COMMITTEE ON BILLS ON SECOND READING

February 6, 1996 **5:30 PM**

Chairman Wihby called the meeting to order.

The Clerk called the roll.

PRESENT: Ald. Wihby, Clancy, Pariseau, Cashin
Ald. Elise arrived late.
Ald. Reiniger, Domaingue

MESSRS.: R. MacKenzie, H. Moran, R. Girard, M. Lomasney

Chairman Wihby advised that the first purpose of the meeting was organizational in nature, and requested the City Clerk to provide a brief overview regarding typical issues addressed by the Committee.

As most Committee members were familiar with the issues addressed by the Committee the Clerk noted that definitions were currently being worked on for the various Committees with presentation to be made to the full Board at a later date.

Chairman Wihby addressed item 8 of the agenda first:

Ordinance:
"Amending the zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include a parcel currently zoned R-2 (Two-family Residential) located at the southwest corner of South Main Street and Varney Street and having an area of approximately 1.6 acres."
(Note: Public hearing held January 22, 1996.)

Ald. Cashin moved to recommend that the ordinance ought to pass. Ald. Pariseau duly seconded the motion.

Ald. Cashin stated he was making the motion with the understanding that the site plan needed to go back to Planning first.

Chairman Wihby called for a vote. There being none opposed, the motion carried.

Chairman Wihby addressed item 4 of the agenda:

Ordinances:

"Authorizing the Mayor to dispose of certain tax deeded property known as Wellington Hill Road, Map #645, Lots 39 and 40."

"Authorizing the Mayor to dispose of certain tax deeded property situated at Mystic, Myrtle and Shady Lanes, known as Map #863, Lots 33, 34, 35, 36, 38 and 39."

"Authorizing the Mayor to dispose of certain tax deeded property known as Map 222, Lot 79 River Road and Map 222, Lot 52 Chestnut Street."

On motion of Ald. Pariseau, duly seconded by Ald. Clancy, it was voted to recommend that the ordinances ought to pass.

Chairman Wihby addressed item 5 of the agenda:

Ordinance Amendments:

"Amending Sections 18-24 and 18-25 (Police Evidence Room Specialist) of the Code of Ordinances of the City of Manchester."

Amending Sections 18-24 and 18-25 (Police Maintenance Technician) of the Code of Ordinances of the City of Manchester."

Ald. Clancy inquired as to whether or not these were new positions.

Chairman Wihby replied it was job reclassifications.

Mr. Moran stated the Police Maintenance Technician was a reclassification within the Police Department with the other position being a new position recently established.

Ald. Clancy asked what the former grade was for the technician.

Mr. Moran replied the grade was formerly an 18 and would now be a Grade 20.

Ald. Pariseau asked if it had been approved by Finance.

Mr. Moran replied it had gone through Personnel, Finance and they were now following the ordinance procedures.

Ald. Cashin stated he had a problem in that until contracts were straightened out, he would not vote for any more upgradings, raises or anything noting it had to stop someplace; that there were major problems in this town and would have to address it.

Chairman Wihby stated it was his understanding that when requests came in, the Personnel Director went to each department to review the positions and come back to Personnel to see if someone was not getting paid for what the job entailed.

Ald. Cashin stated there were Highway employees who had not received pay raises in five or six years and he was not arguing as to whether or not it was valid; that the point was the wrong message was being sent when there were union problems out there.

On motion of Ald. Pariseau, duly seconded by Ald. Clancy, it was voted to table the two ordinance amendments relative to the Police Department.

Ordinance Amendments:

"Amending Section 2-180 (Position Established) of the Code of Ordinances of the City of Manchester."

"Amending Section 18-33 (Compensation Plan Based on Schedules) of the Code of Ordinances of the City of Manchester."

"Amending Section 18-38 (Advancement Within Pay Range) of the Code of Ordinances of the City of Manchester."

"Amending Section 18-40 (Longevity Steps) of the Code of Ordinances of the City of Manchester."

On motion of Ald. Pariseau, duly seconded by Ald. Clancy, it was voted to recommend that the ordinance amendments ought to pass.

Chairman Wihby addressed item 6 of the agenda:

Ordinance:

"An Ordinance imposing restrictions on parking in designated residential districts and authorizing the conditional issuance of parking permits to residents of such districts."

