

CITY OF LACONIA PLANNING BOARD
Tuesday, September 19, 2023 6:30 PM
City Hall - Armand A. Bolduc City Council Chamber
AGENDA

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

- 6.I. Rules and Procedure Discussion
Continued from September 5

Documents:

[2-98 PB RULES DRAFT.PDF](#)

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.
 - 7.I. PL2019-0092SP amd1, PL2023-0106CUP(wtInd); Endicott St East MBL 187-72-7; Proposal to amend 2019 approval to modify new access road, amount of solar arrays and relocate interconnect location in the wetland buffer

Documents:

[STAFF REVIEW - ENDICOTT ST EAST SOLAR - REVISED FOR SEPT 19-2023.PDF](#)

- 7.II. PL2021-0008SUamd2; 224-228 Endicott St East; Proposal to amend the previous approval to remove the condition regarding sewer agreement with abutting property

Documents:

[MEMO FOR SEPT 19, 2023, MEETING - 224 ENDICOTT.PDF](#)

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.
9. 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.

10. NEW BUSINESS
11. OLD BUSINESS
12. PLANNING DEPT REPORT
13. LIAISON REPORTS
 - LAKES REGION PLANNING COMMISSION
 - CONSERVATION
 - CITY COUNCIL
 - HISTORIC DISTRICT COMMISSION
14. OTHER BUSINESS
15. 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 that the City can make any necessary arrangements.

**CITY OF LACONIA
PLANNING BOARD
POLICIES AND RULES OF PROCEDURE**

Adopted 4/8/91 (amended 2/98,2017)

1. AUTHORITY

These rules of procedure are adopted under the authority of New Hampshire revised Statutes Annotated, (RSA) 676:1. The City of Laconia Planning Board is authorized and empowered under Chapter 63 of the Laconia City Ordinances, as adopted August 8, 1963, and as subsequently amended.

2. OFFICERS

- a. As provided in Chapter 63, Sec. 1 of the Laconia City Ordinances, the Planning Board shall elect every year, a Chairman, as well as a Vice Chairman and Secretary, who shall perform the following duties:

Chairman - Conducts all Board meetings and joint hearings with other official bodies, as provided for by statute. When unavailable to act as chair due to schedule conflicts or potential conflict of interest, the Chairman shall direct the Vice Chairman, Secretary or other experienced member in that order to act as chair.

- a. Meets with the Planning Director monthly to review and establish agendas for Planning Board meetings;
- b. Acts as Planning Board representative in meeting with the City Manager, Mayor, and/or City Council subcommittees as requested;
- c. Calls special meetings of the Planning Board as necessary;
- d. Appoints subcommittees of the Planning Board as necessary.

Vice Chairman - Acts to fulfill the Chairman's duties in the event of illness, absence or recusal of the Chairman.

Secretary - Acts to fulfill the Chairman's duties in the event of illness, absence or recusal of the Chairman and Vice Chairman.

- a. Signs plans reviewed by Staff and approved by the Board for record purposes.
- b. The officers of the Planning Board shall constitute an executive committee who shall meet as necessary and have only those powers specified below.
- c. Two alternate members shall be appointed annually as provided for in RSA 673:6, by the Council to be trained as Planning Board members who after 6 months of training shall serve as full Board Members in the absence or recusal of any full member. Alternate members shall serve for a term of three (3) years. Designation of the members actually sitting on any matter shall be made by the Planning Board Chairman at the commencement of any agenda item.

3. EXECUTIVE COMMITTEE

As referred to elsewhere in these rules, there shall be an executive committee of the Board

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consisting of the elected officers of the Board, whose function shall be to supplement and broaden the contact provided between the Board and the Planning Department on a week to week basis beyond the normal range of duties of the Planning Board Chairman. The Executive Committee shall act in an advisory manner only, to offer guidance on possible concerns of the Planning Board at large and shall have no final authority. All matters subject to Executive Committee discussion, shall be referred ultimately to the Planning Board for formal action. The Executive Committee shall have only the following responsibilities hereby delegated by the Board at large:

- a. To meet with the Planning Director and City Manager at an administrative level to provide policy guidance in formulating the Planning Department's work program for the upcoming fiscal year;
- b. To meet with the Planning Director and City Manager at an administrative level to provide policy guidance in formulating the Capital Improvement Program for the upcoming fiscal year;
- c. To review any complaints received as to Planning Board, Technical Review Committee and staff review processes. Such complaints should have a bearing on the Board's rules and regulations and not on personnel or administrative matters which are under the jurisdiction of the City Manager.

4. QUALIFICATIONS OF MEMBERS

In seeking citizens willing to serve as Planning Board members, the City Council shall select appointees on the strength of their qualifications in the following areas:

- a. Prior experience in land use, resource protection and development activities;
- b. Experience and/or skills in group deliberations and effective committee action;
- c. Consensus building and communications skills;
- d. Capacity to weigh complex issues;
- e. Ability to apply criteria of approval, including consistency with the Master Plan and rational nexus (costs allocated in proportion to benefits) and fairness tests.

6. MEETING REQUIREMENTS

Time - Meetings of the Board are held on the first Tuesday of each month (except for holidays). All meetings of the full Board will commence at 6:30 PM and no business will begin after 10:00 PM without permission of the Planning Board Chairman and a motion to allow the meeting to continue for a certain amount of time. If that time surpassed, another motion to continue again for a certain amount of time. All meetings shall be held in the Conference Room 200A, at City Hall, duly posted. (Amended 6/5/95; 2017)

Quorum - Five (5) voting members shall constitute a quorum for the transaction of business, but a less number may meet only for the purposes of continuance or adjournment.

Notice - The Planning Director shall cause written notice of all regular meetings to be sent to each member of the Board at least three days before the meeting indicating the time, place, and subject of the meeting. The Director shall cause oral or written notice of special meetings to be give at least twenty-four hours in advance of the meeting. Posting of notices of meeting shall be in accordance with the most stringent provisions of any applicable statute.

7. AGENDA

Format - Monthly meetings of the Board shall follow a standard meeting format, as set by the Chairman in consultation with the Planning Director and shall provide opportunity for the Board to conduct regular business sessions for both current and long range planning. Public Hearings shall be scheduled at times reasonably convenient to the general public. The conduct of current and long range planning and hearings may be conducted all at one meeting or at separate meetings according to the Chairman's preference.

The order and appearance of specific items or applications on the agenda shall be determined by the Planning Director, after consulting with the Chairman. Every meeting shall commence with acceptance, if available, of minutes of the Board's previous meeting.

8. RULES OF ORDER

For purposes of conduct of the meeting, except as specifically provided herein, the procedures as outlined in 'Robert's Rules of Order' shall be followed.

A motion shall be carried by a majority of members present and voting in the affirmative, unless otherwise specified. Members shall signify their votes on all actions taken by the raising of one hand, so that the recording secretary may indicate those in favor, opposed, and abstaining for the record. As necessary, the Chairman may direct a showing of hands or voice vote for clarification.

Formal rules of order may be suspended by concurrence of the members of the Board. In the event of the objection of a member to suspension of the rules, a 2/3 majority of members present and voting shall be required to so suspend.

9. PLAN REVIEW PROCEDURES

General – Applications must be submitted in accordance with the published Planning Board and Technical Review Meeting Schedule and Submittal Deadlines.

Submittal Procedures – All applications must be submitted by the published Pre-Submittal Deadline, which shall be followed by the Technical Review Committee (TRC) meeting (dates as published).

Pre-Application (with Staff)

Prior to submitting a formal application, applicants may choose to engage in a pre-application meeting with Staff. It is assumed that these meetings will not include all applicable and required information for review, and as such, these meetings are informational only and do not constitute official review and/or comment from Staff. The standard procedure for a Pre-Application Meeting are as follows:

- a. Applicant contacts Staff to request a Pre-Application meeting.
- b. Staff responds to request with suggested dates/times and informs applicant of any material that may be required to be submitted prior to or at the meeting.
- c. Applicant is responsible for submitting or bringing this material as requested.
- d. During the pre-application meeting with Staff, applicant receives informal comments and information on requirements for formal submittal of plan.

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Application Process Outline

Application Submittal – In order to be considered for a Planning Board agenda, applications and the required fees, plans and other associated documents must be filed with the appropriate City Departments as required by the official Planning Board Schedule, published by the Planning Department. Failure to do so will result in the application being postponed until a future meeting.

All original applications and supporting materials submitted to the Planning Department are logged in by date of receipt by support staff (Administrative Secretary). An application number is given to each component of the application (subdivision, site plan, CUP, etc). The required application materials are as follows:

- a. One original signed application, appropriate fees, abutters list, abutters envelopes with correct postage or appropriate fee, one complete set of folded plans and one copy of any reports, cost estimates, studies, or other documents required for review of the proposal shall be submitted to the Planning Department, basement of City Hall by the published deadline. **No exceptions.** Also:
- b. One copy of the application and a complete plan set shall be submitted to the following city Departments at the following locations:
 - i. DPW Assistant Director, 27 Bisson Ave
 - ii. Laconia Fire Department, Deputy Chief of Fire Prevention, Central Station
 - iii. Assessing Department, 1st Floor, City Hall
 - iv. Water Works Superintendent, 988 Union Ave
 - v. Code Enforcement, Basement, City Hall
 - vi. Conservation Technician, Planning Office, Basement, City Hall

Internal Review Procedures, General – Applications for Technical Review meetings are reviewed independently by each Department. Each Department is responsible for ensuring that comments of their reviewing staff are submitted in clearly written form prior to the TRC meeting. If substantial concerns are raised by staff which would require additional information or substantial plan revision, the applicant should be consulted as soon as practicable.

Technical Review Committee

Application submitted to each appropriate Department for TRC in accordance with published Planning Board and Technical Review Meeting Schedule and Submittal Deadlines.

- i. On the published date and time, the applicant meets with the Technical Review Committee for TRC meeting.
- ii. Applicant receives requests for additional information, plan changes, or proposed alternative considerations at this meeting.
- a. The Technical Review Committee meetings may have several possible outcomes:
 - i. If the required changes to the plan or application are such that the Technical Review Committee feels they are too significant to be adequately addressed by a Condition of Approval recommendation to the Planning Board, Staff may request that the applicant revise the plans and submit for additional Technical Review Committee meetings.

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- ii. If instead, the applicant wishes the review to proceed to a hearing by the Board, notwithstanding staff recommendations, then staff shall forward the application to the Board for public hearing and application acceptance but with a negative recommendation on plan approval, recommending revision on the plan and continued coordination with the Technical Review Committee instead.
- iii. If the required changes to the plan or application are such that the Technical Review Committee feels they may be incorporated into a Condition of Approval recommended to the Planning Board, the applicant may move forward to the Public Hearing process with the Planning Board, to be scheduled at the next possible scheduled Planning Board meeting, providing time for appropriate posting and abutter notification of the required public hearing notice.
- iv. If the applicant so desires, he may instead choose to submit revised plans for further departmental review in response to concerns raised, so long as this submission occurs prior to the posting of the required public hearing notice. Plans submitted after the hearing deadline will not be considered for the upcoming Board meeting, since adequate notice to interested parties is not afforded.

Application Submittal & Meeting Procedure:

Pre Application:

Submission of plans to Staff

Meeting with staff where applicant receives information on requirements for submittal

Application Submittal:

Plans circulated to departments for review

Technical review meeting held where applicant receives recommendations regarding the application.

Abutter notices mailed, hearings posted, Agenda posted

Planning Board meeting:

Application acceptance:

- Chairman announces project name and location
- Staff gives short description of project and makes recommendation, including waivers for submittal items
- Board deliberation and action

Options:

- Accept application as complete
- Continue acceptance to date and time certain, list outstanding items to be completed

Public hearing:

- > Applicant or their agent must be present at a meeting for application to be considered. Should applicant or their agent not be present, action will be postponed until they arrive and the current application is acted upon.

- Chairman opens hearing
- Applicant gives presentation, including any waivers of standards requested

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- Staff comments
- Board questions and answers for applicant and staff
- Public input from abutters and other interested parties
- Public input closed
- Board deliberations (may include dialogue with applicant)
- Final call for public input
- Board action

Options:

- Continue public hearing to date and time certain, Board should list items outstanding and act on those which can be finalized.
- Grant final approval, application should be ready for plan recording, no outstanding items except submittal of mylars and recording fees
- Grant approval with administrative conditions, items outstanding are listed and should only include those which require no subjective decisions, such as submittal of permits or security (amount previously set by Board), notes to be added to plans, design details required by Departments, or easements/agreements for which terms have been agreed upon
- Chairman closes public hearing if it is not continued.

