

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

**August 18, 2009**

**5:00 PM**

**Mayor Guinta** called the meeting to order.

**Mayor Guinta** called for the Pledge of Allegiance, which was led by Alderman J. Roy.

A moment of silence was observed.

The Clerk called the roll.

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

Absent: Aldermen Sullivan, Smith

Messrs: L. LaFreniere

**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 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.

**Mayor Guinta** addressed item 5 of the agenda:

The Clerk presented the proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by extending the Residential Suburban Multifamily District (R-SM) into an area currently zoned Residential-Suburban – Low Density District (R-S), to include two parcels of land abutting South Mammoth Road and known as TM 797, Lot 3A and TM 797, Lot 4. Both parcels are currently zoning R-s and the petition would extend the R-SM District across South Mammoth Road to include the entirety of both lots.”

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

**Mayor Guinta** stated in the meantime, I am going to read into the record a letter by Pam Goucher from the Planning Department, representing a brief review of the request. It is dated June 29<sup>th</sup>. “In accordance with the policy on rezoning requests, the following information is provided in consideration of an application filed by William Socha Development, LLC, involving two adjoining properties located south of Lucas Road on the east side of South Mammoth Road at Tax Map 797, Lots 3A and 4. Lot 3A is 2.68 acres and Lot 4 is 7.83 acres in size (10.51 total acres). At this time, the applicant is proposing a development only on the smaller lot, which is wooded and undeveloped. Lot 4, to the south of Lot 3A, is mostly wooded and contains a single family residence sited near S. Mammoth Road. The owner of this property is not party to this application although is aware of the requested zoning change. Both of the affected lots, and all nearby parcels on the east side of S. Mammoth Road and south of Lucas Road, are zoned RS (Residential Suburban Low Density) and the applicant’s request is to extend a small neighboring R-SM (Residential-Suburban Multifamily) district across S. Mammoth Road to include Lots 3A and 4. Lots 3A and 4 are abutted on their north side, and separated from local multi-family housing in the R-SM district by two high power PSNH transmission lines—with an associated 300-foot wide ROW—which also veers across

the abutting single-family residential parcels to the east. This power line effectively forms a 300-foot wide buffer separating Lots 3A and 4 from the R-SM zoned multi-family housing buildings, which are north of the power lines and across S. Mammoth Road. Lots 3A and 4 are also immediately bounded to the south by R-S zoned single family residences. Both lots 3A and 4 have a combined total of approximately 600 feet of frontage on S. Mammoth Road, with Lot 3A having 200 feet of frontage.

Approximately 145 feet of frontage is opposite the portion of the R-SM district occupied by the undeveloped PSNH power transmission line. The remaining 455 feet of frontage is situated across the IND (Industrial) zoned lands occupied by a Best Western Hotel complex and a solid waste management service business. As a result of the location of the transmission lines, the proposed rezoning request involves two RS zoned parcels which, while contiguous to the R-SM zoned land across the street, are only minimally contiguous with the existing multi-family development. The intent of the Zoning Ordinance, at Article 4.01 (A.5) is that the R-SM district be comprised of “tracts of adequate size to constitute a neighborhood unit which is reasonably related...to the scale of other developments in adjoining areas. It is not the intent of this district to encourage in-fill development with townhouses or multi-family structures on small parcels or sites.” The applicant has indicated that, with respect to this rezoning request, he proposes to initially develop 32 units of townhouse style multi-family housing exclusively on the 2.68 acre Lot 3A. Should the applicant be successful in purchasing Lot 4, he would subdivide the existing single family home and build additional townhouse style units on the remaining area of Lot 4. That is a summary of the proposal before us.

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

**Alderman DeVries** stated Your Honor, before we usually hear from the public we have the Planning staff here to address questions. I know part of the question is the Master Plan proposal, which I'm hoping at the very least you will give the public the

opportunity, if something is brought up by staff after they have spoken, a second opportunity to address that.

**Mayor Guinta** replied yes, we've asked Leon to come. He's coming now.

**Marie Marency**, 1124 S. Mammoth Road, stated:

My mom owns the property at 1124 S. Mammoth Road. I don't have any problem with the rezoning as long as it is not going to lower the property value. I did call David Cornell and he assured me that changing the zoning would not cause a problem and it would only increase the value of my mom's property. Is that correct?