Ald. Pariseau moved to deny.

Ald. Clancy stated those people living in the Spruce, Lake Avenue, Central, Laurel, Merrimack Street areas.

Ald. Pariseau interjected those living in the vicinity of high schools also had the same problem noted it would open a can of worms and had also noticed there was no fee for the permit; that the City Clerk would do all the work with no reimbursement and also had a question relative to the definition of a motor vehicle.

Chairman Wihby stated the ordinance had been passed by the Committee on Traffic noting he had voted against it because he felt parking places would be taken away from Downtown, giving them to people who live there and taking away from the shoppers.

Ald. Clancy stated people working in the Downtown area where now parking up above Union Street to avoid having to pay at meters, etc.

Ald. Cashin stated he had initiated the ordinance because he needed parking down on McQuesten Street and the Coliseum.

Chairman Wihby asked how this would help in Ward 10 as the ordinance was for the Downtown area.

Ald. Cashin suggested the ordinance be tabled until such time as they found out what was happening.

Discussion ensued relative to fees associated with the issuing of such permits.

Ald. Cashin stated people were being taxed now and paying plenty.

Ald. Pariseau stated they had to take into consideration the amount of time required to issue the permits, the posting of signs, etc.

Ald. Cashin stated that people had a right to be able to park in front of their homes.

On motion of Ald. Pariseau, duly seconded by Ald. Clancy, it was voted to table the ordinance pending clarification of the negative impact it would have on school districts.

Ald. Cashin stated he would provide a minority report.

Chairman Wihby stated there was no need as nothing would be reported due to tabling of the ordinance in Committee.

Ald. Cashin stated he did not want the ordinance to stay in Committee, but have it go to the Board.

Mr. Girard stated the sponsor of the ordinance was present and suggested the Committee members address their questions and concerns to him and resolve it tonight one way or the other.

Chairman Wihby inquired of the Clerk if a minority report could be submitted on an item which had been tabled.

The Clerk replied it could be reported that it was tabled in Committee and submit a minority report.

Ald. Pariseau thought it should be sent to Planning and have Planning review it and have Planning report back with the impact it would have City-wide, not only Downtown or the Coliseum area, but City-wide.

Ald. Cashin asked what would Planning come back with, that parking would be eliminated.

Ald. Pariseau asked what would happen with the vehicles parked on Conant Street and Notre Dame Avenue, Barr Street, etc., where would those vehicles go. Ald. Cashin replied he did not know, but people paying real estate taxes on those properties had a right to park in front of their own homes noting they could not do it and it was not right and the only way to stop it was through resident parking; that he had been told for five years that it was illegal and all of a sudden it isn't.

Chairman Wihby stated that Notre Dame College had implemented their own plan which cost them hundreds of thousands of dollars to do it for the College, it was working and now if something like this were to come in those people would disregard what they're doing over there and would want to extend it throughout the City and he'd have a helluva mess up there at Notre Dame; that they were doing it themselves and monitoring it and it was working great noting this would upset the applecart and thought they were taking Downtown parking by doing it and giving it to the residents rather than opening it up for more parking for Downtown.

Chairman Wihby stated it was the City's duty to give students parking facilities.

Ald. Cashin asked where did it say in the code of education that parking had to be provided for students.

Chairman Wihby asked what did they want them to do, not go to school noting some of the students couldn't walk and buses didn't go into their neighborhoods and couldn't see how residential parking wouldn't create other problems for others having to park in those areas.

Ald. Pariseau stated Planning could give the Committee some insight as to which areas could be covered, if they abutted a B-1, B-2 or whatever other zone noting the ordinance read 7:00 AM to 6:30 PM and would not address Ald. Cashin's problem with parking in residential neighborhoods during evening hours.

Ald. Cashin moved that the ordinance be referred back to the Committee on Traffic. Ald. Pariseau duly seconded the motion. The motion carried.

Chairman Wihby addressed item 7 of the agenda:

Ordinance:

"Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) Zoning district into a parcel zoned I-3 (General Industrial) and I-2 (Industrial Park) located at the southeast corner of Huse Road and South Willow Street and owned by Pindot, Inc."

