

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

**June 22, 2010**

**6:00 PM**

Mayor Gatsas called the meeting to order.

The Clerk called the roll.

Present: Aldermen Craig, Ludwig, Long, Roy, Osborne, Corriveau, O’Neil  
Lopez, Shea, Shaw, Greazzo, Ouellette, Arnold

Alderman DeVries arrived late

**Mayor Gatsas** stated the purpose of this public hearing is to hear those wishing to speak in favor of or in opposition to a proposed Zoning Ordinances. 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. Anyone wishing to speak must first step to the nearest microphone when recognized and state his or her name and address in a clear, loud voice for the record. Each person shall be given only one opportunity to speak and any questions must be directed to the Chair.

**City Clerk Matt Normand** presented the proposed Zoning Ordinance changes:

“Amending the Zoning Ordinance of the City of Manchester (RP Zone) by revising Section 4.01 A. Base Districts and Section 5.10 Table of Principal Uses.”

“Amending the Zoning Map of the City of Manchester by rezoning an area currently zoned as Research Park District (RP) to Neighborhood Business District (B-1), generally located in the vicinity of Hackett Hill Road, Poore Road, and the F.E. Everett Turnpike – Interstate 293, including a portion of TM 766, Lot 15, a portion of TM 766, Lot 14D and a portion of TM 767, Lot 3A.”

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

**Mr. Leon LaFreniere**, Director of Planning and Community Development, stated thank you, Your Honor. I'm going to make my presentation brief. Essentially what you have before you this evening is a rezoning request, the results of a proposal from the Danais Realty Group to purchase city property known as the Northwest Business Park. As a condition of the purchase offer, some amendments to the Zoning Ordinance are required to facilitate the vision of the developer. There are three primary areas of amendment that have been requested. The first deals with an amendment to the definition of Research Park District. This is designed to modify the scope to include reference to commercial and light industrial uses. It does not currently exist in the definition. The second area of amendment deals with modifications to the table of uses that will permit additional uses within the district that are not currently permitted. The third area of amendment addresses changing the zoning designation of a portion of this zone from RP, which is Research Park to B1 which is a Neighborhood Business District. The textual changes regarding the scope are essentially designed to address the changes in the table of uses, so they work hand in hand. The Danais Realty Group proposes to amend the text of the ordinance to provide for these additional uses that were not envisioned originally when the Master Plan was developed and when the Zoning Ordinance subsequently was drafted. Allowing additional uses in the Research Park District does not preclude development of the land in a manner consistent with the Master Plan, however, as it has been adopted by the BMA and Planning Board. All provisions of the Zoning Ordinance which exist to protect the environmentally sensitive nature of the site and the adjoining preserve would remain in place and have not been altered. The scope change only adds language into the Research Park definition. It adds to the range of use types, in addition to commercial and light industrial uses associated with the production of goods, materials, and knowledge. Specifically, the changes to the table deal with small scale assembly, which would be a conditional use that is now not permitted; warehousing and wholesale storage, which is not permitted and which by this change would be a permitted use; primary manufacturing industries, which would be permitted as a conditional use; telecommunications, telephone service operations and maintenance facilities, which would be a permitted use where under current regulations they are a conditional use; central public services utilities, which would be permitted where currently are permitted only as a conditional use; other business and professional offices, which are currently a conditional use and would be permitted; offices of health care practitioners and outpatient health care, which would be a permitted use where currently they are permitted as a conditional use. In addition there would be a new use category of

physical and occupational rehabilitation center, which would be a permitted use; medical research and development is currently recognized as a conditional use and that would be permitted; and adult day care facilities would be permitted as a conditional use. With regard to the rezoning question, the request to rezone is consistent with the Master Plan for the Hackett Hill area, as well as the City's Master Plan recently adopted. The Master Plan envisioned a village center market place with a lot of limited retail and commercial uses to complement and support the employees of the research park as well as the nearby residents. What I have here are two boards, and I hope everyone can see them. Essentially we have the Merrimack River, the I-93 corridor, and Front Street along this area. The area in green is the Research Park zone. It includes the Hackett Hill area known as the Northwest Business Park. It also includes at the southerly end the closed landfill site, and at its northerly end where Front Street and Hackett Hill come up is the area that is proposed to be rezoned from Research Park to B-1. On the lower board you can see a blow up of that. Again, where I-93 comes out, Front Street is off of the map. Hackett Hill comes up. The current fire station is located on this parcel here. The proposal before you with regard to the purchase and sale agreement proposes to relocate the fire station to this lot, but this area is the Research Park zoned portion of the district that is proposed to be rezoned to B-1. By rezoning a small area of property along Hackett Hill from RP to B-1, the developer's proposal relocates the commercial component at the gateway essentially of the development, rather than internal to the development as originally conceived. The Master Plan depicts an area somewhere in this vicinity as a potential neighborhood business district. Relocating that to the gateway of the district I feel is entirely complicit with the Master Plan. I think that provides the framework of what's before you this evening as a proposal.

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

There were none.

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

**City Clerk Normand** stated we have Daniel Callaghan and I believe he is bringing up Kathy Hansen Sercel and Charlie Cuneo.

**Mr. Daniel J. Callaghan** stated:

Good evening, Your Honor and members of the Board. I'm a lawyer at Devine Millimet at 111 Amherst Street. With me tonight are Kathy Hansen Sercel, a principle at JP Sercel Associates at 220 Hackett Hill Road; and the president of JP Sercel, Charlie Cuneo. I appreciate this opportunity to appear before you and for us to provide you with our concerns. To orient you, we represent Dalser Realty, LLC, the owner of TM 766 Lot 14 which is the property which, according to the records of MHRA, is the gateway property to the Northwest Business Park. It was not included in the business park because French Hall was there when the business park was laid out. However, by deed and agreement with the City, the project is subject to and benefited by the Northwest Business Park plan. We appear before you tonight in opposition to the changes to the RP zone. There are two amendments before you. The changes with regarding to the portion along Hackett Hill Road to B-1 are not a concern of ours. We understand that it is a small area and is not an issue with regard to allowing some business development along Hackett Hill Road. However, we do have concerns about the changes in the RP zone, particularly with regard to the allowance of warehouses as a permitted use where currently it is not permitted at all, either by conditional use permit or permitted use. Our concerns are that these changes will alter the agreements and understandings between the City of Manchester and the owner of TM 766 Lot 14. It could adversely affect the investments made by Sercel Associates in the property and its agreements with the City, and allow for possible development which could not be in the best interest of the City. At this time I would like, with your permission Your Honor, to have Mr. Cuneo explain what Sercel Associates is, what it does, and what it means to the City of Manchester. He will be followed by Kathy Hansen Sercel who will tell you why Sercel decided to come to Manchester a few years ago and build their building here. Then I will conclude.

**Mr. Charlie Cuneo** stated:

A packet is being passed out to describe J.P. Sercel Associates. It was established in 1994. The company is an expert in laser micro machining which is a high value, high technology application. The company moved to Hackett Hill Research Park in January of 2007, and that's where we have our world headquarters. The company is privately held and currently is experiencing high growth. Last year, in spite of the global recession, the company grew about 50% and this year we're going to grow even more than that. We are a self-funding and profitable company. We serve a broad range of high growth international markets, and 80% of our

