

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

April 7, 2009

6:30 PM

Mayor Guinta called the meeting to order.

Mayor Guinta called for the pledge of Allegiance, which was led by Alderman Osborne.

A moment of silence was observed.

The Clerk called the roll.

Present: Aldermen M. Roy, Gatsas, Sullivan, J. Roy, Osborne, Pinard, O’Neil, Lopez, Shea, Garrity, Smith, Ouellette, Murphy.

Absent: Alderman DeVries.

Messrs: L. LaFreniere, A. Paras

Mayor Guinta advised 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.

The Clerk presented the proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Department” or “Planning Department” and replacing all with the name “Planning and Community Development Department”.”

Mayor Guinta requested that Leon LaFreniere, Director of Planning & Community Development, make a presentation.

Mr. Leon LaFreniere, Director of Planning and Community Development stated, my presentation will be very brief. Essentially the changes that are before the Board tonight deal only with reconciling the name change of the two currently referenced departments within the context of the Zoning Ordinance and making reference to the single department that has resulted from the consolidation, approved by this Board.

Mayor Guinta called for those wishing to speak in favor of the proposed Zoning Ordinance change.

Mayor Guinta called for those wishing to speak in opposition to the proposed Zoning Ordinance change.

Ms. Artemis Paras, 1275 Hanover St. stated:

Zoning and planning are two areas that have interested me because I’ve had problems decoding what goes on in neighborhoods through land-use regulations, whether it’s zoning or planning. The department section in the Charter, Article III,

was effective when this last Charter was adopted. Under b, it says, "It shall be the duty of the first mayor holding office under the provisions of this charter to drop and submit to the Board of Aldermen within nine months, after the adoption of this charter an ordinance consistent with the Charter, which defines the functions and duties of each department, existing at the time of the Ordinance." I had called Alderman Lopez when this first emerged and I said, "Alderman Lopez, there's no Planning Department listed under the section in that article regarding Planning Department." The Planning Department had a director some years ago and a very small, limited staff, but little by little the department started getting larger and now you're facing the name of Planning and Community Development. Zoning operations are going to be handled by the deputy director, Pam Goucher, but her zoning oversight, if I'm not mistaken, is strictly limited to requests for zoning changes pertaining to the zoning districts. This is something Alderman Garrity is looking at right now in his Ward. As for all the other zoning, I would like the Mayor to address this question to Leon LaFreniere: Do I understand that all other administration enforcement areas of concern, based on state law and the City Ordinances, are going to be handled by the Building Standards Division? And Matt Sink is going to be deputy director? At the end of my testimony, would you kindly request Leon LaFreniere to answer, if I understand correctly? I would like to now talk about some of the...well first the approach: I thought it was interesting that the introduction or the title of the Ordinance for both types of Ordinances by the City Code of Ordinances does not require a public hearing. However, if you amend the Zoning Ordinance, a public hearing is required, based on applicable state law. I don't know if that distinction has ever been made, but the public is actually handicapped when you're doing wholesale changes to the whole City Code of Ordinances. Each Alderman has that big binder; it weighs a ton; but no public hearings. When you amend the Zoning Ordinances, which is the purpose of this evening's public hearing, a public hearing is required. Now I found it interesting that we have a tandem presentation. The zoning comes at the end when

those changes require a public hearing—something for you Aldermen to think about. It's nothing you can do about it; it's the way the Ordinances have been set up: City Code of Ordinances and then you've got your Zoning Ordinances. So what actually happened is I looked at the language of the Ordinance and it reads what you did the last time in February, "Amending the Code of Ordinances of the City by deleting reference to the title of Building Commissioner or Planning Director and replacing with Director of Planning and Community Development and deleting reference to the Building Department or Housing Code Department or Planning Department and replacing it with Planning and Community Development Department." Now for tonight's zoning changes, they divided it up into two amendments. I don't know if the Board members understood that, but I found it very interesting. I have a host of amendments; amending the Zoning Ordinance by deleting the reference to Building Commissioner. When you go to the definitions section of the Zoning Ordinance, guess what they say: "Delete the definition in its entirety" and we don't have a replacement. How did that happen? It's in the material that was submitted to the Board. I found that very interesting. I can just go on and on by just saying to you, why wasn't there more preplanning in how this was going to be presented to the Aldermen, so at least your voting record would reflect a full understanding of what needed to be addressed? Right now, you are addressing a major, major document—the Zoning Ordinance of the city. It's either you're friendly to the idea of having it, or we're not going to have it. In Planning, we have a master plan that guides the actions of the Zoning Board. I just have a few more things I want to mention about the definition of terms. The commissioner's position, based on definition, "definition eliminated in its entirety," we have to replace it somehow, somewhere. Also, Building Commissioner goes on and on and on as you know. I frankly don't know how all of you plowed through all of this. Did you read every single amendment, Mayor Guinta and Aldermen? It's rather overwhelming and I admire the paper empires that all of you have to go through in preparation for the meetings. On a last note, I

did want to know how our head of this mega-department was going to be listed for Human Resources and its Planning Director. Now we're back to where we were. My last comment is this: These department heads are capable of making designations for someone to make a decision in their place. Leon LaFreniere is going to have so many responsibilities, I'm sure he'll have to have designees to help him out. At one point, the designees will become over-powering. Over all, I wanted to say, I hope you will consider these comments and address them however which way the Aldermen deem it to be appropriate and in the public interest. May I put in a word also, for public access/governmental access television viewing? I just want to say I have a lot of friends who are shut-ins, elderly, and they love being able to watch government in action. Remember that these shut-ins are the ones who get absentee ballots and it's their way of seeing each of these Aldermen and the Mayor, and it gives them some idea as to who they should vote for and I think that's an important consideration. I would like to see government access television continue because certain people, at certain ages, have different needs, special needs. With that I conclude and I thank you always for receiving my testimony. If anyone has any questions, I would be happy to answer. It's a great education going through piles of material.

The Clerk presented the proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Commissioner” and “Planning Director” and replacing both with “Director of Planning and Community Development Department”.”

Mayor Guinta requested that Leon LaFreniere, Director of Planning & Community Development, make a presentation.

Mr. LaFreniere stated the changes before you this evening were broken up because they are numerous in nature. They are just taxable revisions to try to reconcile the names and references within the document. The second set of changes deals with the title and responsibilities there, too. There is no change to the way the Ordinance is administered nor its content, but only a title change.

Mayor Guinta called for those wishing to speak in favor of the proposed Zoning Ordinance change.

Mayor Guinta called for those wishing to speak in opposition to the proposed Zoning Ordinance change.

Mayor Guinta advised 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.

Alderman O'Neil stated I can't remember how long ago, there was sometime ago, when Mrs. Paras assisted the City with cleaning up some language and in my discussions with her over the last few days regarding this issue I do think there are some conflicts between the Zoning Ordinance and other sections of the Code of Ordinances versus the Charter that really need some cleaning up. I think Bill Cashin will support that. I can't remember how many years ago that we went through a similar exercise, but Mrs. Paras provided a great resource to the City. I learned a long time ago to trust her. She puts a lot of effort into the research and she does make some very good points.

Mayor Guinta stated I would be happy to provide contact information to the Solicitor for a meeting of potential amendments to the proposal.

This being a special meeting, no further business was presented, and on motion of Alderman Pinard, duly seconded by Alderman J. Roy, it was voted to adjourn.

A True Record. Attest.

City Clerk