

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

May 19, 2009

6:30 PM

Mayor Guinta called the meeting to order.

Mayor Guinta called for the Pledge of Allegiance, which was led by Alderman Garrity.

A moment of silence was observed.

The Clerk called the roll.

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

Absent: Alderman Shea

Messrs: P. Goucher, T. Arnold

Mayor Guinta advised that the purpose of the public hearing is to hear those wishing to speak in favor 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 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 extending the General Business District (B-2) into an area currently zoned Residential Two Family District (R-2), including portions of two lots, Tax Map TPK1, Lot 61 (3 Master Street) and Tax Map TPK1, Lot 69 (800 Second Street). The intent being that the entirety of these two lots would be in the B-2 District.”

Mayor Guinta asked Leon LaFreniere, Director of Planning and Community Development, to make a presentation.

Ms. Pamela Goucher, Deputy Director of Planning & Zoning, stated as many of you are familiar this proposed request involves the Subaru property that is located at 800 Second Street and Master Street. It involves land area that is approximately an acre in size for the two parcels. The majority of the parcels are zoned B-2. The smaller lot on Master Street is currently zoned residential, two family and the applicants A.J. Holdings would like to have the entire parcel rezoned to business zone so that they might expand their business. At some point in the past the entire parcel on Master Street was zoned residential. In 2001 when the new zoning ordinance was adopted as well as the map, there was a variation in that and the line split that parcel on Master Street so that a portion of that parcel is currently zoned business and also a portion of the larger parcel is zoned business. Also a portion of the larger parcel that holds Subaru has a residential line through it. Probably many of you have been by there in the last few years and have seen that Subaru has expanded their building to include some bays. If this proposal for a rezoning petition were to go forward, they would look at further expanding the garage. They would take down the older Subaru building and add on to the one that is on the corner of Master and Second Street. When this was before the Planning Board a few years ago, there was a fair amount of abutter opposition to the proposal and there was also some concern about this Master Street parcel being utilized for commercial development if the Planning Board granted subdivision and site plan approval for the Subaru site. As a result of that, when the Planning Board did approve the last addition

they imposed conditions in the form of notes on both the subdivision and site plan that said there would not be any commercial use or activity on the Master Street lot. We have since heard from the owners of the parcel that they have had a number of neighborhood meetings to discuss this proposed rezoning with the neighborhood and we have heard that they are supportive of it. Our department has not had any direct conversations with any of the abutters to know if they have been satisfied with some of the representations that this property owner has made and my guess is that perhaps if there are some speakers tonight we would probably hear as to whether or not they are still opposed to any further encroachment of commercial or if they are satisfied that they have been good neighbors and would be willing to support as abutters the expansion. I believe Alderman Smith has heard that they are actually supportive of this proposal. I don't have a lot more to add unless the Board has specific questions. The engineer that has been working with the applicant is here. He provided the Board with the maps tonight for informational purposes and he is here is the Board has anymore specific questions. He does represent the owners in this regard.

Alderman DeVries stated thank you, Your Honor. I think this is a question for you Pam. I don't think it needs the engineer. It would appear that the vegetative buffer requirements are going to be met, if not exceeded, with the new proposal, correct?

Ms. Goucher stated that is my understanding, looking at the material that was submitted by the applicants in their petition for the rezoning, and it would be my understanding that that was one of the concerns that the neighbors had so they increased the buffer. They currently have a fence and a buffer around this Master Street property at the request of the abutters the first time around and my guess is that they are looking to do the very same thing.

Alderman DeVries asked Pam, since the different zones are up against each other, that would be required to be maintained, correct? It is not voluntary?

Ms. Goucher replied usually when the line falls in the street, it is different than if the zoning line was between the property lines. In this rezoning petition, if the line was modified or adjusted so it goes down the center of Master and Hill Street then I think we are looking at a voluntary buffer as opposed to a requirement. That is usually the interpretation that has been made in the past. I am certain that if the rezoning were to go through once this project got to the Planning Board, I cannot imagine that the Planning Board would not require this buffer that you are seeing on this representation tonight.

Alderman DeVries asked we aren't able to make stipulations to the conditions of rezoning, correct?

Ms. Goucher replied I guess I would defer to Tom Arnold, although I will say that when this Board looked at the rezoning on Hackett Hill for Woodland Pond and that area, there were some conditions about single family homes. I would defer to the City Solicitor on that regard.

Mr. Thomas Arnold, Deputy City Solicitor, stated I guess there could be an informal request but once you rezone it would be subject to the provisions of the zoning code for that district.

