



City of Laconia
Zoning Board of Adjustment
Monday, April 19, 2021 - 6:30 PM
City Hall in the Armand A. Bolduc Council Chamber

4/19/2021 - Minutes

1. CALL TO ORDER

S. Bogert read aloud the ZOOM meeting information.

S. Bogert called the meeting to order at 6:38 PM

2. ROLL CALL

Present: S. Bogert; M. Foote; R. Maheu; G. Ober (Zoom); M. Dellavecchia (8:05 PM)

Alternates: M. Hayward (Zoom); J. Laroche (Zoom)

Alternate M. Hayward was seated as a voting member.

3. RECORDING SECRETARY

K. Santoro, Zoning Technician

4. STAFF IN ATTENDANCE

D. Trefethen, Director of Planning & Community Development

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. ZBA Regular Meeting Minutes March 15, 2021 (PDF)

S. Bogert made a motion to accept the minutes of March 15, 2021 as presented.

R. Maheu seconded the motion.

Vote was taken by roll call. All in favor.

6. EXTENSIONS

7. CONTINUED PUBLIC HEARINGS, CONSIDERATION AND POSSIBLE VOTE Note: The Purpose Of This Agenda Section Is For The Board To Continue The Public Hearing For The Applicant And The Public To Provide Input. The Board May Also Deliberate The Application, Decide And Conduct A Final Vote At This Time.

8. PUBLIC HEARINGS, POSSIBLE CONSIDERATION AND VOTE Note: The Purpose Of This Agenda Section Is For The Board To Have A Presentation From The Applicant And Open A Public Hearing For The Public To Provide Input. The Board May Also Deliberate The Application, Decide And Conduct A Final Vote At This Time.

8.I. ZO2021-0005VAR 57 Eastman Rd Variance Application (PDF)

S. Bogert read aloud the request from the applicant to continue the application to the May 18, 2021 Zoning Board of Adjustment meeting.

8.II. ZO2021-0006VAR 107 Massachusetts Ave Variance Application (PDF)

Applicant James Cawley outlined his application. He explained that he would like to be able to remove the front steps that are in need of repair and replace them with a porch running the length of the house.

He noted that the steps currently extend out four feet from the house, the porch would extend out five feet, only a foot additional encroachment into the front setback. In response to a question by a Board member he noted that the porch would exit to the side, no further encroachment forward for a set of stairs.

J. Cawley informed the Board that he was before them last year for the side porch. R. Maheu noted that he had driven by the property and that the house looked very nice with the side porch.

At 6:43 PM S. Bogert opened the public hearing.

At 6:46 PM with no one to speak for or against the application, S. Bogert closed the public hearing.

The Board briefly discussed the project.

G. Ober made a motion to approve Application ZO2021-0006VAR for a Variance from Article VI Section 235-35 (A) to allow the construction of front porch.

1. Granting the variance would not be contrary to the public interest because:
The project will have no impact on the public and will improve the property.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the ordinance will be observed as this will be an improvement to the neighborhood and have no impact on the public.

3. Granting the variance would do substantial justice because:

The project will improve the property, increase neighborhood value and would be in harmony with the neighborhood.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

The new structure would improve the property and would not diminish the value of the surrounding properties.

5b. If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The original structure was built prior to Zoning and is built in current front setback area. Any improvement on the front of the structure will require relief from the Board. The request is reasonable and in harmony with the surrounding area.

Condition: The porch will extend no further than five (5) feet from the front of the house.

R. Maheu seconded the motion.

Vote was taken by roll call. All in favor (5-0).

8.III. ZO2021-0008VAR 277 Weirs Blvd Unit 3 Variance Application (PDF)

Applicant Chad Lincoln addressed the Board and outlined his application. He noted that the cottage that was on that location was destroyed when a large pine tree fell on it during a storm. He is requesting to be able to reconstruct the cottage, with the new cottage having a second floor loft area. A portion of the cottage sits in the side setback area.

At 6:59 PM S. Bogert opened the public hearing.

At 7:00 PM with no one to speak for or against the application, S. Bogert closed the public hearing.

It was noted that the owner has received approval from the condominium association for the upgraded cottage rebuild and that the request is a reasonable one.

M. Foote made a motion to approve Application ZO2021-0008VAR for a Variance from Article VI Section 235-35(B) to allow the reconstruction of a single story cottage to a cottage with a second floor loft area.