Continued public hearing:

- Staff review of outstanding items and status
- Applicant response
- Board questions and answers for applicant and staff
- Public input from abutters and other interested parties
- Public input closed
- Board deliberations (may include dialogue with applicant)
- Final call for public input
- Board action

Compliance hearing:

- Staff review of conditions requiring Board action
- Applicant response
- Board questions and answers for applicant and staff
- Public input from abutters and other interested parties
- Public input closed
- Board deliberations (may include dialogue with applicant)
- Final call for public input
- Board action (see options above)

Motions need to include the application number, name of proposal, street address

- > Acceptance: accept to continue to date and time certain
- > Continued hearing: continue hearing to date and time certain, with outstanding issues noted.
- > Approval: dates and conditions stated from the Staff Review and any revised or additional made

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- > Denial: list of application and plan details which do not comply with ordinance of regulations, cite which standards in motion
 - > Revocation: reason for revocation listed from RSA 676:4-a
- (Amended 5/6/96)

Minor Plan Review - For minor plan reviews as defined in the development regulations, development cabinet staff should be afforded 7 working days for review and research and comment on plans;

The Minor Site Plan Committee shall follow all of the public hearing and public meeting requirements which pertain to the conduct of the Planning Board's review and action on development applications. Revised plans may be submitted for the MSP's consideration in response to concerns raised at the hearing so long as this submission occurs prior to the posting of public hearing notice or under a time certain established by the MSP at the public hearing for continuation of the matter. Plans submitted after the hearing deadline will not be considered for the upcoming MSP meeting since adequate notice to interested parties is not afforded.

The Land Use Planner, acting as staff to the MSP, prepares the staff report in abbreviated and bullet form noting areas of concern to be raised at the hearing. All reviewing departments likewise bring written comments in bullet form to the hearing. A standard report form is attached for staff use in project review and should be employed at the hearing to ensure thorough and methodical scope of review. The report should make specific reference to prior approvals of the Planning Board or MSP and the specific plan under current review.

Findings of fact per the criteria outlined in the applicable regulations and ordinances and report form, actions and/or conditions shall be made by the MSP following the public hearing.

The Planning Department's Administrative Secretary shall attend all meeting of the MSP and prepare written minutes of the meeting, incorporating all documents for record purposes. The findings and action of the MSP shall be noted in full in the minutes as per prior practice and shall be conveyed to the applicant and parties of interest, including Planning Board members, by means of a letter or notice of action whose date shall serve as the date from which appeals may be marked.

Following notice of action on approved plans and upon completion of any conditions required to be met prior to building permit, the Land Use Planner shall prepare and the Planning Director shall execute a Certificate of Approval attached to the Notice of Action and the Building/Land Use Permit application which shall be forwarded to the Code Enforcement office and copied to reviewing departments and relevant Boards and Commissions by the Land Use Planner. Notice of action for plans denied shall also be forwarded without the Certificate of Approval.

The Planning Director shall report all actions of the MSP along with complaints, to the Planning Board by means of a monthly report.

The procedures above may be reiterated any number of times as required to process formal revisions to the plan and until such time as the TRC takes final action on the application.

10. FORMS

The Planning Department shall prepare and from time to time update forms for application, staff reports, decisions and notification of action and shall make these available to the public (samples attached).

11. RECORDS

All plans, applications, supporting documents and minutes of the proceedings of the Planning Board shall be maintained by the Planning Department and be made available to the public, press and officials, except those taken in executive session. Executive session minutes and documents shall be treated as confidential, filed separately and kept undisclosed, subject to public meeting law. Following final action of the Board and lapsing of appeal periods, duplicate copies and superseded plans may be destroyed or returned to the applicant. Recordings of the proceedings are kept with the written minutes as well as on YouTube. All other records of the Board shall be considered permanent and shall be maintained so as to permit ease of retrieval and use insofar as practicable.

12. JOINT MEETINGS AND HEARINGS

Where necessary and/or desirable, the Planning Board may agree to conduct joint hearings with other land use boards and commissions of the City, including the City Council and/or with those of adjoining communities. The Planning Board Chairman, per RSA Ch. 676:2, shall chair such hearings except that in the case of a joint hearing with the Planning Board of abutting communities. A meeting of the respective chairman and staff shall be arranged by staff to agree upon mutually acceptable procedures.

