

## AGENDA

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

June 9, 2008  
Mayor and all Aldermen

5:30 PM  
Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)

1. Mayor Guinta calls the meeting to order.
2. Mayor Guinta calls for the Pledge of Allegiance.  
  
A moment of silence is observed.
3. The Clerk calls the roll.
4. Mayor Guinta advises that the purpose of the public hearing is to hear those wishing to speak in favor of or in opposition to a proposed Zoning Ordinance. The Clerk will present the proposed Zoning Ordinance change for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition. Anyone wishing to speak must first step to the nearest microphone when recognized and state his/her name and address in a clear, loud voice for the record. Each person will be given only one opportunity to speak and any questions must be directed to the Chair.
5. The Clerk presents the proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by extending the IND (Industrial) zone district to include property currently zoned R-1B (Residential One Family) located on Mack Avenue and Frontage Road, and known as Tax Map 840, Lot 9 & 22.”

6. Mayor Guinta requests Pamela Goucher, Interim Director of Planning and Community Development to make a presentation.
7. Mayor Guinta calls for those wishing to speak in favor of the proposed Zoning Ordinance change.
8. Mayor Guinta calls for those wishing to speak in opposition of the proposed Zoning Ordinance change.
9. Mayor Guinta advises that all those wishing to speak have 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.
10. Mayor Guinta advises that this being a special meeting of the Board, no further business can be presented and a motion to adjourn would be in order.

# City of Manchester New Hampshire

*In the year Two Thousand and* Eight

## AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester by extending the IND (Industrial) zone district to include property currently zoned R-1B (Residential One Family) located on Mack Avenue and Frontage Road, and known as Tax Map 840, Lot 9 & 22.

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,  
as follows:

SECTION I. “Amending the Zoning Ordinance of the City of Manchester by extending the IND (Industrial) zone district to include property currently zoned R-1B (Residential One Family) located on Mack Avenue and Frontage Road, and known as Tax Map 840, Lot 9 & 22, and being more particularly bounded and described as follows:

Beginning at a point on the centerline of Mack Avenue, said point being on the zone boundary line of the IND (Industrial) zone district and the R-1B (Residential One Family) zone district prior to this amendment;

Thence, northerly along the centerline of Mack Avenue, approximately 200 ft. to a point on the centerline of Mack Avenue, and the intersection of Fairfax Street (a paper street);

Thence, westerly along the centerline of Fairfax Street (a paper street), also being the property line of TM 840, Lot 9 extended, a distance of approximately 644 ft. to a point;

Thence, southerly along the centerline of Greenwood Street (a paper street), also being the property line of TM 840, Lot 9 and TM 839, Lot 33ZZ approximately 210 ft. to a point, said point also being the zone boundary line of the IND (Industrial) zone district and the R-1B (Residential One Family) zone district, prior to this amendment;

Thence, easterly along the zone boundary line of the IND (Industrial) zone district and the R-1B (Residential One Family) zone district, prior to this amendment, a distance of approximately 669 ft. to a point in the centerline of Mack Avenue, said point also being the point of beginning.

Said description to include a portion of TM 840, Lot 22, and TM 840, Lot 9 and consisting of approximately 3.6 acres of land.

SECTION II. Resolve this ordinance shall take effect upon passage.



November 5, 2007

Board of Mayor and Alderman  
City Clerks Office  
One City Hall Plaza  
Manchester, New Hampshire 03101

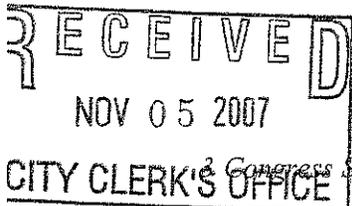
**RE: LOT 9, MAP 840  
1 MACK AVENUE  
MANCHESTER, NEW HAMPSHIRE**

Dear Board of Mayor and Alderman:

Pursuant to the above referenced property, this letter is being written on behalf of our Client, One Mack Avenue, LLC, to formally petition the Board of Mayor and Alderman to correct an error that occurred in the mapping of a zone line upon this parcel of land.

