

**COMMITTEE ON BILLS ON SECOND READING**

**March 23, 1998**

**6:15 PM**

Chairman Wihby called the meeting to order.

The Clerk called the roll.

**Present:** Aldermen Wihby, Klock, Sysyn, Shea, Cashin

Chairman Wihby addressed Item 3 of the agenda:

Ordinance Amendments:

“Amending Sections 33.024 and 33.025 (Airport Assistant Maintenance Supervisor, Airport Maintenance Foreman, Senior Auditor, Victim Witness Advocate) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024 and 33.025 (Building and Asbestos Program Supervisor, and Information Support Specialist) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.025 (Information Support Specialist - Police) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, and 33.026 (Airport Assistant Director for Public Relations and Marketing, Motor Vehicle Prosecutor, Municipal Communication Superintendent, Parks Maintenance Ski/Aquatic Supervisor, Public Health Nurse Supervisor, Grants Administrator, Waste Water Treatment Plant Maintenance Assistant Supervisor and Senior Auditor) of the Code of Ordinances of the City of Manchester.”

Alderman Cashin moved to approve the third ordinance relative to the Information Support Specialist - Police position and to table all other ordinances contained in this item. He noted that they did not have the Yarger Decker report, and did not know what their recommendation was on the other positions. He was aware they had approve the third one referenced.

Alderman Shea duly seconded the motion that the third ordinance ought to pass and the balance of the items be tabled. The motion carried with none recorded in opposition.

Chairman Wihby addressed Item 4 of the agenda:

Ordinance amendment:

“An Ordinance amending Chapter 118, Vehicles for Hire, of the Code of Ordinances of the City of Manchester, by increasing taxicab driver licensing fees, adding new provisions establishing a Substance Abuse Testing Account, providing for the payments of costs associated with drug and alcohol testing of taxicab drivers from said account, and establishing a Drug and Alcohol Policy”

On motion of Alderman Shea, duly seconded by Alderman Cashin, it was voted that the ordinance ought to pass.

Chairman Wihby addressed Item 5 of the agenda:

Ordinance amendment:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-SM (Residential Suburban multi-family) to include a parcel of land at 598 Holt Avenue currently zoned R-1B (Residential single-family) and I-2 (Industrial Park) and having an area of approximately 2.0 acres.”

(Note: public hearing held February 24, 1998.)

Alderman Sysyn moved for discussion. Alderman Klock seconded the motion. Alderman Shea indicated he had a few questions. There was no one present to answer questions relating to the rezoning.

On motion of Alderman Shea, duly seconded by Alderman Klock, it was voted to table this item and request Mr. MacKenzie's presence at the next meeting.

Chairman Wihby addressed Item 6 of the agenda:

Ordinance amendment:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-1-B (Residential one-family) district to include parcels of land currently zoned R-2 (Residential two-family), generally including all properties fronting on Lewis Street, and having an area of approximately 2.0 acres.”

(Note: public hearing held February 24, 1998.)

Alderman Cashin stated he was very familiar with this request noting that the neighborhood had supported the change, and moved that the ordinance ought to pass. Alderman Shea duly seconded the motion. The motion carried with none recorded in opposition.

Chairman Wihby addressed Item 7 of the agenda:

Ordinance amendment:

“Amending the Zoning Ordinances of the City of Manchester by extending the I-2 (Industrial Park) zone to include a portion of land currently zoned R-S (Residential Suburban) in the area generally to the northeast of Zachary Road cul-de-sac (Map 727/Lot 1-I).”

(Note: public hearing held February 24, 1998.)

Alderman Klock moved for discussion. Alderman Shea seconded the motion.

Alderman Shea stated the value of the abutting land established by ordinance would be impacted and as recorded in the discussion which I tried to bring up, that is Item 5, the same tenants must be considered. In other words, the introduction of heavy traffic, drainage problems, impact on existing residential residents and financial problems. On February 24 I brought up impact studies from the Conservation Commission, the Highway Department and Water Works and I am wondering if we got feedback from any of them.

Mr. Callahan from Devine, Millimet replied each of the departments will respond to a specific proposal once a site plan is filed. Since there is not a requirement that a site plan be filed in order to do a rezoning, none was filed although we did propose what we thought would be the most intensive use that could be allowed under the rezoning and that would be a warehouse facility located on the only dry spot on the site. The portion of the property that is zoned currently I-2 is entirely wet and we are not going to enter into the wetlands and that won't be touched at all. We are also retaining approximately 5 1/2 acres as residential property that would serve as a buffer on Proctor Road and Lake Shore Road. Lastly, this commercial use would have no access or entrance point onto Proctor Road or Lake Shore Road. The access would be solely on Zachary Road and I think our plans demonstrated that all of Zachary Road, except for Lake Shore Hospital, is industrial usage so it is consistent with the uses that are there. After the meeting on February 24, we contacted, at the request of the Planning Department, the City's four departments: the Conservation Commission, the Highway Department, the Fire Department for safety and Water Works. The only response we received was from the Highway Department which had indicated that subject to any issues with regards to the fire road, they had no problem with rezoning of the property. We have received no other comments with regard to that proposal. Obviously each of those departments reserve the right, once we come in with a development plan, to comment on it. They are not waiving their right to comment on it if the property is rezoned, but at this point that is the only information we have.