**Mayor Guinta** stated I couldn't speak for him, but if that's what he conveyed to you, I would trust his judgment.

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

**Rick Fradette**, 91 Bay Street, stated:

This is Tim Howe who is a principal for 14 SMR, LLC that owns the land across the street from the proposed rezoning. I'd given a letter to the Board, but I would ask that the letter be a part of the record. Simply stated, the current development across the street is low density, but residential. My client invested a sizeable sum of money over the last few years developing his site and he enjoys it for a business use, without interrupting any residential properties. He has situated himself in an industrial district so that he can enjoy his business use without residential opposition. Our primary concern is if you put high density use in this district, it will not be harmonious with our current business use. Today it has 32 multi-district units on two acres. There are another 7.5 acres. If you end up in a high density residential use across the street, it presents problems for the existing business and commercial uses. For that reason, we would oppose the rezoning. I also

want to highlight the comment made by Pam Goucher in her letter. The Planning Board is currently investigating the City's Master Plan. In that regard, the land that they are currently requesting to be rezoned to high density residential is actually identified as prime industrial and prime area. We don't have a whole lot of industrial and commercial use remaining in the City of Manchester. I would respectfully submit to let the Planning Board do its job in properly investigating what the appropriate use of that vacant land is and let them make their recommendation.

**Tim Howe**, South Mammoth Road, stated:

I'm the operations manager of Dave's Septic Service, which currently leases land at 14 SMR. I'm also a shareholder of 14 SMR and my family owns and operates Dave's Septic Service. Dave's Septic Service has operated in Manchester since 1982. It has been under our ownership since 1992. We've experienced some positive growth and that is why we sought and purchased the piece of industrial land which was situated on an environmentally difficult piece of land to develop and we went to great odds to ensure that was environmentally compliant when we built our building and we spent a great deal of money to do so in an area that was less dense and populated to a lesser degree. That's one of my main concerns and why we are opposing the zoning change to a high density lot that is directly across from our commercial and industrial zoned piece of land. We are concerned with high traffic through parts that could create on a very small piece of land. We don't necessarily believe that it would be exactly harmonious with our business operations. Again, that was one of the main reasons that we purchased the particular piece of land in question because it was not densely populated where we were located. For the reasons I listed, I hope you give great consideration to opposing the zoning change and leaving it as it currently stands. Our other concern is if the zoning change does go through that the other lot in question may be developed and support many more multi-family dwellings than the original lot, which is now proposed to support at least 30 dwellings. From our estimates, the additional development of the other lot could support over 100 dwellings, which would create even more stressed conditions on the

municipality that surrounds it from a Police Department and Fire Department stand point as well as a School District standpoint. It may also make other pieces of land in the surrounding area that other business are looking to purchase for future development for industrial based purposed more unattractive. It may also degrade the tax base for those industrial based businesses that otherwise would be lost on high impact, high density dwellings on small acreage.

**Celine Bilodeau**, 165 Lucas Road, stated:

I'm a home owner in the area of this low density housing and one of the reasons I bought in the area is because it is a very unique area of suburbia in the City of Manchester. It is one of the few areas in Manchester where you can go out and there are woods and wildlife. I've seen wild turkeys, deer, and moose. I believe that by rezoning this area to high density housing it will create more people, especially along the power lines where the wildlife uses pathways to get around. Also, some of the problems that we have in the neighborhood that are minimal now would increase. ATVs are heard running along these power lines. Snowmobiles in the winter can also be heard and I think you could invite that kind of problem to the neighborhood. By rezoning it, I think the City is opening a precedent to start changing and removing some of these rare neighborhoods that we currently enjoy. This will also have an impact on the houses that are currently located in this neighborhood. I am requesting that the Zoning Board refuse this application and retain the uniqueness of this neighborhood and the enjoyment that we currently have.