1. Granting the variance would not be contrary to the public interest because:

The project has no effect on the public nor will it affect the neighboring cottages.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the ordinance will be observed as this will be an improvement to the property and will allow the reconstruction of a cottage that was destroyed by an act of nature (large tree falling on it).

3. Granting the variance would do substantial justice because:

The variance will allow the owner to rebuild a cottage that was destroyed by an act not under his control and make it more functional.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

The new structure would improve the property and would not diminish the value of the surrounding properties.

5b. If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The original structure was built prior to current zoning ordinances, granting of the variance will allow reconstruction and improvement of the cottage to better meet the needs of the family. The addition of a second floor loft to the cottage is a reasonable request and is in harmony with the surrounding area.

G. Ober seconded the motion.

Vote was taken by roll call. All in favor (5-0).

8.IV. ZO2021-0009SE 322 North St Special Exception Application (PDF)

S. Bogert read aloud the request from the applicant to continue the application to the May 18, 2021 Zoning Board of Adjustment meeting.

8.V. ZO2021-0010VAR 21 Leighton Ave S Variance Application (PDF)

Applicant Gerald Kadish outlined his application. He explained that he is proposing to demolish the eighty-year-old detached garage and rebuild a new garage that is larger and meets current needs. He did note that he will also be removing an old shed, the shed will not be replaced as the proposed larger garage will have storage space. G. Kadish also noted that he has spoken with his neighbors, and they sent emails stating that they do not have an objection to the garage being built ten feet from the side property line.

G. Ober requested that, if approved, there be a condition that there is no habitable space.

At 7:08 PM S. Bogert opened the public hearing.

At 7:09 PM with no one to speak for or against the application, S. Bogert closed the public hearing.

M. Foote made a motion to approve Application ZO2021-0010VAR for a Variance from Article VI Section 235-35(B) to allow the demolition and reconstruction of a detached garage.

1. Granting the variance would not be contrary to the public interest because:

It will have no negative effect on the general public.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the ordinance will be observed as this will be an improvement to the neighborhood, and it

allows for a structure that is meets current code requirements.

3. Granting the variance would do substantial justice because:

The project would improve the property and be in harmony with the neighborhood.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

The new structure would improve the property and would not diminish the value of the surrounding properties.

5b. If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The original structure was built prior to building codes and is in poor condition, there is no other reasonable location for the building as the lot is undersized for the zone. By utilizing the existing location it will reduce the overall impermeable footprint.

Condition: There will be no habitable space in the garage.

R. Maheu seconded the motion.

Vote was taken by roll call. All in favor (5-0).

8.VI. ZO2021-0012SE 2579 Parade Rd Special Exception Application (PDF)

Applicants Bruce and Elaine Jean outlined their application to the Board. They are requesting a Special Exception to install an Accessory Dwelling Unit over an attached garage. G. Ober asked if they had enough parking to support the additional unit. The applicants explained that the driveway is over 100' long, the house is set back from the road, there is plenty of parking.

At 7:23 PM S. Bogert opened the public hearing.

At 7:24 PM with no one to speak for or against the application, S. Bogert closed the public hearing.

G. Ober made a motion to approve Application ZO2021-0012SE for a Special Exception Article VII Section 235-41(A) to allow the installation of an Accessory Dwelling Unit.

a. The use requested is specifically authorized in this chapter.

The use is authorized by Special Exception.

b. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The use will not create any traffic congestion nor will it impair pedestrian safety.

c. The requested use will not overload any public water, drainage or sewer system or any other municipal system, nor will there be any significant increase in stormwater runoff onto adjacent property or streets.

The use will not overload any municipal systems and will not create additional runoff onto neighboring properties or streets. The house is situated over 100' from the road and over 75' from closest side property line.

d. The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.

The use will not create excessive demand for municipal services; it is a small unit above the garage, any increase in solid waste will be nominal.

e. Any special provisions for the use as set forth in this chapter are fulfilled.

There are no additional special provisions.

f. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood.

The use will not create any hazards to the health, safety, or welfare of the public and it will be in the harmony with the character of the adjacent neighborhood.

g. The proposed location is appropriate for the requested use.

The location is appropriate and it will be in harmony with the neighborhood.

h. The requested use is consistent with the spirit and intent of this chapter and the Master Plan.

The use is consistent with the spirit and intent of the Master Plan, it will provide housing for a family member.

M. Foote seconded the motion.

Vote was taken by roll call. All in favor (5-0).