sales are to companies outside of the country. Most of our sales go to Asia where people use our tools to manufacture a variety of semi-conductor and LED devices. We have a business making solar panels as well. The company is currently constructing the first stage of our expansion, adding 32,000 square feet. This is a 23,000 square foot area, with a 9,000 foot mezzanine added onto the 36,000 square feet of our exiting facility. Most of that expansion is in manufacturing space, so we are actually adding manufacturing jobs in Manchester. The company has over 100 employees including PhD scientists, engineers, technicians, customer service personnel and also skilled assembly and test specialists. Over the past twelve months we've added about 50 new employees and we currently have about 50 open positions. The company is experiencing a very good year and I think a very strong year for the City of Manchester. About 30% of our employees right now are citizens of Manchester. Many of our new employees are from the local community. We did a little research coming here and figured that in the month of May we spent about \$400,000 in checks to businesses located in Manchester and almost a million dollars worth of purchases from companies located in New Hampshire. Another input that we have is real estate. We currently have about six people that we are relocating to Manchester. We heard from someone today from Anchorage, Alaska, who drove down from Alaska and is going to be looking for a house for his family. Last week we had someone join from Butte, Montana, who is also looking for a home in Manchester. I think that the company has a lot of impact in Manchester. We have sales and service locations throughout Europe, Taiwan, Japan, China, Singapore, Malaysia, and Australia. We have about 200 systems installed worldwide. The company's expansion is driven by worldwide markets. Our particular interests right now are green economy kind of applications such as LED devices where we provide some enabling technology to people who are making LED devices, solar energy manufacturers of photovoltaic cells, as well as solar panels which use our systems in the manufacturing process. We are also used for the manufacture of semi-conductors. We sell systems to research defense in university applications. We sell systems that are used to manufacture medical devices, everything from chip devices to stints and catheters. Another growing part of our business is in selling micro machining systems for making technology for inject nozzles. A new generation of very high resolution, high speed ink jet printers will be manufactured using tools made in Manchester, New Hampshire. That's just a little bit of a rundown of what we are doing.

**Ms. Kathy Hansen Sercel** stated:

I am treasurer and co-founder of J.P. Sercel Associates. Our company was started, as Charlie said, in 1994. Our mission was to provide high quality laser equipment and R & D services. We rented space in a small research park in Hollis and grew our company to 45 employees. Bidding on the Hackett Hill research property was a major commitment for us to achieve our goal of becoming a world-class laser technology center. We believed that this move would play a significant part, not only in our company's growth, but also in the growth of the City, as we were told that we would be the gateway facility in the proposed Northwest Business Park. Jeff himself is the visionary of J.P.S.A. and he still is committed to this goal. He would be here speaking today but he is in Asia selling equipment to customers and won't be back for a few days. In 2006, Manchester gave J.P.S.A. the approval to purchase the property and we renovated an abandoned UNH building that was located at the entrance of the proposed Hackett Hill Park. In order to get the approval, we had to clearly define the quality of the renovation work and meet all zoning covenants and restrictions. We were even required to put down a \$60,000 good faith deposit which we did not get back until the landscaping requirements set by the City were met. These requirements included both the size and number of trees we had to plant. J.P.S.A. is already a major investor in the Hackett Hill Park. In 2006 when we purchased the UNH building on ten acres of land, we paid \$1.3 million. After renovations were completed, over a period of one year's time, our property was assessed for \$2.9 million and we now pay \$50,000 a year in taxes. We are currently in the process of adding on a City-approved 23,000 square foot addition, and when we have completed this, we will have invested a total of \$5.5 million into this property. The remaining 124 acres that are being sold currently in the Hackett Hill Park I understand are going for \$2.8 million, and are in exchange for a building for the Fire Department for the City. We were just informed of the intended sale last week and we are very concerned that our investment is at risk, that the properties will devalue, and this may have a negative impact on our company's future plans for expansion. The laser equipment and R & D services we provide will carry our company's growth into the next decade as we continue to provide jobs for all levels and our intent has always been to keep the development of key science and technology within the United States and within Manchester. In 2006 we were sold a vision by the Manchester Housing Authority. We were to be the first of many high tech research and educational facilities in the only research zoned park in Manchester. We have been very successful in our growth. Presidents and directors of major corporations around

the world such as Samsung LG come to Manchester to see our facility, evaluate our technology and buy our laser equipment. So far moving to Manchester has been a very good decision for J.P.S.A. as we have been able to promote our image of quality and service to our worldwide customers. We believe that we have lived up to the commitments, covenants and provisions outlined in the LPA drafted by the City of Manchester. I am only here tonight to ask that you do the same.

