



City of Laconia
Zoning Board of Adjustment
TUESDAY, January 21, 2020 - 6:30 PM
City Hall in the Armand A. Bolduc City Council Chamber

1. CALL TO ORDER
2. ROLL CALL
3. RECORDING SECRETARY
4. STAFF IN ATTENDANCE
5. ELECTION OF OFFICERS
6. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

6.I. December 16, 2019 ZBA Minutes (PDF)

Documents:

[DECEMBER 16, 2019 ZBA MINUTES.PDF](#)

7. EXTENSIONS
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. ZO2019-0039VAR 724 White Oaks Rd Variance (PDF)
Application ZO2019-0039VAR. Applicant is requesting a variance from Article VI Section 235-34 Minimum Lot Frontage to allow for a boundary line adjustment.

Documents:

[ZO2019-0039VAR 724 WHITE OAKS ROAD APPLICATION.PDF](#)

10. OTHER BUSINESS
11. ADJOURNMENT

This meeting facility is ADA accessible. Any person with a disability who wishes to attend this public meeting and needs additional accommodations, please contact the department at (603) 527-1264 at least 72 hours in advance so necessary arrangements can be made.



City of Laconia
Zoning Board of Adjustment
Monday, December 16, 2019 - 6:30 PM
City Hall in the Armand A. Bolduc Council Chamber

12/16/2019 - Minutes

1. CALL TO ORDER

Meeting was called to order by Chair S. Bogert at 6:30 PM.

2. ROLL CALL

Present: Steve Bogert; Orry Gibbs; Roland Maheu; Gail Ober; Michael DellaVecchia; Mike Foote (6:54PM)

Michael DellaVecchia was seated as a voting member.

3. RECORDING SECRETARY

Karen Santoro, Zoning Technician

4. STAFF IN ATTENDANCE

Dean Trefethen, Director of Planning/Zoning and Code Enforcement

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. November 18, 2019 Zoning Board Of Adjustment Regular Meeting Minutes (PDF)

R. Maheu made a motion to accept the minutes of the November 18, 2019 meeting as presented.

O. Gibbs seconded the motion.

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. ZO2019-0030AA 263 Lakeside Ave Administrative Appeal (PDF)

Application was withdrawn without prejudice by applicant.

8.II. ZO2019-0036VAR 62 Prescott Ave Variance Application (PDF)

At the request of the applicant, John Trickett, for 73 Leighton Avenue South, due to extenuating circumstances, his application ZO2019-0037VAR was moved up on the agenda.

Applicant Lori Desmarais outlined the application to the Board. She explained that due to the age of the lot, over the course of time boundary markers and monuments became lost and the lot lines not clear. After purchasing the house they discovered that their fence was on the neighboring lot at 62 Prescott, and, the house at 62 Prescott was partially on their lot at 64 Prescott. Both parties consulted with an attorney about the best way to clear up the boundary discrepancy. The boundary line adjustment has been agreed to by both parties. Due to the fact that both lots are non-conforming lots, and that the structures cannot meet setback requirements, a variance is required from the Zoning Board of Adjustment for the Boundary Line Adjustment to occur.

(M. Foote arrived 6:54PM)

At 6:56 PM S. Bogert opened the public hearing

With no one to speak for or against the application, S. Bogert closed the public hearing at 6:56PM

O. Gibbs made a motion to approve application ZO2019-0036VAR for a variance from Article VI Section 235-35(B) Side Setback and Rear Setback to allow for a boundary line adjustment between two non-conforming lots (62 and 64 Prescott Ave).

(1) The variance will not be contrary to the public interest;

Granting the variance would not be contrary to the public interest as it is specific to these two properties, over time boundary markers and monuments have been lost;

(2) The spirit of the ordinance is observed; AND

If the variance were granted, the spirit of the ordinance would be observed as it would provide the two property owners, and any future owners, a clear delineation of the property boundaries.

(3) Substantial justice is done; AND

Granting the variance would do substantial justice because it would not alter the character of the neighborhood and it does not have any impact on municipal services or the neighbors. Both parties have addressed the encroachment issue, the boundary line adjustment will make the house and fence more conforming as they will be wholly on the respective owners' property.

(4) The value of surrounding properties are not diminished; AND

If the variance were granted, it will not change the property values and will not have a negative effect on surrounding property values.

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship; The properties are an existing nonconforming lots in an old subdivision, over time monumentation has been lost. The boundary line adjustment makes them more conforming as a house and fence will be wholly on the respective owners' property. The lots are very small and no change may be made to either lot without relief from the Board.

Gail Ober seconded the motion.

All in favor. (5-0)

8.III. ZO2019-0037VAR 73 Leighton Ave South Variance Application (PDF)

Applicant John Trickett outlined his application. He explained that the current house is more of a cottage and is too small to accommodate his family, additionally he is hoping to retire and make it his year round home. Mr. Trickett is planning on demolishing the current nonconforming structure, and building a new house. The new house would be more conforming as it would meet side setback, however, to maintain the fifty foot buffer to the water, a portion of the new house would be in the front setback area. He noted that some small nonconforming sheds will also be removed.

The Board asked about the garage being a dotted line versus the rest of the plan and how big the garage would be. Mr. Trickett stated that the house is to be built first, the garage will be dependent on the cost of the build, he stated it would be either 24x24 or 26x26. The front setback to the corner of the garage would be 15'.

At 6:40 PM S. Bogert opened the public hearing

With no one to speak for or against the application, S. Bogert closed the public hearing at 6:40PM

The planning staff noted that the applicant has gone to great lengths to maintain the 50' buffer to the water.

O. Gibbs made a motion to approve application ZO2019-0037VAR 73 Leighton Ave South Variance from Article VI Section 235-35(A) Front Setback to allow for the construction of a new house with either 24'x24' or 26'x26' garage. The front setback would be 15' to garage.

(1) The variance will not be contrary to the public interest;

Granting the variance would not be contrary to the public interest as it will improve the appearance and overall value of the property;

(2) The spirit of the ordinance is observed; AND

If the variance were granted, the spirit of the ordinance would be observed as it would provide the applicant the ability to utilize and improve his property by constructing a house that will meet the needs of his family.

(3) Substantial justice is done; AND

Granting the variance would do substantial justice because it would not alter the character of the neighborhood and it does not have any impact on municipal services or the neighbors. The applicant has gone through great lengths to maintain the 50' buffer from the lake.

(4) The value of surrounding properties are not diminished; AND

If the variance were granted, it will increase the property value and will not have a negative effect on surrounding property values.

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship; The property is an existing lot on an undeveloped road. The lot is undersized for the zone (.41 acres; minimum lot size is 2 acres); the lot is oddly shaped; the building envelope is small and uneven.

Gail Ober seconded the motion.

All in favor. (5-0)

8.IV. ZO2019-0038VAR 111 Pendleton Rd Variance Application (PDF)

M. DellaVecchia stepped back to alternate at arrival of M. Foote.

Jordon Burlos, agent for the applicant, addressed the Board and outlined the application to convert a carport that is in poor condition to living space. He provided an image of what it will look like when it is complete to give the Board a sense of the project. The Board and the applicant discussed the proximity of the current carport to the neighboring property. After a brief discussion, a two foot setback was agreed upon to help ensure that the structure remains wholly on the property. It was noted that there was a previous variance to allow the construction of the existing carport.

At 7:13 PM S. Bogert opened the public hearing

With no one to speak for or against the application, S. Bogert closed the public hearing at 7:13PM

G. Ober made a motion to approve application ZO2019-0038VAR 111 Pendleton Rd for a variance from Article VI Section 235-35(B) Side Setback to allow for the reconstruction and conversion of a carport to living space.