**Steve Slater**, 275 Lucas Road, stated:

My wife and I purchased a piece of property at 275 Lucas Road about four and a half years ago. When you read the initial article into the record about the proposal, our property wasn't listed. We abut lot 3A from the east. We are one of the few abutters. We also abut the Public Service easement, the 300-foot spot on buildable property. Eight months ago I sat in this chair and talked to the Zoning Board and I was applying at that time for a variance. The home that we purchased is pinned into a very small buildable

section of a 3.6 acre lot. It is pinned into the corner of the property by the Public Service easement. When we purchased the home there was an illegal deck on the back of the house that we converted into a three season porch. Fortunately, thanks to some of my neighbors and the Zoning Board, the variance was approved. We finished the three season porch. There are all kinds of wildlife that we can see from the porch. My concern is that Lot 3A, according to my map, which is a little outdated, appears to be about 100 feet wide. The zoning for RSM would allow the owners to build within 30 feet of my property line, 30 feet from my septic system. I'm not sure that would be a great idea. I'm also concerned that with the variance my three season room is now 80 feet from that property line. What I enjoy today, my quality of life, the aesthetic that I have at my home, will be gone and I'll be looking into the back window of someone's condo. I'm not sure that's a great idea. The previous speaker also mentioned the ATVs and the snowmobiles. The Public Service easement on my property is as noted 300 feet wide. I already have problems with people coming onto the property with ATVs and snowmobiles. They are basically trespassing. I send them away. It isn't always a happy encounter, but I send them away because they are on my property and I don't want them wrecking their bikes on my property. I do have plans for improving the property and encouraging wildlife to come in. If we bring in townhouses and new families my concern is the traffic of snowmobiles and ATVs is going to increase and continue to have more problems with trespassing. It will also drive away a lot of wildlife. It will change the quality of life that my family enjoys on the property. I'm also concerned about my property value. It is already in question with the easement across it. Now there are potentially several dozen families within about 120 feet of my home. I would encourage you to consider what this would impact if this was your property and strongly consider denying the request.

**Alderman DeVries** stated Your Honor, I'm hoping that you would honor my request if there is any information given by Leon that anybody who wishes to speak for a second time to address that item may do so. You will note that the last time this was brought up I

asked Leon for the Master Plan to be weighing in on this. I'm not sure if that process has been totally completed.

**Mr. Leon LaFreniere**, Planning Director, stated I apologize for being late. I took a flight into Manchester today and misread my schedule. The subsequent plan to the technical report being submitted for your review by Pam Goucher in the matter of rezoning this parcel was discussed by the Master Plan Steering Committee. The Master Plan Steering Committee as I'm sure you all know is a group of individuals that has been reviewing the Master Plan update process. One of their most recent tasks, in an effort to formalize the Master Plan draft, has been to review the draft land use plan. They specifically looked at this proposal in the context of the land use plan for the City and discussed the merits of land uses in this area. I believe it would be fair to say that the Master Plan Steering Committee concluded that it would be appropriate to have this land area designated in the manner consistent with the proposed request before you. The discussion that took place at the Steering Committee really focused around the location of the power line easement and how it forms a potential natural buffer to the lower density residential area to the north. It also forms a physical break for land use patterns as they exist on South Mammoth Road. There was a discussion about whether it would be appropriate to rezone this area or re-designate this area. Zoning is the purview of the Mayor and Aldermen, but to re-designate the land use in this area as industrial, I was told that that was not appropriate given the constraints on the property. There are some concerns about limited access, travelling through residential areas and the wetlands that exist around the periphery of the area that would form a barrier between these parcels and other industrial zoned lands to the south within Manchester and in Londonderry. That's the framework of what the Master Plan Steering Committee discussed. With regard to the technical report that was submitted, I believe that you've had that for some time now. I would respond to any questions. I think it is fairly self explanatory in terms of what the impacts of the rezonings are. Rather than belabor the point, I think it might be better to take questions at this point.

**Alderman DeVries** asked the technical report that you're referencing would be the draft Master Plan that was mailed out to us?

**Mr. LaFreniere** replied no. The technical report I'm referring to is the letter that was submitted to the City Clerk on June 29, 2009, as a result of this proposal coming before the Board of Mayor and Aldermen. It is actually subsequent to that technical report that was submitted from Pam Goucher. The Master Plan Steering Committee has met and discussed this manner.

**Alderman DeVries** asked can you tell me, it is hard to see from the one drawing that was included in the Master Plan draft, though I suspected the recommendation was coming in as RSM, the property just to the south of the potential rezoning, what is being suggested for that in the Master Plan proposal?

**Mr. LaFreniere** replied that is proposed to be industrial, consistent with its current designation.

**Alderman DeVries** stated there is a currently an RS in between so this set is occupied?

Mr. LaFreniere replied yes. I believe that the proposal is to have the industrial zoning designation extended to the new RS zoning line, should the Board feel that is appropriate.

