably have to go back after to public hearing, if I understand the City Solicitor.

Mr. Arnold stated the amendment that Alderman Gatsas I believe was proposing, which was to remove one category of additional allowed uses, I think that the Board could probably do. I'm saying that's probably skating the line. If you go much beyond that, you probably would have to go back to public hearing.

Alderman Gatsas stated there are a couple in here, Mr. Chairman, that I'm looking at and I'm looking at another one that talks about...

Chairman Lopez asked is it two, three or four?

Alderman Gatsas stated if you can give me a minute, I'm sure I can go through them and give you more than one or two. The other one that's in here is accessory dwelling within a single family detached residence. What does that mean?

Mr. MacKenzie explained the ordinance currently allows duplexes. You can also have a single family home there. So it would be kind of ironic that you could not have an

accessory in-law apartment if you could also have a duplex in the same district. So that was more for clarification in order to make the ordinance more consistent. So you can have a legal duplex, but here you couldn't have an in-law apartment without this change.

Chairman Lopez stated if it's okay with you, Alderman, let us continue and then before we take a vote we'll decide what we want to do. Thank you, Mr. MacKenzie.

Deputy City Clerk Paula Kang asked did you wish to read Alderman Osborne's letter into the record at this time?

Chairman Lopez asked he's in opposition isn't he?

Deputy City Clerk Kang responded no. He had a couple of questions of the Planning staff.

Chairman Lopez stated why don't we do that one. Mr. MacKenzie, we have one other question from one of the Aldermen who's not here who has written a letter.

Deputy City Clerk Kang stated this is a communication from Alderman Osborne, who was unable to attend this evening's meeting. In his communication he says he has concerns relative to parking, specifically the flexibility being allowed under these changes. He questions whether the Planning staff could address what will happen in the neighborhood business areas when a new business opens with the overflow into residential areas? He mentions that in his opinion allowing new businesses to open without parking in residential areas is a mistake. He states that he would not object however, to having the existing businesses grandfathered into such a law; the creating of new ones without adequate on site parking he does object to. He concludes by noting that throughout the City, the overflow of parking will spill into the residential areas that have parking issues already if my understanding of these changes is correct.

Mr. MacKenzie stated one of the things we're trying to do is make the neighborhoods more walkable. The problem with mandatory parking is that it's kind of a vicious cycle, and that's how you get an area like Second Street. The more people have parking the less people will actually walk to these areas from the neighborhoods. So compare Second Street to again, like Kelley Street. Kelley Street is kind of integrated. It has a certain character, and people do actually walk to these stores. But once you require a significant amount of parking for new projects, it becomes more like Second Street where people don't walk. So this is a long term issue that we will have as a city. You can still design sites with parking, but not making them so that there's a large sea of parking in front of the retail or commercial in front of it. And we don't seem to have as much of a parking issue with the neighborhood businesses, and that's why I would still probably encourage the Board to look at this change.

Alderman Smith stated as you well know, south of Woodbury Street there's a mini-mall and there are six establishments there. Three are restaurants that serve alcohol. The parking is only in the front that I know of. How would you administer this or you would leave it? They would they be grandfathered in? We have a big problem, you know what I'm talking about, the mini-mall south of Woodbury Street.

Mr. MacKenzie explained they would be grandfathered in. Again, they already have some variance issues, so that's one of those projects that they would gain some and lose some. But they would be grandfathered in. The setbacks, that would become a variance. So they would win some and lose some on that particular property. But they'd be grandfathered. They could continue.

Alderman Smith asked if this ordinance passes, what prohibits if somebody else wants to have a restaurant. One I would call a bar but there's three restaurants, especially right there in that small complex. You know what I'm talking about. There are probably only 15 parking spaces in the whole area and it's in front. Outside of that it's Powers

Insurance down below. And it's a big problem and a big concern of mine, right there at the intersection. You know how bad that intersection is. I'm just saying I know they're grandfathered right now. What assurance can I give the neighbors because it abuts the neighborhood that there won't be any occurrences of bars or anything, twelve – one o'clock?

Mr. MacKenzie stated I believe there is already a bar in that complex. There's a Thai restaurant and a Chinese restaurant. One of them does serve liquor but it's different than a bar. And again, a bar is different under our definitions than a restaurant serving alcohol. So it wouldn't change much for that particular complex. There is already a bar there and if you're having problems now, that's a concern. It would not add to it. You would not be able to have more bars there.

Alderman Smith stated okay. That's what I was looking for. Thank you.

Alderman DeVries stated I'm back to the Solicitor because I really didn't hear an answer to Alderman Gatsas's question. If we wish to offer an amendment right now while we're in the public hearing, and take some of our controversial uses right off of this, can we accomplish that right now? Can I offer an amendment? And then we can go forward. Mr. MacKenzie can get the research done and we can have a second public hearing at another time, after we've had the benefit of his research.

Mr. Arnold explained if you have a second public hearing, obviously you can do that. The question was whether you could do it without having a second public hearing, and that depends on a determination of whether it's procedural or substantive. I think my point was if you make a number of changes, it's likely to be substantive and you would have to have a second hearing.

Alderman DeVries stated so right now I would like to take six items off of here that I think are controversial for this evening. We are in a public hearing. So we wouldn't have to come back, we can amend and delete six of them this evening and we're still in a public hearing. Or is it because of the noticing of the public hearing?

Mr. Arnold stated the noticing becomes a problem. I think that that certainly falls within a substantive change and you have a notice problem and you would have to have a second public hearing.

Chairman Lopez stated let us proceed and we'll take a vote after.

7. **Chairman Lopez** called for those wishing to speak in favor.

Linda Ajello, 438 Dubuque Street, stated I'm with the Southern New Hampshire Planning Commission. I'm here tonight on behalf of the Planning Commission just to express our support of the proposed revisions to the Neighborhood Business District here in Manchester. I submitted a letter this evening that I think you all got a copy of, which is more detailed, but in brief I would just like to say that the Commission feels that by expanding the number of uses that are allowed by right in the districts, it will encourage small business owners to come into those areas, as Mr. MacKenzie has said by eliminating the obstacles that sometimes deter these people from wanting to locate. Also we feel that these revisions support the principals of smart growth by encouraging walkable communities and mixed use development, just to name a few. I'm also a resident of the City of Manchester, so personally I would like to express my support for these amendments as well.

Robert M. Tarr, 318 Spruce Street, stated I live near the Massabesic area that was discussed tonight. I'm in favor of these changes because as you look at the area of Massabesic Street there are several businesses I could name off right off the top of my

head that have limited space in the front of their businesses: Pindos; Front Anchor; Kay's Bakery; ABSCO; Mulligan & Currier; Norm's Auto; Empire Market, on the corner of Massabesic and Spruce; Baroody's Market, which is now AMT Market; Andy's Buy and Sell. All of these businesses are right on the sidewalk. To have an ordinance say that you have to have a ten-foot rule, this kind of limits them to be in that area. And yes, they've had to file for variances to become in that area, but it's again, very discouraging to know that you have to have a certain number of spaces or a certain number of spaces and provisions to have your customers. The Massabesic area is an area that we want to see walkable. It's an area that I've worked on with the revitalization for the Massabesic area. We would like to make it a more walkable area. Something that was also noted tonight too was you talked about businesses with a multi-unit building. We currently have one. It's currently on Lake Avenue. It's a tax service building that is a business that is actually built into a multi-unit complex. The building actually sticks out of the multi-unit complex. But again, it is right on the sidewalk side, which is...you have limited number of parking spaces there for the service, so it has to be a walkable service. Again, you can't push it back any further because obviously it's right there. Another concern that we have as Mr. Osborne, my Alderman, brought up, is parking. Currently I don't know if Belmont Hall is zoned as B-2 or B-1, but people on Hosley Street have been concerned about the residential parking, especially when they have large functions there. The over spillage of vehicles goes onto Hosley Street, and if anyone has been in that area they know the Hosley Street area is very narrow. When you have parking on both sides not even a fire truck can get down there. It makes it very difficult, including even in the winter when there's odd and even parking. Another concern is a reason we are favoring for this is the Dearborn Hall. Many of you know of the Dearborn Hall; the Oddfellows used to own the building; it has gone through several owners as well. Again, that's sitting right on the corner of Hall and Lake Avenue. It again has a less than ten-foot frontage rule. It even has a less than ten-foot/fifteen-foot frontage in the...rearage in the back, due to the fire escape and it basically taking up the entire business. The building is approximately 16,000 square feet. It has four stories, two large auditoriums,

approximately a 9,370 square foot lot size. So you can imagine the multiple use the building could go into. But again, the current ordinances do not allow any small business owners to go in and utilize the building for multi-use. Some of the things that were talked about here tonight would be beneficial for that building, but because of the current ordinances, it's discouraging businesses to come in there and utilize that. So I hope tonight in support of the ordinance changes that this Board and Chairman, yourself, as well as my Alderman, will see that these changes go through so we can promote more walkable, livable neighborhoods. We thank you as residents for hearing us tonight at this public hearing. And again, thank you for myself for looking into these changes.