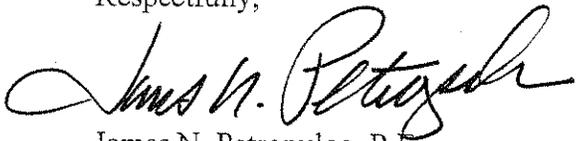
As background information, this property is part of the McDevitt Truck complex, which is located on both Frontage Road and Mack Avenue. The subject parcel is a 4.1-acre lot (see Exhibit A) that currently contains a 16,000 square foot truck and heavy equipment sales, rental and repair facility. A portion of the current City of Manchester Zoning Map is attached herewith (see Exhibit B). To the best of our knowledge, this computerized plan was created at the same time as the revisions to the Manchester Zoning Ordinance in 2001. As can be seen on that map, this property is bisected by a zone line, R-1B: Residential One Family – High Density to the north and IND: Industrial to the south. During our historical research of this lot, we noticed that the previous Zoning Map (Exhibit C) and the original site plan for this facility (Exhibit D) both represented the zone line in a different location, which is the northerly property line of this tract.

One Mack Avenue, LLC is proposing a small addition to their existing building, therefore the exact location of the zone line is important. Using the current zone line would require a Variance from the City of Manchester Zoning Board of Adjustment (ZBA) in order to construct this addition. It would also mean that every time our client proposed an improvement to their property, they would need similar relief from the ZBA. After reviewing this discrepancy with Max Sink, City of Manchester Building Inspector, and Terry Harlacher, AICP, Chief Planner. They suggested that in lieu of the ZBA/Variance route, that we consider this option, which is a petition to the Board of Mayor and Alderman to correct this error and return the zone line back to its previous location.



Thank you for your cooperation in this matter. Please feel free to contact me if you have any questions regarding this issue. We look forward to hearing from you as to the next step in this process.

Respectfully,

A handwritten signature in black ink, appearing to read "James N. Petropulos". The signature is fluid and cursive, with a large initial "J" and "P".

James N. Petropulos, P.E.  
Principal Engineer/VP  
HAYNER/SWANSON, INC.

Enclosures:

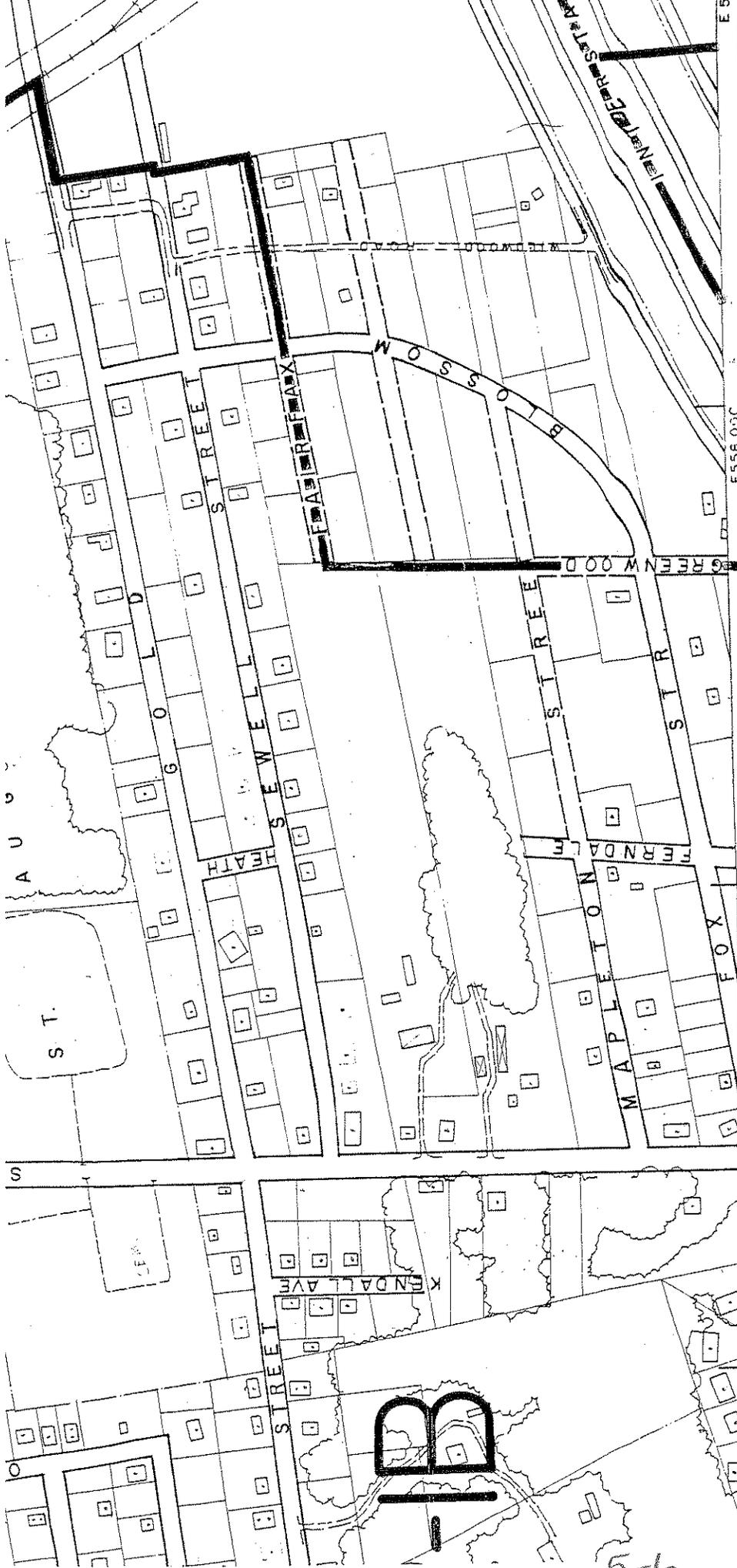
Cc: Max Sink – Manchester Building Inspector  
Greg Uliasz – Feniger & Uliasz  
Kevin McDevitt – One Mack Avenue, LLC





**EXHIBIT 'B'**





OF MANCHESTER  
 HIRE

AMENDED TO JULY 11, 1967 (2)  
 APRIL 15, 1969  
 JUNE 26, 1972  
 APRIL 17, 1973  
 DECEMBER 18, 1973  
 MAY 21, 1974  
 APRIL 18, 1978

OCTOBER 3, 1978  
 APRIL 21, 1981  
 MAY 6, 1986  
 SEPTEMBER 8, 1987  
 DECEMBER 19, 1989  
 FEB. 4, 1992  
 JAN. 5, 1993  
 APRIL 20, 1993

NOV 21, 1995

E557,000  
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 E559,000

B  
 B  
 EXHIBIT 'C'

MAYOR  
 ATTEST - CITY CLERK



*City of Manchester Planning Board*  
c/o City of Manchester Planning & Community Development Dept.  
One City Hall Plaza  
Manchester, New Hampshire 03101  
603-624-6450  
Fax (603-624-6529)

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April 23, 2008

Honorable Board of Mayor and Aldermen  
City of Manchester  
One City Hall Plaza  
Manchester, NH 03101

*Re: Proposed Amendment to Zoning Map – Mack Avenue*

Honorable Board Members:

At our April 10<sup>th</sup> meeting, the Planning Board discussed the proposed rezoning petition involving property at Mack Avenue and Frontage Road. The property, known as Lots 9 & 22 on Tax Map 840, is used for truck and heavy equipment sales, rental and repair.

The property is split-zoned, with the majority of land in the Industrial zoning district and the remainder in the Residential (R-1B) zoning district. It is our understanding that all of the property had been in the Industrial zone prior to the zoning map revisions in 2001.