**Alderman DeVries** stated obviously the existing homeowners would rather not see the high density development. I'm also quiet sure that they wouldn't be thrilled with industrial zoning going in. To that end, let's talk about putting high density RMS that close on top of a proposed change from RS to industrial. How would that limit the potential use of that property? Did the Steering Committee have any insight as to whether

they were looking at light industrial or are there different types of industrial that would be more apt to work with residential properties?

**Mr. LaFreniere** replied the 2001 zoning update resulted in a consolidation of the various industrial districts that existed in the City prior to that time. There were four different industrial zones that allowed a range of uses. In the 2001 update that was consolidated to a single industrial district so there is only one industrial zone that allows a range of non-commercial uses. The discussion at the Steering Committee, if I can frame it accurately, considered the higher intensity residential use as a better transition between the non-residential use represented by the industrial district and the low density residential to the north. They did discuss that matter and felt that the RSM type of zoning designation would offer a transition between those two, which they felt were divergent zones, than if the industrial came right up against the low density residential.

**Alderman DeVries** stated the Steering Committee has another meeting scheduled for tomorrow night. Is that an opportunity for the homeowners in the area that question the potential rezoning recommendations for the area to interface with Planning Board members and try to get an idea of any of the other factors that may have been asked before they make their recommendation? I realize it's still in draft form, but is there any opportunity for the public to interface and ask questions of the Planners?

**Mr. LaFreniere** replied there will definitely be an opportunity. Tomorrow night would probably not be the opportunity for a lot of interaction in that regard because it is not structured as a public hearing. The Steering Committee has been meeting on this and is trying to compile comments from the various departments from the City and other agencies that have had the draft plan submitted to. The Planning Board, however, will be having a public hearing on the Master Plan. That date has been discussed, but I don't know if the Planning Board has actually voted on it to be set. Later in September is the target. The discussion at the Planning Board was that they were going to have only that

item on the agenda so that they would have ample opportunity to hear from the public on all aspects of the draft Master Plan, including the land use.

**Alderman DeVries** asked would it be out of order that you ask all of the abutters that were noticed for this zoning change of that date once it is finalized by the Planning Board so they are aware, rather than just catching it in the newspaper?

**Mr. LaFreniere** replied I'm sure we can do that.

**Alderman DeVries** stated to the developer it would be no surprise because when he first approached me, I indicated that I thought that the proposal was extremely dense and an over-utilization of the small parcel that was before us and I was looking for better buffers, more open space. At the very least, I thought it was very dense as a project. There were rough schematics and nothing had been formalized. Can you explain, if this does get rezoned by this Board, what happens at the Planning Board if others feel as I felt that the proposal is just too much on this lot? What is their process or opportunity to weigh in to steer the project to something that would match? This is one of the most rural areas of the City, much like portions of Hackett Hill. There are deer and other animals. We've done a lot of mitigation for wildlife in that area around Crystal Lake in south Manchester. How can they help steer this project to something that is a little less dense at the very least?

**Mr. LaFreniere** replied the discussion before the Board this evening has to do with the actual zoning designation that allows for a certain type of development to take place. The densities, set backs and law coverage issues are all governed by the Zoning Ordinance and they would come into play if the zoning designation was changed to permit this use. The first step in that process is an application that is developed by the applicant, or in this case the developer, and it is incumbent upon the developer to define, through an engineered process, all of the limitations that exist on the site. This would include steep slopes, wetlands, and so forth so the appropriate set back and accommodations can be

made. The application is then brought before the Planning Board that makes a determination as to whether a regional impact is realized by the development. That may be the case or may not given the proximity to the Londonderry town line. Getting more to the point of your question, at that time, once it is determined that the application meets all of the technical criteria of the zoning regulations of the City, a public hearing is scheduled and the public will have the opportunity to provide input to the Planning Board on at least one, if not multiple occasions before any kind of development could move forward. In the case of the development proposal that has been discussed for this parcel, that would entail a site plan review as well as a plan development approval requirement. The Planning Board would consider such things as offsite impacts, overall density, and appropriate use to the neighborhood, aesthetics, and technical performance with regard to engineering and offsite drainage. It's an in-depth process that will result in a thorough analysis with considerable opportunity for public input.