**Mr. Callaghan** stated Your Honor and members of the Board, our concerns with the rezoning pieces that deal with changing the RP zone with regard to uses and also the scope and descriptions as Mr. LaFreniere explained to the Board are in three areas: First, as we said, and it has been cited, not only by us tonight but it is also in the materials, this property at 220 Hackett Hill Road is the gateway to the business park. There is a Northwest Business Park development plan adopted by the Manchester Housing and Redevelopment Authority. By deed the property owner is subject to this. It is for 20 years. We don't know what's going to happen to this plan with these zoning changes. That's a question that we have. How does that affect the agreements? How does it affect the understandings of the development that is there, especially where someone has invested? This would be a similar situation if you had a 20 unit residential development and decided to change the covenants and conditions after the first resident bought their home. Sercel wants to expand its business here in Manchester in the business park. What could happen in the business park with these changes could raise some questions for Sercel and its further development. We think the long term interest of the City and its citizens are served by a research park. This is the only research park we have in Manchester. We think we should move carefully in regard to this, and we ask you at this time not to accept the request to change the zoning. We look forward to working with the City and the developer to try to reach some understandings and agreements with regard to the development that may be out there, so it can be developed in a way that is beneficial to the taxpayers of the City of Manchester, to the City of Manchester, and to a business here in Manchester, Sercel Associates, which is what you thought would be the case. We'd be glad to answer any questions that Your Honor or any member of the Board has at this time.

**Alderman Lopez** stated the problem with having Hackett Hill all these years...I've been at the business that you're speaking of. It's a first class act. There is no question about it. I wish there were more people coming forward over the years doing the same thing. But that's not the case. The case is we need a fire

station; we need taxes; we need all of those things which I'm sure as a business your partners there understand that. We had all the great intentions of the park being a technology park. There is no question in anybody's mind. We ran into these major problems along the way and tried to solve some of them. I guess the question I want to pose to you regarding your deeded property, if we move forward with this, I believe there is probably a change to your deeded property. I think that's what you're implying. You can come in and ask that it be changed. I'm just trying to understand, just a little farther. I understand where you're coming from. How is this going to hurt your business? You are already expanding. You've got high class employees up there. How is this going to hurt? I understand the technology. We don't have anybody else coming forward. Maybe you could enlighten me just a little bit.

**Mr. Callaghan** responded Your Honor, Alderman Lopez, let me say preliminarily that the question we have is we need to understand exactly what's happening with some of the agreements that currently exist and are a matter of record. With regard to the business, maybe Kathy can explain a little bit about not knowing what could be in the area, how that affects your business and your opportunities to expand, if in fact this becomes a warehouse park behind you and next to you. And that's probably the most important thing, Alderman Lopez. According to the business plan subdivision that was recorded, lots ten and twelve are on Hackett Hill Road and are adjacent to this property. Those are the ones that are the most important and of concern to us. What happens to those two properties? They are adjacent to us and there is concern about how Hackett Hill looks to people who come in to look at the area. That's where I think the impact is.

**Alderman Lopez** stated before she answers, wouldn't the Planning Board have a lot to say about what the building is going to look like?

**Mr. Callaghan** responded absolutely, and we recognize that. We want to make sure that this Board understands. We also understand that there is an opportunity to appear before the Planning Board. One of the questions is why is warehousing a permitted use rather than a conditional use? That offers a little more regulation there.