We are supportive of the applicant's request to move the zoning district boundary line northerly to include all of Lot 9, a change that would be consistent with the current use and consistent with the original zoning boundary line. We trust that any proposed additions to either of the buildings owned by One Mack Avenue, LLC would take into account the proximity of residential neighbors. Should the BMA grant the rezoning request, the Planning Board would be looking for appropriate buffers to the residentially zoned lots during the site plan review process.

Thank you for taking the Planning Board's comments into consideration while deliberating this rezoning request.

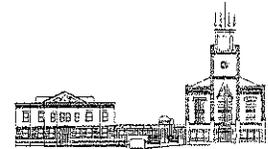
Sincerely,

Todd Connors, Chairman  
Manchester Planning Board



# CITY OF MANCHESTER

## Planning and Community Development



Robert S. MacKenzie, AICP  
Director

Planning  
Community Development Program  
**BOARD OF MAYOR & ALDERMEN**  
Growth Management

Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

March 5, 2008

Ms. Carol Johnson, City Clerk  
City of Manchester  
One City Hall Plaza  
Manchester, NH 03101

DATE: 3-18-2008

ON MOTION OF AID. Garrity

SECONDED BY AID. M. Roy

VOTED TO Table

4-1-2008  
re-file

*[Signature]*  
CITY CLERK

Re: Technical Review for Rezoning Petition, Mack Avenue

Dear Ms. Johnson:

In accordance with the policy on rezoning requests, the following information is provided in consideration of a rezoning request filed by Hayner/Swanson, Inc. on behalf of One Mack Avenue, LLC, the owner of two adjacent properties known as Lots 9 & 22 on Tax Map 840.

The parcels are located west of Mack Avenue and north of Frontage Road. While the southerly parcel (Map 840/Lot 22) is entirely within the *Industrial Zone*, the northerly parcel (Map 840/Lot 9) of approximately four acres is split-zoned, with the majority of the parcel in the *Residential (R-1B) Zone* and the remainder in the *Industrial Zone*. The rezoning request of the applicant is to have Lot 9 entirely within the *Industrial Zone*.

As indicated in the applicant's petition to the BMA, the parcel is used for truck and heavy equipment sales, rental and repair. Also as indicated in the applicant's petition, the parcel was previously included in the industrial zone and was, in fact, rezoned from residential to industrial in 1978 (see enclosed minutes). It appears that when the new zoning ordinance and new map were adopted in 2001, the area was inadvertently rezoned back to residential. It is very easy to understand how this happened, as this area of the City has had several streets re-routed, re-named and even discontinued. When the new zoning map went into effect in 2001, the transition between the old, hand drawn mapping system and the new GIS system created problems. As a result, this area was unintentionally rezoned residential and was discovered by the applicant during the preparation of plans for a 6,000 square foot building addition.

From a technical perspective, the petition to rezone a portion of Tax Map 840/Lot 9 may be forwarded to the Board of Mayor and Aldermen for consideration and the scheduling of a public hearing. Consistent with the policy for rezoning petitions, I am forwarding a copy of this letter and the petition to the Planning Board, Building Department and City Solicitor for any comment.

The Planning Director or I will be available to answer any questions the Board may have.