(Note: Public hearing held December 11, 1995 and Planning Board recommendation enclosed.)

Ald. Pariseau stated he had the same problem that the Planning Board had come up with in that if it were rezoned and something happened with the Marriott Hotel proposal they could go in and put another mall at that corner; that unless there was a way to stipulate and eliminate retail other than the restaurant.

Ald. Elise stated she thought it was an excellent proposal for that parcel.

Ald. Pariseau agreed with the Planning Board with nothing prohibiting the applicant from converting the site shown to hotel to additional retail space after a rezoning were approved and if they could get a guarantee to a hotel then he would not have a problem and asked if there was a strip mall associated with the development plan.

Ald. Domaingue replied there was 52,000 sq. ft. of retail space included.

Chairman Wihby stated one of the things with the Planning Board and he did not know why the Planning Board would have ruled that way but they address an issue and don't bother to have a public hearing and don't let the applicant talk at the public hearing and thought that was wrong; that the Planning Board quoted Jay Taylor as saying he was against it when in reality he spoke in front of the Board saying he did not see anything wrong with it.

Ald. Pariseau noted Jay Taylor had talked at the public hearing indicating he didn't see anything wrong with it; that the Planning Board was made aware of all of the concerns addressed at the public hearing noting this was a different issue; that it was a rezoning for the area and as a matter of courtesy the Planning Board gave its recommendation as they had been asked to.

Chairman Wihby asked how did the Planning Board give them a recommendation if they didn't even know.

Ald. Pariseau replied the Planning Board did not act on anything unless it was officially submitted to the Planning Board noting this had not been; that the applicant to construct the hotel was never presented to the Planning Board.

Chairman Wihby stated the Pindot plan does not conform with the City Master Plan which was one thing the Planning Board had stated and asked if that was true.

Mr. MacKenzie replied it was not a black and white issue.

Chairman Wihby asked if there was something in the recommendation that stated that area should be changed.

Mr. MacKenzie replied there was a generic map which showed a portion of the site could be considered for commercial provided it met three or four criteria (i.e., it didn't impact residential neighborhoods, etc.).

Chairman Wihby asked if the Planning Board's idea that it didn't conform was different that the Planning staff's idea noting that Mr. MacKenzie had acknowledged based upon a question from Ald. Wihby that from what he'd seen at the public hearing, he thought it was fairly consistent with what had been proposed in the Master Plan, therefore, the Planning staff was saying that it probably was the same and the Planning Board was saying it wasn't.

Mr. MacKenzie replied based upon what had been seen at the public hearing they had not seen the plans previously, so they didn't have the time to sit down and say whether or not; that the Planning Board had reviewed it noting there wasn't a staff recommendation presented to them at that time because of the time constraints noting that the Planning Board felt, after their review that it wasn't consistent with the Master Plan.

Chairman Wihby asked if the plan had changed from when the staff had seen it.

Mr. MacKenzie stated the staff never had a formal recommendation.

Chairman Wihby asked if there were normally staff recommendations to the Planning Board.

Mr. MacKenzie replied if they had time noting they did not have such time in this instance.

Chairman Wihby asked if from the public hearing to the time the Planning Board reviewed it had it been changed.

Mr. MacKenzie replied, no it had not been changed; that the night of the public hearing he had said that the geographic area was shown, as least part of that site was shown on the future land use plan as being potentially commercial and had indicated there was that criteria, impact on residential, impact on traffic, impact on industrial land; that he and Jay Taylor had discussed it and felt that in terms of the industrial land impact it probably would not have impact.

Chairman Wihby stated in looking at next year's budget, they'd be looking at an eight percent increase in the budget asked how much in taxes would something of this nature bring in.

Ald. Pariseau stated it would not affect the tax rate until such time as the hotel was built; that he would not screw up neighborhoods because of the tax rate.

Chairman Wihby stated he could not figure out what was wrong with the hotel being there noting not one person had called him in opposition to it.

Ald. Pariseau stated he was not in opposition to the hotel, but rather the retail they were trying to sneak in which would create more traffic and if they eliminated the retail other than the restaurant he would support it.