**Alderman M. Roy** asked I just listened to that explanation of what Planning does, but they'll base all of those decisions on our actions tonight, correct? Set backs will be for a RSM area not an RS area?

**Mr. LaFreniere** replied that is correct.

**Alderman M. Roy** asked they're not going to go back and review what we do tonight? They are going to take our decision tonight and move forward?

**Mr. LaFreniere** replied the zoning designation that is voted on by the Board will form the basis for any development that moves forward. It will form the criteria that the developer would have to meet moving forward, yes.

**Alderman M. Roy** stated I'm very familiar with this, but in listening to it, it sounded like they will be looking at the set backs and looking at the offsite impacts, but they will be doing that based on the regulations for a RSM zone if this is approved this evening. They won't be looking at it as some of the neighbors have asked from a residential standpoint. They will be looking at it truly as the RSM zoning, correct?

**Mr. LaFreniere** replied that is correct. However, offsite impacts are a component of that process.

**Alderman M. Roy** stated correct, but based on...it is semantics, but I don't want to leave the public thinking that they are going to talk about density on a residential lot versus density on a RSM lot in regards to school or traffic impacts.

**Mr. LaFreniere** stated no, certainly the underlying zoning is what sets the base criteria.

**Alderman M. Roy** stated I've had a problem with RSM zoning, not specific to this parcel but with a few zonings that have come through looking for the RSM zoning. My understanding is with the RSM zoning it is to create a neighborhood-like mentality that we have with small retail so it's not just an avenue to build more townhouses or have a high density. Does this fit in the Planning Department's eyes to have the correct neighborhood scale to it?

**Mr. LaFreniere** replied I believe that you are correct with regards to what the vision of the RSM is because it is a Residential Suburban Multi-Family District. It anticipates a townhouse development as opposed to high-rise buildings. It's anticipated that multi-family developments attract adequate size neighborhoods, which is related to capacity of streets in scale of other developments. It is designed to more of a neighborhood scale than a purely high density residential district, such as the R3, which is the urban multi-family

residential district. What it doesn't permit is commercial usage. With regards to the true neighborhood zoning that some people have in mind when you use that term it is not going to allow for stores and things to be created in the district. You are absolutely right that it is envisioned to be a neighborhood multi-family in scale and context.

**Alderman M. Roy** asked does this meet, in your opinion or the department's opinion, that criterion?

**Mr. LaFreniere** replied the proposal that we have seen...I'm tentative here only because we don't have an application before us that says what the developer would like to do. What we have is a conceptual plan. The conceptual plan is consistent with the RSM zoning district because it is townhouse-like development. It does seem to be consistent with what the designation is, yes.

**Alderman M. Roy** stated the conceptual that Pam had for technical review matched. Is that what you're saying?

**Mr. LaFreniere** replied yes.

**Alderman Gatsas** stated across the street there is a RSM district. Was that rezoned by this Board?

**Mr. LaFreniere** replied it was, yes.

**Alderman Gatsas** asked when was that rezoned?

**Mr. LaFreniere** replied that was rezoned probably in the mid 1980s. It was a while ago.

**Alderman Gatsas** asked it was rezoned as a RSM?

Mr. LaFreniere replied yes.

**Alderman Gatsas** asked can you tell me how much RSM land in the Master Plan you have seen or made recommendations for changes that are coming before us?

**Mr. LaFreniere** replied I don't think there is a great deal of change with regard to specific areas that have been suggested for changing for any zone to the RSM. One of the things to keep in mind of course is that the Master Plan doesn't state what zoning districts should go where, but rather, states what the land use pattern should be. In this case, the discussion that resulted from the Steering Committee suggested that there should be a change and put this area into a residential high density district. The RSM is not necessarily a high density district in the context of our current zoning ordinance. It is more of the transitional or mid-density zoning district, as opposed to the urban multi-family, which is the R3.

**Alderman Gatsas** stated give me some examples. When you say density, what is the density per acre in the zone that we are in currently as a RS and changing it to a RSM and going to the denser R3?

**Mr. LaFreniere** replied in the current designation of RS it is just under one acre per residential lot, or 40,000 square feet of buildable land area. In the RSM, which is the request before you, it requires 10,000 square feet of land area for the first three and 35,000 per unit after that. That's somewhere around 12 units per acre. R3 by contrast, requires 5,000 square feet for the first unit and 1,500 square feet for any additional unit after that. That's a much more significant density.