**Ms. Hansen Sercel** stated my understanding would also be that warehouse space is valued at a lot less than office space and high tech manufacturing, so it's going to devalue our property if we are surrounded by only warehouse space. It doesn't

seem in the spirit of what our intent is. We're investing a lot of money, and we agreed to meet a lot of restrictive covenants. If all of these are thrown aside, what protection will we have to make sure that the quality of this area doesn't go down? That is our concern.

**Alderman Lopez** stated we've had many cases where people say their property value is going to go down. The Assessors in many cases have said that's not totally true, depending on what's there, a warehouse versus a technology park, in this particular instance. As to the value going down, that remains to be seen when and if you were ever to sell it.

**Ms. Hansen Sercel** stated that may be very true but with the addition that we're putting on, we had to have the building appraised and we did not get enough money with the initial appraisal and we were valued at a much lower rate than the \$2.8 million that I told you we were assessed for, so we had to go back and have our bank relook at things because they were valuing our property not on distress sales but basically on warehouse facilities that are in the area, because there is not too much like J.P.S.A. in the area, so we found this already.

**Alderman Arnold** stated some of my comments will echo Chairman Lopez's comments. First I'll say that I think the contributions and accomplishments of J.P.S.A. are well known. I'm glad your company is in Manchester and I'm glad it's in Ward 12. I pass it every day on my way to work. I can understand your reasons for the concerns you've expressed. I do think that the warehouse issue is very speculative because I don't believe the project, as it has been proposed to us, nor as this Board has approved, describing it solely as a warehouse would necessarily be a fair description. That having been said, I think you raise some legitimate points. Your Honor, if it's okay I have some questions for Attorney Callaghan. I'm not asking for the particulars, but I'm just wondering if there have been discussions between you and/or your clients with City staff.

**Mr. Callaghan** responded I spoke with City staff, specifically Jay Minkarah and Tom Clark at the end of last week and the beginning of this week. Those discussions with Mr. Minkarah are ongoing and we are scheduled to meet on July 6<sup>th</sup>.

**Alderman Arnold** asked have there been discussions with the Danais Realty Group?

**Mr. Callaghan** responded as I understand it, last Wednesday, June 16<sup>th</sup>, Mr. Danais and others met with Mr. and Mrs. Sercel at JP Sercel. We are scheduled to meet again on July 6<sup>th</sup>. As Kathy stated earlier, Jeff Sercel is in Asia selling his product out there and will be back in early July, so we scheduled the meeting for 11:00 am on July 6<sup>th</sup>.

**Alderman Arnold** stated I appreciate that clarification, and I guess I'm hopeful that an amicable resolution can be found for all the parties. I appreciate you voicing your concerns. Certainly I think you are maybe the only major business over there right now, so I look forward to being kept apprised on those conversations.

**Mr. Callaghan** stated we shall keep you abreast.

**Alderman Roy** stated thanks Your Honor and thanks for coming tonight. We appreciate it. I'm looking at your lot, your facility. Where did you put the expansion on recently, the extension?

**Ms. Hansen Sercel** responded the street that cuts through up to the cell phone tower, the basic building on the left side.

**Alderman Roy** stated that's your entrance off of Hackett Hill Road.

**Ms. Hansen Sercel** stated that's just a part of it. The main building is L-shaped. The main addition is filling in the L.

**Alderman Roy** stated it's filling in the L.

**Ms. Hansen Sercel** stated right, and then there is a piece...

**Alderman Roy** interjected so the southeast part of the building, so it's going to be a square, more or less.

**Mr. Callaghan** stated the interior side, squaring it off. That's correct, Alderman.

**Alderman Roy** asked did you disturb any of the tree buffer that is there?

**Ms. Hansen Sercel** responded as little as we had to.

**Alderman Roy** stated so to the south of you, you have a significant tree buffer and a wetland, right behind the property, that won't be developed. Correct?

**Ms. Hansen Sercel** responded the wetlands behind our property will not be developed. The street right now is used to access the cell phone tower. I believe a portion of our road has to be purchased in order for the design of the new park to be completed.