Mr. Lomasney stated perhaps he could clear up some of the difficulties and in reference to a map pointed out the entire area owned; that the area in yellow was developable with everything else being wetlands; that in the Master Plan they had predicted that it should be rezoned B-2 which was 3.1 acres, so if the conformed with the Master Plan only that would be rezoned B-2 (Business); that the only place in Manchester the hotel wants to be noting the broker was present was right there and it couldn't be there because it was an Industrial zone, so if they rezoned that piece just for the hotel they would rezone it noting there would be areas zoned B with another being I and asked what would they do with that piece, throw it away, if everyone agreed there was only one answer and make it a contiguous site plan; that the turn would have to be made onto Huse Road.

Ald. Elise stated the Board of Mayor and Aldermen had controlled of zoning noting the tax base was dependent upon what was done with the land in the City and that parcel had not been touched for years; that Jay Taylor had mentioned the land might be more suitable for business noting she had received calls from those saying don't run the Marriott out-of-town the way Jordan Marsh was and could see the hotel adding to the City; that in terms of traffic the developer would be working with the Mall of New Hampshire relative to improving the traffic in and around the area and any traffic going to those stores at the corner of Huse Road and So. Willow Street would be coming off So. Willow and not going up Huse Road into the neighborhood.

Ald. Pariseau stated motorists cut through the neighborhoods to get there and he was concerned with the effect it would have on Frontage Road, Gold Street, Kenberma, Donahue, Westwood Drive and others onto Goffs Falls Road and it would have a negative impact on those residential areas to get to the shopping center instead of staying on the turnpike and coming up to the Brown Avenue entrance.

Ald. Elise stated the City would be shooting itself in the foot if it didn't accept this plan and rezone the land and moved to recommend that the zoning ordinance ought to pass as submitted.

Ald. Clancy stated he would like to see a hotel in that area.

Ald. Pariseau stated Manchester did need a hotel, but not with the retail and for that reason would deny it.

Ald. Clancy duly seconded the motion that the ordinance ought to pass.

Ald. Pariseau stated if something was to happen with the Marriott proposal there would then be another shopping mall noting there were proposing to add another 408,000 sq. ft. to the Mall of New Hampshire and more problems would be created for the residential area along Huse Road, Goffs Falls Road.

Chairman Wihby stated Ald. Pariseau was voting it down just because of a 30,000 sq. ft. building.

Ald. Cashin asked Mr. MacKenzie if he recalled that it had been stated there would never empty traffic onto Huse Road and now they were going against it; that those on the Board at the time had indicated it would not be done and now they were going to allow it to happen noting he was in opposition to it.

Chairman Wihby called for a vote on the motion. Ald. Elise and Clancy voted in the affirmative. Ald. Cashin and Pariseau were duly recorded in opposition. Chairman Wihby voted in the affirmative. The motion carried.

TABLED ITEM

On motion of Ald. Pariseau, duly seconded by Ald. Elise, it was voted to remove item 9 from the table for discussion.

Proposed changes to the Building Code and Zoning Ordinances:

Change to the Zoning Ordinance allowing enclosed warehousing, storage and wholesaling uses in the I-2 and I-3 zoning districts.
(Note: Tabled 11/21/95)

Ald. Elise asked for an explanation of the changes.

Chairman Wihby stated right now a warehouse could be built and have it outside but not enclosed noting the change would allow it to be enclosed.

Ald. Cashin thought he recalled there being a lot of opposition to the change.

Mr. MacKenzie replied there had been opposition by one individual; that if Hitachi Corporation which built cables, etc. out on East Industrial Park Drive wanted to build a facility or expand the facility that included warehousing they could not put that building in there, they would have to have outside storage noting there was an inconsistency in the ordinance now which stated "warehousing operations with outside storage can go in the industrial parks, but if you enclose it all within a building you can't go into industrial parks".

On motion of Ald. Pariseau, duly seconded by Ald. Elise, it was voted to recommend that the proposed changes to the Building Code and Zoning Ordinances ought to pass. Ald. Cashin was duly recorded in opposition. The motion carried.

There being no further business to come before the Committee on Bills on Second Reading, on motion of Ald. Clancy, duly seconded by Ald. Pariseau, it was voted to adjourn.

A True Record. Attest.

Leo R. Bernier
Clerk of Committee