Darlene Johnston, 118 Ash Street stated I'm a small business owner here in Manchester. I own and operate the Ash Street Inn. I'm not in any of the districts you're discussing, but as a small business owner who jumped through multiple hoops seven years ago to open my business, I'm in favor of any zoning changes that will help small businesses in any of the smaller neighborhoods.

Kevin McCue, 60 Gurtner Street, stated I'm with Ray Clement tonight. I am the chairman of the Master Plan Steering Committee for the City. We've been working on this project for the last about year and a half. One of the things that we've discovered in this time is that the citizens have asked us to work at a more walkable city, as Bob MacKenzie has pointed out. And one of the things that we've determined is through mixed use we feel that the neighborhoods could be a tremendous asset to the City. We are here tonight to support the concept of what Mr. MacKenzie and the Planning Department is putting forth. I know there are some concerns, listening to the testimony...some of the questions, rather, from the Aldermen regarding some of the uses within these new business types of districts. And they are legitimate, obviously. And we hope, maybe through the planning procedure, to clarify those things. But the overall picture is that this is a very good program for the City. It really is because this is going to allow Manchester to step up and become an even more desirable place to live, as we

develop our neighborhoods, which is one of our strongest aspects of what we offer as a city, these very unique neighborhoods. And part of that development is not just residential. It's also bringing in small businesses that make the neighborhoods walkable, that make them attractive to a different group of people that would come to Manchester and make Manchester their home. So I thank you tonight for your attention.

Ray Clement, Planning and Zoning Board and the Master Plan Committee, stated I think what we have to remember is it's a neighborhood zoning, and businesses that are being set up are going to service that neighborhood. They're not, I don't believe, going to get much business outside of that neighborhood. And Manchester, we're going back to the way it used to be. We used to have lots of these types of businesses throughout the City. I can remember my parents and grandparents reminiscing how much better the City felt at that time because there was a neighborliness associated with it because people got together being serviced by these small businesses. It makes more of a community atmosphere than what we have today. So I think we're going back to that. With the transportation costs going the way they are, this will create more walking and make it a much better place to live.

Calum McNeil, Somerville and Silver Streets, stated I did ride my bike here today, so anybody after me leaning against the chair might be a little wet. Where I live is a very nice area. We don't actually have anything going on with this but I think I want to call some attention...some things to the Board that are important that I thought we should talk about. First of all, we should talk about Mr. Gatsas and Mr. Roy wanting to remove the social organizations and the restaurants serving Mimosas in the morning or maybe Mimosas at night. It's a 5,000 square foot building that they're looking at for the bar and restaurant. This is not a large bar. This is not something that people are going to be driving to. This is the Avalon. The thing that I'm most afraid of and I think we're seeing a lot of in Manchester is a lot of drunk driving. Do we want our bars only accessible by car? I live in Ward 7 and there's a couple that I have to walk four or five blocks to. But I

do walk to my bar, simply because I'm afraid of the police in this state. I'm afraid to be pulled over after drinking one beer. It scares me. It really does. I blew .079 and got arrested. I was legally not drunk...still got arrested. So I always walk to my bar. I think that's something we need to recognize. We're not saying, hey let's go out and get drunk and stumble home. We're saying let's go get drunk and not drive home. It's an important thing to give these people options. If we try to restrict the bars and the restaurants and the fraternal orders and things like this, the social organizations in our neighborhoods, what we're going to find is...I hate to bring this up...just as during Prohibition, we're going to find Speakeasies. We're going to find underground networks of drinking organizations. Do we want to know what's happening in our neighborhoods and make it a simple process to know what's going on, or do we want to...do we want literally an unregulated, underground, unchecked process? I'd rather see some sort of accountability and some sort of window to let these people come in.

Chairman Lopez asked are you speaking in favor of it?

Mr. McNeil continued oh yeah, definitely in favor.

Chairman Lopez stated we got the message.

