

COMMITTEE ON BILLS ON SECOND READING

December 21, 1999
Aldermen Wihby, Klock,
Sysyn, Shea, Cashin

5:00 PM
Aldermanic Chambers
City Hall (3rd Floor)

Chairman Wihby called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Sysyn, Shea, Cashin

3. Ordinance Amendment relating to a rezoning petition submitted by Attorney Lazos:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-3 (Highway Business) zoning district to include land of Manchester Executive Center Associates (TM 757, Lots 2A & 2B), currently zoned R-1B (One-family Residential) and having a total area of approximately 10 acres.”

Mr. MacKenzie stated these are, and I discussed these a little bit at the public hearing. If the Board is intending to reconsider this zoning, then I would say that there are certain aspects of this particular site that are better suited to a commercial than a residential. Clearly the highway noise, the Mall of New Hampshire, and the hotel do not make this site very ideal for single family residential housing. But there are certain issues that I raised that are important for the committee and the Board to consider, and I've identified the four items that I would suggest that perhaps the Committee give consideration to.

A handout was distributed to the committee. Mr. MacKenzie proceed to go through the outline of four items of concern, noting that he had given a copy of this to the applicant so they were aware of it.

The first item was vehicular access; that there be no normal vehicular access to Huse Road. There can be emergency access but no regular access. The second is traffic impact fees. The Planning Board has been requiring certain traffic impact fees on all projects that come before them. And while I don't think this committee has to condition the project on it, I did want to make the applicant aware of these potential fees. The third is that directly behind this site is a fairly large residential condominium. And there is a good stand of trees on this property that provide buffer between the commercial area and the residential, and I believe that there should be some type of buffer left between whatever is developed commercially and the residential. Lastly, again this is a more just for the record, is that ultimately the South Porter Street will have to be extended to provide legal frontage for this particular lot. So at this point I would be happy to answer any questions.

Alderman Wihby asked if he had talked to the petitioner about this, and were they in agreement to these conditions.

Mr. MacKenzie stated they understand about these issues. They are willing to agree to those. They do want to talk a little bit more about the buffer. They understand that a buffer is probably reasonable, but I think they want a little more flexibility in pinning down the actual width of that buffer.

Alderman Wihby noted that they could do that when they come to the Planning Board, was he right.

Mr. MacKenzie stated that could be pinned down as long as we at least have some understanding between us that there is going to be a buffer and it is at least going to be enough to provide some protection to those residents.

Alderman Shea moved to recommend the ordinance ought to pass. Alderman Cashin duly seconded the motion.

Alderman Cashin asked if Mr. MacKenzie would rather resolve that problem in this committee.

Mr. MacKenzie stated he at least wished to be on record as saying that something on the order of roughly a 50 foot buffer I think is going to be necessary to protect those residences. But it is possible once we get down to the site plans maybe there is an area that is much lower and that only has to be 25 or 30 feet and maybe it gets a little wider at another end. So whereas, I think on average we may need about a 50 foot buffer perhaps the details of that could be worked out when it goes to site plan review.

Alderman Wihby stated so we don't need to do anything today, you will take care of it at site plan review.

Mr. MacKenzie stated he was not sure.

Alderman Wihby stated I think the petitioner knows what you are after and the Board's concurring with what you have to say.

Attorney Lazos stated they would provide a buffer on the boundary with the residential condominiums. You can see however it does cause us some difficulty because we have wetlands issues on the front part of our property so the more we push the buildings towards the highways the more problems we have with wetlands. Although in principle we will agree to a buffer, I think we are talking more like a 25 foot buffer. The site is wooded along that buffer. We are willing to maintain that and put in some additional plantings. So we would be willing to work with the Planning Board at the site plan approval stage to do that.

Alderman Wihby stated they were asking that they agree to that and see to it that the biggest buffering that you can was done and work with the Planning Board in the site plan approval process.

Attorney Lazos stated that was fine. They were willing to work with the Planning Board anyway on that issue.

Alderman Cashin asked Mr. MacKenzie if the 25 foot buffer was okay.

Mr. MacKenzie stated my preference would be for 50 feet, but I do understand I would like to get out there and look at the topography. There is a drop off between residential site of about ten feet down to this site. So if they were proposing a hotel on the site, the buffering requirements could be less, because a hotel would fit in character wise with the residential condominiums behind it. If it was going to be more of an intense par auto dealership with maybe an auto body shop, I think we should be looking at a larger buffer of about 50 feet. That's my honest opinion on that.