13. OTHER MATTERS

The Planning Director acts as liaison for the Planning Board with all federal, state and local officials and bodies, the press, public, applicants and land owners and their representatives except where the Board specifically expresses its wish that the Chairman of the Planning Board act as its policy spokesperson. Thus, all official contact with the parties as enumerated should occur through the Planning Director or Chairman, as specified. This policy is adopted for the purposes of coordination and accuracy and should not act to limit any Board member in the expression of a personal or private point of view as a resident, citizen or abutter. However, it is the responsibility of every Board member to ensure that statements made as a private citizen are recognized as such and not necessarily the position of the Planning Board.

Contact with legal counsel for the Board should also be directed through the Planning Director to maintain coordination and cost responsibility to the City. In the event that a member is not satisfied with the response of the Planning Director to a specific concern, (s)he should address that concern to the Chairman or Executive Committee of the Board and request discussion or action by the Committee or full Board.

As empowered in Chapter 47 of the Laconia City Ordinances, the Planning Board shall be responsible to perform the duties enumerated below. Annually, it shall be the responsibility of the Planning Director, with the guidance of the City Manager and Officers of the Planning Board, to prepare a work program which incorporates reference to each element of

the duties of the Board. The work program shall serve as a basis for the Department's annual budget proposal and shall be presented to the full board in January of each year in draft form and adopted at the first July meeting, following passage by the City Council of the budget for the upcoming fiscal year.

15. LONG RANGE PLANNING

A major emphasis of the Board's activities shall be placed on the need for ongoing, long range planning including:

Master Plan Updates - comprehensive revision every 5 - 7 years; on-going in depth revision of a major plan element, e.g. transportation, natural resources, data base, annually: Some elements due to their complexity and cost may require a 1 - 2 year commitment to complete. The Board may also elect to focus on specific geographic subsections of the City vs. functional elements in its in-depth updates.

Capital Improvement Plan - The City Council has empowered the Planning Board, by resolution to coordinate and maintain the City's Capital Improvement Program (CIP). The CIP is intended to serve as a reference tool or guide to the City Council in its annual appropriations for major capital expenses or for bonding authorization.

Beginning in July or August each year, the Planning Director shall forward request forms prepared by the Planning Department, to every municipal department seeking information regarding the specific needs description, proposed timetable, and estimated priority of departmental capital improvements. These requests shall be discussed by the Department Head, Planning Department, Planning Board Executive Committee and then assembled into a proposed CIP by October 31 each year. The final form of the proposed CIP shall be approved by the full Planning Board prior to final submission to the City Manager.

Official Map - As recommended in both the Zoning Administration Study September 1990 and the City's Master Plan 2007 update, the Planning Board should strive to develop and seek City Council adoption of an Official Map, based upon the Master Plan. The primary function of the Official Map shall be to locate future major streets and parks on undeveloped lands within the City for planning of subdivision and CIP activities.

Annually, the Board shall consider additions and/or updates to the Official Map in the Department's proposed work program and in the CIP.

16. CURRENT PLANNING

The Current Planning duties of the Planning Board should be seen as various means for implementation of the stated objectives in the City's three Long Range Planning documents. The Planning Board, with the guidance of the Chairman and direction of the Planning Director in setting work programs and monthly agendas, shall strive to balance long range and current planning commitments, as well as achieving a balance within and among current planning activities.

Implementation of Master Plan Recommendations - clearly, the sum of required necessary and desired actions for the City in its protection, maintenance, and wise use of its land resources now exceeds its capacities to take such actions in any given year or period of years. In order to achieve a return to a parity of needs and capacities, the Board must work

vigorously to see as many of the Master Plan recommendations implemented as is possible.

Working from the Implementation Strategy as set forth in the City's current Master Plan, the Planning Board and Planning Department shall incorporate its recommended high priority actions into the annual work program and, where relevant, the CIP.

Zoning Ordinance/Map Updates - Also a tool of implementing the City's Long Range plans, the Zoning Ordinance and Map require routine additions/corrections. While frequently taking the form of additions to the definitions, table or dimensional sections, ordinance updates should also focus on improvement and revisions to entire sections of the ordinance i.e. Innovative (Planned Unit and Cluster Development), non-conforming uses and structures, special use and special exception criteria and procedures, etc. Additionally, changes to the Zoning Map in the form of boundary line adjustments, special overlay districts, and more rarely changes in underlying zones will be necessary from time to time. Map changes should be undertaken cautiously and generally based upon objectives and supporting data from the City's Master Plan.