**Alderman Gatsas** asked is there water and sewer on this property?

**Mr. LaFreniere** replied the proposal would be that it would have water and sewer, yes.

**Alderman Gatsas** asked does that change the one acre density?

**Mr. LaFreniere** replied no.

**Alderman DeVries** stated I know with Planning Board public hearings that if you wish to continue a public hearing to a date, you do not have to renotify the abutters. If we wanted to wait and hold this open for the technical review and the Steering Committee to complete or further complete the Master Plan, we wouldn't have to renotice if we give a date certain this evening. Would you agree?

**Mr. LaFreniere** replied yes, I would agree with that.

**Alderman Osborne** asked why does this always come before a full Board before it goes to Planning?

**Mr. LaFreniere** replied in this case, the Planning Board is reviewing the Master Plan. It is a ten year Master Plan so it doesn't take place at the same interval of a rezoning request.

**Alderman Osborne** asked wouldn't it be easier for the full Board to know how residents of abutting properties feel about something like this rezoning before it goes to the Planning Board?

**Mr. LaFreniere** replied I'm not sure if I understand your question entirely. I certainly understand the part about the abutters being...

**Alderman Osborne** asked aren't you asking the full Board to make it RSM?

**Mr. LaFreniere** replied that is the request before the Board, that the zoning be changed to this new zoning district.

**Alderman Osborne** asked shouldn't this go before the Planning Board to give them more teeth and give us more answers when it comes back from there so we can decide whether it should go RSM or RS or whatever it might be? Do you think that would be a proper way to handle things?

**Mr. LaFreniere** replied I think that would be up to the Board. I know it has gone both ways in the past.

**Alderman Osborne** stated I like it the way I just said it.

**Alderman M. Roy** stated looking at the GIS System, your mother's property is covered in this rezoning. In the technical review, it says that the owner of this property is not party to the application, although is aware of the requested zoning change. Could you elaborate, I know you're here representing your mother and you had some concerns over value, on her position. Is she in favor? Have the logistics in her world been worked out? I don't need any business details or anything like that, but I want to make sure that she is fully aware of what this change will do to her property with the potential changes of what our actions tonight entail.

**Ms. Marency** replied I guess I didn't realize how many units were being involved by coming into this small parcel. That's why I came here tonight. I wanted to get more information. To me, multi-units could have been a few apartment houses. I had no idea until I came here tonight. Knowing the impact that it would have on the land and on the community involved, I would have to think that my mother would want it in the best interest of the other abutters. Also, so we don't have so much property taken over by so

many buildings, while destroying that end of the City. I guess it would depend on how many units are being planned for such a small area. I have been approached about selling the property and right now we have no intention of selling. I don't know what's going to happen in the future. That is certainly for my mother and my siblings to decide. Right now, my mother is in good health and has no reason to be selling at this point.

**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 later this evening.

**Alderman DeVries** stated Your Honor, I would like to make a motion to continue the public hearing until the second September Board of Mayor and Aldermen meeting so if additional information is received and reviewed from the full Planning Board or the Steering Committee, the residents have the opportunity to hear that discussion and weigh in with us. I'd like to continue this public hearing so there is an opportunity for individuals to put on record their comments after they have heard the full discussion.

**Alderman Gatsas** stated that same public input can happen at Bills on Second Reading. That certainly is an opportunity for the public to come forward to make whatever

**Alderman DeVries** stated in front of the Planning Board after the zoning change has taken place, is that your thought?

**Alderman Gatsas** stated this goes to Bills on Second Reading and from there they have a public hearing on this issue. I assume that this is going to go to Bills on Second Reading and my bet is they are going to table it until after that first meeting of the Steering Committee when they present their proposal.

**Alderman Lopez** stated one correction: there is no public hearing at the Bills on Second Reading. There is no public hearing unless we declare it at the Bills on Second Reading.

**Mayor Guinta** stated that's correct. I think procedurally it makes more sense to have a second public hearing through the department.

**Alderman DeVries** stated if you heard my question to Leon LaFreniere what I'm trying to avoid is the expense of renoticing to the developer. If we close this public hearing and attempt to have a second public hearing we'll have to go through the renoticing. If we hold the public hearing open this evening and notice it to date, that procedure doesn't have to happen. That would give us further opportunity to sit down with the homeowners who have come forward today, do a neighborhood meeting with the existing homeowners who haven't come in and avoid the added expense of renoticing. It is the same procedure the Planning Board uses.