8.VII. ZO2021-0013SE Watson Rd Special Exception Application (PDF)

Applicants Dan Moeller and Roger Moeller presented their application for the use of the parcel on Watson Road as a seasonal campground. They noted that they are both civil engineers, they have provided a draft conceptual plan to illustrate what they are proposing. The Moeller's informed the Board that they manage Scenic View Campground so they have experience with campgrounds.

The applicants noted that there are several other campgrounds in the immediate area, including their campground on Scenic Rd; Pine Hollow Campground; Hack-Ma-Tack Campground, and farther out there is White Oaks Campground.

The site has public sewer available, water would be private well. The site has several wetlands and an intermittent stream. Of the 27 acres, approximately half the property can be developed. They have designed the project to work with the topography of the land, it has approximately 95 sites, this number may change when they do further studies on the property.

The Moeller's informed the Board that this is the very first step of the project, if approved they will have several other permits that they will need to secure both locally and at the State level. They have not done further plans until they know the Board's decision.

They informed the Board they have done the following:

- Spoken with DPW regarding if location is appropriate for a single entrance/exit
- Explored how to control trespassing both onto and off of property
- Spoke with Deputy Roffo at the Fire Department about the proposed location for an entrance gate; it was requested that it be back far enough for emergency equipment to get off the road before reaching gate
- There is no public water; will work with NH DES regarding wells/water supply
- Public sewer is available; they have spoken with DPW, they will have to verify if it can handle the flow
- Stormwater calculations will be done as they will be required for an Alteration of Terrain (AOT) permit. The amount of water leaving the site must be the same both pre and post construction.

The Moeller's addressed the issue of public services, they noted that at their existing campground around the corner they have had very few police calls. They can recall one call for an electrical fire in a unit and a few calls for medical emergencies. The number would not place a strain on any of the municipal services. They noted trash would be managed on site utilizing dumpster and private disposal.

The applicants informed the Board that the campground would be seasonal, with occupancy from May 15-October. They noted that it is unusual that even on holiday weekends that occupancy is at a

hundred percent. Fire pits are on request and must be permitted by the fire department and the campground. The Moeller's noted that they included a copy of the rules from their other campground as an example. They also noted that they do background checks, they are a family-oriented community. They reiterated that it is a seasonal campground, not transient (weekend/weekly campers) and they do not allow subletting so there would not be AirBnb-type rentals.

The Board asked for clarification on recreation and where people spend their time. The applicants replied that each site is about 2000 s.f., the units are set to one side with tongue facing out; the sites typically have a picnic table. Additionally, there will be a recreation area near the front of the parcel.

J. LaRoche asked about the trees, are they keeping the existing trees or planting saplings. R. Moeller explained they are planning on keeping as many trees as possible, only removing trees for the road and the recreation area.

(M. DellaVecchia arrived at 8:05 PM – due to his arrival after the start of the public hearing he was not seated as a voting member)

The Board asked about the turnover rate, how often do trailers leave. The applicants were not aware, at their current campground, of trailers leaving. They could as the lease is seasonal, but they do not typically leave, they might be sold as often times they have a three season room attached or a deck.

D. Trefethen addressed the Board. He indicated that this is a seasonal campground, if it moves forward to the planning process the accessory structures will be looked at, as, over time, they tend to proliferate. Conditions may be put in place limiting the number or size of structures. Again, it was noted the Zoning Board is looking at the use, the details would be worked out at Planning Board level.

G. Ober commented that this is more of a manufactured home park, not a campground. She noted it meets the State RSA definition of manufactured home park. She stated that they are not requesting a temporary campground, the use as a manufactured home park would not require Zoning Board action, it is permitted with a Conditional Use Permit from the Planning Board.

R. Moeller responded that they are showing the Board a depiction of the largest units (approx.. 8' x 40') that could be on the sites. They are classified as RVs not manufactured homes. D. Trefethen also responded, these are not viewed as manufactured housing, they are classified as RVs, it is coincidental that there is overlap with the largest RV and the smaller manufactured homes in regard to size.

M. Hayward asked about the campgrounds in the area, some are in the CR Zone, others in the SFR and RR1. It was noted that these were already in place when the zoning was changed in the area from CR to SFR. This is the first "non-grandfathered" campground.

R. Moeller noted that the sites are in high demand. He also commented that there has been a change in zoning but this is not out of character with the surrounding area. He reiterated, in response to S. Bogert's question, that there is no short-term lodging allowed in the park.

S. Bogert referred to the concern about the noise level that was raised by a number of residents on Needle Eye Road in letters to the Board. R. Moeller responded that they have rules and regulations and required "quiet hours". They very seldom hear of any noise issues at their other campground, the residents tend to police themselves.

At 8:26 PM S. Bogert opened the public hearing.

David and Shay Doyon, 913 Watson Road (Lantern Inn), expressed their opposition to the project, they shared concerns about the speed on the road. David also expressed concern for how the units will be taxed as the units will not be leaving; also about the wetlands on the property and the permitting requirements. Shay Doyon expressed concern for the wildlife that will be disrupted. She also expressed concern about the potential flooding. (A letter was submitted to the Board, it is part of the record)

Mike Dambach, 119 Maiden Lady Cove, expressed his opposition to the project and stated concerns about how the drainage will be changed to accommodate the campers; the "creeping approval" of exceptions; and that the entrance would be located in the middle of a hill, that it would be dangerous.

Dan Potter, 105 Maiden Lady Cove, expressed his opposition and stated concerns about how the approval is in perpetuity, he asked that conditions be attached including rules and regulations; safety of Watson Road as there have been several accidents.

Patricia Gay, 106 Needle Eye Road, expressed her opposition and had the same concerns about the effect on the wildlife; that it will substantially change the property and decrease her property value; privacy and safety concerns; the increase in traffic on the main road; it will change the neighborhood.

David Sheehan, 100 Needle Eye Road, expressed his opposition to the Special Exception and stated he would not build a home in the CR, that is why he built is the SFR zone. He stated concerns about the noise of 95 families and noted he can hear the Broken Spoke when they have events outside; trespassing of campground residents onto his property. (A letter was submitted to the Board, it is part of the record)

Sean Sullivan, 103 Needle Eye Road; expressed his concerns and he wanted to reiterate the same concerns as David Sheehan. He is opposed to the campground going in.

Janelle Fitch, 114 Needle Eye Road; noted that she also wrote a letter of concern. She informed the Board that she went out and that the closest campsite would be approximately 105 feet from her back property line, 120 feet from her house. She reiterated David Sheehan's concerns. She stated she located the pins; it is intrusive; safety concerns; deeded rights to Winnepesaukee; unwanted noise; and wildlife concerns.

(A letter, with photographs, was submitted to the Board, it is part of the record)

Lynn Leighton, Maiden Lady Cove, expressed her opposition to the project and stated concerns about the entrance, speeding occurs all the time; wetlands and the protection of them. She reiterated David Sheehan's concerns and noted she has the seventeen acres that abut the property on the cove side, she has concerns as people currently cut through Maiden Lady Cove area and road.

Heather Leonard, Maiden Lady Cove and Needle Eye Road; expressed her opposition and shared her concerns about the large parcel on cove side and the slope down, the runoff would increase; how would boundaries be identified; as they clear sites, instead of being wooded to look at lake; trespassing, drifters have already come through; fire pits and the smoke; fire concerns, there was a fire on Maiden Lady Cove and equipment had difficulty reaching it. She also noted that there are two entrances, one in Meredith and one on Laconia side, they keep one locked to prevent traffic. She also reiterated the wildlife concerns; and flooding concerns.

At 8:59 PM with no additional speakers from the public, S. Bogert closed the public hearing.

S. Bogert acknowledged the letters from Elizabeth Stone; William, Jason and Jean Comiero; Fred and Maureen DeRoche; David and Barbara Sheehan; Gary LeMay Sr; David and Shay Doyon; Janelle Fitch. He outlined their concerns, which were reiterated by the speakers during the public hearing. All letters are part of the record.

The Zoning Board discussed the application. They asked the applicant about parking, the applicants explained that typically there are two parking spots at each site but reiterated that occupancy is only about 50% on a typical weekend. The Board also asked about the fire pits; the applicants explained that they do not provide fire pits, it is up to the camper to obtain the fire pit, permit, and their permission. They noted that at their other campground a very small percentage of sites have fire pits.

The applicants addressed the noise concerns. The Moeller's stated that any noise that would be bothersome to the abutters would also be bothersome to the other campers, they tend to be very self-policing. Noise is not tolerated, and quiet hours are enforced.

Roger Moeller addressed the trespassing concern, at the other campground the issue with trespassing was people trespassing onto campground property, not the other way around. Again, it is part of their rules and is strictly enforced. The amenities are situated away from the abutters to help alleviate this issue as well.

J. LaRoche asked for clarification on the occupancy rate, if it is not 100%, could campground be smaller? R. Moeller explained that all the sites are rented out but that not everyone is there all at the same time.

The issue of residency was discussed. The occupants of the campground are not permanent residents and can not stay year round. The units staying seasonal reduces the amount of traffic in and out.

S. Bogert asked about the design. The lot is approximately 27 acres and approximately half can be used, the remainder is wetlands. There is concern about clear cutting the lot. The Moellers' explained they want to maintain as many trees as possible, removing what is needed for the road but keeping it natural. D. Moeller explained that as part of the Alteration of Terrain (AoT) permitting process a wildlife biologist's report is required.

G. Ober asked if the access road is wide enough to allow two-way traffic. D. Moeller explained that yes, and they are designed to accommodate emergency equipment. It was noted that the roads will not be paved, they will be gravel. The access roads are professionally designed and built and inspected to ensure they are constructed to the proper standards.

G. Ober also asked about security, is there an on-site manager. How do they monitor visitors? R. Moeller explained that they do not have a security person but the gate has a card reader and that the other residents self-monitor.

G. Ober asked about the recreation area, when its built out could fire pits be there instead of at individual sites, utilize a reservation system for them. It was also asked about building out the common area early in the project to prevent the wandering of residents. D. Moeller noted that they do allow fire pits just anywhere, they must be wisely located and permitted.

G. Ober made a motion to vote whether this is a campground or a manufactured home park as defined by the RSA.

Discussion: S. Bogert stated that per D. Trefethen, by the city definition, it is a campground.

Motion failed for lack of a second.

The Board discussed the issue and it was the consensus of the Board after a poll of the other members that it is a campground.

Poll: M. Foote: campground; J. LaRoche: campground; R. Maheu: campground; S. Bogert : campground; M. Hayward: campground

The Board discussed other options if the campground was not there, there could be a cluster subdivision, apartments, etc. They also noted that, in regard to the speeders, you cannot hold the applicants responsible for what is currently happening. It is a resort community, increased traffic also means increased commerce. The Board reiterated if approved, there is a full Planning Board process the applicants would need to go through as well as State permitting.

The buffer was discussed briefly, it was noted that the applicants could supplement the natural buffer if necessary.

M. Hayward asked about the designation of the SFR Zone from CR. D. Trefethen explained that the SFR Zone is a quasi-commercial zone that allows for motels, cottage colonies. Other uses, such as campgrounds, are allowed by Special Exception (not Variance) and that seven criteria must be met.

S. Bogert suggested that the Board condition the approval, if granted, to the applicant. Otherwise it goes with the land and another developer could put in a campground.

S. Bogert made a motion to approve with conditions Application ZO2021-0013SE for a Special Exception Article VI Section 235-26 (Uses Permitted by Special Exception) to allow the use of the property as a campground.

a. The use requested is specifically authorized in this chapter.

The use is authorized by Special Exception.

b. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The use will not create any traffic congestion, nor will it impair pedestrian safety. The increase in traffic is not unreasonable, the units will be brought in one time and will not be in and out on a weekly basis.

c. The requested use will not overload any public water, drainage or sewer system or any other municipal system, nor will there be any significant increase in stormwater runoff onto adjacent property or streets.

The use will not overload any municipal systems and will not create additional runoff onto neighboring properties or streets. The water system will be private and the stormwater drainage system will be designed to meet state and local standards for the appropriate permits.

d. The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.

The use will not create excessive demand for municipal services; it is only seasonal so there will be no demand on the school system; there will be no excessive demand for fire or police protection; and solid waste disposal will be private.

e. Any special provisions for the use as set forth in this chapter are fulfilled.

There are no additional special provisions.

f. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood.

The use will not create any hazards to the health, safety, or welfare of the public and it will not be out of character of the adjacent neighborhood as there are several camping/RV sites nearby.

g. The proposed location is appropriate for the requested use.

The location is appropriate, there are several campgrounds nearby and the application will go through the full Planning Board process.

h. The requested use is consistent with the spirit and intent of this chapter and the Master Plan.

The use is consistent with the spirit and intent of the Master Plan, the area is a shorefront recreational area, the people are not changing every week, the intent is for business and residential as indicated on the use chart.

CONDITION: Special Exception is specific to the applicant, Watson Woods LLC, if property is sold the Special Exception approval is voided.

M. Foote seconded the motion.

Vote was taken by roll call. All in favor (5-0)

9. OTHER BUSINESS

None.

10. ADJOURNMENT

At 10:16 PM R. Maheu made a motion to adjourn the meeting.

M. Foote seconded the motion.

All in favor.