(1) The variance will not be contrary to the public interest;

Granting the variance would not be contrary to the public interest as it will improve the appearance and overall value of the property;

(2) The spirit of the ordinance is observed; AND

If the variance were granted, the spirit of the ordinance would be observed as it would provide the applicant the ability to improve his property by demolishing a carport in need of repair and replacing it with new living space. A 2' setback would improve location in proximity to neighbor.

(3) Substantial justice is done; AND

Granting the variance would do substantial justice because it would not alter the character of the neighborhood, it improves the property, and it does not have any impact on municipal services or the neighbors.

(4) The value of surrounding properties are not diminished; AND

If the variance were granted, it will increase the property value and will not have a negative effect on surrounding property values.

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship;

The property is an existing lot with an existing home. The lot is undersized for the zone; the building envelope is extremely small and there are wetlands to the rear of the property.

Condition: A two (2) foot setback from side property line must be maintained.

O. Gibbs seconded the motion.

All in favor. (5-0)

9. OTHER BUSINESS

None.

10. ADJOURNMENT

At 7:22 PM M. Foote made a motion to adjourn the meeting.

O. Gibbs seconded the motion.

All in favor. (5-0)

RECEIVED

DEC 20 2019



Planning/Zoning
City of Laconia

Application #:
Fees Paid:
Check #:
Receipt #:

202019-0039
125 + 72 postage
17247

ZONING BOARD OF ADJUSTMENT
VARIANCE APPLICATION

Name of Applicant: EILEEN & GREGORY D FERRARO

Mailing Address: 742 WHITE OAKS RD, LACONIA NH 03246

Phone: 603-533-3403 E-mail: exferraro@gmail.com

Owner (If same as applicant, write "same"): SAME

Mailing Address: SAME

Phone: SAME E-mail: SAME

Tax Map/ Lot # (s): 202-241-2 Zoning District (s): RR1

Street Address: 724 WHITE OAKS RD LACONIA, NH 03246

OWNER AUTHORIZATIONS & STATEMENTS OF ASSURANCE:

I hereby make application to the City of Laconia for the above-referenced property (ies) and the development as described. To the best of my knowledge the information provided herein is accurate and is in accordance with the Zoning Ordinance and land use regulations of the City, except where waivers are requested. The City of Laconia Zoning Board and/or city employees are authorized to enter the property (ies) for purposes of reviewing this proposal and for inspecting improvements as a result of an approval of this proposal. I understand that I am responsible for appearing, or having someone appear on my behalf, at any and all meetings before the Zoning Board.

PROPERTY OWNER(S)

EILEEN FERRARO

GREGORY FERRARO

Printed Name Here

[Handwritten Signature]
Signature of Property Owner(s)

12/19/19
Date

AGENT(S)

BRYAN L. BAILEY, LLS

Printed Name Here

[Handwritten Signature]
Signature of Agent(s)

12/20/2019
Date

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

REQUIRED ATTACHMENTS:

- Abutters List (from <https://www.axisgis.com/LaconiaNH/>)
- Envelopes and Certified Mail Receipts (Filled out for all abutters)
- Plot Plan (Showing dimensions of proposed building, setback requirements, and encroachments into any setbacks.)

DUE AT SUBMISSION:

10 COPIES OF ENTIRE ZONING BOARD APPLICATION WITH REQUIRED ATTACHMENTS

TABLE II

A variance is requested from article VI section 235-34 of the Zoning Ordinance to permit TRANSFER OF LAND TO AN ABUTTING LOT, BY BOUNDARY LINE ADJUSTMENT, LEAVING 103.47 FEET OF FRONTAGE ALONG WHITE OAKS ROAD.

Facts in support of granting the Variance:

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

NO ADDITIONAL IMPACT FOR MUNICIPAL SERVICES WILL BE REQUIRED BY THIS PROPOSAL. THE REMINING 103.47 FEET OF ROAD FRONTAGE IS THE CURRENT ACCESS TO LOT FROM WHITE OAKS ROAD.

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

THE REQUEST TO ALLOW THE SINGLE 103.47 FOOT FRONTAGE ALONG WHITE OAKS ROAD TO REMAIN AS THE CURRENT DRIVEWAY MAINTAINS THE SPIRIT OF THE ORDINANCE.

3. Granting the variance would do substantial justice because:

GRANTING THE VARIANCE PROVIDES SUBSTANTIAL JUSTICE BECAUSE GRANTING THE REQUEST ALLOWS THE LANDOWNERS TO PROCEED WITH A PROPOSED BOUNDARY LINE ADJUSTMENT WITH AN ABUTTING LOT.

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

THE CURRENT 103.47 FOOT ROAD FRONTAGE ACESS DRIVEWAY IS NOT CHANGING. NO CHANGE TO THE SURROUNDING PROPERTIES WOULD RESULT BY GRANTING THE VARIANCE.

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

THE PURPOSE OF THE ORDINANCE IS TO PROVIDE SUFFICIENT SEPERATION BETWEEN STRUCTURES BETWEEN ADJACENT LOTS. THIS PROPOSAL PROVIDES FOR CONTINUED & APPROPRIATE SETBACKS BETWEEN STRUCTURES.

ii. The proposed use is a reasonable one because:

THE USE IS A SINGLE FAMILY RESIDENTIAL LOT AND IS AN ALLOWED USE.

-or-

b. 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.



DEPARTMENT OF PLANNING, ZONING & CODE
45 BEACON STREET, EAST
LACONIA, NH 03246
☎ 603-527-1264

ABUTTER NOTIFICATION LETTER

Notice of hearing

The Laconia Zoning Board of Adjustment has received an application for a Variance. As provided by State law (RSA 676:7), the Zoning Board will hold a Public Hearing on the requests. Notification of this hearing is being made to all abutters, agents, lienholders, holders of preservation restrictions, and professionals whose seal appears on any document submitted. The hearing will give opportunity to look at the proposal, ask questions and make comments. The application is also on file for review at the City Hall during regular office hours. Written comments may be submitted to the Zoning Board prior to the hearing at the below address. This is a public meeting and you are invited to attend.

Owner(s): Eileen & Gregory Ferraro

MSL: 202-241-2

Applicant: Eileen & Gregory Ferraro

Zone: RR1

Zoning Article Cited: IX Section 235-34

Location: 724 White Oaks Road

Proposal: Application ZO2019-0039VAR. Applicant is requesting a variance from Article VI Section 235-34 Minimum Lot Frontage to allow for a boundary line adjustment.

The hearing will be held at City Hall, Armand A. Bolduc City Council Chamber, 45 Beacon St. East on:

Day/Date: TUESDAY, January 21, 2020

Time: **6:30 PM**

The agenda, along with the application, plans, and details are posted online at www.laconianh.gov. You can also stop by City Hall in the Planning and Community Development Department between 8:30 AM and 4:30 PM to review them.



Abutters List Report

Laconia, NH
December 13, 2019

Subject Property:

Parcel Number: 202-241-2
CAMA Number: 202-241-2
Property Address: 724 WHITE OAKS RD

Mailing Address: FERRARO GREGORY D & EILEEN
724 WHITE OAKS RD
LACONIA, NH 03246

Abutters:

Parcel Number: 191-241-1
CAMA Number: 191-241-1
Property Address: 792 WHITE OAKS RD

Mailing Address: BRETON ROGER & BARBARA 2015
TRUST BRETON ROGER G & BARBARA
A TRUSTEES
792 WHITE OAKS RD
LACONIA, NH 03246

Parcel Number: 191-241-2
CAMA Number: 191-241-2
Property Address: 928 WHITE OAKS RD

Mailing Address: PRESCOTT CONSERVANCY INC %
DESROSIERS PAMELA/GMA
2 LIBERTY SQ SUITE 500
BOSTON, MA 02109

Parcel Number: 202-241-1
CAMA Number: 202-241-1
Property Address: 720 WHITE OAKS RD