Development Plan Reviews - Under RSA 674:43 and 676 and Chapter 47 of the City Ordinances, the Planning Board is charged with the review of plans for the development and/or subdivision of land to ensure the orderly growth of the City and consistency with the City's Master Plan and Official Map. The division and development of land may be seen as carrying out the objectives of housing supply, economic development and limited transportation improvements as outlined in the City's general plan, when they follow the future land use plan contained therein. The Master Plan's Recreation, Natural Resources, Historic Preservation and Human Service objectives should equally be provided for or observed on a fair share basis. Thus, development plan review is intended to ensure both the adequacy of on-site facilities to prevent off-site impacts (negative) and to ensure that each property as developed, follows the city's general plan.

Statute, ordinance and development regulations set forth limited specific timetables which must be adhered to in the plan review process, out of fairness to applicants. While these binding legal mechanisms provide the framework for review in some detail (including application form contents time lines and procedures) they cannot and should not strive to cover every step by which an application for development review is processed. Such an approval is both too rigid and too complex. Yet, there is need for guidance to the Planning Board, staff and applicants alike to provide as much consistency in review processes as is practicable. The following outline provides these guidelines for plan review for Major and Minor plans.

17. AMENDMENTS

These Rules of Procedure may be amended from time to time by vote of a majority of the full membership (not alternates) of the Board at a public meeting. Prior to the Board's consideration of any rule change, any member proposing such a change shall draft or request staff to draft, the change in written form and have prepared and distributed copies of the proposed change at least one meeting (month) prior to the meeting at which the change is to be considered. As with other administrative matters, the Planning Director, in consultation with the Chairman, shall place the matter on the Board's agenda for action at the earliest convenient time.



DEPARTMENT OF PLANNING, ZONING & CODE
 45 BEACON STREET, EAST
 LACONIA, NH 03246
 ☎603-527-1264
 📠603-524-2167

City of Laconia Planning Board
 Staff Review for Planning Board Meeting of September 5, 2023
Updated September 12, 2023, for September 19, 2023, Meeting

Prepared by: Kathy Menici, Interim Planning Director

<p>SITE ADDRESS: Endicott Street East APPLICANT/AGENT: NESG Laconia 1 Solar LLC – applicant. CMA Engineers - agent PROPERTY OWNER: City of Laconia APPLICATION #: PL2019-0092SPamd1 PL2023-0106CUP</p>	<p>PROPOSAL: Amend a previously approved site plan for a solar array project MAP STREET LOT I. D.#: 187-72-7 ZONING DISTRICT(S): RR1 and RS PARCEL SIZE: 59 acres</p>
<p>PLAN REFERENCE: <u>Title:</u> NESG Laconia 1 Solar, LLC Endicott Street East Solar <u>Prepared by:</u> CMA Engineers, Inc. <u>Date:</u> July 2023 <u>Sheets:</u> 11</p>	

Update for September 19, 2023

During conversations with staff, the applicant and his agent referred to the access to the site alternately as a road and as a driveway. Hence the confusion on this issue. Following the September 5, 2023, meeting, the applicant, his agent and City planning staff met to discuss the road vs. driveway issue. All have agreed that the access is a driveway. As the access is a driveway, Section 197-9 of the City Code does not apply.

The Fire Department has reviewed and accepted the revised driveway access that includes a segment of 14% grade for the following reasons: there are no occupiable buildings on the site and the angle of approach and departure meets the applicable NFPA requirements. A memo from Deputy Chief Loutrel is attached to this report.

As the City’s Site Plan Regulations refer applicants to the Subdivision Regulations for road and driveway standards, the applicant has submitted a waiver request from Section 6.2.B. Minimum Design Standards Subparagraph 10 of the City’s Subdivision Regulations to allow a private driveway that intersects a minor street with a grade that exceeds 8% within 50’ of said intersection.

The Board should act on the waiver request before taking up a discussion on the application.

Staff Review: for September 5, 2023, meeting

Project Description: The applicant proposes the following amendments to the previously approved site plan:

- The addition of a new site access road.
- The addition of a landscape buffer (a condition of the previous approval).
- Adjustments to the solar array and fencing as requested by the Dept. of Public Works resulting in a net panel reduction.
- Relocation of the electrical interconnect location from a site-internal location to off Endicott Street East (requires CUP-Wetlands).