Mr. McNeil stated okay, good. That's my point on the restaurants and the fraternal order thing.

Chairman Lopez stated this is strictly for the zoning.

Mr. McNeil stated the other thing I want to point out is I live next to Vista Foods on Valley Street. It's almost been a year and a half, almost two years now, since that development has gone in. We really need to be...and this is in favor of zoning changes across the board and also this one specifically. We need to be looking at these properties

that are for businesses that have not been leased in the last two or three years. It's been a long time throughout our city that we have all these holes in our business network. They're there. We've been, in our city and in our orientation of getting things done, we've been more oriented...as a city we're more orientated to the bigger industries – JacPac and Auto Desk downtown...the bigger things that are coming in. When you look at the small neighborhoods, they may employ two or three people, but they do deliver a lot more pay to those two or three people than some of the other things going on. A lot of power is in the ZBA board and the Planning Board. It's very intimidating for a small business owner to feel like he has to convince a board of something. One of the most obvious abuses of power, I think, was two to three months ago a person was asked to go in front of the ZBA board because of a six inch fence violation. This is just one example of a misuse...not a misuse but not an abuse, but more regulation than we need. We need to take away regulations and give people the power to do things.

Chairman Lopez asked could you wrap it up please?

Mr. McNeil stated of course. That's why I'm for this, and let me see...I have more to talk about, but I already know that this is going to pass and I just want to thank everybody for doing it. Please Betsi and everybody else, try not to make any amendments on this. It's really important.

Ryan Belanger, owner of properties at 414 Kelley Street and 165 Webster Street, stated: the property on Kelley Street, we have Jake's bike shop, which is a business I recently acquired. It's been there 57 years. I'm interested in putting a café in the property with the bike shop. It's a 2,300 square foot property. We have four parking spots on the property. This would help me tremendously to take the parking off the property, put it on the street, allow us to have tables for the café. People could dine outside in the summertime. In the winter we can allow tenants to park on the property. Also, I'm the treasurer of the Kelley Street Business Association. Thankfully because of this group, I

decided to buy property in Manchester. The Planning Board set up the Kelley Street initiative, so that's another incentive why I bought the property on Kelley Street. I also got better terms on my bank loans on Kelley Street, again thanks to this group. Also, the Webster Street property we have a four-family, and we're thinking maybe of putting either a small doctor's office, attorney's office or an accounting office, which is directly next to Kenney Electric. Just to use examples as the treasurer of Kelley Street Business Association, which is newly formed...Chiggy's would fit in this particular situation; Tano's Pizza; Myths & Maidens, which used to be an attorney's office, which is now a small little retail establishment; Jimmy's Pizza, which I'm sure everybody knows; and Bob's Coin Shop, which has been there longer than I have. There are two Laundromats that would also be in these districts, or one of these districts. There's a little sign shop and then Kelley Street Tailor. Just since the Kelley Street initiative alone, I mean other than the substation and that new building with three businesses. There's the new Tano's Pizza. I can speak as a business owner, and I also own a second retail location, a bike shop in another city. There's no way I would have purchased that business on Kelley Street if I didn't know the City was investing what they've invested into that property. I plan on owning that property for at least the next 50 years so I'm here to stay. I was born and raised in Manchester and I'm glad to be back.

Jane Beaulieu, 609 South Main Street, stated: I owned a business on Somerville Street. My daughter owns it today, The Beanstalk, Jewell & the Beanstalk, and there were issues...parking issues...with residents years ago. Alderman Shea addressed the issue, put signs up, no parking during certain hours, no parking here, no parking there. People still come to the restaurant, many, many people, especially on weekends. They don't mind parking down the street, walking, going into the restaurant. So I think one way to address the residence parking after hours is just put up signs, no parking after six, no parking after five. You could certainly do that. I also believe that the Planning Department and the Economic Development Department should go one step further and identify certain locations in certain sections of town, what areas would be more suitable

for what type of businesses. So if somebody is coming into town looking to establish a business, they can show them some certain sites. They probably already are doing it, but I think they could probably assist small business owners one step further, but I am certainly in agreement and support this ordinance. Thank you.

8. Chairman Lopez called for those wishing to speak in opposition.

No one responded.

9. Chairman Lopez 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.

This being a special meeting of the Board, no further business could be presented. On motion of Alderman Pinard, duly seconded by Alderman Garrity, it was voted to adjourn.

A True Record. Attest.

City Clerk