Respectfully Submitted,

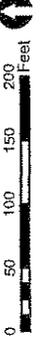
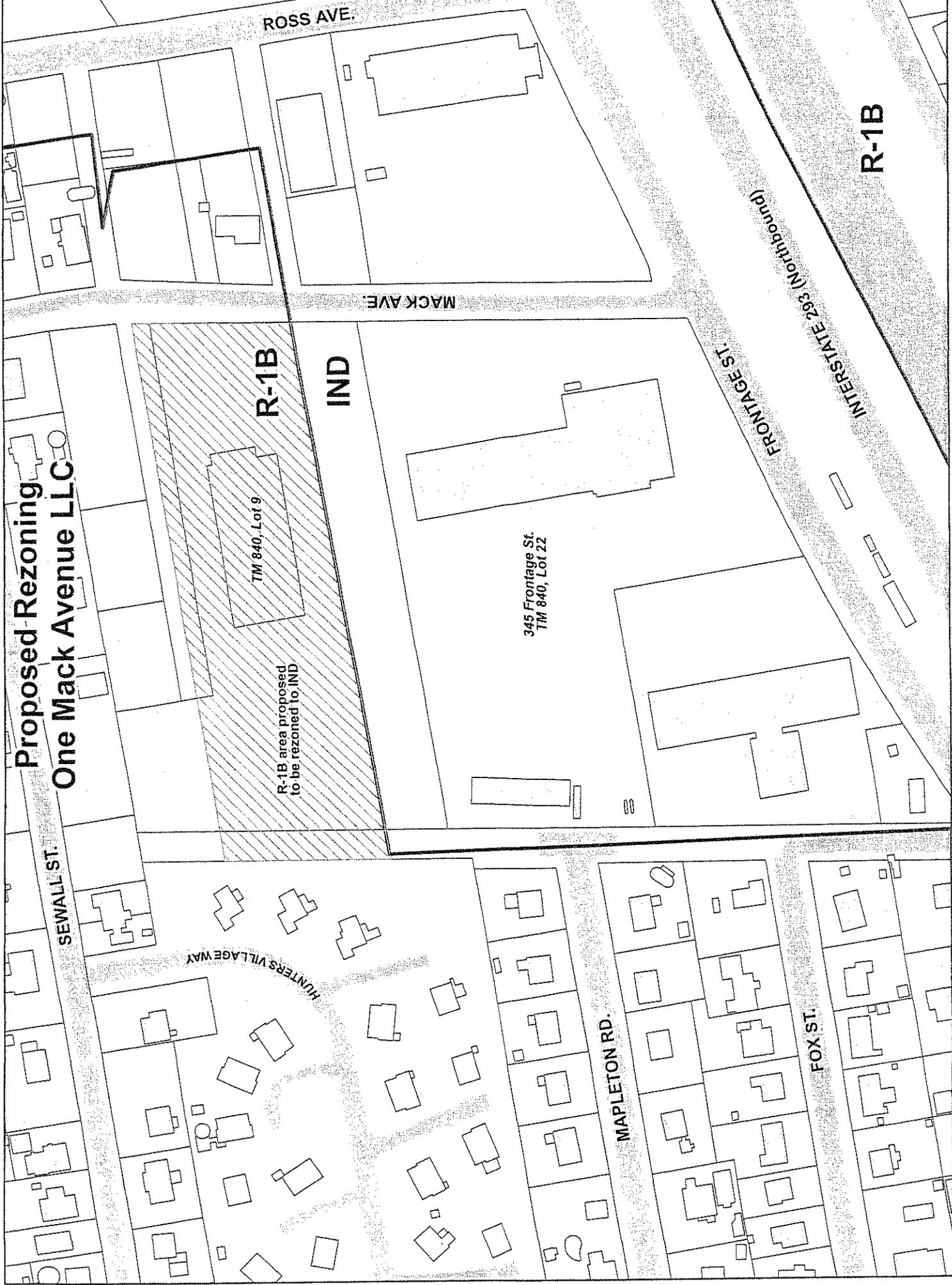
*[Signature]*  
Pamela H. Goucher, AICP  
Deputy Planning Director

enc.

C: Planning Board  
Building Department  
Office of the City Solicitor

One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 Fax: (603) 624-6529  
E-mail: [planning@ManchesterNH.gov](mailto:planning@ManchesterNH.gov)  
[www.ManchesterNH.gov](http://www.ManchesterNH.gov)

# Proposed Rezoning One Mack Avenue LLC



existing zoning boundary line

R-1B area proposed to be rezoned to IND

1. This map prepared by the City of Manchester Planning & Community Development Department (D. Beauchesne) on March 13, 2008.  
 2. Aerial photo taken in April, 2003.