Conditional Use Permit: Conditional Use Permit – Wetlands

- Permanent impacts are related to the relocation of the electrical interconnect and placement of utility poles. The Conservation Commission provided their comments and recommendations on the proposed changes in an email from Dean Anson, a copy of which is included with this report. Briefly, the Conservation Commission recommends:
 - a. Electrical poles be located in the northwestern area of the site to eliminate the impact on the wetland buffer in the southeastern area.
 - b. Access to the site to be made from the existing Endicott Street East access to reduce wetlands impacts

Zoning Compliance: Special Exception was approved on June 18, 2019 and extended through December 16, 2023

Site Plan Regulations - Compliance Review -

1. **Stormwater Management:** as previously approved.

Application Acceptance: Staff recommends that the Board accept the application as complete and begin the review process.

Staff Recommendation: Staff recommends that the Board grant a conditional approval with the following criteria:

1. ALL CONDITIONS OF APPROVAL FROM THE NOTICE OF ACTION DATED AUGUST 6, 2019, ARE INCORPORATED INTO THIS APPROVAL.
2. PROJECT COMPLETION DEADLINES
 - a. Plan Revision: October 5, 2023
 - b. Site Improvement Security: 2 weeks prior to start of sitework
 - c. Final plans: 30 days prior to the start of sitework
 - d. Completion: September 5, 2024
 - e. Impact Fee: \$96.00
3. PLAN REVISIONS:
 - a. Applicant to install silt fencing and silt socks at locations agreed upon with Conservation Commission.
4. AS-BUILT PLANS.
 Within thirty days prior to the issuance of an occupancy permit, the applicant shall file an as-built application and fee of \$100, and submit five prints of the as-built plan for circulation, to the Planning Dept. Once reviewed and all conditions/revisions are met, Staff will draft a memo stating approval. If revisions are required, the applicant shall submit one revised copy for verification before submitting the remaining revised prints.

DURATION OF APPROVAL: All final approvals by the Planning Board expire one year from the date the Board voted to approve the project, unless otherwise provided in the motion to approve. Failure to comply with the deadline dates will result in the approval being null and void unless extension request submitted. All requests must be submitted to the Planning Department, in writing, no later than noon on Wednesday prior to the deadline.

APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Belknap County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 20 days of the date the Board made its decision.



City of Laconia, New Hampshire
PLANNING BOARD

TO: Charles St. Clair, Chairman, and Members of the Planning Board

FROM: Kathy Menici, Interim Planning Director

DATE: September 12, 2023

RE: 224 Endicott Street East
Request to Amend Conditions of Approval requirement from a Sewer Maintenance Agreement
between 224 Endicott Street East and Sundown Condominiums

Update for September 19, 2023, Meeting

On the morning of September 8, 2023, a representative for Sundown Condominium advised me that their attorney submitted a draft sewer maintenance agreement to the applicant's attorney. No further information has been provided by either party.

For information purposes only, the applicant has other conditions of approval that remain outstanding that must be satisfied prior to the issuance of a Certificate of Occupancy. These are: final inspection by the 3rd party engineer, submission of as-built plans that comply with Section 6.8 of the City's Site Plan Review Regulations, and revisions to the condominium documents as required by the Department of Public Works.

August 29, 2023, Memo for September 5, 2023, meeting

At the August 2, 2022, Planning Board meeting, the Planning Board granted conditional approval to RAM Clarendon, LLC, to construct a 3rd duplex structure on a site where two (2) duplexes were previously approved. A condition of the Board's approval was that RAM Clarendon, LLC enter into an agreement with Sundown Condominium Association regarding the maintenance of Sundown's private sewer system to which RAM Clarendon, LLC connected as an intermediary connection to the City's sewer system.

That condition states: "An agreement shall be made between 224 Endicott Street East and Sundown Condominium, Association regarding the maintenance of the sewer before the issuance of the fifth certificate of occupancy. The agreement shall include a provision for a sewer collection system operation and maintenance plan and annual maintenance reporting and be approved by Dept. of Public Works."

RAM Clarendon, LLC has applied for their fifth certificate of occupancy on the property and is requesting that the Planning Board to amend their conditions of approval to delete that requirement.

The Board included that condition at the request of Wes Anderson, Director of Public Works. Mr. Anderson does not support the applicant's request and has submitted a letter to the Board explaining why he is opposed to it.

Mr. Anderson has a previously scheduled meeting that conflicts with the Planning Board meeting. He hopes that the other meeting adjourns early enough for him to attend the Planning Board meeting. He has submitted his letter in the event that his other meeting runs longer than expected.