**City Clerk Matt Normand** stated if it is the will of the Board, Your Honor, rather than dealing with just the Committee, we'll certainly renotice the abutters and we can absorb the \$13 we sent to the abutters last time. We can renotice them and have a new meeting on the subject.

**Alderman Osborne** asked this comes up on the Bills on Second Reading agenda tonight under item six. Where do we go from there?

**City Clerk Normand** replied there are three other items on Bills on Second Reading tonight for review.

**Alderman Osborne** asked we would be tabling item six?

**City Clerk Normand** replied it depends on what the Board does with this issue right now. If they don't want to refer it on and just refer it to another public hearing of a special meeting of the Board, it won't come into Bills on Second Reading tonight.

**Alderman O'Neil** stated I have to agree with Alderman DeVries. There is a lot of information lacking with the potential Master Plan. I think it would be wise to give it some time before we get more information. I agree, I think it was Alderman Osborne, who said we act on items and then they are shipped off to the Planning Board and we never get another crack at it. I think it would be wise in this case.

**Mayor Guinta** stated you could still meet that demand of the Board by having a public hearing through the B2R process.

**Alderman DeVries** stated it's not a public hearing though at Bills on Second Reading.

**Alderman Shea** stated I think we should take into consideration the constituents who are impacted, as one gentleman said, by living next to this situation. We should put ourselves in his shoes. I think we should take that into consideration and consider their needs because obviously, they have come and tried to be as honorable as they can be and I think we should respect their truthfulness and honestly assess how their lives will be impacted.

**Mayor Guinta** asked do we want to move this forward to B2R and then take it up there?

**Alderman Lopez** stated we should take it forward to B2R and have a public hearing at the same time to continue the public hearing.

**Alderman DeVries** stated there is a motion before us that has been seconded.

**Alderman M. Roy** stated not to split hairs, but B2R is simply for technical review; it is not for the pros and cons of the abutters input or anything like that. It is simply on the language and the technical review.

**Alderman J. Roy** stated I agree that we should have another public hearing. However, if we keep this open, we need to send it to a certain date, if I'm not mistaken and I don't know if we can. Like Leon said, that Master Plan is suppose to be presented to the public and there is an intention that it will be presented to this Board before the Planning Board acts on the Master Plan, but I don't remember what those dates were. If we want to keep it open, we have to have a date that would be passed all of that and I can't give you any solid numbers on that.

**Mayor Guinta** asked what is the objection to sending it to B2R and then scheduling a public hearing?

**Alderman Lopez** stated I don't think it meets the standards that some of the Aldermen are looking at, Your Honor, to keep the meeting open to the second BMA as an open dialogue so we can get more information. Instead of closing this hearing, we are referring it to the next Board meeting. We want to refer the public hearing portion to the next Board meeting.

**Alderman DeVries** stated Your Honor, the motion that I had asked of you was for the second Board of Aldermen in September.

**Alderman Gatsas** stated there is only one meeting in September.

**Alderman DeVries** stated the first meeting in October would be appropriate.

**Alderman J. Roy** stated to make a point...and what I'm trying to say is I don't know if all that information will be presented to the public and to this Board by October 1<sup>st</sup>. We might need to kick it out further at that time.

**Alderman DeVries** stated I'll address that. I don't know if we're going to have all that information either. I think we'll have more information from the Steering Committee's presentation through the Planning Board and more input from the entire Planning Board and more opportunity for the constituents to start following this more closely and weigh in with myself and others.

**Mayor Guinta** stated I'll accept the motion to refer it to a special meeting, date to be certain. Does that meet the criteria?

**City Clerk Normand** replied sure. We'll work with the Planning Board once they meet and we can set a date. If it is the first meeting in October, we'll renote the abutters and have a meeting just like we had tonight.

*On motion of Alderman J. Roy, duly seconded by Alderman Garrity, it was voted to have a second public hearing for this rezoning request.*

*This being a special meeting of the Board, no further business was presented, and on motion of Alderman Ouellette, duly seconded by Alderman Lopez, it was voted to adjourn.*

A True Record. Attest.

City Clerk