**Alderman Roy** stated from the plans I saw I believe the road is going to be changed. You'll still have your entrance, but the entrance to the park is going to be disconnected from your entrance. Is that correct, Mr. Callaghan?

**Mr. Callaghan** responded if I may, Your Honor and Alderman Roy, as I understand, just before the acquisition of the property by Kathy and Jeff's company a lot line adjustment was done. Originally the business park contemplated that the road that appears on the plans would service their lots and all of the business park lots. That road was shifted to the south, and the new boundary line for the Sercel property is the northerly or easterly side of that road, so the proposed road would be all on City property. Sercel would retain its curve cut on Hackett Hill Road.

**Alderman Roy** stated so they would have their own private entrance?

**Mr. Callaghan** responded right. What I understand from the meeting between the Serrels and the Danais Group last week, there was some discussion about relocating the access way into the business park by going onto a portion of the Sercel property, which would obviously require some discussions. That's one of the things that we intend to discuss on July 6<sup>th</sup>.

**Alderman Roy** stated and just to the east of that current access road that is going to change are the power lines, which won't be developed. Correct?

**Mr. Callaghan** responded right. That's correct.

**Alderman Roy** stated I guess my point is that you are going to be kind of protected from all of this. You say you are going to see warehouses, but you're really going to have quite a buffer there with the trees and everything, correct?

**Mr. Callaghan** responded the primary concern, as we said Alderman, are lots ten and twelve. Sercel is expanding and may look to expand further. That's the principal concern. It's not only the way they see it but how people see the project on Hackett Hill Road. We're the gateway. While it's not access to the balance of the park, it also will have an impact on the park aesthetically.

**Alderman Roy** asked where are ten and twelve located according to your building?

**Mr. Callaghan** responded this is the sketch of the development that we were given. Sercel is right here.

**Alderman Roy** asked so ten and twelve are on the other side of the watershed?

**Mr. Callaghan** responded ten abuts us here and then twelve abuts us here.

**Alderman Long** stated first of all I want to thank you for picking Manchester for a place to be. Certainly this is exactly what Manchester needs and wants.

Alderman Arnold asked most of my questions about communication with City staff and with Danais. I'm getting a sense that there can be amicable resolve to this. Is that a correct statement, do you feel?

**Mr. Callaghan** responded we hope so. I got into this on Thursday after a frantic call from Kathy's husband about what was happening. I appreciate the fact, and I would state publicly that Mr. Danais changed his plans to accommodate us on July 6<sup>th</sup> because Mr. Sercel would not be back into the country until July 2<sup>nd</sup>. We are trying to meet and discuss and figure out what we can do. I think it would be fair to say, and picking up on Alderman Lopez's comments, it's important to have economic development. That's probably a good thing for everybody in the region. The concern is what kind of development are we going to have? We understood what kind it could be with the RP zone when we bought it, with the business plan that was in place. That's what we need more discussion on. The principal concern, again, is those two lots on Hackett Hill Road. The rest of them...I've heard and read the articles. A lot of it is up the hill and behind the trees. As

Alderman Roy pointed out, a lot of it is behind us. Those two on Hackett Hill Road raise significant concerns for us, and we hope to have those discussions with the Danais Group and with the City and anyone else, at 11:00 am on Tuesday.

**Alderman Long** stated from what I'm understanding, with respect to the zoning changes, at the very least you'd like conditional use, and you would be able to state your case once it went before the Planning Board, whether or not you could convince them that it would devalue your property and your business. That's what I'm seeing minimally?

**Mr. Callaghan** responded that's part of it. With regard to what we have in existence with business park plan in effect creates some standards. As I understand it the business park plan may go away, and Alderman Lopez is right, even though our deed says we're subject to this for the next 20 years, that could be changed and no doubt would be changed. The question is that isn't necessarily what we understood the situation to be with regard to the standards. That's part of the discussions that we need to have.