Mailing Address: BOSSEY NORMAN J & CASEY
KATHLEEN L
720 WHITE OAKS RD
LACONIA, NH 03246

Parcel Number: 202-241-3
CAMA Number: 202-241-3
Property Address: 736 WHITE OAKS RD

Mailing Address: WYLIE ALVA C & PATRICIA A
736 WHITE OAKS RD
LACONIA, NH 03246

Parcel Number: 202-241-4
CAMA Number: 202-241-4
Property Address: 758 WHITE OAKS RD

Mailing Address: WHITLOCK JAMES D & MARGARET F
758 WHITE OAKS RD
LACONIA, NH 03246

Parcel Number: 202-241-5
CAMA Number: 202-241-5
Property Address: 774 WHITE OAKS RD

Mailing Address: CEDRONE ANNMARIE
682 LOWELL ST
METHUEN, MA 01844

Parcel Number: 202-241-7
CAMA Number: 202-241-7
Property Address: 733 WHITE OAKS RD

Mailing Address: HAMILTON THOMAS J
1980 TEMPLE TERRACE
CLEARWATER, FL 33764

Parcel Number: 208-241-1
CAMA Number: 208-241-1
Property Address: 618 WHITE OAKS RD

Mailing Address: ROCKWOOD RANDY C
618 WHITE OAKS RD
LACONIA, NH 03246

Parcel Number: 208-241-2
CAMA Number: 208-241-2
Property Address: 646 WHITE OAKS RD

Mailing Address: DAIGLE JEFFREY D & LORRAINE M
646 WHITE OAKS RD
LACONIA, NH 03246

Parcel Number: 208-241-3
CAMA Number: 208-241-3
Property Address: 660 WHITE OAKS RD

Mailing Address: KELLEY COLLEEN M 2019
TRUST/TRUSTEE
660 WHITE OAKS RD
LACONIA, NH 03246



www.cai-tech.com



Abutters List Report

Laconia, NH
December 13, 2019

Parcel Number: 208-241-4
CAMA Number: 208-241-4
Property Address: 680 WHITE OAKS RD

Mailing Address: TARBOX DAVID & DEBORAH 2018 REV
TRUST TARBOX DAVID & DEBORAH
TRUSTEES
680 WHITE OAKS RD
LACONIA, NH 03246

Parcel Number: 208-241-5
CAMA Number: 208-241-5
Property Address: 700 WHITE OAKS RD

Mailing Address: OUELLETTE REGINALD J & NEDEAU
KRISTIN L
700 WHITE OAKS RD
LACONIA, NH 03246

Parcel Number: 208-241-7
CAMA Number: 208-241-7
Property Address: 641 WHITE OAKS RD

Mailing Address: ASPINALL JONI L & ASPINALL GLORIA B
641 WHITE OAKS RD
LACONIA, NH 03246

Parcel Number: 216-248-13
CAMA Number: 216-248-13
Property Address: 553 WEIRS BV

Mailing Address: 553 WEIRS BOULEVARD LLC
670 N COMMERCIAL ST STE 303
MANCHESTER, NH 03101

Parcel Number: 218-241-3
CAMA Number: 218-241-3
Property Address: WHITE OAKS RD

Mailing Address: 553 WEIRS BOULEVARD LLC
670 NO COMMERCIAL ST STE 303
MANCHESTER, NH 03101

Parcel Number: 218-241-6
CAMA Number: 218-241-6
Property Address: 600 WHITE OAKS RD

Mailing Address: FOGG DENNIS R & VALERIE A
600 WHITE OAKS RD
LACONIA, NH 03246

Parcel Number: 218-241-8
CAMA Number: 218-241-8
Property Address: WHITE OAKS RD

Mailing Address: WHITE OAKS RD REALTY TRUST ORI
RON TRUSTEE
441 ATLANTIC AV
SWAMPSCOTT, MA 01907



www.cai-tech.com



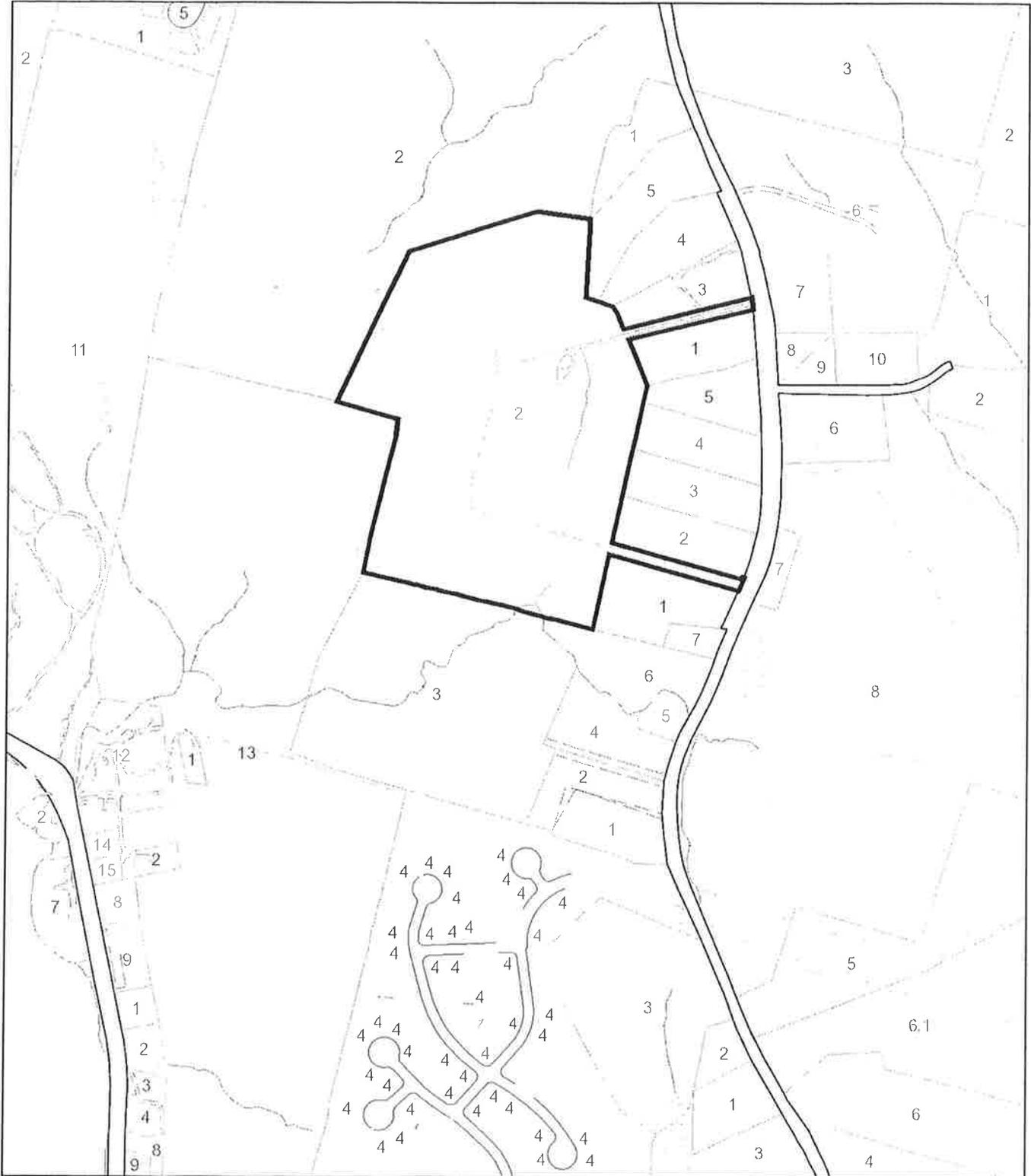
M/S/L 202-241-2
 724 WHITE OAKS ROAD,
 Laconia, NH



1 inch = 545 Feet



December 13, 2019



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

