

CITY OF LACONIA PLANNING BOARD
6:30 PM City Hall - Armand A. Bolduc Council Chamber
Accepted November 9, 2021

10/5/2021 - Minutes

1. CALL TO ORDER

Peter Brunette read the meeting introduction.

As Chair of the Planning Board, I will note this meeting will be held in person in the noticed meeting room. In conformance to NH RSA 91-A, a quorum of the board's members must be physically present in the meeting room for the meeting to start and/or continue. While there is a physical location to observe and listen to the meeting, the meeting is also being conducted electronically. The public can choose to attend and participate in person or by Zoom. However, if something occurs that disables access to Zoom, the meeting will continue regardless and members of the public or board members using Zoom will have no recourse. Choosing to use Zoom is done at the individual's risk. Using Zoom requires the use of an enabled device.

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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 6:33 PM

2. ROLL CALL

Members present: Scott McWilliam, Kirk Beattie, Bruce Cheney, Charlie St. Clair, Stacy Soucy, Susan Hodgkins, Michael DellaVecchia (7:48 pm), Peter Brunette

Absent: Sarah Jenna, Brett Beliveau, Rich MacNeill

Chair P. Brunette noted that there was a quorum and sat the two alternates as voting members.

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethen, Assistant Planner/Zoom Host Rob Mora

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. Acceptance of minutes from August 18 Site Walk

With no objections Chair P. Brunette declared the minutes accepted.

5.II. Acceptance of minutes from Sept 7

With no objections Chair P. Brunette declared the minutes accepted.

6. PRESENTATIONS

6.I. Revisions to Accessory Dwelling Units section 235-41:A of the ordinance

Planning Director Dean Trefethen went over the presentation handout. He noted that the proposal is easier, but the text is not shorter. In zones that required a special exception, an Administrative Review would be applied for instead as long. As long as it was a lot of record and met the setbacks. He continue through all the changes.

DPW would like to eliminate the cuts in the street for utilities and suggested using the exiting stubs from the street.

As for the size of the ADU, this is addressing concerns from public.

K. Beattie asked about the 911 addressing and that was discussed.

Planning Director Dean Trefethen noted that ADUs are only allowed under state statute for single family homes. Of the applications the dept has approved, about two thirds have been attached and the rest stand alone.

B. Cheney would like to see a time limit on the "Temporary" definition. Staff will work on that.

Planning Director Dean Trefethen noted that the ZBA can't wave criteria, either the application meets the criteria or it doesn't. There was talk about granting things after the fact and that it happened often.

Motion to refer the revisions of 235-41, Accessory Dwelling units to Council made by K. Beattie, C. St. Clair seconded. All voted in favor.

K. Beattie left the meeting for an emergency at 7:07 PM

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.

7.I. PL2014-0158CUPamd2; 61 Pendleton (205 Wentworth Cv); Request extension to construct a single family home within the wetland buffer

Applicant: John Remington property owner and developer of Beechwood addressed the board. The lots were created when there was a 30 ft buffer and has received approval to keep that 30 ft buffer. Currently this lot is under contract and waiting to be sold and constructed.

Motion to approve the extension request to November 1, 2022 made by C. St. Clair, B. Cheney seconded. All voted in favor.

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.

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. Amend the Table of Permitted Uses chart and Chapter 235-42 Zoning, adding a new section L, to include Indoor storage, self-service as a Conditional Use Permit (CUP) in the Commercial Resort (CR) zone

Chair P. Brunette gave a brief background on the amendment. Planning Director D. Trefethen noted that this proposal is for a zone and not one particular property and gave the zone boundaries. Staff feels there is contraction with what is allowed the CR zone with outdoor vs indoor storage.

The public hearing opened at 7:13 PM

Abutter input:

Tom Selling lives and has a business in Laconia. He represents several clients. He is satisfied with this proposal and feels it's long overdue. It has been frustrating that it's not allowed and a welcome addition.

A Weirs resident addressed the board. He represented a number of residents that feel this change would detract the area.

Robert Sarsfield of 91 Tower St addressed the board. She named some surrounding properties currently for sale and asked if self-storage is allowed. Planning Director D. Trefethen said currently, no but if this passes, yes.

Robert Ames, owner of Half Moon addressed the board. He read the definition of the CR zone from the ordinance. He feels the definition shows what can be done and storage is not the intent or appropriate for the CR district. He feels there isn't a lack of storage in the area and not a "need" in the Weirs. He noted that most self-storage businesses get customers by drive by and that people will drive to store their items. Planning Director D. Trefethen doesn't dispute any of the comments that have been stated.

Another Weirs resident addressed the board. She noted the area draws people and storage until will not add to the drawing of people. There are more places for storage in surrounding areas. She would like a connection for what Laconia is trying into.

Jose Dematos of 1192 Weirs Blvd addressed the board. He feels there is prime land in the weirs and this use better served elsewhere. He asked the board to leave the ordinance as is.

Herbert Dick of 76 Lucerne addressed the board. He noted there has no self storage in the past and doesn't want to see it in the future. He asked to leave the ordinance as is.

Chair P. Brunette asked if staff has had a lot of requests or just a few and was told quite a few, and not the ones people have been thinking. Most of the parcels would not be visible from the road. He was not the director when the contention of this self storage was before Council, but has been briefed many times by multiple people.

Joanne Paula a Weirs resident addressed the board. She agrees with rest to not change the current ordinance.

Ed and Nancy ElFar land owners and residents of Laconia addressed the Board. E. Elfar noted that he owns the current paint ball park over by Funspot and would like to develop his property. He noted there are seven condo developments that surround his property and those folks would like more storage near by. The only thing seen from the road would be a sign unless someone was to walk on the land. He feels it's time for Laconia to move forward.

Charles Carey of 12 Maple St addressed the board. He recently purchased the cottages and asked who would rent cottages with a view of self-storage next door.

The public hearing ended at 7:42 PM

B. Cheney noted that he has been in Laconia since the 40's. This has been a lightning rod of contention with Council. He is in opposition to the revisions.

C. St. Clair asked what the options were for property owners if something is not allowed. Planning Director D. Trefethen noted that any property can go to the Zoning Board and request a variance. He noted that the ZBA has denied variance requests for storage based on recent Council, decisions. C. St. Clair thinks there is already a fair system and agrees with B. Cheney. He also encouraged the Elfars to apply to the ZBA if that is what they'd like to do.

B. Cheney noted that he has a hard time with ordinances that have vague language. He also doesn't want to see the character of the Weirs change.

S. McWilliam asked what the authorization of this board is to deny an application. Planning Director D. Trefethen noted the conditional use permits have criteria that the applicant has to prove and the board would have the authority to deny if the criteria are not met.

C. St. Clair doesn't see this current board denying any projects.

Motion to not recommend the changes to Council made by B. Cheney, C. St. Clair seconded. Planning Director D. Trefethen clarified that every property owner has other options. The motion passed with M. DellaVecchia abstaining.

B. Cheney didn't want his opinion to reflect negative to staff and to keep coming up with changes.

9.II. Addition to section 235-21.1, Performance Zoning Overlay District, in a portion of the Weirs

Planning Director D. Trefethen gave a brief background and where the current over lay is located. The overlay is a conditional use application with the Planning Board. It would give zoning relief by the Planning Board if they felt it was right for the property. This would include setbacks, density, height, parking, etc. Not for buffers or sign requirements. Since the enactment of the current overlay there have a few proposals for minor reliefs. The overlay is more for infill development. Staff's idea is for future development that may need relief. Staff also feels it would be better for the area and some of the vacant parking lots can be developed and not used just a few times a year. There are many properties that are underutilized.

C. St. Clair noted that winter is tough for the Weirs. Planning Director D. Trefethen stated that is slowly changing with more residences changing to year round.

K. Beattie returned at 8:15 PM

The public hearing opened at 8:15 PM

Jose Dematos of 1192 Weirs Blvd addressed the board. He is all for improvement, but it is scary. If a property can't meet the requirements, he feels they should make the adjustment. He asked why not the entire zone. Planning Director D. Trefethen would like the focus on the beach area. J. Dematos agreed that the winters are tough. He feels it's a slippery slope and need to be careful on how rules and regs are applied.

Jane Whitehead of 245 Pleasant St addressed the board. She has concerns for archaeological traces in the area. The Weirs is believed to be rich and the most important site in the area (talking about the old Drive In). She noted there needs to be sufficient time to study and document the removal of any important artifacts. Chair P. Brunette agreed.

The public hearing closed at 8:21 PM

Chair P. Brunette feels the addition makes sense. One of the innovative land use controls mentioned in the Zoning statute and doesn't see a downside.

Motion to forward the addition of the performance overlay to the area of the current Weirs TIF district made by S. Soucy, S. McWilliam seconded. C. St. Clair agreed about it being logical to start the district where the TIF boundary is and noted room for expansion. The motion passed with K. Beattie abstaining.

- 9.III. PL2021-0119SU; 62 & 78 Chapin Terrace; Proposal for a boundary line adjustment between the two lots

Motion to accept the application as complete made by S. Soucy, K. Beattie seconded. All voted in favor.

Applicant: Robert Talon, project surveyor, addressed the board. R. Talon explained the proposal. The boundary adjustment will meet current zoning after.

The public hearing opened at 8:37 PM

There was no one to speak for or against the application.

The public hearing closed at 8:38 PM

Staff Review: Planning Director D. Trefethen read the staff review. He added that currently there are two treehouses on the shoreline and DES was waiting for Planning Board to make their determination. The property is in current zoning violations as well.

Motion to approve the boundary line adjustment with the dates and conditions as stated in the staff review made by M. DellaVecchia, S. Soucy seconded. All voted in favor.

- 9.IV. PL2021-0120SP; 674 Main Street; Proposal to change second floor commercial to two residential units

Motion to table the application to November 9 made by S. Soucy, C. St. Clair seconded. All voted in favor.

- 9.V. PL2021-0122SP; 1065 Watson Rd; Proposal to change the use of the property to multifamily

Motion to accept the application as complete made by K. Beattie, S. Soucy seconded. All voted in favor.

Applicant: Vinny Hayhurst the new property owner, addressed the board. V. Hayhurst explained the proposal. He would like to change the use from a bar/restaurant to a multifamily residence. No external changes would be done to the building. All internal changes. S. Soucy asked about trash. V. Hayhurst will get a dumpster and it will be screened. There will be four 2 bedroom and one 1 bedroom.

C. St. Clair mentioned the large bar across the street, High Octane and if there was going to be any soundproofing in the building for the residents. He brought up the issues with other "loud" businesses. V. Hayhurst is well aware of the noise situation and what is across the street and wasn't planning on soundproofing. C. St. Clair noted it was a great use for the property and well needed. V. Hayhurst noted that it will be fulltime housing, year round.

M. DellaVecchia asked if V. Hayhurst had plans for the rest of the property and nothing in the near future. He wants to get a foot in the door of the area first.

The public hearing opened at 8:51 PM

There was 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.

Motion to approve the change of use site plan with the dates and conditions as stated in the staff review made by C. St. Clair, S. Soucy seconded. All voted in favor.

- 9.VI. PL2017-0001SPamd1; 609 Main Street, Colonial Theatre; Proposal to amend the site plan application to add a rooftop deck

Motion to accept the application as complete made by K. Beattie, B. Cheney seconded. All voted in favor.

Applicant: Rob Turpin, representing the developer addressed the board. The plan is to put a small out deck on the lower roof between the two blocks. There is an existing door to access the mechanical equipment on part the roof. The deck will only be for the owner and guests, no public. There will be a separational fence between the mechanical equipment and the deck. The deck will not be on the membrane, but 8-12 inches above. The applicant is still working with the contractor on finding a door that doesn't need a key to open from the outside while maintaining security. The roof was reconstructed to carry snow load so it will be capable to handle a deck.

C. St. Clair asked if the area will be enclosed so nothing will blow around and was told no but the two surrounding buildings serve as a barrier and feels there is enough where things won't be blown off. At this point Chair P. Brunette asked C. St. Clair to recuse himself. C. St. Clair agreed.

S. Soucy asked about the possibility of someone jumping or falling off the deck onto the lower level. R. Turpin noted that the drop is about two feet and there are bushes and fence there as well. That might be a deterrent.

The public hearing opened at 9:06 PM

There was no one to speak for or against the application.

The public hearing closed at 9:07 PM

Staff Review: Planning D. Trefethen read the staff review. He noted the original approval's conditions are still in effect. He mentioned that the structure and fire code will be addressed at the building permit level.

Motion to approve the site plan for rooftop deck with the dates and conditions as stated in the staff review as well as the original 2017 conditions of approval made by K. Beattie, B. Cheney seconded. All voted in favor. C. St. Clair recused.

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

B. Cheney asked about enforcement of covenants and at what point the city step in. Specially he brought up the well situation at Turner Way. Planning Director D. Trefethen noted the city doesn't enforce association covenants. He explained the issue with the association's community well was part of the Planning Board application process and was a condition of approval. There were many tests done at that time with an extensive report. Any changes would need to be an amendment as it was the board's decision originally based on information the applicant provided. There was discussion on the well issue.

12. OLD BUSINESS

13. PLANNING DEPT REPORT

14. LIAISON REPORTS

15. OTHER BUSINESS

15.I. Review of extension policy

Planning Director D. Trefethen asked the board to review the policy and get him any revisions they might want. Chair P. Brunette asked if the application can be changed to reflect the items on the policy with just a check list. Staff will redo the application.

16. ADJOURNMENT

The meeting adjourned at 9:30 PM

Respectfully,

K. Graham