

CITY OF LACONIA PLANNING BOARD
6:30 PM City Hall - Armand A. Bolduc Council Chamber
Accepted June 1, 2021

5/4/2021 - Minutes

1. CALL TO ORDER

As Chair of the Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that while there is a physical location to observe and listen to the meeting, the meeting is also being conducted electronically, which was authorized pursuant to the Governor's Emergency Order.

Participants may choose which option to use. However, in accordance with the Emergency Order, this is to confirm that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;

In addition to the "in person" option, we are utilizing the Zoom platform for this meeting where all members of the Board will have the ability to communicate, and the public will have access to watch or listen to this meeting through dialing the following phone # 1-312-626-6799. To participate in the meeting, you need to log on to Zoom: then type the Webinar ID: 844 4600 6916

b) Providing public notice of the necessary information for accessing the meeting;

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the City of Laconia's website at laconianh.gov

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;

If anybody has a problem, please call 524-3877 x 249 or email at: planning@laconianh.gov

d) Adjourning the meeting if the public is unable to access the meeting.

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

The meeting was called to order at 6:36 PM

2. ROLL CALL

Members present at City Hall: Bruce Cheney, Michael DellaVecchia, Charlie St. Clair

Members present via Zoom: Peter Brunette, Kirk Beattie, Rich MacNeill, Sarah Jenna, Brett Beliveau, Edwin Bones, Stacy Soucy

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethen, Zoom Host Assistant Planner Rob Mora

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.1. Acceptance of minutes from April 6

With no objections, Chair P. Brunette declared the minutes accepted as submitted.

6. PRESENTATIONS

7. EXTENSIONS Note: The purpose of this agenda section is for the board to consider requests from applicants with previously approved projects to extend the deadline dates. The board may also deliberate the request, decide and conduct a final vote at this time. PUBLIC INPUT IS NOT TAKEN ON EXTENSION REQUESTS.
8. 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.

The Historic Overlay District expansion went first as the applicant for Tower Hill was not on the line yet.

- 8.1. PL2013-0100SP amd2; 264 Lakeside Ave, Tower Hill Tavern; Request to amend the original approval to allow for indoor live music & DJ's until close at 1 am

Applicant: Anthony Santagate addressed the Board via Zoom. A. Santagate updated the Board on the progress. He went over the photos that were submitted.

Chair P. Brunette read an email from an abutter Joe Driscoll regarding enforcement of the issue.

S. Jenna asked about expenses and how much the applicant has spent and A. Santagate noted over a hundred thousand dollars.

Planning Director D. Trefethen told the Board that the sound engineer Eric Router was online and asked him to explain his proposal on the concept of monitoring and enforcement.

E. Router gave a brief overview of his history on the project. He proposed measurement during a performance to get a handle on different levels to decipher a baseline around the property. He suggests the applicant install a monitoring system with simple display and use that for continuous monitoring and put in a tamper proof location inside. E. Router explained the process. Chair P. Brunette had concern with the timing and they the study season is coming. Planning Director D. Trefethen note that data will be stored and accessed by and staff and could be made to have Police access as well. Details are still being worked out.

Planning Director D. Trefethen brought up the items he would like the Board to decide on as noted in the staff review. He offered a few options. Chair P. Brunette would like the Board to have actual detail to approve. S. Jenna understands the concerns raised but feels that with the amount the applicant has spent, it won't go under the bridge. B. Beliveau asked if enforcement is Planning Board jurisdiction. He noted that what was asked for has been done and that most of the objections are from the outdoor operations. This proposal is for the inside.

The public hearing opened at 7:47 PM

Atty. E. Wood, representing Brames Inc – specially Robert and Michael Ames – addressed the Board. He noted the applicant's effort is acknowledged, not after 7 years. They are cautiously optimistic Staff's plan will mitigate the issue but would ask the Board to do a site visit with the sound engineer to determine if the proposal will be effective. If that is unsuccessful, then to have an alternate approach. C. St. Clair asked if there was an appropriate decibel number the abutter had in mind and was told no. C. St. Clair gave an example of what 100 decibels would sound like. Atty E. Wood noted that it is not the goal to end the music, just mitigate the issues. He added the outdoor loudspeaker seems contrary to this site plan.

Meghan Doptis, General Manager of Tower Hill Tavern addressed the Board via Zoom. She asked if a certain level will be put in place for all the businesses in the area and was told only the ones that come

before the Board to change their site plan.

Dennis Golabiewski, of 19 Foster Ave addressed the Board via Zoom. He agrees with Driscoll's letter. He also feels motorcycle week is important to all businesses in Laconia.

Robert Ames addressed the Board via Zoom. He brought up the second floor and open windows. He understands the outdoor stage is a separate issue.

The public hearing closed at 8:03 PM

E. Bones asked if the motion should include the City to hire someone for enforcement. Planning Director D. Trefethen stated that if the monitoring shows consistent non-compliance by the applicant, Staff would bring that to the Board and the approval could be revoked for noncompliance. The engineer needs a couple days of measuring to determine the appropriate level. Then to figure out what the system should be and not to exceed, with a cap on the cost. It would be the responsibility of the management to keep the sound down. Chair P. Brunette asked E. Router if he could get the measuring done within the next 30 days and explained the process. He also gave some examples of a few products. The equipment needs to be calibrated and doenforce.

Planning Director D. Trefethen wants direction from the Board for clarification and noted that decibel levels are hard to pick with certain sound different at certain times and gave some examples. He noted the monitor will be proposed to be inside, not outside. The solution is to measure inside and establish the maximum inside levels. Not the source but how the noise impacts abutters. He understands the past years issues and feels this is a big step forward. After discussion, the consensus is to focus on the property line not the 50 ft mark.

Chair P. Brunette noted that the measurements should have been already established since this has been in front of the Board for many months. A. Santagate noted that everything should be complete this week and E. Router can do what he needs to any time after. Planning Director D. Trefethen stated that will be worked out.

Motion to approve the amendment with an automatic expiration August 3 and the applicant need to reapply to the Planning Board prior and notice put out made by M. DellaVecchia, B. Beliveau seconded. A. Santagate noted that he will be replacing the second floor windows with solid double pane windows. All voted in favor by roll call vote.

9. 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.

9.I. Expansion of the Historic Overlay District in the downtown area

Planning Director D. Trefethen gave a brief review of the presentation from last month.

The public hearing opened at 6:40 PM

Ethan Wood of Main Street addressed the Board. He had no issues with the expansion but cautioned the inclusion of the school property as it might impede future development of that property. He suggested the line of the expansion end just before the school where it currently is.

Chair of the Historic District Commission Tara Shore addressed the Board. She disagrees with the exclusion of the school property and has seen evidence of the opposite. A property in a historic district doesn't stop interest in properties. C. St Clair asked how much of an issue it would be if someone wanted to revamp a parcel and was told the façade is important and would depend on the proposal of the project. She noted that the Commission's job is to work with the applicant and not against.

E. Wood noted that it is currently a City property and the City probably doesn't want to keep it. His concern is specifically where the gym was located. C. St. Clair noted that the HDC had more concern with the front of the building.

B. Cheney noted that there are potential buyers for that property. He clarified that it is not currently in the HOD but is proposed to be in the expansion.

The public hearing closed at 6:53 PM

E. Bones was never in favor of the HOD from the beginning but to exclude the school, he feels it's unfair, although he doesn't disagree with the reasoning.

B. Cheney believes he speaks for the Council in stating that there are negotiations in the works where the district could create difficulties. Council would prefer the parcel be left out again as was in the original district, as it may negatively impede negotiations at this time. He would like Council to have time.

Planning Director D. Trefethen noted if this proposal is referred to City Council, then the expansion of the district would be in effect until their final decision is made. If Council rejects the proposal, the process would need to be restarted. C. St. Clair suggested all but the school and table that to a later date. Chair P. Brunette doesn't feel that would be wise and can't carve out just one lot, it would defeat the purpose of the HOD.

E. Bones disagrees with Chair T. Shore's comment on not having a negative effect as it already has had a negative effect. He feels that property owners have rights.

C. St. Clair mentioned that he hadn't heard much from Council on their thoughts. C. St. Clair agrees with the carving out of the one parcel but if Council has the power to hold this expansion up then it would be best to table it at Planning Board level. He asked if the HDC could live with the Council's request and was told the request would be considered. Chair T. Shore noted that the Historic Districts are there for a reason. She feels this property has a very strong connection to the Irish community and their heritage in Laconia. She understands the concern. C. St. Clair noted the city had certain criteria that a buyer would need to meet and feels there wouldn't be an issue. Chair P. Brunette reminded the Board that the public hearing was for the entire overlay district expansion and not just one structure.

Motion to recommend the expansion of the Historic Overlay District as proposed to Council but table the school property to June 1 made by C. St. Clair, B. Cheney seconded. E. Bones disagrees. Planning Director D. Trefethen noted that the Board could: approve the proposal, deny the proposal or amend the proposal. Part of the proposal can't be tabled. The motion failed 5-4 with B. Cheney, C. St. Clair, K. Beattie, B. Beliveau in favor and M. DellaVecchia, S. Jenna, R. MacNeill, E. Bones, P. Brunette against.

Motion to recommend the proposed expansion of the Historic Overlay District to Council made by M. DellaVecchia, S. Jenna seconded. B. Cheney urged the Board to reconsider and suggested tabling for a month. The motion passed 6-3 with C. St. Clair, DellaVecchia, S. Jenna, R. MacNeill, E. Bones, P. Brunette in favor and B. Cheney, K. Beattie, B. Beliveau against.

9.II. PL2021-0044SP; 435 Union Ave; Site plan amendment for storage building

Motion to accept the application as complete made by C. St. Clair, M. DellaVecchia seconded. All voted in favor by roll call vote.

Applicant: Nick Sceggell of Steve Smith and Associates addressed the Board via Zoom. He went over the proposal. The structure will be slab on grade foundation and foot drains that will discharge southeast of the building. The pervious pavement will remain. There will be no increase in stormwater runoff.

The public hearing opened at 8:42 PM

With no one to speak for or against the application, the public hearing closed at 8:42 PM

Staff review: Planning Director D. Trefethen read the staff review. He noted there is nothing unusual and the application is straight forward.

Motion to approve the application for site plan amendment with the dates and conditions as stated in the staff review made by B. Beliveau, K. Beattie seconded. All voted in favor by roll call vote.

- 9.III. PL2021-0117SP amd1; 645 Union Ave; Proposal to construct a 15,117 sq ft paved parking lot for employee use

Applicant: Tom Cantin and Tom Selling were present. T. Cantin addressed the Board and expressed his appreciation of the Board volunteers. He explained the proposal. The thought originally was to use the existing structure, but it won't fit in the plans. There is a continuous fence and greenspace and they plan to add three more light poles. Access to the parking lot will be through Mechanic Street with an emergency access only off Union Ave. This is a parking lot for employees and possibly customers if need be, not any display vehicles on the lot. The demolition of the structure went before the Heritage Commission and was approved. There will be trees on both street fronts connected by grass.

The public hearing opened at 8:51 PM

With no one to speak for or against the application, the public hearing closed at 8:52 PM

Staff review: Planning Director D. Trefethen read the staff review. He explained that due to the length of the parking area an island is required so the applicant is going to the Zoning Board for a variance. If that is not granted, one parking space will be an island.

Motion to approve the application for site plan amendment with the dates and conditions as stated in the staff review made by K. Beattie, C. St. Clair seconded. All voted in favor by roll call vote.

10. APPLICATION ACCEPTANCE Note: The purpose of this agenda section is to publicize that a Planning Board application has been submitted AND for the Planning Board to determine if the application is complete enough to begin the review process. PUBLIC INPUT IS NOT TAKEN AT THIS TIME. If the application is accepted the Planning Board will schedule a Public Hearing at which time the application will be heard and public comments will be accepted. Information about applications can be obtained on the city's web site or by calling the Planning office.

11. NEW BUSINESS

- 11.I. reappoint S. Soucy as Planning Board liaison to Conservation Commission

Motion to reappoint Stacy Soucy as Planning Board liaison for the Conservation Commission pending Council appointment made by B. Beliveau, C. St. Clair seconded. All voted in favor by roll call vote.

12. OLD BUSINESS

M. DellaVecchia brought up the fact that Domino's doesn't have street trees in yet. Assistant Planner R. Mora will look into that.

B. Cheney asked about Code Enforcement and the court system. Planning Director D. Trefethen noted it has been slow and the courts are starting to reopen. There are a couple of cases in the system currently.

13. PLANNING DEPT REPORT

14. LIAISON REPORTS

LRPC: Chair P. Brunette mentioned there were two meetings: one on flood insurance and the other on the LCHP. He noted that he would like to reconvene the MPSC and will need LRPC services. New goals and objective will need to be set and the role of affordable housing issues in the City will need to be addressed. He urged members to check meetings out.

Concom: Planning Director D. Trefethen noted that the office Conservation position closes May 7 and have a few applicants so far.

COuncil: nothing to report

HDC: C. St. Clair noted that it was brought up with the expansion.

15. OTHER BUSINESS

16. ADJOURNMENT

With no objections, Chair P. Brunette declared adjournment.

The meeting adjourned at 9:12 PM

Respectfully,

K. Graham