Alderman Lopez asked Pam, if we are approving the rezoning, are we approving the complete layout here? You mentioned the Planning Board could require something.

Ms. Goucher replied no, if you are approving the rezoning, it is a rezoning of the parcel. Typically, when this Board sees rezoning requests, they see the potential development that an applicant is proposing. Generally, if the rezoning occurs, than the rezoning occurs. What I said about the Planning Board is, if the rezoning occurs and Subaru is interested in expanding their building as they represent it or in some other fashion, that

proposal would have to come to the Planning Board. What I said to Alderman DeVries was, given the history of the comments they have made on making sure there is buffer protection between commercial and residential uses, I would be pretty certain that they would be looking at some kind of buffer.

Alderman Smith stated thank you, Your Honor. When I did meet with the abutters and the owner, I was under the assumption, as I still am now, that they would be protected on Master Street and Hill Street with some type of boundary whether it was some type of fence or vegetation. Is that still in the plans?

Ms. Goucher replied yes, it is my understanding that they plan on doing both vegetation and a fence combination. I think there was some concern, this is what I have heard indirectly not directly, about any further access from the reside, and again I would expect any kind of plan that would go before the Planning Board would be encumbered with a stipulation, if you will, that the entrances/exits for a commercial expansion be limited to the Second Street corridor and not encroach into the residential area.

Alderman Smith stated that was my assumption too.

Alderman Ouellette asked is this a net gain or a net loss in terms of a tax base to the city?

Ms. Goucher replied currently each of the parcels have a value of about \$1 million. One is a little under that and one is a little over that. My guess is that if you were to put the additions on that they are proposing, you would increase the tax base because the value of the commercial building would be greater than a two-family house that would be built.

Alderman Osborne asked can you run by me again the buffer zone situation on Master Street? On the drawing here you have a zoning boundary line and then of course the actual rezoning but they don't have the boundary line running down Master Street. How will they have the vegetation and the rest of the buffer laid out?

Ms. Goucher replied I don't have a copy of what you are looking at. I think the engineer provided that tonight. In the package that the applicant submitted to the City Clerk, which I think you all got a while ago, this was their original petition and proposal, they actually have a blow up in that plan. It shows the detail of a 15 foot buffer along Master Street around the bend on Hill Street and then it shows additional fencing. That is what this plan that was delivered to you tonight also represents with the heavy green buffering up against the lighter green. That represents a 15 foot landscape buffer with a six foot high solid fence.

Alderman Osborne asked why is this zoning boundary line proposed section in here? It is going into the middle of the street.

Ms. Goucher replied what they are trying to do is show the area...

Alderman Osborne interjected all I am trying to see is that the residential area across the street from here will have some sort of buffer zone. Are we voting on this zoning boundary line? Is that what we are voting on this evening?

Ms. Goucher stated if the Board supports the petition for rezoning, you would be looking at changing the line that currently runs across a portion of that lot and shifted so that it now goes down the center line of Master Street and the center line of Hill Street. All of the undeveloped lot, if you will, becomes B-2.

Alderman Gatsas asked Pam, can you tell me if there is two different owners on these two pieces?

Ms. Goucher replied if you look at the records right now, it is represented as two different owners. It is probably like what we see throughout the city, if owners own contiguous parcels they have it under separate names until they have a plan that would merge the two. If they were to develop this, they would have to be in one ownership but currently there are three lots.

Alderman Gatsas stated let me understand, lot 67-A is owned by one owner and is already zoned B-2.

Ms. Goucher stated yes.

Alderman Gatsas asked so they are not here looking for a rezoning request but to get to the ten acres to get in front of this Board? Somebody is connecting the two lots together because truly they would only have to go in for a variance if they were looking to make an addition on lot 69 and 61.

Ms. Goucher stated if they were to present this plan to the Planning Board, much like the Boys and Girls Club for example that you have seen recently as multiple lots, prior to us being able to sign a site plan for the Planning Board to endorse a plan that goes across property lines, it would have to be in one ownership. I think that they probably have them kept in separate ownership because at this point in time they do not have the assurances that the rezoning could be effective and they could move to the next step.

Alderman J. Roy asked Pam, how often do we have the zoning boundary going down the middle of the street?

Ms. Goucher replied it is common. As much as possible we try to have them either along property lines or down the center of streets or down the center of railroad tracks.

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

There were none.

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

There were none.

Mayor Guinta advised that 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.

Mayor Guinta advised that this being a special meeting of the Board, no further business can be presented.

On motion of Alderman Smith, duly seconded by Alderman Garrity, it was voted to adjourn.

A True Record. Attest.

City Clerk