Alderman Shea asked once it is rezoned, then the developmental plan comes into play is that right.

Mr. Callahan answered we must file a site plan with each department.

Alderman Shea replied but if we were to give you a variance or change the zoning, it would then be in the second phase. In other words, the initial phase it to rezone it from one to another so there is no turning back once we rezone it. Once we rezone it, that land can be used depending upon what kind of a developmental plan you develop so the critical part of this is to rezone it.

Chairman Wihby responded they can go to the Zoning Board and ask them for a variance or they can come here for rezoning. They chose to come to us for rezoning. Either way, they have to go to the Planning Board and submit their site plan approvals and make sure the sewage and everything else is done. What we are doing today is if we okay it, they have a right to be there but Planning would make sure that they followed all the rules and regulations of that zoning.

Alderman Shea replied but what we are doing is giving them the first step which is the most important and I want people to realize that. Once it is rezoned from one to the other, it is up to them.

Mr. Callahan stated the property has been taxed at \$550,000 in commercial site and the only industrial portion of the property is completely wet and that will stay completely wet. If you recall our plan, this is the part that is all wet behind the industrial building and we are attempting to use the industrial road for an industrial use.

Alderman Shea asked how large is the warehouse going to be.

Mr. Callahan answered we have not submitted the site plan yet, but the maximum is 130,000 square feet. We have also committed to the City that we would put a deed restriction on the property and a waste transfer station would not be built there.

Alderman Shea asked for a comparison on the size in relation to the WalMart warehouse in Raymond.

Mr. Callahan answered I don't know the size, but I think that is much larger than what would be going there. Again, that is subject to Planning and Zoning. If Planning doesn't approve it because it is too large, it won't be approved.

Alderman Shea stated I know that Lake Shore was a concern when it was considered for a school, but does now that it won't be, does there being a warehouse there impact the property.

Mr. Steve Gould from Wiggin & Nourie representing Universal Health replied Lake Shore's position on this is that regardless of who the ultimate owner may be, this rezoning petition would change the ultimate character of the neighborhood and when Lake Shore originally purchased the property it purchased it with the larger residential buffer zone in mind and would like to keep that intact for any potential buyer.

Alderman Shea asked are you saying that it would decrease the value of your property if a warehouse were there.

Mr. Gould answered potentially, yes.

Alderman Sysyn moved that the rezoning ordinance amendment ought to pass. Alderman Klock duly seconded the motion.

Chairman Wihby called for a vote. Aldermen Klock and Sysyn voted yea. Aldermen Shea and Cashin voted nay. Chairman Wihby voted in favor. The motion carried.

Chairman Wihby addressed Item 8 of the agenda:

Proposed Anti-Cruising Ordinance for Elm Street submitted by Alderman Reiniger, and the Committee on Traffic.

On motion of Alderman Cashin, duly seconded by Alderman Shea, it was voted to table this item at the request of Alderman Reiniger.

Chairman Wihby addressed Item 9 of the agenda:

Communication from Thomas W. Seigle of EPD submitting an ordinance amendment to increase the cost for treatment of septage from \$65.00 per 1,000 gallons to \$70.00 per 1,000 gallons.

Chairman Wihby noted that this item would effect the outlying towns and septic tank users. On motion of Alderman Cashin, duly seconded by Alderman Sysyn, it was voted that the ordinance ought to pass.

### **TABLED ITEM**

Communications from Messrs. Arnold and Bergeron seeking the Board's consideration of technical corrections to the City's Code of Ordinances.  
(Note: corrected ordinance amendments enclosed.)  
(Originally tabled on 8/26/97 and retabled on 1/26/98)

On motion of Alderman Shea, duly seconded by Alderman Klock, it was voted to remove this item from the table.

In response to questions, Deputy Clerk Johnson advised that the intent was to make technical corrections, deleting the section relating to family/bomb shelters which was not longer applicable and putting sections dropped in error back into the code. She noted for example that the company doing the recodification had thought the elected officials salary sections were personnel ordinance related and dropped them. These sections should have remained in and continued in force. There were no additional fees or substantive changes being made.

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On motion of Alderman Shea, duly seconded by Alderman Klock, it was voted that the ordinance amendments ought to pass.

There being no further business to come before the Committee. On motion of Alderman Shea, duly seconded by Alderman Sysyn, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee