

City of Laconia

Zoning Board of Adjustment

Tuesday, January 20, 2025 - 6:30 PM

City Hall in the Armand A. Bolduc Council Chamber

Draft Minutes

1. CALL TO ORDER

M. DellaVecchia calls the meeting to order at 6:31 PM.

2. ROLL CALL

Chair Michael DellaVecchia, Marcia Hayward, Jane Laroche, Richard Boddie, Tim Whitney, Tara Sorell, and Councilor Eric Hoffman are present.

3. RECORDING SECRETARY

Greyson Draper

4. STAFF IN ATTENDANCE

Robert Mora, Planning Director

Greyson Draper, Planning Technician

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

M. Hayward motions to accept the revised minutes as presented. J. Laroche seconds the motion. Unanimous. The minutes are accepted as presented.

6. EXTENSIONS

7. CONTINUED PUBLIC HEARINGS, CONSIDERATION AND POSSIBLE VOTE

8. PUBLIC HEARING, POSSIBLE CONSIDERATION AND VOTE

8.I. ZB2026-004 86 Chapin Tr (343-301-1)

Kate Mahan presents the application which is a rehearing of a special exception for short-term lodging and represents the owners, William and Andrea Vessels.

M. DellaVecchia opens public comment at 6:40 PM.

Tim Gilligan of 94 Chapin Tr. opposes the application. As a direct abutter he is affected by people short-term lodging at 86 Chapin Tr. Renters have routinely disturbed the Gilligan's since short and long-term rentals started at 86 Chapin Tr. He explains that the Vessels have been renting the property out before and since their initial denial for short-term lodging by the Zoning Board. The Vessels cannot ensure their guests are following the rental rules because they are not present at the home while it is being rented. He is concerned by the Vessels not observing their original denial for short-term lodging by the Zoning Board and continuing to rent.

City Councilor Jon Hildreth of Ward 1 opposes the application because he regards the Vessels and their short-term rentals as a business. Short-term lodging was written so that residents of Laconia could offset their living costs by

renting their homes out for a few weeks a year. He explains that the short-term lodging ordinance reads that homeowners may rent their properties out for a maximum of 150 days. He discusses the housing stock shortage in Laconia. He continues that short-term lodging rentals reduces the housing stock and changes the character of the neighborhoods they are in. He feels that this application should not be approved in the RS zone.

Heidi Preuss of 89 Anthony Dr. opposes the application as well. She is a homeowner who also rents her home out. She explains that the profit from renting is how she has been able to remain a Laconia resident with the rising living cost. She explains that per Laconia zoning ordinance, short-term rentals cannot be operating from November 1 to May 1, which is a rule that 86 Chapin Tr. is already in violation of. She warns that if Laconia allows shorefront rentals in residential neighborhoods, the housing stock diminishes, increasing home prices due to their commercial value, and affect the neighbors. She echoes the same concerns regarding the Vessels not abiding by the existing short-term rental rules already, prior to any approvals.

City Councilor Mike Conant of Ward 6 opposes the application. He explains that after discussion with abutters and consulting the Laconia zoning ordinances, it is clear that the Vessels are operating a home rental business. They did not purchase the home to make it their main residence and enjoy the Laconia community. He does not want to see the precedent set in which commercial business can buy up the homes in residential neighborhoods and drive Laconia residents out.

John Lynn of 104 Chapin Tr. opposes the application due to concerns of an increase in loud music, cars, and fireworks.

Mike Zegarelli of 85 Chapin Tr. opposes the application, citing concerns surrounding an increase in crime and strangers in the neighborhood.

Kate Mahan returns to the podium and responds to concerns raised by the public. She reminds the public that short-term lodging is a permitted use at 86 Chapin Tr. There were a short-term rentals in July. Then the Vessels discovered the rule they were in violation of. Since then, they have only been doing long-term rentals. She explains that guests who do not follow the rental rules are in breach of their lease agreement with the Vessels. This is not intended to be a party house.

M. DellaVecchia closes public comment at 7:10 PM.

The City of Laconia's legal council, Laura Spector-Morgan, Esq. of the Mitchell Municipal Group, explains the Zoning Board's need to base their decisions regarding applications on whether or not the proposals meet a special set of

criteria outlined in the Laconia Zoning Ordinance. The opportunity for public comment is for the public to comment on the criteria that the applicant must meet for approval. Unfortunately, the public's preferences cannot dictate the Board's ruling on an application.

M. Hayward asks whether neighbor complaints including loose dogs, barking, and a loud bang, could be considered evidence of hazards or impacts on public welfare. L. Spector-Morgan confirms that yes, if the Board believes those issues rise to the level of a hazard, the Board is entitled to make that finding.

R. Boddie asks whether there are two different sets of requirements for special exceptions. R. Mora clarifies that there is not a separate set of criteria for owner- occupied vs. non- owner- occupied short-term lodging requirements. He explains that short- term lodging is permitted by right if the property is owner- occupied for fewer than 150 days. If owner- occupied for more than 150 days, or non- owner- occupied, a special exception is required under current rules.

T. Whitney asks whether short-term lodging permittees that must renew every two years would be forced to comply with new criteria. R. Mora explains that the current short-term lodging permits are part of the zoning ordinance. In the newly proposed ordinance, the permit requirement is removed. Instead, the owner- occupied short-term lodging applicants will require a special exception. For the non- owner- occupied short-term lodging applicants, the use will not be permitted except by variance. L. Spector-Morgan explains that under the proposed ordinance, the system becomes more restrictive. Anyone currently operating legally may continue. Anyone not currently permitted will face greater difficulty establishing a new short-term lodging residence.

The Board discusses the application. M. DellaVecchia enjoys home rentals rather than hotels in his personal experience. He is in support of this short-term lodging application and the Vessels' home rental business if the rentals are run responsibly. Councilor Hoffman remains opposed to this application. He feels that this application is in conflict with the short-term lodging special exception criteria E (2): *The applicant can offer convincing evidence that granting the Special Exception for this property includes a general community benefit that rises above the financial gains of the applicant.* Councilor Hoffman feels that the benefit of preserving single-family neighborhoods outweighs the benefit of bringing a few extra tourism dollars to the community.

M. Hayward remains opposed as well. She explains that the specific incidents raised such as dog barking, loose dogs, and loud noise, may not be severe on their own, but emphasized that these issues would not have occurred if the property were not used for short- term rentals. The transient nature of rotating renters increases the likelihood of neighborhood disturbances. This creates an unfair burden on neighbors who expect stability in a single- family residential area. She agrees with Councilor Hoffman's reasoning for the application's conflict with the short-term lodging special exception criteria E (2). She feels that preserving the single- family residential character of the neighborhood is important. Allowing short- term rentals risks shifting the area toward a commercial use, which they believe is not in the community's best interest. The economic benefit from visitors spending money locally does not outweigh the neighborhood impacts. M. Hayward reviews her findings of fact. This application does not meet criterion 5, relating to maintaining neighborhood character. This application does not meet criterion 4, due to the reported disturbances by multiple renters. M. Hayward notes that if no neighbor had come forward with complaints, she might not have found the application in conflict with criterion 4. However, because a neighbor did report multiple issues tied to different renters, she believes criterion 4 is relevant. In summary, M. Hayward emphasizes that the presence of documented neighbor complaints demonstrates that the transient rental use has caused problems.

R. Boddie supports the application. He believes the applicant has met the provisions required under the applicable chapter. He expresses discomfort with penalizing an applicant for hypothetical future issues that have not occurred. R. Boddie suggests that the past incidents raised during public comment may have involved other properties or occurred before the current owners fully understood their responsibilities in managing renters. He believes the owners now recognize the importance of ensuring guests follow the rules.

J. Laroche expresses concern that the applicants continued to advertise the property despite the Board's prior denial decision. She feels that this is a disregard for the Board's authority. L. Spector-Morgan clarifies that the advertising activity may not violate the Board's previous decision regarding short- term use as she understands the applicants may have been advertising the property for long- term rentals, and not for short- term rentals. J. Laroche is also in agreement with Councilor Hoffman's conclusion that the application fails to meet criterion E (2).

M. Hayward motions to deny application ZB2026-004 for the special exception from Article V Section 235-26 for the following finding of facts:

A. *The use is specifically authorized.* Yes, it is.

B. *The requested use will not increase demand in municipal services.* There isn't any indication that it will cause an increase in water or sewer more than a regular home.

C. *Any special provisions for the use as set forth in this chapter are fulfilled.*
There are no special provisions that have been set forth.

D. *The request will not create hazards to the health, safety, or general welfare of the public.* Where there were comments this evening that a neighbor experienced problems that were disconcerting to that individual by three different renters, I think that having a short-term rental will influence or affect the welfare of the general public, especially the welfare of the neighbors.

E. *The request must meet one of the two following criteria.*

E (1). Not applicable because it has not been in use for that for less than five years.

E (2). *The applicant can offer convincing evidence that granting the special exception for the property includes a general community benefit that arises above the financial gains of the applicant.* And with this denial I feel that there is a very important gain for the City of Laconia to maintain its single-family residential stature or community character over the financial gains that come to the owner by renting it out. The single-family residential character is more important for the City of Laconia than to have a transient population in that neighborhood.

For that reason, I feel that criterion E (2) is not met and criterion D is not met.

Councilor Hoffman seconds the motion.

M. DellaVecchia invites further discussion amongst the Board.

He believes that the application does meet E (2) because lakefront properties bring good people to the community. Renters paying a hefty price to stay there. He feels that this would be beneficial to the community, the neighborhood, and beneficial to the people that visit Laconia that may decide they want to live here or return in the future.

M. DellaVecchia calls for a vote. M. Hayward, J. Laroche, and Councilor Hoffman vote in favor. M. DellaVecchia and R. Boddie vote in opposition. With three in favor and two opposing, the motion passes. The application is denied.

8.II. ZB2026-030; 238 White Oaks Rd. (255-241-2)

The Chair, M. DellaVecchia, moved this item up on the agenda without objection from the Board to allow Council, L. Spector-Morgan, to be present for the application.

R. Boddie recuses himself and sits with the public in the audience.

John Cronin of Cronin, Bisson, & Zalinsky P.C., and Bernie Cullington of Campers RV present the application to the Board.

M. DellaVecchia opens public comment at 8:04 PM.

Dean and Suzanne Ingram of 188 White Oaks Rd. oppose the application, citing several concerns. First, they feel that the direct abutters will be impacted by this proposed campground. S. Ingram is very concerned about the air quality due to a severe asthma diagnosis. They also raise the issue of safety and security. The campground would change the rural character of the White Oaks Rd. Neighborhood. The campground will negatively impact the abutting homes' values

They would like to see a few single-family homes built on the 238 White Oaks Rd property and are strongly opposed to the proposed campground.

Glenn and Margo Joyce of 252 White Oaks Rd. oppose the application because as written in the City of Laconia website, the RRI and RR2 zones are intended to recognize historic, scenic, and agricultural values of roads in Laconia, including White Oaks Rd. They are in support of reasonable use of the property such as building two single-family homes. The campground will be a commercial business which is in conflict with RR zoning. G. Joyce believes that 128 campsites will change the character of the neighborhood. They are concerned that this proposed campground will bring an increase in people on White Oaks Rd., an increase in traffic, disruptive lighting pollution, and an increase in disruptive noise. In addition, M. Joyce explains how the large vehicles turning into the campground presents a safety concern. In addition, she described how this proposed campground would mean an increase in both traffic congestion and call volume to the police and fire dept. as well. Pedestrian safety will be negatively impacted. The sight distance for exiting vehicles is another

concern. They refer to the City of Laconia Master Plan which states that the City will maintain a balance between natural resources and continuing economic development. White Oaks Rd. has several developments at both ends of the street. This campground will mean a significant increase in traffic and vehicle size and weight with campers. Lastly, M. Joyce explains that White Oaks Rd. has historically been posted at times because it is not safe to travel on.

Steve Converse of 286 White Oaks Rd. opposes the application due to concerns surrounding safety. S. Converse explains that White Oaks Rd. does not have sidewalks. Without sidewalks, White Oaks Rd. is no longer walkable with the high traffic speeds and the amount of traffic. He also details how White Oaks Rd. residents have already been experiencing the construction of other developments and have been negatively impacted by the work.

Mary Smith and AnnMarie Cedrone speak on behalf of their parents Ann and Thomas Cedrone of 774 White Oaks Rd. They oppose the application and cite several reasons. First, M. Smith feels that the application has not met the special exception criteria. The intent was not to salvage the existing home, it was to develop the land at 238 White Oaks Rd. The campground will create undue traffic congestion and impair pedestrian safety. The developers cited another one of their campgrounds in their application. The local police reported an increase in police calls. M. Smith believes that the proposed campground will cause drainage issues for downhill abutters. The campground will cause excessive demand for municipal and the fire department. The campground will change the character of the neighborhood as a commercial business is on a road of single-family homes. White oaks Rd. is already extremely overdeveloped. In continuing to review the special exception criteria, it will not lessen congestion, it will not promote health and general welfare to the neighborhood, and it will not prevent the overcrowding of the area.

Bill Donahue 257 Weirs Blvd. Unit #11 opposes the application because of concerns surrounding runoff issues they are already experiencing at the Overlook Condo Association. They currently experience water runoff issues from the existing White Oaks Rd. developments. As it is, significant runoff affects the Overlook Condo Association and eventually ends up in Paugus Bay. B. Donahue explains that the residents are concerned about the smoke pollution from 128 camp sites affecting the older population at Overlook. B. Donahue describes the concerns regarding noise pollution and that 128 fire pits would mean an increased fire hazard to the area.

Alicia Emery of 181 White Oaks Rd. opposes the application. She is concerned by several pieces of the proposal. A. Emery explains that campers will explore the areas, creating an increased fire hazard in traffic on White Oaks Rd. Due to traffic, the road has grown more dangerous and too dangerous to walk. Police calls will increase with this campground. She is concerned about the increase in noise pollution and light pollution. A. Emery believes that a campground does not belong in the middle of single-family homes. However, she would be in support of five or six single-family homes being built on the property. She feels that the application presented no legitimate hardship. She reiterates that White Oaks Rd. is already overdeveloped.

Julie Wirth of 191 White Oaks Rd. Opposes the application. She expresses that the owner has a right to reasonable development of the lot. This application is not proposing reasonable development of the lot.

Christina Batchelder of 181 White Oaks Rd. Oaks Rd. opposes the application. She explains that this proposed campground would mean an increase in traffic on an already unsafe road. The road is no longer walkable. C. Batchelder cites concerns about noise pollution and that high density is not compatible with the low density, rural character of the neighborhood. She feels that allowing this campground would undermine the purpose of the zoning ordinance.

Pam Woodworth of 257 Weirs Blvd. Unit #10 opposes the application. She cites drainage concerns as they already experience substantial runoff to their home. The runoff ends up in Paugus Bay. P. Woodworth explains that she would be amendable to single-family homes at the property.

Shawn Dudek of 334 White Oaks Rd. opposes the application. He explains that the road is overdeveloped. This proposal is not appropriate for the road. The road is not walkable. Lastly, S. Dudek is strongly opposed to this application.

Jack Bourbeau, Laconia resident, supports the application. He feels that this proposed campground would benefit the taxpayers and the city. He believes that this will be a good use for the land. This is a long-term own, operate, and manage type of campground. The developers want to work with neighbors. He also believes that the campground would be a low strain on the city resources.

Larry Kenny, Laconia Resident and Campers RV customer, supports the application. He explains that the developers of the proposed campground built his home. He is very pleased with his home and believes that the developers will

follow through with campground proposal. He shares that they are reputable developers and that he feels this campground would enhance the area.

Francin Ray of 209 White Oaks Rd. Opposes the application. She expresses concerns about lighting, noise, and safety on White Oaks Rd. She believes that the proposed campground will have a negative impact on all of the neighbors.

City Councilor Mike Conant, Ward 6 Representative, opposes the application explaining that he wants to see developers held to the current zoning ordinances. He also voices concern about Laconia being taken from its residents. Councilor Conant does not want to set precedent in Laconia that developers can get away with anything.

John Cronin returns to the podium and responds to concerns raised by the public. As for water concerns, he explained that AoT approval would be needed for the project, which includes regulating and studying the water. Any project on the site would not be allowed to produce greater runoff than what exists prior to development. Addressing concerns regarding sidewalks, J. Cronin shares that the owner, Peter Grenier, would put sidewalks on his property frontage. As for density, Planning Board will regulate and can reduce density when reviewing this campground. J Cronin cites Councilor Hoffman discussing an application at the December 15th ZBA meeting. The application being discussed is ZB2025-017, requesting a special exception at 371 White Oaks Rd. to allow for the use of a campground: "Councilor Hoffman does not believe it is the ZBA's responsibility to protect the undeveloped land. M. Hayward questions if this applicant changes the character of the neighborhood by putting in a business rather than a residence. Councilor Hoffman counters that people who were attracted to White Oaks Rd. for its rural character would view any development as a change to the neighborhood."

J. Cronin explains that the City of Laconia wrote the zoning ordinances which permits a campground in this zone by special exception. Building single-family homes would result in the loss of money since an interior road would need to be built to public standard, which are expensive. J. Cronin continues explaining that the variance standard is stricter than the special exception standard which is why they are seeking a special exception for the proposed campground.

Campgrounds are allowed by special exception in the RR zones. The Laconia Zoning Ordinances and the Master Plan describes the RR zones as being rural because there was no water or sewer. This has now changed. Sewer is available in areas of the RR zones. Boat and trailer storage is a permitted use in the RR zones. J. Cronin shares that, as the applicant, they would be receptive to a

condition that the campground pavilion will have no live music. They would also be receptive to reducing amenities if Planning Boards requests it. Addressing the concerns voiced around restoring the existing home on the property, Peter Grenier feels that the existing house is not salvageable.

M. Hayward asks how much it would cost for the proposed road in the campground application. J. Cronin responds that they would be gravel pathways that do not have to meet public standards. M. Hayward questions J. Cronin's explanation that public standard-meeting roads would not be needed for the weight of RV's. J. Cronin responds that paved roads would not be needed and that many campgrounds have gravel roads and less strict road standard than that of a housing development. He explains that the proposed roads would be reviewed by the Planning board who may advise what type of road would be most appropriate. M. Hayward asks for clarification that they are submitting a special exception application for a campground at 238 White Oaks Rd. because it is the easier proposal compared to others the developers were considering. This proposal will also be the least expensive to the developer. J. Cronin confirms this. He explains that their first proposal was for 22 duplex units, but when discussing with neighbors, the applicants received feedback that it would be too many units and neighbors did not like the duplexes. Next, the applicant proposed single-family homes. The single-family homes proposal would require a variance, which is more difficult to secure than a special exception. The single-family homes proposal was not well-received either, so the applicants withdrew their application. This 128-pad campground proposal will be less expensive to Peter Grenier and easier to develop since a special exception is easier to obtain. M. Hayward offers the feedback to J. Cronin that she would have liked to review their single-family homes proposal.

M. DellaVecchia closes public comment at 9:11 PM.

Laura Spector-Morgan recuses herself due to a personal relationship with F. Ray and her husband. She advised that another attorney from her firm would be able to assist the Board at a future meeting if requested.

T. Whitney adds that in the variance approved last month for a campground at 371 White Oaks Rd., the property owner would be living on-site and serving as the caretaker. He notes that several small farms in the area rely on similar arrangements for supplemental income, and that this model aligns with the established character of the neighborhood. In contrast, T. Whitney expresses that introducing commercial campground exclusive use does not fit with the intent of the RR zoning districts as they currently exist. M. Hayward voices her agreement

with T. Whitney. J. Laroche voices that she loves RV parks, but that she does not know if this is the right place for one.

M. Hayward motions to deny application ZB2026-030 for the special exception from Article V Section 235-26 for the following finding of facts:

A. The use is specifically authorized. Yes, it is.

B. The requested use will not create undue traffic congestion or unduly impair pedestrian safety. We have heard from people that live on White Oaks Rd. that they already have a traffic situation because it is getting to be highly developed and putting in 128 campgrounds would more than likely increase and add to the existing traffic problem on that road.

C. The requested use will not overload any public water, drainage or sewer system or any other municipal system, nor will there be any significant increase in stormwater runoff onto adjacent property or streets. There is public sewer, so it is probably not going to be a problem. So, I am not worried about criteria C. Planning Board would address stormwater.

D. The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services. I do not think there is really any evidence at this point to say that it would create an excessive demand for that.

E. Any special provisions for the use as set forth in this chapter are fulfilled. There are no special provisions.

F. The requested use 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. I do believe it does not meet criteria F because we are talking about plunking in 128 units right in the middle of a residential neighborhood. This definitely is going to change the character of a very residential neighborhood.

G. The proposed location is appropriate for the requested use. We do not believe it is appropriate, it is a wide-open field. Again, this is 128 units in this wide-open field without any buffering from the neighbors. It is just going to look really foreign to that neighborhood, and I do not think it is an appropriate use for this particular lot.

H. *The requested use is consistent with the spirit and intent of this chapter and the Master Plan.* It would be because you can allow a campground with a special exception, so therefore, it does meet criteria G.

So my proposal and my motion is really basing the denial more on criterion B, F, and G.

J. Laroche seconds the motion.

M. DellaVecchia calls for a vote. M. Hayward, M. DellaVecchia, J. Laroche, Councilor Hoffman, and T. Whitney vote in favor. No votes in opposition. With five in favor and none opposing, the motion passes. The application is denied.

R. Boddie rejoins the Board.

8.III. ZB2026-026; 122 Paugus Park Rd (287-178-7)

Christopher Berry of Berry Surveying & Engineering presents the application for a variance to allow for the greenspace to be below 70% to allow for additions to the house.

M. DellaVecchia opens public comment at 9:28 PM.

No public comment on this application.

M. DellaVecchia closes public comment at 9:29 PM.

M. Hayward motions to approve application ZB2026-026 for a variance from Chapter 235, Article IV, Section 235-19 F (2) D, Shoreland protection (SP) District, to allow for the greenspace to be below 70% to allow for additions to the house, with the finding of fact as specified in the application:

1. *Granting the variance would not be contrary to the public interest because:* the public interest, with respect to this section, is to ensure there is a balance of development on project sites with the retainage of vegetation. The fundamental purpose of this within the location is to ensure water quality to lake is maintained from project sites. However, in this case, as noted above, the green space is being replaced with other porous technology, and therefore there is no degradation in the stormwater running to the lake. With the approval of the variance, there will be no notable difference in this property upon completion and

will be more conforming with others on the street. For this reason, there will be no change in the essential character of the neighborhood.

2. *If the variance were granted, the spirit of the ordinance would be observed because:* much like the public interest, the spirit of the ordinance is to ensure proper development of properties along the lake. As noted above, though green space is being reduced, the impervious surface is also being reduced by innovative technology. Additionally, the runoff from the addition on the home is being captured and sent to an infiltration device, further improving stormwater on the site. Due to all of the benefits, health, welfare and safety of the public is met with regards to the spirit of the green space requirements.

3. *Granting the variance would do substantial justice because:* the benefit to the applicant far outweighs any potential detriment to the ordinance by allowing the applicant to expand while improving stormwater on site, which is the underlying purpose of the green space requirement. The sites' stormwater quality is improved with the implementation of low impact development (LID) devices, which is in line with the local storm-water ordinances and with the NHDES Shoreland program.

4. *If the variance were granted, the values of the surrounding properties would not be diminished because:* the surrounding properties will not be diminished in value by the construction of the addition on the single-family home in a single-family neighborhood. In fact, it will bring the current home closer to conforming with the sizing currently found on the street and therefore will help raise abutting values.

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:* in this case the special condition of this parcel is its non-conforming lot size when compared to the impervious footprint-green space footprint, when compared to others in the area. There is no reasonable alternative to this addition, when compared to the other surrounding uses, while considering the vast stormwater management improvement proposed despite the redevelopment. Therefore, denial will cause unnecessary hardship to the applicant. Though non-conformity in size is not special to the subject lot, the general size of the lot and the dimensions of the home are when compared to abutting lots to the east and west. The use is reasonable when compared to others in the area. The home is currently multiple hundred square feet smaller

than the closest abutters. Each of the abutting lots have non conformity in structure or impervious footprint which make this proposal as reasonable, if not more so, than the other like uses in the area.

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:*

ii. *The proposed use is a reasonable one because:*

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.* The use is reasonable compared to others in the area. The home is currently multiple hundred square feet smaller than the closest abutters. Each of the abutting lots have non-conformity in structure or impervious footprint which make this proposal as reasonable, if not more so, than the other like uses in the area.

Councilor Hoffman seconds the motion. M. DellaVecchia calls for a vote. M. Hayward, M. DellaVecchia, J. Laroche, Councilor Hoffman, and R. Boddie vote in favor. No votes in opposition. With five in favor and none opposing, the motion passes. The application is approved.

8.IV. ZB2026-027; 15 Doe Ave (145-64-4)

The owner, Steven LeBoeuf, presents the application for a variance to allow for the side setback to be 5 feet on the western lot line where it is 10 feet in this zone.

M. DellaVecchia opens public comment at 9:36 PM.

No public comment on this application.

M. DellaVecchia closes public comment at 9:37 PM.

M. Hayward motions to approve application ZB2026-027 for a variance from Chapter 235, Article VI, Section 235-35 B, to allow for the side setback to be 5 feet on the western lot line where it is 10 feet in this zone, with the finding of fact as specified in the application:

1. *Granting the variance would not be contrary to the public interest because:* demolished building was much larger and following that same footprint does not make sense.

2. *If the variance were granted, the spirit of the ordinance would be observed because:* the demolished building did not meet the right, left or front setbacks and did not allow needed access to the rear building known as "15B".

3. *Granting the variance would do substantial justice because:* it would allow much needed access to the back building and allow for ample off-street parking required by 235-41 (11) and it provides reasonable landscaping area.

4. *If the variance were granted, the values of the surrounding properties would not be diminished because:* the proposed use is reasonable and will enhance the look and value of surrounding properties. This is a much smaller and reasonably sized home that fits the character of the neighborhood.

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 property originally had two homes of record. Building a new smaller home in place of a much larger abandoned and demolished home, leaving much needed access to the rear building and allowing for ample off-street parking in in the best interest of the surrounding properties and the public.

ii. *The proposed use is a reasonable one because:* the previous building that was demolished was much larger and did not leave emergency access to the rear building and it did not require off-street parking.

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.* No response.

J. Laroche seconds the motion.

M. DellaVecchia calls for a vote. M. Hayward, M. DellaVecchia, J. Laroche, Councilor Hoffman, and R. Boddie vote in favor. No votes in opposition. With five in favor and none opposing, the motion passes. The application is approved.

8.V. ZB2026-029; 17 Wentworth Cove Rd (255-241-2)

Justin Daneo represents the owners and presents the application for a variance to allow for the structure to encroach 9 ft and 1 inch into the shoreland setback.

M. DellaVecchia opens public comment at 9:45 PM.

No public comment on this application.

M. DellaVecchia closes public comment at 9:46 PM.

M. Hayward motions to approve application ZB2026-029 for variance from Chapter 235, Article IV, Section 235-19 F (2) B, Shoreland protection (SP) District, to allow for the structure to encroach 9 ft and 1 inch into the shoreland setback, with the finding of fact as specified in the application:

1. *Granting the variance would not be contrary to the public interest because:* the proposal significantly reduces existing nonconformity within the 50-foot Lake Winnepesaukee waterfront setback. The existing development includes approximately 2,495 square feet of house and deck area within the setback. The proposed redevelopment relocates the residence entirely outside the setback, with only approximately 81 square feet of deck encroaching into the setback that was not previously encroached. This results in a substantial reduction of structural encroachment, improved shoreline conditions, and increased consistency with shoreland protection goals, thereby serving the public interest.
2. *If the variance were granted, the spirit of the ordinance would be observed because:* the intent of Article 235-19, Section F (2) B is to protect Lake Winnepesaukee by limiting structural development close to the shoreline. The proposed project advances this intent by eliminating existing structures within the setback and replacing them with a conforming residence that substantially increases the setback distance of the primary structure from the lake. The limited deck encroachment represents a minimal and reduced impact compared to existing conditions and maintains the ordinance's protective purpose.
3. *Granting the variance would do substantial justice because:* granting the variance allows the applicant to modernize and improve the property while significantly reducing existing encroachments into the shoreline setback. Denial would perpetuate or incentivize continued use of outdated, nonconforming structures rather than encouraging redevelopment that improves compliance.

The benefit to the applicant is proportionate and reasonable, while the public benefits from improved setback compliance and shoreline protection.

4. *If the variance were granted, the values of the surrounding properties would not be diminished because:* the proposed redevelopment replaces multiple older structures with a single, code compliant residence that is set farther back from the shoreline than existing conditions. This reduction in visual clutter and improvement in site layout is consistent with surrounding residential development patterns and is expected to enhance, rather than diminish, neighborhood character and property values.

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:* the lot is constrained by its shoreline location, existing nonconforming development, and established building footprint patterns predating current zoning regulations. These conditions limit the ability to redevelop the property in full conformity without some encroachment. Strict application of the setback requirement would prevent reasonable redevelopment that substantially reduces nonconformity and improves compliance with current standards.

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 applying the 50-foot setback strictly to prohibit a minor deck encroachment, while allowing significantly larger existing encroachments to remain, does not further the ordinance's underlying public purpose. The proposed redevelopment materially advances shoreline protection goals by reducing encroachment area by over 90 percent, and denying the variance would not result in additional meaningful public benefit.

ii. *The proposed use is a reasonable one because:*

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.* No response.

J. Laroche seconds the motion. M. DellaVecchia calls for a vote. M. Hayward, M. DellaVecchia, J. Laroche, Councilor Hoffman, and R. Boddie vote in favor. No votes in opposition. With five in favor and none opposing, the motion passes. The application is approved.

9. OTHER BUSINESS

9.I. ZB2026-028; 33 White Oaks Rd (278-241-29)

A motion for rehearing was submitted by Scott Berry and Patricia Marchetti of 43 White Oaks Rd. R. Mora reads their letter into the record.

Dear Members of the Zoning Board,

I am writing regarding Application #ZB2026-022 as an abutter to the subject property located at 33 White Oaks Rd, Laconia. We are concerned about the variance that was granted on November 17th, 2025 and the impact it will have on our property.

The approved variance allows for the construction of three additional homes (refer to house lot 6 on the map) to be built significantly closer to our property boundary line. This approval directly affects our property's privacy and may negatively impact its value and overall enjoyment.

Due to an incorrect mailing address on file with the Assessor's Office, we did not receive notice of the meeting and were therefore unable to attend or voice our concerns prior to the variance being granted.

While we understand and respect our neighbor's desire to develop their property, it is equally important to consider the rights and impacts on surrounding abutters. In this case, the granted variance creates a substantial and lasting effect on our property.

For these reasons, we respectfully request that the Board reconsider the decision regarding this variance so that exhibit A is allowed and exhibit B is not granted. Thank you for your time and consideration. We appreciate the Board's attention to this matter and the opportunity to be heard.

Respectfully,

Scott Berry and Patricia Marchetti

Councilor Hoffman expresses that he believes that the Board was correct in their original approval of this application.

The Board discusses whether the request submitted constitutes sufficient grounds to grant a rehearing. R. Mora clarifies that this process is not a new

hearing but an internal review to determine whether the Board made an error in its original approval and if a new hearing is needed.

R. Mora explains that a rehearing is only warranted if the applicant presents compelling evidence that the Board erred. M Hayward notes that the concerns raised in the letter were the same issues brought forward by residents during the original meeting. She recalls that the Board explained that those concerns were not relevant to the specific decision before them and were more appropriately addressed by the planning department.

The Board expresses the view that the applicant's current arguments remain outside the scope of what the Board was tasked with deciding. They agreed that the original decision was consistent with the ordinance and that the property was not held to a different standard.

M. DellaVecchia believes that the developer does not need to return to the ZBA, as no new information has been presented. The Board believes no error was made and that a rehearing is not warranted.

Councilor Hoffman makes a motion to deny the motion for rehearing. M. DellaVecchia seconds the motion. Unanimous. With five in favor and none opposing, the motion passes. The motion for rehearing is denied.

9.II. Officer Elections

Councilor Hoffman motions to table officer elections until the next meeting. M. Hayward seconds the motion. Unanimous. Officer elections will be tabled until the next meeting, February 4th.

10. ADJOURNMENT

J. Laroche motions to adjourn. M. Hayward seconds the motion. Unanimous. The meeting adjourns at 9:57 PM.