Alderman Shea asked if there is a difference between what kind of business goes in or commercial or industrial, doesn't the people working on the planning board have a certain type of decisions that they can render.

Mr. MacKenzie stated they don't have a really large legal authority to dictate what uses go on, that is pretty much under the jurisdiction of this Board in terms of the zoning, so if you zone in B2 or B3 as in this case, you are saying that any uses

under the B3 can go there. So there are no real good legal ways to say we specifically want a hotel there for example. Once you rezone it you are allowing a relatively large range of commercial uses on that site.

Alderman Shea asked if they could include any provisions in terms of granting a particular business or particular type of industry to go in, don't they set parameters for that.

Mr. MacKenzie stated the Planning Board cannot.

Alderman Shea asked about the zoning board.

Mr. MacKenzie stated the Zoning Board can because typically people go to them because it is not allowed to begin with, so they can put on additional restrictions on the site.

Attorney Lazaos stated this was an awkward place to discuss these issues because we don't have a plan in front of us, one of the things that just scaling off our particular plan here. The condominium is about 150 feet away from the lot line. The condominium developer cut all the trees down right up to his lot line, our lot line. We would be willing to plant trees on their property as well, to increase the width of the plantings and that sort of thing to alleviate some of the view issue and that sort of thing. There is not much we can do when a previous developer decides not to maintain trees on their property, and we are willing to maintain the tree line along the back of our property and we will plant on their property if they are interested in letting us do that. It's obviously part of the common land as part of their condominium. So, we would work with Bob MacKenzie and the staff to deal with an adequate buffer along the property, but our property is long rather than wide so we do have some topographical, slope issues and that sort of thing on our site that makes it hard for us to say okay to 50 feet is a good buffer. It is just very difficult right now to do that.

Alderman Cashin asked if it were agreeable to Attorney Lazos that the committee pass it subject to the approval of a buffer agreeable to the city.

The motion was so made by Alderman Cashin, seconded by Alderman Shea. Chairman Wihby called for a vote. The motion carried.

4. Ordinance Amendments relating to a petition to rezone property submitted by residents in the Brown Avenue area:

“Amending the Zoning Ordinance of the City of Manchester by creating a B-3 (Highway Business) zoning district to include land currently zoned R-1B and located between Brown Avenue and Whalley Road, from Dixwell Street southerly to Trafford Street.”

“Amending the Zoning Ordinance of the City of Manchester by creating a B-3 (Highway Business) zoning district to include land currently zoned R-1B and located on Brown Avenue from Trafford Street southerly to Coldwell Street including the following lots: Tax Map 675, Lots No. 1, 2, 3, 4, & 5; Tax Map 683, Lots No. 5, 6, 7, 7A, 8, 8A, 9, 10 & 11.”

“Amending the Zoning Ordinance of the City of Manchester by creating a B-3 (Highway Business) zoning district to include land currently zoned R-1B, located on the east side of Brown Avenue, south of Trafford Street, including the following lots: Tax Map 750, Lots No. 22, 23, 23A, 24, 25, 26, 27, 28 & 30.”

Chairman Wihby noted that the Airport Director has recommended this be tabled pending time to work with the residents, that the director had spoken with them and there was no problem with that.

Alderman Shea moved to table the ordinance amendments. Alderman Cashin duly seconded the motion. There being none opposed the motion carried.

5. Ordinance amendment:

“Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as James Pollock Drive, Map 579, Lot 83.”

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

NEW BUSINESS

Ordinance Amendment regarding 1037 Elm Street

Alderman Wihby noted that on the Board's agenda, Item I, he wanted to pull off and instead of sending it to this committee, have it approved at the full Board level. It related to 1037 Elm Street.

Mr. MacKenzie stated there were three relatively technical changes. One was the change in the naming of the group that would be managing the building and ultimately purchasing it. There was a change in the terminology relating to a development agreement. And there was a change in the date of when the option to purchase was. So those were the three changes.

Alderman Wihby stated he understood the city solicitor had requested the changes.

Assistant Solicitor Arnold stated they were technical changes.

On motion of Alderman Cashin, duly seconded by Alderman Shea, it was voted to support the request to pass the item at the Board level this evening.

There being no further business to come before the committee, on motion of Alderman Cashin, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee