



City of Laconia
Zoning Board of Adjustment
Monday, November 15, 2021 - 6:30 PM
City Hall in the Armand A. Bolduc Council
Chamber

11/15/2021 - Minutes

1. CALL TO ORDER

G. Ober called the meeting to order at 6:30 PM

2. ROLL CALL

Present: G. Ober, M. Foote; R. Maheu; J. LaRoche; M. Hayward; M. Dellavecchia (8:00 PM)

Absent with notification: S. Bogert

M. Hayward and J. LaRoche were seated as voting members.

G. Ober addressed the audience, she noted that the last item on the agenda, for 33 Clearwater Place, is a request for rehearing, that there is no public comment, it is a discussion by Board members only.

3. RECORDING SECRETARY

K. Santoro, Zoning Technician

4. STAFF IN ATTENDANCE

D. Trefethen, Planning Director

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. October 18, 2021 Zoning Board Of Adjustment Meeting Minutes (PDF)

R. Maheu made a motion to accept the minutes of October 18, 2021 as presented.

J. LaRoche seconded the motion.

Four in favor. G. Ober abstained.

6. 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.

6.I. ZO2021-0056VAR 691 Weirs Blvd Variance Application (PDF)

Applicant Anthony Dupont outlined his request to the Board. He explained that there is a garage with an unfinished space above it, originally it was going to be a game room, He would like to convert it to a small apartment (2-family home). The lot allows for 6 units per acre, he has a quarter acre and would need a variance for density to allow two living units. The house would not change in appearance, the space already exists.

M. Hayward asked about the parking, the applicant explained that the driveway goes around the building to the garage in the back of the house, there is more than adequate parking available.

At 6:36 PM G. Ober opened the public hearing.

At 6:36 PM with no one to speak for or against the applications, G. Ober closed the public hearing.

M. Foote made a motion to approve application ZO2021-0056VAR. Applicant is requesting a variance from Article VI Section 235-33 Maximum Residential Unit Density to allow for the conversion from a single family to a two-family house.

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

The addition of a second unit will have no 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 allow the homeowner to improve his home, adding a second unit of housing with no impact on the surrounding properties.

3. Granting the variance would do substantial justice because:

The project will do substantial justice because it will allow the homeowner to improve his home, adding a second unit of housing with no negative effect on surrounding neighborhood.

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

The project will add an additional unit of housing and would not diminish the value of the surrounding properties.

5. Unnecessary hardship:

The lot is undersized for the zone and is unusually shaped. The proposed use is a reasonable one as it adds an additional unit of housing in an existing structure.

Conditions:

A building permit be obtained and that the fire department review the project for fire code compliance.

R. Maheu seconded the motion.

All in favor (5-0)

6.II. ZO2021-0057SE 100 New Salem St Special Exception Application (PDF)

Applicants Dawn and David Longval outlined the application to the Board. Dawn Longval explained that they would like to open a low barrier, cold weather emergency shelter. It would be operated from December to March when temperatures are the coldest. She noted that Carey House and Belknap House require sobriety, their proposed shelter would not have that restriction. They would provide shelter at night, they currently offer day services at Isaiah Café. They noted that the individuals who come to Isaiah Café are already familiar with the rules. Dawn Longval informed the Board that individuals would check in between 8pm and 9pm, once inside they are not allowed to leave, if they leave, they are not allowed back that night. She also noted that their belongings are put into a locker and they do not have access to them in the overnight hours.

Dawn Longval outlined the Special Exception parameters as submitted in her application. It was noted that by individuals utilizing the overnight shelter, they would not be on the streets, their belongings would not be hidden on private property as they would be in lockers. The demand on emergency services would be reduced as it would bring people inside who would be out in the streets.

David Longval noted that they would be using a small portion of the brick portion of the building (not the old Pitman's Freight room side); it is approximately 1000 sf, it would have bunk beds. The individuals would have access to the bathrooms but no other portion of the facility. David Longval noted that they would not overload water or sewer as they currently have laundry facilities and showers during the day which has not overloaded the water or sewer, these services would not be available at night.

The Longval's noted that for the few individuals have been living in their cars, they would not be allowed to sleep in their cars, they would park in the adjoining half acre lot they own.

G. Ober asked if the temperature is the trigger; she asked what do people do between the hours of 2pm and 8pm. She also asked how it fits with the master plan.

David Longval replied that it will improve the downtown, less people will be hanging out in doorways, sleeping in vehicles, etc. They will be inside, supervised.

M. Foote asked how long people would stay, one night, multiple nights. David Longval responded that each persons journey is different, some may stay only one or two nights; other a bit longer.

At 7:13 PM G. Ober opened the public hearing.

Brad Brown, 30 Messer St, addressed the Board. He spoke in support of the emergency shelter. He stated that he has been in Laconia 22 years, he volunteers at Isaiah Café, he said that the homeless are some of the kindest, nicest people. He stated that it would help improve Laconia's image because the homeless would not be wandering the streets at night, they would have a place to go to sleep.

Donna Clairmont, 104 New Salem St, addressed the Board. She noted that she lives directly next to Isaiah Café. She stated that it has been a horror show, the homeless take things from her yard, move things around. After 2pm when the café closes, they are hanging around, sitting at picnic table smoking and cursing. She stated she has posted her property, called the police multiple times. D. Clairmont noted that she has been there 42 years, the buildings where Isaiah Café is now used to be storage, then Pitmans, and that she did not have issues until Isaiah opened a few years ago.

Mary Aronosian, of Concord, NH addressed the Board. She noted that she has volunteered working

with the homeless in other towns and would be happy to volunteer at Isaiah, she supports the overnight shelter.

Craig Bean, owner of 77 -97 New Salem St. addressed the Board. He commented that he has had several trailers broken into, the dumpsters on his property have been rummaged through by homeless looking for items; numerous needles have been found on the property; they use the property as a bathroom; and leave belongings on his properties. He asked where do they go from 2pm to 8pm, when the café is closed but the shelter portion is not yet open. He noted the people on Water Street were not notified of the meeting, but did recognize that the railroad is the abutter (which is in between the New Salem St property and Water St.).

Tina Kelley, 23 Tilton Ave, addressed the Board. She commented on the homeless being addressed as "these people", she noted that many people are a paycheck away from being homeless. She also commented, that, as a whole, mental health care is difficult to get, even if you have insurance. The homeless don't have insurance so it is nearly impossible. Tina Kelley stated that the location being two doors down from the police station makes it a good location for the shelter. By getting individuals off the street (and into the shelter at night) would alleviate some of the issues being brought up.

Mariette Fox, of Gilford, addressed the Board. She spoke in support of the application. She noted that she has over 27 years of experience working in social service support and that Laconia is lucky to have the Longval's running Isaiah Café, someone is always there to keep an eye on things.

Kevin Tobin, 73 Fenton Ave, addressed the Board. He noted that he worked for Helping Hands in Manchester. He also noted that he has been sober since 1994, he goes to Isaiah Café for services and fellowship. He supports the emergency shelter and stated that it puts help where it is needed, that it is an essential part to help them get on their way.

Anthony Barczak, 32 Honeycomb Way, Newmarket NH, addressed the Board. He noted that his wife owns a business at 53 Beacon Street West. He stated that he understands and empathizes with the issues the homeless are having but noted that they have had people come in the back door of the business, they shoot up in restrooms, and in the alley. He commented it could be a great thing for the community but that sometimes shelters get out of control, he asked that, if approved, could there be conditions of approval that would cap the number of incidents allowed.

Dan Makely, 40 Crescent St.; addressed the Board. He informed the Board he is the owner of 51-71 Beacon St. West, and noted that Anthony Barczak is one of his tenants. He reiterated the issues that Mr. Barczak brought up and noted that he is nervous if this shelter is approved.

Lori Gabriella, a Laconia resident, addressed the Board. She stated that she has not heard what is being done to protect the abutters.

Brad Brown, 30 Messer St, addressed the Board. He noted that the police department is a hundred yards away, the homeless individuals would be safe inside a building, there would be less people out on the downtown streets and in the parks. This is a good start.

David and Dawn Longval addressed the Board to answer some of the concerns raised by the public. David Longval stated that they are asking for a Special Exception. He stated that by giving the homeless a place to go, they would not have to break into a shed to sleep; they will be off the street, not shooting up. It is an opportunity to help where there is a need. He noted they (Isaiah Café) have been open for three years, it is not chaotic, they have rules. David Longval noted that they currently deal with approximately 50 people per day, they are not wandering the streets, it would improve the neighborhood.

At 7:48 PM G. Ober closed the public hearing.

Dean Trefethen, noted that when the application goes to Planning Board, that is where occupancy would be determined, he noted from a Planning perspective having the shelter located in the core of the

City is probably better. It is where the clients are, and it is where the other services that their clients would utilize are located.

M. Hayward asked if a fence could be required between the Isaiah Café and the residence next door. G. Ober asked Donna Clairmont, the abutter, to return to the podium to ask if a fence would help the situation.

Donna Clairmont said that the people linger unsupervised, they are not respectful of her or her property. She said that a fence would be helpful but is not the answer to all the issues.

M. Foote made a motion to approve Application ZO2021-0057SE. Applicant is requesting a Special Exception for Article V Section 235-26 Uses Permitted by Special Exception to allow the use as low barrier, emergency cold weather shelter for the months December through March.

Condition: The ZBA recommends that the Planning Board look at the fencing request between 100 and 104 New Salem Street; and the possibility of a cap on the number of incidents/emergency responses allowed per year.

1. According to the Table of Permitted Uses, Section 235, Attachment 2, under Residential-Special Services, the table states that Applicant is authorized to request a special exception for "emergency shelter/housing".
2. Emergency Shelter/Housing will not create undue traffic congestion or unduly impair pedestrian safety. Opening a low-barrier, emergency cold-weather shelter will provide a warm place for the homeless/addicted population to stay overnight removing them from downtown business entry ways, city property, as well as private property, where they sleep in tents. The Applicant will provide not only a warm building and beds, but also supervision to all housed. All belongings will be locked and unavailable during the overnight hours, so continued substance use during night hours will be not be allowed, aiding in pedestrian safety for not only our friends, but also to the general public. The overnight shelter will reduce traffic congestion because those who currently sleep in their cars on city property, will instead park their cars in Isaiah's attached parking lot and will reside inside the building. The Applicant does not currently and will not allow our friends to sleep in their vehicles onsite. They will be offered a bed inside or be asked to leave the premises. Since the majority of Applicant's friends do not have access to, nor own cars, there is no undue traffic congestion.
3. Emergency Shelter/Housing will not overload any public water, drainage or sewer system or any other municipal system, nor will there be any significant increase in storm water runoff onto adjacent property or streets. The Applicant currently offers a day shelter providing access to bathrooms, showers and laundry to the less fortunate and homeless population 5 days/week. These services have not overloaded any public water, drainage or sewer system in the past 3 years of operation- Given the fact that the same people who attend the day shelter will most likely stay overnight, the demand remains the same and no system is overloaded.
4. Emergency Shelter/Housing will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services. Currently, the Applicant runs the low-barrier, day shelter which allows those with substance abuse disorder to abide during the day Monday-Friday 9am-2pm. The Applicant has seldom needed to call on the police or fire departments in running the low-barrier, day shelter. Currently, at night, the Applicant's friends tend to congregate at city parks and trails where drug and alcohol use is not permitted, yet they are unsupervised and many times chaos and havoc occur, resulting in a demand for police and fire assistance. The low-barrier, emergency cold weather shelter would reduce the demand on such City departments, as the Applicant would offer supervision and discipline, so that drug and alcohol use would not be allowed in lieu of a warm, safe shelter. The Applicant knows some of the friends will choose not to comply and may leave during the night, but the majority will stay.
5. Per the Table of Permitted Uses under Residential-Special Service, Emergency Shelter/Housing does not have any special provisions under VII.
6. Emergency Shelter/Housing 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 Applicant's proposed low-barrier, emergency cold-weather shelter will seek to bring the homeless/addicted individuals off the streets and into a safe, warm place and out of weather

elements. As a result, the individuals will not have further access to drugs and alcohol during their stay overnight, which assists in the betterment of health for them and a safer environment for the general public. The neighborhood is mixed-use of both business and residential, so having an overnight shelter would align with the neighborhood and actually enhance the public's health, safety and welfare as mentioned above.

7. 100 New Salem St. property (merged with 94 New Salem St.) is appropriate for an Emergency Shelter/Housing. The Applicant purchased 94 New Salem St. at the end of March 2021, giving a total of 8,500 sq. ft. of available space. As of September 2021, the Applicant moved the day shelter into the 5,000 sq. ft. of space (originally 94 New Salem St.) from the original building. This move allows for approximately 2,500 sq. ft. of available space in the original building to be renovated for the emergency shelter. We plan to purchase metal bunk beds and plastic mattresses to house as many as will fit in this space as well as within the allowed occupant load. The Applicant will run the low barrier, emergency cold-weather shelter from Dec-Mar from 8pm to 8:30am 7 days/week. The Applicant's friends will have access to restrooms, but all other remaining space will be locked.

8. Emergency Shelter/Housing is consistent with the spirit and intent of this chapter and the Master Plan. Given the mixed-use of business/residential in the neighborhood, the Applicant's proposal will hardly differ from such permitted use, as it merely allows the Applicant to ensure that the positive effects of its services will reach a greater number of people in need beyond its limited number of residents. By approving the Applicant's proposed use of the Property, this Board will be offering the Applicant an opportunity to expand its charitable works, serve a greater number of people in desperate need of aid, and ultimately create a stronger community in the heart of the City through the mission to "move people from homelessness to independence".

M. Hayward seconded the motion.

All in favor. (5-0)

7. OTHER BUSINESS

7.1. ZO2021-0018 33 Clearwater Place Rehearing Request (PDF)

M. Dellavecchia arrived at 8:00PM; due to his late arrival he asked that J. LaRoche remain as a voting member.

M. Foote commented that he would not support a rehearing request, no new information was provided.

G. Ober stated that as a quasi-judicial board, there should be no implicit bias shown. The applicant had requested the Chair recuse himself because he felt he was biased. Additionally, there was testimony made by abutters that was not borne out by police or fire department reports. There were statements made that police had been called regarding parking, however, per the police department, no calls were received.

It was noted that if the Board does not approve the request for a rehearing the applicant has the option to file with the court system.

R. Maheu commented that if they had brought in the evidence that they knew they needed to provide that they may have been approved. M. Foote noted that he felt the neighborhood was not appropriate for short term lodging.

M. Foote made a motion to deny the request for rehearing for application ZO2021-0018 33 Clearwater Place.

Reason for denial: Based on the discussion of the Board and the lack of new evidence by the applicant or his representative.

M. Hayward seconded the motion.

All in favor (5-0)

8. ADJOURNMENT

At 8:19 PM R. Maheu made a motion to adjourn the meeting.

J. LaRoche seconded the motion.

All in favor. (5-0)