**Alderman O'Neil** asked do you have any idea what the average pay of an employee might be? I know you have about 100 employees currently.

**Ms. Hansen Sercel** responded it's skewed because we do have PhD's, but I would say we are well above \$45,000 a year.

**Alderman O'Neil** asked that's your average pay?

**Ms. Hansen Sercel** stated plus we have all benefits such as medical, 401-K. We've got a wide range of benefits.

**Alderman O'Neil** stated I want to follow up on Alderman Long's comments. It sounds like there may be some room here to reach an agreement that is not only in the Danais Group's best interest, but also your best interest. It just sounds like those discussions need to go on. They need to go on regarding lots ten and twelve, if I'm hearing right. It does not sound like you are totally against other types of development that may not have been previously allowed in the research park. Am I hearing that correctly?

**Mr. Callaghan** responded you are correct, Alderman O'Neil, with clarification. What heightened our concern immediately was that it sounded like the entire business park, except for the Sercel property, was becoming B-1. And then I heard about warehousing, not knowing everything about the zoning ordinance, but knowing that warehousing is not permitted in B-1, said maybe we should take a look at it and see. We were pleased to see that the B-1 portion is a limited area. What heightened our concern immediately was warehousing allowed by permitted use. Then seeing the conceptual plan that is from the Danais Group that I shared with the Board, lots of the buildings that aren't labeled as to what they are going to be. There are a couple that say mezzanine and warehouse. There are some very large buildings without any description about what they might be, and that's the concern. That's how we got engaged in this immediately, to try to figure out exactly what was going on and having some discussion with our neighbor that could work out. We know what MHRA and the City would require if this were still the City's and we understand the City's interest in getting good development for our city. That's our concern and we do want to...unfortunately with the holiday and Mr. Sercel's business schedule, as I said, I met with him on Thursday last before he boarded a plane for China. I have been trying to reach him. Somehow the cell phone connection isn't working too well. I did get someone tell me in Chinese that I had dialed the wrong number, which was kind of interesting.

**Alderman O'Neil** asked Dan, are there any other uses that would be a yellow flag besides the warehousing or wholesale storage? If you're not in a position to answer that tonight, I understand.

**Mr. Callaghan** responded that was the most important concern because it was in regard to warehousing. Having medical research by permitted use is great. Occupational rehabilitation centers. People can go to the Planning Board. We understand that. It's not an issue. We find it interesting that primary industrial manufacturing industries are not permitted but would be allowed by conditional use, but that warehousing is a permitted use. That's where we were wondering where the controls were. But again, not knowing what kind of controls are in place when we already have this in place...it sounds like this would be going away if this were to proceed forward.

**Alderman O'Neil** stated I guess it would be my opinion that we have the responsibility to get it as correct as we can at our level and not pass it off exclusively to the Planning Board.

**Alderman Shea** stated this is a little clearer since you left this with me, and I concurred with Leon. The point I think that you are quite concerned about is that the buildings along Hackett Hill Road will diminish whatever you feel the quality of your properties is. Therefore it's a case of whether or not these particular buildings here would cause problems to your property that is inside, but the gateway to the property that you now own. I think the discussion we have is a simple one – whether or not your contention is valid in terms of our thoughts along the lines of whether or not economic development is important for the City. I think that's the decision that we as Aldermen have to make. I'm not sure exactly whether property lots two and three are adversely impacting you, but your main concerns seem to be lot twelve and what is listed here phase two, as well as lot ten.

**Mr. Callaghan** stated we are concerned also about what happens up behind the property as well, because of the impact of what is out there, like traffic. Understand that you're making high quality laser equipment which requires some pretty stringent physical structures in which to operate that so they are not vibrating and shaking. So there is some concern because your neighborhood does affect your values and your operation.

**Ms. Hansen Sercel** stated I just want to add that we initially had a third phase for expansion in our planning which would be another building separate from our facility, so we had always looked to maybe expand towards where either lots ten and twelve currently are. We were just told about this purchase last week. We were unaware that this might preclude us from being able to expand on these additional lots. This will limit our growth if we cannot be offered to purchase some of the property. It was a deal like a dog leg on the side has been split off from our original property to allow access to Hackett Hill. There was a trade-off. This little dog leg serves no purpose but to expand, which will allow for a larger building to be erected on the lot, but in turn, it will land lock us so we cannot put up the building.

**Alderman Shea** stated one of the thoughts that went into my head is you just learned about this a week ago.

**Ms. Hansen Sercel** stated we knew the development was going ahead but we did not know that there was a purchase going through and the rezoning that was going to accompany this. We got a courtesy letter in the mail and we missed the public hearing. We were unaware of that.

**Mayor Gatsas** stated this is the public hearing.

**Alderman Ouellette** stated there was a public forum at Northwest Elementary School.

**Ms. Hansen Sercel** stated that is what I was referring to. I read about it in the newspaper.

**Alderman Arnold** stated we posted it in the newspaper prior to the event.

**Alderman Greazzo** asked would it hurt or help your position if you were included in the rezoning?

**Mr. Callaghan** responded we are included in the changes to the RP zone. We are in the RP zone. The amendment changes the uses within RP and our property is within the RP zone.

**Alderman Greazzo** stated it was my understanding that the rezoning was specifically for the areas that were being transferred.

**Mr. Callaghan** stated no. It's my understanding that with regard to changing from RP to B-1, it's with regard to limited pieces of property. It's this piece of property right here. Our property is here and this is all RP, and those are the changes with regard to RP, which would affect our property as well.

**Alderman DeVries** stated whoever can speak to the landlocked component, maybe give us a visual of how that is potentially going to occur.

**Mr. Callaghan** stated this is the Sercel property. This is their driveway at the end. This piece of property would probably be exchanged for Sercel property when they gave up these over here. The problem is that there can't be any future development on this piece of property, the current property that they have.

**Alderman DeVries** asked would that be for lack of frontage? What is their constriction?

**Ms. Hansen Sercel** responded it would not be to our advantage to build on our parking lots. We would not want to build there, so we would want to purchase additional property.

**Alderman DeVries** asked so is the remedy something that you have addressed with Mr. Danais to see if there is a remedy through him?

**Mr. Callaghan** responded that is on July 6<sup>th</sup>.

**Ms. Hansen Sercel** stated that's for future discussion, and I believe the little dog leg was on the map that was passed around.

**Alderman DeVries** stated Your Honor, I just asked Mr. Callaghan if he could follow up and explain what needs to occur on July 6<sup>th</sup>. We need the larger-scaled map.

**Mr. Callaghan** stated just so the record is clear, and the public both here and at home can understand, I'm showing where our lot is. The piece of property that the City gave in exchange for part of the road issue was formerly part of lot twelve. It is fairly wet and because of the use of the property by Sercel currently, with its parking and everything, it is probably maxed out. We'd be looking to expand or have ability to expand elsewhere in the City, and I think that's part of what our discussions will be. We want to talk to the developer with regard to that.

**Alderman Arnold** stated I understand your position as to when you were made aware of this project. I do for the record want to ask the City Clerk when an abutters notice went out.

**City Clerk Normand** stated abutters notices went out on June 4<sup>th</sup> to all abutters that were included in the package. The owner of record, according to the City, of 220 Hackett Hill Road is Dalsler Realty, LLC, and it went to them, as I said, on June 4<sup>th</sup>.

**Alderman Arnold** asked is that affiliated?

**Mr. Callaghan** responded that is correct. The manager and member of that LLC is Jeffrey Sercel, and there is a lease agreement between Sercel and the owner.

**Mayor Gatsas** 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.

*There being no further business, on motion of **Alderman O'Neil**, duly seconded by **Alderman Long**, it was voted to adjourn.*

A True Record. Attest.

City Clerk